

Sent by email (Edward.Leader@Canada.ca)

November 4, 2016

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Subject: Minor Variance Request
- Pickering Nuclear Generating Station
File: O-5260-001

This is further to our email correspondence expressing our interest in obtaining a minor variance to assist in moving forward with an exciting new development at the foot of Liverpool Road in Pickering.

Please accept this letter as a formal request for a minor variance to the Pickering Nuclear Generating Station Exclusion Zone, to remove lands in South Pickering from the exclusion zone. More detailed information on the specifics of this request, and the private and city-owned lands captured within the existing Exclusion Zone are identified throughout this letter.

It is our understanding through correspondence with the Ontario Power Generation (OPG) that the Pickering Nuclear Generating Station (PNGS) Operating Licence will expire in 2018. We understand that OPG must submit a request to the Canadian Nuclear Safety Commission (CNSC), under subsection 24(2) of the *Nuclear Safety and Control Act* (NSCA), for an amendment to the Nuclear Power Reactor Operating Licence (PROL) for its Pickering Nuclear Generating Station. The current licence, PROL 48-01/2018, expires on August 31, 2018. We have also been informed that there is a formal process for renewal which includes a public consultation process.

We are of the understanding that the Commission, the administrative tribunal of the CNSC, makes decisions on the licensing of major nuclear facilities through a two-part public hearing process. In considering OPG's application, we understand that the Commission will be required to decide pursuant to subsection 24(4) of the NSCA:

Pickering A reactor for a safe dose distance, and is a similar distance seen elsewhere around the world.

Today, the Canadian Nuclear Safety Commission in their safety regulatory document, RD-337, lists the following factors in considering the determination of exclusion zones:

- (a) Land usage needs
- (b) Security requirements
- (c) Evacuation needs
- (d) Environmental factors

Through our review, the most recent and relevant determination of an exclusion zone was completed in 2009 for the Darlington New Nuclear Project in an OPG report (NK054-REP-01210-00003) titled "Exclusion Zone Determination for Darlington New Nuclear Project." Although the report reviews the four factors listed above, it focuses heavily on radioactive dose acceptance criteria, and the appropriate distances to maintain dose requirements to members of the public in relation to site boundaries. The Report concludes that based on the available reactor technology information, distances of 500m or greater meet the requirements and expectations in regulatory documents: RD-337 "Design of New Nuclear Power Plants", RD-346 "Site Evaluation for New Nuclear Power Plants", "Class I Nuclear Facilities Regulations," and "Radiation Protection Regulations," with respect to the site and exclusion zone boundaries.

In considering "land usage needs" within the Pickering Nuclear Generating Station Exclusion Zone, we note that there are important parcels of land in the City of Pickering Waterfront Network that are captured within the Exclusion Zone. Figure 1 shows the current Pickering Nuclear Exclusion Zone in relation to the subject area, extending 914 metres (3,000 ft.) from the exterior of each nuclear reactor. Given the current extent of the exclusion zone and the requirements outlined in the operating licence, residential development could not be approved in the subject area until the operating licence is no longer in effect. **No other Nuclear Generating Stations in Canada have exclusions zones which include land not owned directly by the operator and are available for redevelopment.**

