



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Record of Proceedings, Including Reasons for Decision

In the Matter of

NBPN New Brunswick Power Nuclear Corporation

Subject Application to Renew the Operating Licence for
Point Lepreau Nuclear Generating Station

Public Hearing
Date January 19, 2011

RECORD OF PROCEEDINGS

Applicant: New Brunswick Power Nuclear Corporation

Address/Location: 122 County Line Rd., Maces Bay, New Brunswick, E5J 1W1

Purpose: Application to renew the Operating Licence for Point Lepreau Nuclear Generating Station

Application received: November 15, 2010

Date of public hearing: January 19, 2011

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

Members present: M. Binder, Chair R. J. Barriault
D.D. Tolgyesi M. J. McDill
A. Harvey

Secretary: M.A. Leblanc
Recording Secretary: S. Dimitrijevic
Senior General Counsel: J. Lavoie

Applicant Represented By		Document Number
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Intervenors		
See appendix A		

Licence: Renewed

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Introduction

1. New Brunswick Power Nuclear Corporation (NBPN) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) to extend the end-date of the current Power Reactor Operating Licence (PROL) for its Point Lepreau Nuclear Generating Station (PLNGS). NBPN has applied for the extension of this licence for a period of one year. The current operating licence, PROL 17.11/2011, expires on June 30, 2011.
2. The PLNGS is located in the Province of New Brunswick on the Lepreau Peninsula. The nuclear facility consists of a single CANDU-6 unit with a total net rated power of 630 MW (megawatts). The activities licensed by the current PROL include a maintenance outage to retube the reactor and refurbish the station with the intention to extend the operation of the PLNGS for 25 to 30 years. The retubing activities include the replacement of all pressure tubes, calandria tubes and feeders. The refurbishment activities include additional repairs, replacements, inspections and upgrades.
3. The Point Lepreau station is currently in a refurbishment outage, with the reactor core defueled, and is not operational. The extension of the operating licence was requested to allow NBPN to complete all refurbishment activities at the PLNGS and to prepare the subsequent request for licence renewal in 2012. CNSC staff recommended that the Commission grant a one-year licence renewal of the current PROL, with the same terms and conditions as the current licence. The licence renewal has been recommended since no provision exists in the *Nuclear Safety and Control Act* to “extend” a licence; the expression “licence extension” is, thus, used to indicate that there were no changes to the licence requested, other than its end date.
4. The current PROL requires prior Commission approval before NBPN can begin reloading fuel into the reactor core and proceed with the reactor’s restart. This licence also contains a requirement that NBPN provide a completion assurance report on the installation and commissioning of the refurbishment improvements and modifications listed in the licence.

Issue

5. 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 NBPN is qualified to carry on the activity that the licence would authorize; and
 - b) if, in carrying on that activity, NBPN would make adequate provision for the

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 Statutes of Canada, S.C. 1997, c. 9.

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.

Public Hearing

6. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the application. The Commission, in making its decision, considered information presented for a public hearing held on January 19, 2011 in Ottawa, Ontario. The public hearing was conducted in accordance with the *Canadian Nuclear Safety Commission Rules of Procedure*³. During the public hearing, the Commission considered written submissions and heard oral presentations from CNSC staff (CMD 11-H2) and NBPN (CMD 11-H2.1, CMD 11-H2.1A, CMD 11-H2.1B and CMD 11-H2.1C). The Commission also considered written submissions from 18 intervenors (see Appendix A for a detailed list of interventions).
7. Several intervenors raised concerns regarding the location of the hearing and the inability for intervenors to make oral interventions. In this regard, the Commission expressed the view that the nature and the scope of this hearing, i.e. consideration of the requested extension of the licence for a period of one year to allow for completion of refurbishment activities previously approved by the Commission following a comprehensive public hearing, would be addressed adequately through a one-day public hearing in Ottawa. The Commission also indicated that a more comprehensive two-day hearing to consider a longer term, post-refurbishment licence renewal, would be conducted in large part in New Brunswick, and written submissions and oral presentations will be permitted.

Decision

8. 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 NBPN is qualified to carry on the activity that the licence will authorize. The Commission is of the opinion that NBPN, 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*, renews New Brunswick Power Nuclear's Power Reactor Operating Licence for its Point Lepreau Nuclear Generating Station located on the Lepreau Peninsula in New Brunswick. The renewed licence, PROL 17.00/2012, is valid from April 6, 2011 to June 30, 2012, unless suspended, amended, revoked or replaced. The Commission concurrently revokes operating licence PROL 17.11/2011.

