

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant GE Hitachi Nuclear Energy Canada Inc.

Subject Application to Amend the Peterborough Nuclear
Fuel Facility Operating Licence to Include an
Additional Licensed Activity

Hearing
Date August 29, 2008

RECORD OF PROCEEDINGS

Applicant: GE Hitachi Nuclear Energy Canada Inc.

Address/Location: 1160 Monaghan Road, Peterborough, Ontario K9J 3V6

Purpose: Application to amend the Peterborough Nuclear Fuel Facility Operating Licence to include an additional licensed activity

Application received: May 23, 2007

Date of hearing: August 29, 2008

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

Members present: M. Binder, Chair

Secretary: M.A. Leblanc

Recording Secretary: M. Young

Licence: Amended
Date of Release of Decision: September 8, 2008

Table of Contents

Introduction	1
Decision	1
Issues and Commission Findings	2
<i>Qualifications and Protection Measures</i>	2
Application of the <i>Canadian Environmental Assessment Act</i>	2

Introduction

1. GE Hitachi Nuclear Energy Canada Inc. (GEH-C) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for an amendment to its Fuel Facility Operating Licence (FFOL) for its nuclear fuel facility located in Peterborough, Ontario. The current licence is FFOL-3621/2010.
2. GEH-C has requested that an additional activity, the repair and maintenance of contaminated equipment, be included in Section IV of the licence. GEH-C has also requested that a correction be made regarding a postal code identified in the licence.

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 GEH-C is qualified to carry on the activity that the amended licence would authorize; and
 - b) if, in carrying on that activity, GEH-C 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 hear this matter.
5. The Commission, in making its decision, considered information presented for a hearing held on August 29, 2008 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 08-H133) and GEH-C (CMD 08-H133.1).

Decision

6. 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 GEH-C has met the conditions of subsection 24(4) of the NSCA. Therefore,

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.

the Commission amends the Fuel Facility Operating Licence FFOL-3621.0/2010 issued to GE Hitachi Nuclear Energy Canada Inc. for its nuclear fuel facility located in Peterborough, Ontario. The amended licence, FFOL-3621.1/2010, remains valid until December 31, 2010, unless suspended, amended, revoked or replaced.

7. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 08-H133.

Issues and Commission Findings

Qualifications and Protection Measures

8. Regarding the request to add the repair and maintenance of contaminated equipment to the list of licensed activities in Section IV of the licence, GEH-C stated that the activity is currently not described in the licence but is included in other licensing documentation, including the Radiation Protection Program.
9. CNSC staff stated that it is aware that GEH-C has been performing the requested activity during the current and previous licence periods, as it is included in the Radiation Protection Program. CNSC staff further noted that the Radiation Protection Program was inspected in March 2008 and found to be acceptable. CNSC staff noted that the purpose of the request is to clarify that the repair and maintenance of contaminated equipment is a licensed activity.
10. Further to the additional licensed activity, GEH-C requested that a correction be made to a postal code identified in the licence.
11. CNSC staff stated that both requested changes were administrative in nature and would not pose any unnecessary risk on health and safety.

Application of the *Canadian Environmental Assessment Act*

12. 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.
13. 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 as the proposed amendment does not constitute a “project” as defined in section 2 of the CEAA.

³ S.C. 1992, c. 37.

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

A handwritten signature in black ink, appearing to read "M. Binder". The signature is written in a cursive style with a long, sweeping underline.

Michael Binder,
President
Canadian Nuclear Safety Commission

Date of Release of Decision: September 8, 2008