

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant New Brunswick Power Nuclear Corporation

Subject Application to Amend the Point Lepreau Power
Reactor Operating Licence to Authorize the
Conduct of Written Requalification Testing of
Certified Staff

Hearing
Date December 28, 2007

RECORD OF PROCEEDINGS

Applicant: New Brunswick power Nuclear Corporation

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

Purpose: Application to amend the Point Lepreau Power Reactor Operating Licence to authorize the conduct of written requalification testing of certified staff

Application received: December 7, 2007

Date of hearing: December 28, 2007

Location: Canadian Nuclear Safety Commission (CNSC) Public Hearing Room, 280 Slater St., 14th. Floor, Ottawa, Ontario

Members present: L.J. Keen, Chair

Secretary: K. McGee

Recording Secretary: S. Gingras

Licence: Amended
Date of release of Decision: December 28, 2007

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Introduction

1. New Brunswick Power Nuclear Corporation (NB Power) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for an amendment to its Power Reactor Operating Licence for its Point Lepreau Nuclear Generating Station (NGS) in Charlotte County and Saint John County, New Brunswick. The current licence is PROL 17.04/2011.
2. The purpose of this request is to amend the current operating licence to allow the conduct of written requalification tests for Control Room Operators and Shift Supervisors. According to CNSC staff, these tests are ready to be administered before the beginning of the planned refurbishment outage.

Issue

3. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*²:
 - 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.

Hearing

4. The Commission, in making its decision, considered information presented for a hearing held on December 28, 2007 in Ottawa, Ontario. The hearing was conducted in accordance with the *Canadian Nuclear Safety Commission Rules of Procedure*³. During the hearing, the Commission considered written submissions from CNSC staff (CMD 07-H155) and NB Power (CMD 07-H155.1).

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.

³ S.O.R./2000-211.

Decision

5. 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 the Power Reactor Operating Licence PROL 17.04/2011 issued to new Brunswick Power Nuclear Corporation for its Point Lepreau Nuclear Generating Station. The amended licence, PROL 17.05/2011, remains valid until June 30, 2011.

6. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 07-H155.

Issues and Commission Findings

7. 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

8. CNSC staff stated that NB Power has developed written requalification tests for Control Room Operators and Shift Supervisors, and that these tests are ready to be administered before the beginning of the planned refurbishment outage. CNSC staff noted that NB Power requested an amendment to its current Power Reactor Operating Licence to allow the conduct of these written requalification tests.
9. CNSC staff stated that it reviewed NB Power's request and determined that it does not pose any unreasonable risk to the 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.

10. Based on the above information, the Commission approves the request to allow the conduct of written requalification tests for Control Room Operators and Shift Supervisors.

Application of the *Canadian Environmental Assessment Act*

11. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*⁴ (CEAA) have been fulfilled.
12. 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.
13. The Commission determined that there is no requirement for an Environmental Assessment pursuant to subsection 5(1) of the *Canadian Environmental Assessment Act*^[3] (CEAA). The Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.

Conclusion

14. The Commission has considered the information and submissions of CNSC staff as presented in the material available for reference on the record.
15. The Commission is of the opinion 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.
16. The Commission therefore amends, pursuant to section 24 of the *Nuclear Safety and Control Act*, the Power Reactor Operating Licence 17.04/2011 issued to NB Power for its Point Lepreau NGS, located in Charlotte County and Saint John County, New Brunswick. The amended licence 17.05/2011 remains valid until June 30, 2011.
17. The Commission includes in the licence the recommendations made by CNSC staff in CMD 07-H155.

⁴ S.C. 1992, c. 37.

18. The Commission notes that its decision in this particular instance does not restrict the Commission's decisions in any future applications of this nature.

Linda J. Keen,
President
Canadian Nuclear Safety Commission

Date of release of Decision: December 28, 2007