³ Statutory Orders and Regulations, S.O.R./2000-211.

9. The Commission includes in the licence the conditions as recommended by CNSC staff and set out in the draft licence attached to CMD 11-H2.
10. At the conclusion of the refurbishment outage, the licensee shall obtain prior approval of the Commission before reloading fuel in the reactor and proceeding with the restart of the reactor. With the request for approval, the licensee shall provide a completion assurance report on the installation and commissioning of the improvements and modifications.
11. In this regard, the Commission will consider the request for approval, including the completion assurance report, in the context of a public hearing.
12. With this decision, the Commission requests that CNSC staff provide the Commission with a report on the safety performance of the facility at a public proceeding of the Commission. The report will be part of the CNSC Staff Integrated Safety Assessment of Canadian Nuclear Power Plants and will include a detailed report related to the authorized activities associated with the refurbishment.

Issues and Commission Findings

13. In making its licensing decision, the Commission considered a number of issues relating to NBPN'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.
14. During this Public Hearing, CNSC staff provided the component of the *CNSC Staff Integrated Safety Assessment of Canadian Nuclear Power Plants for 2009* related to NBPN. The rest of this report, related to other nuclear power plants in Canada, had been presented to the Commission in August 2010⁴.
15. CNSC staff noted that several safety areas, including Operations, Safety Analysis, Emergency Preparedness and Equipment Fitness for Service, could not be rated in 2009, due to the reactor core being in a defuelled and non-operational state. CNSC staff added that the performance ratings for PLNGS for all areas and programs that could be rated received "Satisfactory" ratings, except for Occupational Health and Safety which received a "Fully Satisfactory" rating.
16. CNSC staff informed the Commission that the NBPN's original plan was to have the reactor refurbishment start in April 2008 and be completed by October 2009. However, due to difficulties related to retubing, the prime refurbishment contractor, AECL, had revised its project schedule and the planned work on the reactor core now has a planned completion date of May 2012. NBPN would then proceed with commissioning

⁴ Minutes of the Canadian Nuclear Safety Commission Meeting held on August 19, 2010.

activities, which is estimated to take approximately four months. CNSC staff added that all regulatory obligations under the PROL remained applicable during the refurbishment outage, even though the plant is not operational, and that refurbishment updates have been regularly provided to the CNSC.

Radiation Protection

17. NBPN representatives informed the Commission on their retubing and refurbishment activities, which aimed at determining what additional enhancements were required to their radiation protection program. NBPN representatives explained the effects of prolonged outage to the increase of the collective dose, provided annual data for individual doses for the entire licence duration, and noted that individual doses had always been within regulatory limits.
18. NBPN representatives added that operating experience from the outage had been shared with the industry. The information received through the same exchange channel, from other sites, had been incorporated in the PLNGS outage plans. Particular concerns had been related to alpha contamination associated with refurbishment activities and long term low level exposure to certain workgroups. To address these issues, additional contamination control measures, monitoring and field conditions review had been conducted, as well as analyses of bioassay samples collected from a number of long-term employees. NBPN representatives stated that no activity above the detection limits had been identified.
19. CNSC staff reported that NBPN's radiation protection program and its implementation at the PLNGS meet CNSC requirements. CNSC staff also reported that in 2009, no worker or member of the public received a dose in excess of the regulatory dose limits, and all environmental emissions were below regulatory limits and station action levels.
20. CNSC staff noted that waste management continues to pose some challenges, and that NBPN had introduced corrective action plans to restore the effectiveness of waste management practices. CNSC stated that they would continue to monitor the effectiveness of the corrective measures NBPN is implementing to resolve the deficiencies in the areas of radioactive waste management, radiation exposure and dose control, and refurbishment activities identified during the inspection in 2008.
21. Noting that individual doses to workers had increased in 2008, the Commission asked if the increase was related to the outage or to some other cause. NBPN representatives responded that the increase reflects the outage activity that was ongoing at the time, which included the removal of the feeders which is a very labour-intensive and manual process.
22. Based on the above information and considerations, the Commission concludes that NB Power Nuclear has made, and will continue to make, adequate provision for the protection of persons from radiation at PLNGS.

