

# Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant New Brunswick Power Nuclear

Subject Application to Amend the Point Lepreau Nuclear  
Generating Station Power Reactor Operating  
Licence to be Consolidated with the Point  
Lepreau Solid Radioactive Waste Management  
Facility Operating Licence

Hearing  
Date August 29, 2008

## **RECORD OF PROCEEDINGS**

Applicant: New Brunswick Power Nuclear

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

Purpose: Application to Amend the Point Lepreau Nuclear Generating Station Power Reactor Operating Licence to be Consolidated with the Point Lepreau Solid Radioactive Waste Management Facility Operating Licence

Application received: May 30, 2008

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

|  |   |
|--|---|
| <b>Introduction</b> .....  | 1 |
| <b>Decision</b> .....  | 2 |
| <b>Issues and Commission Findings</b> .....                                  | 2 |
| <i>Qualifications and Protection Measures</i> .....                          | 2 |
| <b>Application of the <i>Canadian Environmental Assessment Act</i></b> ..... | 3 |

## **Introduction**

1. New Brunswick Power Nuclear (NB Power Nuclear) has applied to the Canadian Nuclear Safety Commission<sup>1</sup> (CNSC) for an amendment to its Power Reactor Operating Licence (PROL) for its Point Lepreau Nuclear Generating Station (NGS) located on the Lepreau Peninsula in New Brunswick. The current licence is PROL 17.06/2011.
2. NB Power Nuclear proposed to consolidate the Waste Facility Operating Licence (WFOL) for its Point Lepreau Solid Radioactive Waste Management Facility, WFOL-W4-318.05/2009, with PROL 17.06/2011. This request is comprised of the following elements:
  - amend PROL 17.06/2011 to incorporate the requirements of WFOL-W4-318.05/2009;
  - revoke WFOL-W4-318.05/2009 following the consolidation amendment; and
  - approve the revision of the following documents currently referenced in WFOL-W4-318.05/2009 such that they are referenced in the PROL:
    - Solid Radioactive Waste Management Facility Operating Policies and Principles; and
    - Solid Radioactive Waste Management Facility Safety Report.

## Issue

3. In considering the application, the Commission was required to decide, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*<sup>2</sup>:
  - a) if NB Power Nuclear is qualified to carry on the activity that the amended licence would authorize; and
  - b) if, in carrying on that activity, NB Power Nuclear 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.

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<sup>1</sup> 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.

<sup>2</sup> S.C. 1997, c. 9.

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-H127) and NB Power Nuclear (CMD 08-H127.1).

### **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 NB Power Nuclear has met the conditions of subsection 24(4) of the NSCA. Therefore,

the Commission amends the Power Reactor Operating Licence PROL 17.06/2011 issued to New Brunswick Power Nuclear for its Point Lepreau Nuclear Generating Station. The amended licence, 17.07/2011, remains valid until June 30, 2011.

Furthermore, the Commission revokes the Waste Facility Operating Licence WFOL-W4-318.05/2009 issued to New Brunswick Power Nuclear for its Point Lepreau Solid Radioactive Waste Management Facility.

7. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 08-H127.

### **Issues and Commission Findings**

#### *Qualifications and Protection Measures*

8. NB Power Nuclear stated that the majority of the regulatory requirements specified in WFOL-W4-318.05/2009 are also specified in the current PROL. NB Power stated that its request to consolidate the two licences is an administrative change that will have no adverse impact on the safe operation of the two facilities. NB Power Nuclear noted that licence conditions specific to WFOL-W4-318.05/2009 are incorporated in the proposed amended PROL, and documents currently referenced in WFOL-W4-318.05/2009 have been revised to align with the proposed PROL.
9. NB Power Nuclear provided rationale for its request, including the following:
  - both facilities are on the same property and operated by the same organization;
  - both facilities share support services, training and emergency response structure;
  - the proposed change does not add or remove any regulatory requirements for either facility;

- the proposed change is administrative in nature;
  - the proposed change will eliminate duplication of regulatory requirements and conditions;
  - the proposed change will facilitate interaction between NB Power and CNSC staff;
  - the proposed change will simplify revision and approval of documents referenced in licence;
  - the proposed change will reduce the number of required licence amendment requests;
  - the proposed change will reduce the number of required licence renewals;
  - the proposed change will consolidate EA requirements of future projects; and
  - the proposed change will consolidate administration of regulatory activities associated with decommissioning.
10. In its CMD, CNSC staff detailed all of the proposed changes, which would affect the following sections of the PROL:
- IV) LICENSED ACTIVITIES;
  - V) CONDITIONS;
  - APPENDIX A – Location, Description, Operation, Design and Analyses of the Nuclear Facility; and
  - APPENDIX B – Documents Prepared by the Licensee.
11. CNSC staff stated that it reviewed NB Power Nuclear’s request. CNSC staff stated that it concurred with NB Power Nuclear that the proposed changes are administrative in nature and pose no unreasonable risk to 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*<sup>3</sup> (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.

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<sup>3</sup> S.C. 1992, c. 37.

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

A handwritten signature in black ink, appearing to read "M. Binder". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Michael Binder,  
President  
Canadian Nuclear Safety Commission

Date of Release of Decision: September 8, 2008