

Minutes of the 287th Meeting of the Atomic Energy Control Board held in the Public Hearing Room, AECB Offices, 280 Slater Street, Ottawa, Ontario, Thursday, March 25, 1999, beginning at 8:30 a.m.

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Present:

Dr. A.J. Bishop, Chair  
Dr. C.R. Barnes  
Dr. Y.M. Giroux  
Mr. A.R. Graham

P. Marchildon, Secretary  
A. Nowack, Acting Senior Counsel  
B. Gerestein, Recording Secretary

Absent:

Dr. A.J. Carty

Board staff advisers were K. Bragg, M. Duncan, P. Elder, P. Flavelle, J. Harvie, R. Irwin, R. McCabe, B. Parsons, T. Schaubel, M. Taylor, P. Thompson, T. Viglasky, J. Waddington, P. Webster and P. Wigfull.

#### Chair and Secretary

1. The President took the chair and the Secretary of the Board acted as Secretary of the meeting with the Manager, Board Services Group acting as recording secretary.

#### Introduction of Members

2. The Chair introduced the Members of the Board and welcomed the audience to the meeting.

#### Constitution

3. Notice of meeting having been properly given (BMD 99-28) and a quorum of Members being present, the meeting was declared to be properly constituted for the transaction of any business that might be brought before it.

4. The Secretary noted that since the meeting of February 24, 1999, Board Member Documents BMD 99-28 to BMD 99-38 had been distributed to Members. These documents are further detailed in Annex A of these minutes.

#### Adoption of Agenda

5. The updated agenda, BMD 99-29.1, was adopted as presented.

DECISION

Preliminary List of Agenda Items for the April 22, 1999, Board Meeting

6. Members received for information the preliminary list of agenda items for the next meeting of the Board, April 22, 1999; reference BMD 99-30.1. The Chair noted four changes to the Preliminary List: the AECB Staff Report on Proposed Licence Conditions for Ontario Hydro Power Reactors Based on NAOP/Integrated Improvement Program Milestones, the Report of the Independent Review Panel on Ontario Hydro Nuclear and the New Brunswick Power report to the Board on the status of the improvement at Point Lepreau NGS have been added, and receipt of the new regulations has been postponed.

Minutes of the 286th Meeting of the Board, February 24, 1999

7. Upon approval of an amendment regarding the presentation of A. Natalizio in section 16, on motion duly moved and seconded, the Board approved the draft minutes of the 286th meeting; reference BMD 99-31. The Chair also noted that I. Kock, Durham Nuclear Awareness, had conveyed comments to her relating to the January 28, 1999, minutes and asked staff to follow up on the matter.

DECISIONBusiness Arising

8. The Board received for information the report on business arising from the previous minutes, as itemized in BMDs 99-32 and 99-32.1.

Significant Development Report

9. Members reviewed Significant Development Report No. 1999-3 with staff who provided updates; reference BMDs 99-33 and 99-33.1 and attached overheads.

Power Reactors: Staff noted that the report of the Independent Review Team on Ontario Hydro Nuclear has been submitted and will be discussed at the next meeting of the Board.

Uranium Facilities: AECB staff and COGEMA officials reviewed a February 28, 1999, incident where a crown pillar failure occurred at the COGEMA Resources Inc. DJU Underground Mine, Cluff Lake Operation, and provided information on corrective measures which have been taken. No one was injured in the incident and mining activity has been stopped pending completion of remedial actions and review by the AECB and provincial regulatory authorities.

Materials Regulation Division: Staff provided an update on the discovery of radioactive smoke detectors at a Winnipeg landfill site

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noting that investigations are continuing. Members will be informed of further developments in this matter.

ACTION:  
M. Duncan

Staff also provided an update on an incident where the wrong shutter was used to shield a nuclear gauge. Staff noted that all users of such gauges will be informed of this incident and that staff's investigation into the incident is continuing.

ACTION:  
M. Duncan

### Status of Legal Issues

10. Members reviewed with Acting Senior Counsel the report on the Status of Legal Issues; reference BMD 99-34.

### Next meetings of the Board

11. The next meetings of the Board will be held, April 22, 1999, in Ottawa, Ontario, with an April 1, deadline for submissions and, May 19 and 20, 1999, in Ottawa, with an April 28 deadline for submissions.

### Ontario Hydro - Pickering Nuclear Generating Stations A and B

12. The Chair noted that J. Ellard, representing Emergency Measures Ontario, was present to respond to questions if needed.