Occupational Health and Safety

23. NBPN representatives provided accident statistics for PLNGS for the licensing period and presented comparative data on loss time accidents for the national and provincial heavy industry, NB Power and PLNGS. They noted that the PLNGS performance, regarding the events frequency rate, is an order of magnitude better than provincial and national heavy-industry averages, and stated that their Occupational Health & Safety Program complies with the *New Brunswick Occupational Health and Safety Act* and associated regulations.
24. NBPN representatives said that the conventional safety requirements are incorporated in all aspects of work planning and that the presence of trained health professionals is essential for rapid response to incidents on site.
25. CNSC staff reported that NBPN occupational health and safety work practices and conditions have resulted in an adequate degree of personnel safety at Point Lepreau, including contractors working at the site on refurbishment activities. CNSC staff added that their inspectors had participated in the majority of the inspections routinely conducted in 2009 by WorkSafeNB, and attended the weekly contractor safety meetings led by NBPN.
26. The Commission sought more information on the reporting of restricted work injuries and lost-time injuries, and asked whether the individuals receiving high-radiation doses have been restricted from their normal work function. NBPN representatives responded that they have compiled both lost-time injuries and restricted work injuries as a more comprehensive measure of the impact of injuries on employees' work functions. They added that there had been no cases reported as restricted work injury as a result of excessive radiation dose.
27. The Commission asked if the contractors have been included in this report. NBPN representatives responded that they have.
28. Based on this information, the Commission is satisfied that NBPN has made, and will continue to make, adequate provision for the protection of persons from occupational hazards at the PLNGS.

Environmental Protection

29. CNSC staff informed the Commission that NBPN annually verifies and refines the environmental models used in the calculation of derived release limits (DRL) and summarizes results under CNSC Document S-99, *Reporting Requirements for Operating Nuclear Power Plants*. They noted that DRLs for Point Lepreau were based

on Canadian standards CSA N288.1⁵, 1987 version, and that, through a normal transition process, the 2008 version of this standard will be included in the licence as part of the licence renewal process in 2012.

30. CNSC staff reported that, in 2009, gaseous and aqueous releases of nuclear substances were always below environmental action levels, and that the reported dose to the public from Point Lepreau was 0.38 $\mu\text{Sv}/\text{y}$ (microSieverts per year), well below the public dose limit of 1000 $\mu\text{Sv}/\text{y}$.
31. Referring to concerns expressed by one intervenor about tritium affecting fish farming in the region, the Commission asked about contamination levels and the location of sampling wells. NBPN representatives responded that the reported value of 40 becquerels per litre correspond to the sampling well located off site. CNSC staff responded that the reported value is very low and that the federal guideline for drinking water is 7000 becquerels per litre.
32. With reference to the same intervention, the Commission inquired about different derived release limits (DRLs) for different nuclear generating stations. CNSC staff stated that DRLs have been derived with the intention that no member of the public receive a dose in excess of the permitted level. CNSC staff explained that DRLs are unique to each site because they represent an estimation of the dose to a member of the public in the vicinity of a facility. This dose depends on pathways through which radiation migrates from the facility to reach a person. Due to different environmental circumstances, these pathways differ from site to site, so that the dose limit to the members of the public, which is the same for all facilities, could result from different releases at different locations.
33. The Commission requested that CNSC staff provide the DRL values for each nuclear generating station in Canada. CNSC staff prepared the requested data and presented them to the Commission during the Commission Meeting held the same day in the afternoon.
34. The Commission inquired about sampling of the shellfish and testing for contamination. NBPN representatives responded that, as part of their ongoing environmental monitoring program that had started in 1976, samples of different types of seafood had been regularly taken. About 38 000 samples had been collected and no indication of contamination had been found.
35. Based on this information, the Commission is satisfied that NBPN has made, and will continue to make, adequate provision at the PLNGS for the protection of the environment.

⁵ CSA N288.1, *Guidelines for Calculating Derived Release Limits for Radioactive Material in Airborne and Liquid Effluents for Normal Operations of Nuclear Facilities*, 1987 version.

Operating Performance

36. The Commission considered the operating performance at the PLNGS as a further indication of NBPN's qualifications to continue operating the plant and carry out the activities associated with the retubing and refurbishment.

