

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant New Brunswick Power Nuclear

Subject Application for the Approval of Proposed
Revisions to a Point Lepreau Generating Station
Reference Document and to Amend the Point
Lepreau Generating Station Power Reactor
Operating Licence

Hearing
Date June 25, 2007

RECORD OF PROCEEDINGS

Applicant: New Brunswick Power Nuclear

Address/Location: P.O. Box 600, Lepreau NB, E5J 2S6

Purpose: Application for the approval of proposed revisions to a Point Lepreau Generating Station Reference Document and to amend the Point Lepreau Generating Station Power Reactor Operating Licence

Application received: May 22, 2007

Date of hearing: June 25, 2007

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

Members present: L.J. Keen, Chair

Secretary: K. McGee
Recording Secretary: M. Young

Licence: Amended
Date of Release of Decision: August 22, 2007

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Introduction

1. New Brunswick Power Nuclear (NB Power) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for an amendment to its Power Reactor Operating Licence (PROL) for its Point Lepreau Generating Station (PLGS) located on the Lepreau Peninsula in New Brunswick. The current licence number is PROL 17.02/2011.
2. NB Power proposed to revise the Reference Document “Point Lepreau Generating Station On-Site Transportation of Category II Nuclear Materials, SDP-14000-SE02”. The proposed revisions include the following:
 - change of title to “Point Lepreau Generating Station On-Site Transportation of Category II Nuclear Materials, SDP-14000-SE02, Rev. 4”,
 - a change to the primary route,
 - the addition of an alternative route,
 - a change to a document reference,
 - a reassignment of certain responsibilities, and
 - a reorganization of the document to better align it with the PLGS Management System processes.
3. NB Power requested a licence amendment request to update a reference to the revised document in Appendix B of its PROL.

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 NB Power is qualified to carry on the activity that the amended licence would authorize; and
 - b) if, in carrying on that activity, NB Power 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.

¹ In this *Record of Proceedings*, 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.

Hearing

5. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the application. In establishing the process, a standing panel on procedural matters determined that it was not necessary to hold a public hearing on the matter, and the hearing was conducted by a panel of one commission member, based on written submissions.
6. The Panel of the Commission (hereafter referred to as the Commission), in making its decision, considered information presented for a hearing held on June 25, 2007 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 07-H137) and NB Power (CMD 07-H137.1).

Decision

7. 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 NB Power is qualified to carry on the activity that the amended licence will authorize. The Commission is of the opinion that NB Power, in carrying on that activity, will 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. Therefore,

the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends Power Reactor Operating Licence PROL 17.02/2011 issued to New Brunswick Power Nuclear for its Point Lepreau Generating Station. The amended licence, PROL 17.03/2011, remains valid until June 30, 2011, unless suspended, amended, revoked or replaced.

8. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 07-H137.

Issues and Commission Findings

9. In making its licensing decision, the Commission considered a number of issues relating to NB Power's qualification to carry out the proposed activities and the adequacy of the proposed measures for protecting the environment, the health and safety of persons, national security and international obligations to which Canada has agreed.

Qualifications and Protection Measures

10. NB Power requested approval to revise the PLGS Reference Document “Point Lepreau Generating Station On-Site Transportation of Category II Nuclear Materials, SDP-14000-SE02”. NB Power noted that the document is considered prescribed information. NB Power stated that, in general terms, the document is being revised to reflect the following changes:
 - the name of the document to “Point Lepreau Generating Station On-Site Transportation of Category II Nuclear Materials, SDP-14000-SE02, Rev. 4”;
 - the primary route;
 - the addition of an alternate route;
 - replacement of the reference to *On-site Transportation of Category II Nuclear Material SDP-14000-SE02* with references to form #PL-0606, *Onsite Transportation of Category II Nuclear Material Plan*;
 - changes in responsibilities; and
 - reorganization of the document to align with PLGS Management System processes.
11. NB Power also requested an amendment to PROL 17.02/2011 to ensure that the correct revision of “Point Lepreau Generating Station On-Site Transportation of Category II Nuclear Materials, SDP-14000-SE02” is referenced in Appendix B.
12. CNSC staff stated that it reviewed the requests from NB Power. CNSC staff noted that the licence amendment request was submitted in accordance with Condition 1.4 of PROL 17.02/2011. CNSC staff stated that the proposed changes pose no unreasonable risk to health and safety of persons, protection of the environment, maintenance of national security and measures required to implement international obligations to which Canada has agreed.
13. Based on the above information, the Commission is of the opinion that NB Power is qualified to carry on the activity that the proposed amended licence will authorize, and, in carrying on that activity, will 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.

Application of the *Canadian Environmental Assessment Act*

14. 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.

³ S.C. 1992, c. 37.

15. 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.
16. Therefore, the Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.

Conclusion

17. The Commission has considered the information and submissions of NB Power and CNSC staff as presented in the material available for reference on the record.
18. The Commission is satisfied that the applicant meets the requirements of subsection 24(4) of the *Nuclear Safety and Control Act*. That is, the Commission is of the opinion that NB Power is qualified to carry on the activity that the amended licence will authorize and that it will 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.
19. The Commission therefore amends, pursuant to section 24 of the *Nuclear Safety and Control Act*, Power Reactor Operating Licence PROL 17.02/2011 issued to New Brunswick Power Nuclear for its Point Lepreau Generating Station. The amended licence, PROL 17.03/2011, remains valid until June 30, 2011, unless suspended, amended, revoked or replaced.
20. The Commission includes in the licence the recommendations made by CNSC staff in CMD 07-H137.

Linda J. Keen,
President
Canadian Nuclear Safety Commission

Date of release of Decision: August 22, 2007