Members received a presentation from G.C. Andognini and R.J. Strickert, Ontario Hydro, accompanied by G. Preston, B. MacTavish, J. Froats and C. Sellers, on the request of Ontario Hydro for renewal of the operating licences for the Pickering Nuclear Generating Stations A and B, Pickering, Ontario; reference BMD 99-35.1.

R.J. Strickert reviewed station performance in key areas, improvement programs, human performance issues and community relations initiatives undertaken by Ontario Hydro. He noted that Ontario Hydro is continuing to make progress and is reducing backlogs but added that a substantial effort is still required. R.J. Strickert concluded by stating that Ontario Hydro continues to operate the facilities safely and is requesting renewal of the operating licences for Pickering A & B for a period of two years.

Members discussed with G.C. Andognini and R.J. Strickert issues including community relations and the activities of the Citizens' Advisory Council.

Members received a presentation from AECB staff on the relicensing request, following BMD 99-35 and attached overheads. Staff noted

that Pickering NGS-B has operated safely during the past licensing period and that Pickering NGS-A is in a safe shutdown state. In their presentation, staff reviewed issues including a loss of coolant accident analysis, organizational effectiveness, and the results of an environmental review. Staff conclude that overall performance of the Pickering stations has been, and is expected to remain, acceptable, and recommended renewal of the operating licences for a period of two years, with a mid-term report from staff. Staff added that the restart of Pickering NGS-A will be the subject of a separate licensing action.

ACTION:  
J. Harvie

Members discussed with AECB staff and Ontario Hydro officials issues including station maintenance and the Ontario Hydro 13-week rolling schedule, maintenance and procedures backlogs, station aging, fire protection, year 2000 computer concerns, and issues which AECB staff believe still require action within the period of the proposed licence. During discussion, Ontario Hydro officials indicated that they would also make a mid-term progress report to the Board if requested. With respect to the year 2000 computer issue, Ontario Hydro indicated that all systems will be ready by June 30, 1999.

Members received a presentation from I. Kock, Durham Nuclear Awareness, on the subject relicensing request, following BMD 99-35.2. I. Kock noted that it will soon be the 20th anniversary of the accident at the Three Mile Island station in the United States and stated that lessons have not been learned from that event. I. Kock briefly elaborated on issues covered in more detail in her written submission including station maintenance, fire protection, earthquake risks, integrated improvement plan milestones, pollution reduction, year 2000 computer issues and the need for a Pickering NGS-A assessment. I. Kock recommended that the AECB grant only a one- year licence for Pickering NGS- B, ensure the continued closure of Pickering NGS-A, and require that Ontario Hydro adhere to its improvement schedules.

Members discussed with I. Kock and the Ontario Hydro representatives issues including earthquake risk relating to the pressure relief ducts, community relations and the Citizens' Advisory Committee, year 2000 concerns and backup power to the station.

Members received a presentation on the relicensing request from Councillor Colleen Jordan, Town of Ajax, Ontario, accompanied by C. Hart and R. Parisotto; reference BMD 99-35.3. C. Jordan noted that progress has been made at the station with respect to environmental improvements, plant performance and increased community relations but much work still needs to be undertaken. During her presentation, C. Jordan indicated that she is seeking a guarantee that Pickering will be operated with a view to the safety of

area residents. She concluded that the Town of Ajax supports a two-year licence renewal for the stations with the following conditions: Ontario Hydro must secure ISO 14000 registration, implementation of environmental and biophysical recommendations noted in the BMD, provision of quarterly reports to the town with respect to implementation of the recommendations, and certification of year 2000 and 09/09/99 compliance.

With respect to the provision of reports by Ontario Hydro, C. Jordan indicated that the Town has not asked Ontario Hydro for such reports. G.C. Andognini stated that Ontario Hydro would provide a quarterly report to the Town on its activities and would endeavour to meet with Town officials. Regarding ISO 14000 certification, G.C. Andognini indicated that the station is pursuing registration this year.