37. NBPN representatives informed the Commission on the following issues:

- status of retubing activities and explained the difficulties related to insufficient leak tightness of the calandria tube rolled joints;
- the investigation to reveal the cause of the problem; and
- the measures to resolve it.

They stated that the leak problems originated from changes in tooling design and surface preparation of the calandria tube sheet, which had resulted in increased roughness of the tube sheet surface. To resolve the problem and avoid reliability risks and long outages in the future, NBPN had decided to replace all 380 calandria tubes. This decision has impacted the retubing and refurbishment schedule, so that complete retubing and fuel load was rescheduled for early 2012, and completion of commissioning and restart activities is expected in the fall of 2012.

38. The Commission sought more details related to problems with leaking calandria tubes joints. NBPN representatives responded that their investigations have shown that the problem was caused by surface preparation by brushing, which had been successfully used before at Pickering and Bruce stations and adopted for CANDU 6 refurbishment; however, changes in the application method led to a different outcome. They noted that the same problem had been encountered at the Wolsong station, in the Republic of Korea, which was successfully resolved. The experiences from both sites, PLNGS and Wolsong station, have been shared to respond to the refurbishment challenges and to reduce incidents in the future.

39. With respect to organisation and plant management, CNSC staff informed the Commission that the performance of PLNGS management conformed to the NB Power document "The Nuclear Management Manual", which includes the aspects of adequate leadership and continuous improvements. CNSC staff stated that NBPN continues to demonstrate capable organization and management of its safety programs and provide adequate attention to health, safety, security, environmental protection and international obligations.

40. CNSC staff noted that the conduct of operation had not been rated in 2009 since the station was not operational.

41. Several intervenors expressed their objections to refurbishment delays and cost, original design deficiencies and application of a novel, untested approach to rebuild the reactor.

42. The Commission sought more information about specific retubing and refurbishing activities, including an explanation of different changes and improvements implemented during these activities. NBPN representatives provided explanations for improvements regarding the installation of a calandria vault rupture disc, special filtration for the control room in the event of a low probability incident where radioactive releases might be discharged from the building in an accidental situation, as well as other improvements that had been introduced during the prolonged outage time.
43. The Commission asked if some infrastructure support and preventive maintenance work could be done during the prolonged outage in order to minimize future corrective works and maintenance. NBPN representatives responded that they were looking for such opportunities to reduce future downtimes and maintenance outages.
44. The Commission asked if the replaced calandria tubes were treated as contaminated waste. NBPN representatives responded that all contaminated parts of replaced calandria tubes had been cut off and treated and stored as irradiated waste.
45. The Commission inquired into NBPN's confidence that the equipment that had been put in laid-off state would not pose a safety risk during the restarting activities. NBPN representatives responded that their plans to lay up the equipment follow some very specific guidelines that are industry standards, and that they have had an independent, third party review to ensure that they have not overlooked anything. The Commission asked CNSC staff if they had monitored these activities. CNSC staff responded that CNSC inspectors on site are submitting reports on all activities, systems and commissioning programs, and added that the systems will be subjected to testing as they are returned to power.
46. Referring to comments made in one intervention regarding insufficient space for the storage of used fuel, the Commission inquired into site waste management and prospects for storage in light of a prolonged life of the station. NBPN representatives responded that used fuel was stored in their spent fuel bay for approximately seven years to cool enough to allow transfer to the on-site dry storage canisters. They added that, as part of the refurbishment process, they have expanded the location in their solid radioactive waste management facility to house additional canisters.
47. The Saint John Citizens Coalition for Clean Air has commented, in their intervention, on the fuel removed before refurbishment being stored in aboveground concrete silos. The Commission asked NBPN for the exact location of this fuel. NBPN representatives responded that the fuel discharged from the reactor as part of the first step of the refurbishment has been properly stored in the storage bay where it is submerged in water for cooling.
48. In the intervention by the Conservation Council of New Brunswick, the discrepancy in the heavy water inventory has been noted. The Commission asked for an explanation and NBPN representatives responded that their tracking system had been based on calculations and produced some tracking errors that were discovered during the

refurbishment activities. As a result, NBPN had to write down 3.9 million dollars worth of heavy water inventory. The draining of the system, as part of the refurbishment, will allow NBPN to establish the exact amount of heavy water in the facility.