Figure 1 – Pickering Nuclear Exclusion Zone



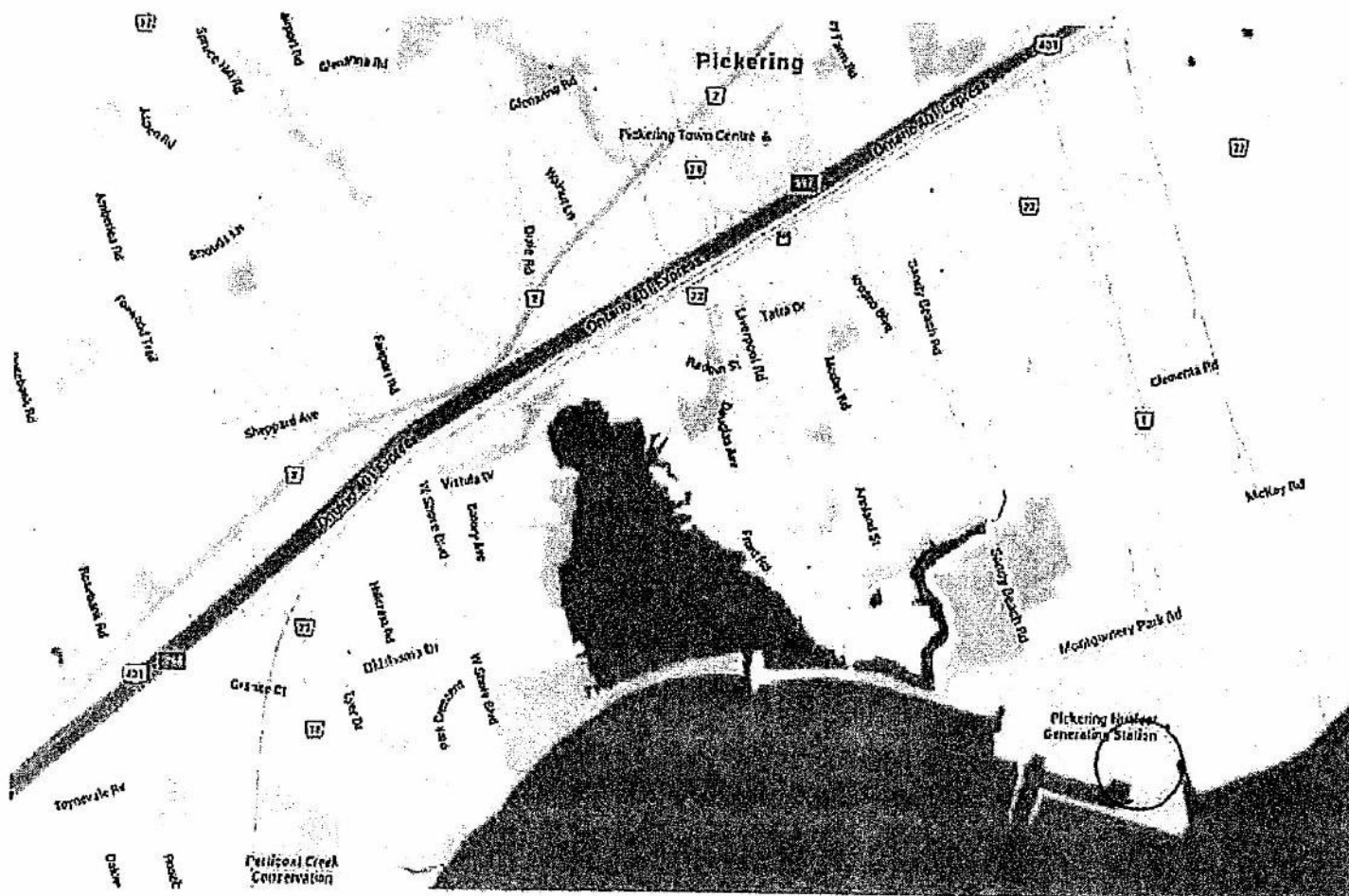
When considering our formal request for a minor variance to the Pickering Nuclear Generating Station Exclusion Zone, we ask Canadian Nuclear Safety Commission to consider a similar review process that was executed for Darlington. We recognize that a formal review of the Pickering Nuclear Generating Station exclusion zone could allow for a minor reduction to the exclusion zone limits around the Subject Area. This reduced distance would limit the exclusion zone to Ontario Power Generation owned lands, therefore allowing the Pickering Harbour lands (City-owned and privately-owned) to be planned and redeveloped.

The future PNGS Operating Licence Extension will have a significant impact on the City of Pickering in the years to come, and we hope that the land use potential of this waterfront community will be carefully considered now, prior to the Canadian Nuclear Safety Commission embarking on the formal Public Hearing process.

Subject Area Description and Surrounding Land Use Context

The properties of concern as they relate to the Exclusion Zone boundary are located in the Liverpool Road Waterfront Node, east and west of the point at which Liverpool Road meets Lake Ontario (Figure 2). The Region of Durham Official Plan designates the area as "Waterfront Areas" and the City of Pickering Official Plan currently designates the area as "Marina Areas".

Figure 2 - Site Location



The subject area is within the Bay Ridges Neighbourhood in the City of Pickering (Figure 3), located within the Liverpool Road Waterfront Node. The City of Pickering guiding vision for the area is that of a "Great Lakes Nautical Village" to have a mix of uses and an ambience that is inviting. The Village is meant to be an interesting place to live, work, and visit. This area represents the tourism and service commercial uses that complement the marina, recreation and waterfront trail uses within the Waterfront Node. Residential uses within the area are meant to provide public benefit with ground floor uses that are versatile to accommodate commercial uses. The City of Pickering vision for the subject area, as an extension of the Nautical Village, is that over time the area will offer a mix of uses including residential, commercial, retail, and office, which contribute to an inviting public realm.