Members received a presentation from Mayor W. Arthurs, Town of Pickering, Ontario, accompanied by T. Quinn, on the subject request; reference BMD 99-35.4. W. Arthurs recalled the Town's earlier request for a full environmental assessment of the stations, reviewed issues of concern to the Town including past incidents, and presented the Town's position on relicensing. W. Arthurs expressed concern that Pickering NGS-A may be restarted in June 2000 and the Chair asked for clarification on the issue from R. Osborne, CEO, Ontario Hydro, who stated that Ontario Hydro staff have only received funding approval from the Ontario Hydro Board to gather and provide information on the issue and not for a restart of the Pickering NGS-A units. W. Arthurs concluded by recommending that the licence for Pickering NGS-A be renewed for two years so long as it remains in an approved shutdown state, that Pickering NGS-B be granted a one-year licence, and that if the AECB finds that Ontario Hydro has made inadequate progress toward meeting the Town's concerns, the Board hold a public hearing in Pickering to report on the lack of progress.

Members received a presentation from S. Kleinau, Citizens for Renewable Energy, on the subject request; reference BMD 99-35.5. S. Kleinau commented on issues including station security, training, transportation of nuclear substances, fuel bundle aging and safety. S. Kleinau recommended that the Board only grant a nine-month licence and that it complete a re-examination and evaluation of all safety issues.

Members received for consideration submissions from a number of individuals and organizations on the subject request; reference BMDs 99-35.6 to 99-35.40.

(Continued in item 17)

(The meeting recessed at 10:55 a.m. for 15 minutes)

Ontario Power Generation Inc. - New Licences Due to Change of Operator

13. Members received a presentation from R. Osborne, CEO, Ontario Hydro, accompanied by G.C. Andognini and D. Drinkwater, on the request by Ontario Power Generation Inc. for nuclear facility operating licences for facilities currently operated by Ontario Hydro; reference BMD 99-36.1.

R. Osborne addressed issues including market rules, nuclear station lease agreements, transition operating agreements, and the application for export licences. R. Osborne concluded that documents required by the AECB have been provided, that reorganization is proceeding on target, and that a smooth transfer from Ontario Hydro to Ontario Power Generation Inc. is planned. He requested that new licences be granted effective April 1, 1999.

AECB staff gave a presentation on the subject request following BMD 99-36 and attached overheads. Staff concluded that recommendations provided at the previous meeting have not changed and they support the request.

Members discussed with R. Osborne and D. Drinkwater issues including the lease arrangements, the relationship between the Ontario Power Generation Inc. and the Ontario government, decommissioning costs and waste management.

S. Kleinau, Citizens for Renewable Energy, gave a presentation on the subject request following BMD 99-36.2. S. Kleinau suggested that the Board include licensing conditions requiring a decommissioning plan, a guarantee for full decommissioning funding, and strict monitoring requirements for nuclear wastes and emissions.

In response to a question from the Chair on the status of the new companies, R. Osborne responded that they are not Crown Corporations but are 100% owned by the Province of Ontario. In response to further questions, R. Osborne indicated that the Minister of Energy will be the only shareholder of Ontario Power Generation Inc. and that there will be formal reporting to the Minister but no other statutory formal reporting to the government or public. Appearances before legislative committees may occur on an ad hoc basis. He added that the new company will only be able to issue additional shares with the approval of the Minister of Energy.

(Continued in item 18)

COGEMA Resources Inc. - McClean Lake Project

14. Members received a presentation from R. Pollock, COGEMA Resources Inc., Saskatoon, Saskatchewan, accompanied by J. Fabre and M. Quick, on the company's request to construct a tailings management system at the JEB pit site in northern Saskatchewan; reference BMD 99-37.1 and overheads. R. Pollock reviewed changes which have been made to ensure that the filter drain will function as designed. R. Pollock reviewed the decommissioning scenario for the facility, testing programs and environmental impacts. He concluded by requesting an amendment to the current operating licence for McClean Lake operation to allow the construction of a tailing management facility in the JEB open pit.

Members discussed with R. Pollock issues including analysis of the drain rock, decommissioning, tailings consolidation, arsenic precipitation, and long term monitoring of the site.

AECB staff gave a presentation on the subject request following BMD 99-37, written submission and attached overheads. Staff indicated that they agree with the applicant that changes made will correct previous problems. Staff reviewed in further detail the filter drain system, placement of the rock and groundwater movement in the area.

Members received a presentation from P. Penna, on behalf of the Canadian Uranium Alliance, regarding the subject request; reference BMD 99-37.2 . P. Penna noted his concern that staff made certain decisions, not the Board, and that suggestions put forward by intervenors were reasonable and should have been incorporated in licensing decisions taken by the Board. P. Penna noted his disagreement with the AECB staff position that the tailings management facility only needs to operate for 40-50 years stating that it should work indefinitely.

