



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Ontario Power Generation Inc.

Subject Licence Amendment Request for the Western
Waste Management Facility Operating Licence

Hearing
Date June 18, 2010

RECORD OF PROCEEDINGS

Applicant: Ontario Power Generation Inc.

Address/Location: 700 University Avenue, Toronto Ontario M5G 1X6

Purpose: Licence Amendment Request for the Western Waste Management Facility Operating Licence

Application received: January 29, 2010; March 19, 2010; April 28, 2010.

Date of hearing: June 18, 2010

Location: Canadian Nuclear Safety Commission (CNSC) 280 Slater St., Ottawa, Ontario

Members present: M. Binder, Chair

Secretary: K. McGee
Recording Secretary: S. Gingras

Licence: Amended

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Introduction

1. Ontario Power Generation Inc. (OPG) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for an amendment to the Waste Facility Operating Licence for its Western Waste Management Facility (WWMF) located in Clarington, Ontario. The current licence, WFOL-W4-314.01/2017, expires on May 31, 2017.
2. At the WWMF, used nuclear fuel from the Bruce Nuclear Generating Station (NGS) is processed and sealed in dry storage containers and stored. In addition, low and intermediate level radioactive waste from all of OPG's and Bruce Power Ontario facilities is processed and stored.
3. OPG requested amendments to the WWMF licence to accommodate OPG's transition to the 2008 edition and update no 1 of Canadian Standards Association (CSA) N285.0 "General Requirements for Pressure-Retaining Systems and Components in CANDU Nuclear Power Plants". OPG has also requested several administrative changes to the licence, including updates in documentation, site drawings, and agreements to its consolidated financial guarantee.

Issue

4. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*² (NSCA):
 - a) If OPG is qualified to carry on the activity that the amended licences would authorize; and
 - b) if in carrying on that activity, OPG would make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed.

Hearing

5. The Commission, in making its decision, considered information presented for a hearing held on June 18, 2010 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 10-H103) and OPG (CMD 10-H103.1).

¹ The *Canadian Nuclear Safety Commission* is referred to as the "CNSC" when referring to the organization and its staff in general, and as the "Commission" when referring to the tribunal component.

² S.C. 1997, c. 9.

Decision

6. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*, the Commission concludes that OPG has met the conditions of subsection 24(4) of the NSCA. Therefore,

the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the Waste Facility Operating Licence WFOL-W4-314.01/2017 issued to Ontario Power Generation Inc. for its Western Waste Management Facility located in Pickering, Ontario. The amended licence, WFOL-W4-314.02/2017, remains valid until May 31, 2017.

7. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 10-H103.

Issues and Commission Findings

Qualifications and Protection Measures

8. CNSC staff reported that they reviewed OPG's amendment requests related to pressure boundaries, more specifically the standards, the proposed licence amendments and the Authorized Inspection Agency (AIA) draft contract, and found them to be acceptable. CNSC staff also noted that OPG will be fully compliant with the new CSA standard N285.0-8 and update no. 1 by January 31, 2012.
9. CNSC staff explained that changes have been made to the Provincial Guarantee component of OPG's consolidated financial guarantee with the Commission's approval to increase the Provincial Guarantee component of the financial guarantee from \$760M to \$1.545M. Because of these changes, the CNSC Financial Security and Ontario Nuclear Funds Agreement (ONFA) Access Agreement between the CNSC, the Province of Ontario and OPG had to be amended and a new provincial guarantee Agreement between the CNSC and the Province of Ontario had to be signed. CNSC staff recommends that the Western WFOL be amended to reflect these changes.
10. OPG has requested the replacement of the "Operating Policies and Principles" and "Conduct of Engineering" document with the current revisions, and CNSC staff considers that the requested changes are in accordance with the change control process described in licence conditions 4.1 and 4.2. CNSC staff added that OPG had requested the replacement of the facility drawing with the current version to reflect changes made in the last three years, including the completion low-level storage building #11 and used fuel storage building #2.

11. CNSC staff also noted that OPG had requested administrative changes, which are the correction of document title and reference numbers for “Radiation Protection Policies and Principles”, “Radiation Protection Requirements” and “Derived Release Limits”. CNSC staff stated that the information within these documents had not changed and that the requested changes are purely administrative in nature.

Application of the *Canadian Environmental Assessment Act*

12. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*³ (CEAA) have been fulfilled.
13. CNSC staff reported that it had completed an Environmental Assessment (EA) determination. CNSC staff stated that there was no requirement for an EA pursuant to subsection 5(1) of the CEAA.
14. The Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.



Michael Binder
President,
Canadian Nuclear Safety Commission

JUN 18 2010

Date

³ S.C. 1992, c. 37.