49. Based on the above information and considerations, the Commission concludes that the operating performance at the PLNGS provides a positive indication of NBPN's ability to adequately carry out the proposed activities under the licence.

Performance Assurance

50. As a further indication of the adequacy of NBPN's qualifications and protection measures, the Commission examined performance assurance, including aspects of quality management, human performance, personnel training, examination and certification.
51. CNSC staff reported that they had conducted, in 2009, detailed assessments of the NB Power quality management programs, with emphasis on the safety-related ongoing refurbishment activities, which included the following:
- the adequacy and completion of design and design verification;
 - the competency and capability of suppliers of components, services and qualified staff;
 - work control activities;
 - material management; and
 - documentation and records management.

CNSC staff stated that the change control processes at Point Lepreau are robust and well implemented, and added that, prior to the station's return to service, they would verify the completion of commissioning activities and the station's safe operational configuration.

52. NBPN representatives informed the Commission that operating documentation for the design modifications had been revised and that operator training had been conducted. NBPN representatives added that a specific training on start-up with a fresh reactor core would be completed prior to fuel loading. NBPN representatives noted that they have regular meetings with CNSC staff to verify the level of training during the outage period.
53. With respect to human performance management, CNSC staff informed the Commission that they continue to oversee human factors activities conducted as part of the refurbishment project at Point Lepreau, and that they were satisfied that a systematic process is followed to include human factors considerations into the design activities for refurbishment.

54. CNSC staff further informed the Commission that they had reviewed NBPN's refurbishment training materials and had monitored the implementation of training for certified operators and non-certified staff. CNSC staff added that the Continuing Training Program for certified operators, which covers topics such as defueling activities, upgrades to station systems during the refurbishment, and the approach to criticality theory and fresh core operation, is effective and had met the inspection objectives and supporting criteria.
55. The Commission sought information on the initial certification exam for operators at PLNGS. NBPN representatives responded that the rate of failure was about 17 % and that those who fail have an opportunity for remedial training.
56. Commenting on the intervention submitted by the International Brotherhood of Electrical Workers – Local 37, the Commission asked about involvement of the union in developing safety culture in PLNGS. NBPN representatives responded that their excellent safety record was not only a result of the company's actions, but also a result of the actions of union leadership and membership.
57. Based on this information, the Commission concludes that NBPN is taking the appropriate action to meet the CNSC's expectations regarding quality management, human performance and personnel training at the PLNGS.

Safety Analysis

58. CNSC staff reported that, at the end of 2009, PLNGS issued a full safety report update, reflecting the safety analysis done to support refurbishment. However, the station has not been rated for this safety area, since it was not operational during 2009. CNSC staff stated that they were satisfied that the station has an adequate safety analysis program in place, to support the continued safe operation once operation resumes.
59. CNSC staff further reported that, although some weaknesses were identified in fire protection practices, the performance of PLNGS Design program continued to be "Satisfactory" in 2009, since NBPN had taken actions to resolve the issues.

Emergency Preparedness

60. CNSC staff noted that this safety area has not been rated in 2009 and that the emergency planning basis at Point Lepreau had been limited to an "on-site emergency" classification, due to the reduced risk while the facility is shut down for refurbishment. CNSC staff added that the emergency management performance had been monitored through regular reviews of S-99 reports, PLNGS quarterly compliance reports and CNSC site staff weekly reports.

61. The Commission sought more information on alarm systems in the neighbouring communities and evacuation plans in case of an incident. NBPN representatives responded that they have a good working relationship with the provincial Emergency Measures Organization (EMO). As part of this collaboration, there is a notification process that the province effectively manages and runs, and NBPN interacts very closely with them with regards to emergency planning. Asked to comment, CNSC staff stated that they were satisfied with the NBPN collaboration with the provincial authorities and with resulting plans, and noted that they were regularly reviewing all matters of interest.

Security

62. With respect to site security issues, the Commission was provided with a separate, protected CMD.
63. Following a concern expressed in one intervention, the Commission sought more information on measures to protect nuclear facilities from a terrorist attack from air. CNSC staff responded that, regarding this matter, practices in Canada are closely aligned with practices in the USA.