In response to a Member's question on whether the Canadian Uranium Alliance had technical information relating to the drain rock material to counter that presented by the applicant, P. Penna indicated that it did not.

Members discussed with AECB staff and the COGEMA representatives issues including the ph levels of the water coming out of the drain and baseline data on Fox Lake. R. Pollock indicated that ph levels are similar to those in existing groundwater (8 to 8 ½ level), and that baseline data on Fox Lake is currently available.

Members received for consideration additional submissions on the subject request; reference BMDs 99-37.3 to 99-37.5A.

(Continued in item 19)

#### Cancer Care Ontario

15. Members received for consideration the request of Cancer Care Ontario for approval to construct a Particle Accelerator Nuclear Facility at the Windsor Regional Cancer Centre, Windsor, Ontario; reference BMD 99-38.

(Continued in item 20)

#### Next Meeting of the Board

16. The next meeting of the Board will be held in Ottawa, April 22, 1999.

(The meeting recessed for lunch at 12:53 p.m. and then continued in camera from 1:30 p.m. to 2 p.m.)

#### Ontario Hydro - Pickering NGS-A and Pickering NGS-B (Continued from item 12)

17. Having received and heard submissions and presentations from the applicant, AECB staff and intervenors, the Board approved the issuance of Nuclear Power Reactor Operating Licences for Pickering NGS-A and Pickering NGS-B, Pickering, Ontario, for a two-year term to March 31, 2001. Members directed staff to add a condition to the proposed licence to the effect that unless otherwise approved in writing by the Board, the licensee shall report to the Board, on or before May 1, 2000, on the operation of the facilities and, in particular, on the progress and status of the matters listed in the chart on page v of BMD 99-35.

#### DECISION

#### Ontario Power Generation Inc. - New Licences Due to Change of Ownership (Continued from item 13)

18. Having received and heard submissions and presentations from the applicant, AECB staff and intervenors, the Board approved the issuance of Nuclear Facility Licences for the requested periods and facilities to Ontario Power Generation Inc., as follows:

## List of Facility Licences

Facility	Licence	Proposed Effective Date	Proposed Expiry Date
Pickering NGS A	PROL 4/99	April 1, 1999	March 31, 2001
Pickering NGS B	PROL 8/99	April 1, 1999	March 31, 2001
Bruce NGS A	PROL 7/99	April 1, 1999	August 31, 2000
Bruce NGS B	PROL 14/99	April 1, 1999	October 31, 1999
Darlington NGS A and Tritium Removal Facility	PROL 13/99	April 1, 1999	November 30, 2000
Pickering Used Fuel Dry Storage	WFOL-350-3	April 1, 1999	December 31, 2000
Radioactive Waste Operations Site 1, Bruce NPD	WFOL-320-10	April 1, 1999	Indefinite
Radioactive Waste Operations Site 2, Bruce NPD	WFOL-314-11	April 1, 1999	May 31, 2000
Bruce NPD Central Maintenance Facility	WFOL-323-9	April 1, 1999	August 31, 1999
Bruce Heavy Water Plant	HWPOL-405-12	April 1, 1999	October 31, 2000

## DECISION

### COGEMA Resources Inc. - McClean Lake Project (Continued from item 14)

19. Having received and heard submissions and presentations from the applicant, AECB staff and intervenors, the Board

- a) accepted staff's assessment that the proponent has the programs in place to provide for adequate protection of workers, the public and the environment;

- b) accepted the staff's finding that although the *Canadian Environmental Assessment Act* does not clearly speak to the question of a project that has been the subject of a Panel Report, implementation of the government response to the Panel's assessment and recommendations concerning the McClean Lake Project mining facility are considered to meet the intent of the Act and to reflect the principles of "one project - one assessment" and avoidance of duplication in environmental assessment matters; and
- c) approved the issuance, to COGEMA Resources Inc. Saskatoon, Saskatchewan, of an amendment of the Mining Facility Operating Licence for the McClean Lake Project, in northern Saskatchewan, to permit the construction of a tailings management facility in the JEB open pit.

DECISION

Cancer Care Ontario (Continued from item 15)

20. Having received and heard the presentation of the AECB staff, the Board approved the issuance of an Accelerator Construction Approval to Cancer Care Ontario, Toronto, for the Windsor Regional Cancer Centre, Windsor, Ontario for a four-year period to March 31, 2003.

DECISION

Closing

21. The meeting closed on consensus at 2 p.m.

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Chair

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Recording Secretary

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Secretary