

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant New Brunswick Power Nuclear Corporation

Subject Application to Amend Point Lepreau Nuclear
Generating Station Power Reactor Operating
Licence

Hearing
Date May 8, 2008

RECORD OF PROCEEDINGS

Applicant: New Brunswick Power Nuclear Corporation

Address/Location: Point Lepreau Generating Station, P.O. Box 600,
Lepreau, N.B., E5J 2S6

Purpose: Application to Amend Point Lepreau Nuclear Generating Station
Power Reactor Operating Licence

Application received: March 10, 2008

Date of hearing: May 8, 2008

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

Members present: Michael Binder, Chair

Secretary: K. McGee
Recording Secretary: P. Reinhardt

Licence: amended
Date of Release of Decision: May 28, 2008

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Introduction

1. New Brunswick Power Nuclear Corporation (NB Power) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for amendments to Point Lepreau Nuclear Generating Station Power Reactor Operating Licence (PROL). Point Lepreau station is located on the Lepreau Peninsula in New Brunswick. The current licence is PROL 17.05/2011.
2. NB Power is seeking CNSC's approval for the revision and inclusion in its licence of the revised document entitled "Nuclear Management Manual". NB Power is also requesting amendments to modify its licence address, to update standards referenced in the licence, to include in it new radiation devices and to revise other licence conditions and appendices related to pressure boundaries.

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 (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.

Hearing

4. 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.
5. The Commission, in making its decision, considered information presented for a hearing held on May 8, 2008 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 08-H115) and, NB Power Corporation (CMD 08-H115.1).

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 details in the following sections of this *Record of Proceedings*, the Commission concludes that NB Power Corporation is qualified to carry on the activity that the amended licence will authorize. The Commission is also satisfied that NB Power Corporation, 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 Point Lepreau Nuclear Generating Station Power Reactor Operating Licence, PROL 17.05/2011, issued to NB Power corporation. The amended licence, PROL 17.06/2011 remains valid until June 30, 2011, unless suspended, amended, revoked or replaced.

7. The Commission includes in the amended licence the revisions as recommended by CNSC staff in CMD 08-H115.

Issues and Commission Findings

8. In making its licensing decision, the Commission considered a number of issues relating to NB Power Corporation'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

9. The submission requested approval of the revised Point Lepreau Nuclear Generating Station (PLNGS) document entitled "NMM-00660 – Nuclear Management Manual" in accordance with its licence condition 2.1. The proposed revision of the Nuclear Management Manual reflects needed changes to the NB Power Nuclear organizational structure and management responsibilities which include the reinstatement of the Site Director position, the addition of the Deputy Chief Nuclear Officer position and the removal of the Division of Responsibilities Manager as the position would from now on report to the Site Director. CNSC staff reviewed NB Power request and concurred that the proposed changes pose no unreasonable risk to health and safety of persons, or to the protection of the environment.

10. The second request related to the revision of the licensee's address referred to in the current licence. This request is administrative in nature and will facilitate future shipments and transfers to the station. This doesn't pose unreasonable risk to health and safety of persons, or to the protection of the environment.
11. NB Power also requested that 6 additional radiation devices be listed in Appendix H of its licence. NB Power Nuclear staff became aware that 5 of these devices, currently used in the plant, were not listed in Appendix H of the PROL during the conduct of an in-house review of the station radiation equipment. The sixth device, not currently in use at the station, is intended to be used during the restart of the station following the refurbishment outage. The inclusion of these devices in the PROL is mandatory for compliance and will not pose unreasonable risk to health and safety of persons, or to the protection of the environment.
12. Another request from NB Power related to the operation of pressure vessels, boilers, systems, piping, fittings and parts components and supports. Condition 5.2 (c) currently refers to the 1994 version of CSA Standard N285.4 which is now outdated. NB Power requested that the standard be updated to the 2005 version in its licence and that CNSC allows them until November 30, 2009 to fully comply with the standard updated version. CNSC staff reviewed NB Power request and concurred with the proposed change.
13. Finally NB Power requested an amendment to its licence Appendix K, so he could use the services of an independent third-party Authorized Inspection Agency in order to fulfill its obligations under section 5, Pressure Boundaries, of its licence. This transition to an independent third-party Authorized Inspection Agency was agreed upon following discussions with CNSC staff who concurred with the proposed change.
14. CNSC staff reviewed NB Power five requests outlined above and is in the opinion 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.

Application of the *Canadian Environmental Assessment Act*

15. 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.

16. CNSC staff reported that it had completed an Environmental Assessment (EA) determination. Since the proposed amendments are not for the purpose of enabling a project, CNSC staff stated that there was no requirement for an EA pursuant to subsection 5(1) of the CEEA.
17. The Commission is satisfied that all applicable requirements of the CEEA have been fulfilled.

Conclusion

18. The Commission has considered the information and submissions of NB Power Corporation and CNSC staff as presented in the material available for reference on the record.
19. 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 Corporation 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.
20. The Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends Pointe Lepreau Power Reactor Operating Licence PROL 17.05/2011 issued to NB Power Corporation for its Nuclear Generating Station at Pointe Lepreau. The amended licence, PROL 17.06/2011 remains valid until June 30, 2011, unless suspended, amended, revoked or replaced.
21. The Commission includes in the licence the recommendations made by CNSC staff in CMD 08-H115.



Michael Binder,
President
Canadian Nuclear Safety Commission

Date of release of Decision: May 28, 2008