Safeguards and Non-Proliferation

64. The CNSC's regulatory mandate includes ensuring conformity with measures required to implement Canada's international obligations under the Treaty on the Non-Proliferation of Nuclear Weapons. Pursuant to the Treaty, Canada has entered into safeguards agreements with the IAEA. The objective of these agreements is for the IAEA to provide credible assurance on an annual basis to Canada and to the international community that all declared nuclear material is in peaceful, non-explosive uses and that there is no undeclared nuclear material or activities in this country.
65. CNSC staff reported that safeguards at PLNGS had met applicable CNSC requirements and performance expectations and that NBPN had taken appropriate measures with respect to the licence conditions concerning Canada's international obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.
66. CNSC staff added that they had attended a Physical Inventory Verification, conducted by the IAEA, and reviewed the NBPN's support to IAEA inspectors.
67. Noting that one intervenor alluded that CANDU reactor fuel could be used in production of nuclear weapons, the Commission asked to what extent CANDU reactor operations and related activities could be linked to nuclear weapons. CNSC staff responded that there is no link between them, since CANDU reactors use natural, non-enriched, uranium-based fuel elements.

68. Based on the above information the Commission is satisfied that NBPN has made and will continue to make adequate provisions in the areas of safeguards and non-proliferation at the PLNGS that are necessary for maintaining national security and measures necessary for implementing international agreements to which Canada has agreed.

Application of the *Canadian Environmental Assessment Act*

69. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*⁶ (CEAA) have been fulfilled.
70. CNSC staff indicated that the application to renew the licence for the facility under subsection 24(2) of the NSCA is not prescribed for the purposes of paragraph 5(1)(d) of the CEAA in the *Law List Regulations*⁷. Since there are no other CEAA triggers for this project that involve the CNSC, CNSC staff stated that an environmental assessment under CEAA is not required and noted that the environmental assessment conducted in 2003 included the refurbishment activities.
71. Based upon the above assessment, the Commission is satisfied that an environmental assessment under the CEAA is not required for NBPN's application for licence renewal.

Cost Recovery

72. CNSC staff informed the Commission that NBPN is in good standing with respect to the *Cost Recovery Fees Regulations*⁸ requirements for the PLNGS.

Decommissioning and Financial Guarantees

73. In order to ensure that the licensee has operational plans for decommissioning and long-term management of waste produced during the life-span of the facility, and that sufficient resources are available for a safe and secure future decommissioning of the Point Lepreau site, the Commission requires that an adequate financial guarantee for realization of the planned activities is put in place and maintained in a form acceptable to the Commission throughout the licence period.
74. In its intervention, Greenpeace requested that NBPN develop the end-of-life plan in case the restart of the station is not successful and that NBPN prepare a full and detailed decommissioning plan for the next licence renewal.

⁶ Statutes of Canada, S.C. 1992, c. 37

⁷ Statutory Orders and Regulations, S.O.R./94-636.

⁸ Statutory Orders and Regulations, SOR/2003-212

75. The Commission asked if the delays and increasing cost of refurbishment could affect the funding for decommissioning activities. NBPN representatives responded that there would be no impact on decommissioning and that they were looking at the possibility to prolong the life of the station to 30 years rather than 25 years. CNSC staff confirmed that they were satisfied with the preliminary decommissioning plan and financial guarantee maintained by NBPN, and noted that they would not anticipate a full and detailed decommissioning plan to be available before the time for decommissioning comes.
76. Based on this information, the Commission considers that the preliminary decommissioning plan and related financial guarantee are acceptable for the purpose of the current application for licence renewal.

Public Information Program

77. NBPN representatives informed the Commission that they continue to implement the communication activities as laid out in their consultation plan, and that they continue to organize regular meetings with the local community liaison group to inform them and discuss the issues related to the operation of the PLNGS.
78. NBPN representatives added that the station operation and refurbishment updates had been provided to First Nations leaders in partnership with the Association of New Brunswick Indians.
79. CNSC staff provided the Commission with a list of Aboriginal groups that were identified as groups that may have an interest in the licensing activities taking place at the PLNGS. CNSC staff added that, for the purpose of notification, they had sent a letter to these First Nation groups in New Brunswick and Nova Scotia, informing them about the purpose of the hearing, and indicating that CNSC staff would be available to answer any questions on the regulatory process.
80. The Commission inquired on the amount of public consultation compared to public information by NBPN. NBPN representatives responded that their intent has been to ensure that the local community and regional stakeholders gain an understanding of the progress of the refurbishment project. They mentioned their recent town hall meeting and the message that they had received from the public with the request for more opportunities for similar interactive communications in the future.
81. Noting that intervenors seem to be well informed about operation and refurbishment activities, the Commission inquired on NBPN and CNSC staff interaction with intervenors. NBPN representatives underlined their interaction through their public information program, engagement with social media and direct communication, while CNSC staff noted that in the past they had not been required to respond directly to intervenors, and said that the interventions had been sent for the record and that the

questions related to concerns expressed by intervenors were posed by the Commission.