Figure 3 - Subject Area

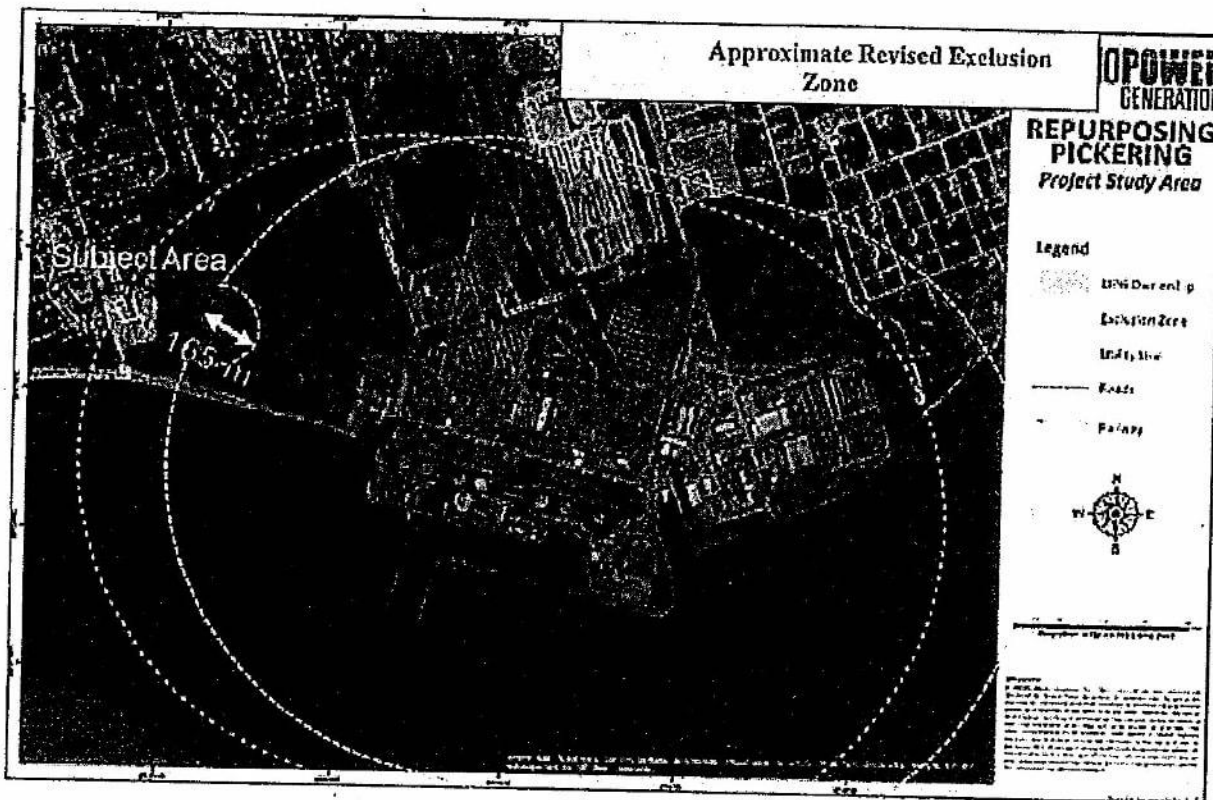


The immediate surrounding land uses are predominantly residential with commercial. There is a public parking lot owned and operated by the City of Pickering to provide parking for residents to access the waterfront and beaches. Frenchman's Bay Marina and Waterfront Bistro Restaurant are also located within the subject area. There are boat docking facilities located along the waterfront edge privately owned and operated. Lake Ontario is immediately south of the subject area, where there is a Boardwalk along Pickering Harbour with a footbridge providing pedestrian access to the Millennium Square and beaches.

Rationale for the Removal of the Subject Area from Exclusion Zone

Further to the information provided, a Rationale for the City of Pickering's formal request for a minor variance to the Pickering Nuclear Generating Station Exclusion Zone is provided on page 7. As you will see in Figure 4, the impact of the requested minor variance to the Exclusion Zone is very minor in nature. The minor variance required to the Exclusion Zone is a total of approximately 165 metres from the western limits to the eastern limits of the Subject Area as identified in Figure 4.

Figure 4 – Pickering Nuclear Exclusion Zone With Minor Variance



The City of Pickering has a vested interest in the strategic development of our waterfront community. The South Pickering area surrounding the Pickering Harbour is valuable to the City of Pickering due to its current and historical significance as a "Waterfront Node". These lands hold significant opportunity for residential and commercial growth, currently underutilized due to the restraints inherent in the Exclusion Zone boundary. The development of these lands would provide increased jobs to aid in the diversification of the City of Pickering employment base, while also providing increased housing options to City of Pickering residents. At this point in time, we are looking to encourage development in the form of residential and commercial growth in this Waterfront Node. We would like to proceed with the Planning Approval Process for these lands in early 2017, targeting for construction in spring of 2018.

As previously stated, no other Nuclear Generating Stations in Canada have exclusions zones which include land not owned directly by the operator. The subject lands identified throughout are the only lands within the Exclusion Zone that are not owned by Ontario Power Generation.

The PNGS Operating Licence Extension will have a significant impact on the City of Pickering in the years to come and we hope that the land use potential of this waterfront community will be carefully considered now, prior to the Canadian Nuclear Safety Commission embarking on the formal Public Hearing process.

We therefore respectfully request that the Canadian Nuclear Safety Commission consider the information provided in this letter, and consider our formal request for a minor variance to the Pickering Nuclear Generating Station Exclusion Zone. Consideration of this request would allow the City to proceed with the Planning Approval Process for the subject lands to ensure that Pickering's waterfront meets its full potential through intensification in the form of residential and commercial development, coupled with improved public spaces.

Yours truly



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Chief Administrative Officer

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