82. The Commission asked if the recent signing of the United Nations Declaration of the Rights of Indigenous Peoples by Canada may have an impact on the decisions made by the Commission. CNSC staff responded that the principles of this Declaration are consistent with the government's approach to working with aboriginal peoples. NBPN representatives added that they had worked in coordination with the provincial Indian Affairs Secretariat on identifying opportunities for economic development for the First Nations. They said that they work closely with the First Nations on refurbishment related project-specific issues by providing funding for capacity building to allow them to be involved in these issues.
83. Based on the received information, the Commission is satisfied that NBPN's public information program meets regulatory requirements and is effective in keeping the public informed on the facility operations and on the effects and status of the refurbishment activities.

Licence Length and Conditions

84. NBPN has requested the extension of its licence for a period of 1 year. CNSC staff recommended to the Commission that this request would be more appropriately dealt with as a one-year licence renewal of the current PROL, with the same format and content.
85. The Commission inquired about differences between the "licence extension" and the "licence renewal", and asked if this type of renewal had been granted to other licensees in a similar situation. CNSC staff responded that there are no measures provided in NSCA to "extend" an operating licence; instead, the "licence renewal" for a period of one year was proposed in this case. CNSC staff added that the same thing had been done in the past, when the licences had been renewed for Point Lepreau and for Bruce Power, when it was being refurbished.
86. Based on the above information and considerations, the Commission is satisfied that a one-year licence renewal is appropriate. The Commission accepts the licence conditions as recommended by CNSC staff.

Conclusion

87. The Commission has considered the information and submissions of CNSC staff, NBPN and all participants as set out in the material available for reference on the record, as well as the oral and written submissions provided or made by the participants at the hearing.

88. The Commission concludes that an environmental assessment of the proposed continued operation of the facility, pursuant to the *Canadian Environmental Assessment Act* is not required.
89. The Commission is satisfied that NBPN meets the requirements of subsection 24(4) of the *Nuclear Safety and Control Act*. That is, the Commission is of the opinion that NBPN is qualified to carry on the activity that the proposed licence will authorize and that NBPN 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.
90. Therefore, the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, renews New Brunswick Power Nuclear's Power Reactor Operating Licence for its Point Lepreau Nuclear Generating Station. The Commission includes in the licence the conditions as recommended by CNSC staff and set out in the draft licence attached to CMD 11-H2. The Commission concurrently revokes operating licence PROL 17.11/2011.



APR 06 2011

Michael Binder
President,
Canadian Nuclear Safety Commission

Date

Appendix A – Intervenors

Neil Craik	CMD 11-H2.2
Paula Tippets	CMD 11-H2.3
Siegfried (Ziggy) Kleinau	CMD 11-H2.4
Atlantic Nuclear Services	CMD 11-H2.5
Town of Grand Bay-Westfield	CMD 11-H2.6
Atwater Seafoods Ltd.	CMD 11-H2.7
Conservation Council of New Brunswick	CMD 11-H2.8
Sierra Club Canada, Atlantic Canada Chapter	CMD 11-H2.9
Greenpeace Canada	CMD 11-H2.10
Canadian Nuclear Association	CMD 11-H2.11
International Brotherhood of Electrical Workers, Local 37	CMD 11-H2.12
Wilhelmina Nolan	CMD 11-H2.13
Beth McLaughlin and Helene Robb	CMD 11-H2.14
International Institute of Concern for Public Health	CMD 11-H2.15
Musquash Fire Rescue Department	CMD 11-H2. 16
Saint John Citizens Coalition For Clean Air	CMD 11-H2.17 CMD 11-H2.17A
Union of New Brunswick Indians	CMD 11-H2.18
Passamaquoddy Peoples	CMD 11-H2.19