



Canadian Nuclear  
Safety Commission

Commission canadienne  
de sûreté nucléaire

## Summary Record of Decision

In the Matter of

Applicant New Brunswick Power Corporation

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

Public Hearing Dates January 26, 2017  
May 9-11, 2017

## SUMMARY RECORD OF DECISION

Applicant: New Brunswick Power Corporation

Address/Location: 515 King Street, Fredericton NB, E3B 5G4

Purpose: Application to Renew the Nuclear Power Reactor Operating Licence for the Point Lepreau Nuclear Generating Station

Application received: June 30, 2016

Dates of public hearing: January 26, 2017  
May 9-11, 2017

Location: Part 1: Canadian Nuclear Safety Commission (CNSC) Public Hearing Room, 280 Slater St., 14th Floor, Ottawa, Ontario  
  
Part 2: Delta Hotel Saint John, 39 King St., Ballrooms A & B, Saint John, New Brunswick

Members present: M. Binder, Chair      S. McEwan  
D. D. Tolgyesi      R. Velshi

Secretary: M.A. Leblanc  
Recording Secretary: M. Hornof  
Senior General Counsel: L. Thiele

<b>Applicant Represented By</b>	<b>Document Number</b>
B. Plummer, Chief Nuclear Officer and Vice-President, Nuclear J. Nouwens, Director of Regulatory Affairs & Community Affairs and Performance Improvement C. Hickman, Director, Environment and Emergency Planning K. Duguay, Manager, Manager of Community Affairs and Nuclear Regulatory Protocol M. Hare, Station Director A. Allen, Director, First Nation Affairs and Ombudsman P. Thompson, Senior Technical Advisor – Point Lepreau Generating Station D. Mullin, Superintendent of Safety Analysis	CMD 17-H2.1 CMD 17-H2.1A CMD 17-H2.1B CMD 17-H2.1C
<b>CNSC staff</b>	<b>Document Number</b>
R. Jammal, P. Elder, G. Frappier, M. Rinker, B. Poulet, L. Casterton, C. Ducros, A. Levine, A. Du Sautoy, YC Liu, A. Bouchard, C. Cole, D. Ndomba, A. Rupert, L. Sigouin, N. Mesmous, K. Glenn, K. Noble, A. McAllister, Y. Akl, J. Jin, V. Tavasoli, R. Tennant, E. Lemoine, R. Kameswaran, K. Sauvé, E. Desgagné, J. Jin, I. Roy and Z. Bounagui	CMD 17-H2 CMD 17-H2.A CMD 17-H2.B CMD 17-H2.C

<b>Intervenors</b>	<b>Document Number</b>
See appendix A	
<b>Others</b>	
Fisheries and Oceans Canada: P. Hall	
Environment and Climate Change Canada: N. Ali and D. Kim	
Health Canada: D. Nsengiyumva	
New Brunswick Emergency Measures Office: G. MacCallum, R. Shepard and C. Goodfellow	
Natural Resources Canada: J. Adams and J. Hénault	

**Licence:** Renewed

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## 1.0 INTRODUCTION

1. New Brunswick Power Corporation (NB Power) has applied to the Canadian Nuclear Safety Commission<sup>1</sup> for the renewal of its Nuclear Power Reactor Operating Licence (PROL) for the Point Lepreau Nuclear Generating Station (PLNGS) located on the Lepreau Peninsula, approximately 40 kilometers southwest of Saint John, New Brunswick. The current operating licence, PROL 17.04/2017, expires on June 30, 2017. NB Power has applied for a renewal of its licence for a period of five years.
2. This *Summary Record of Decision* provides a summary of the Commission's consideration and decision on this matter, with reasons to follow in a detailed *Record of Decision*, to be published at a later date.
3. The PLNGS site consists of a single 705-megawatt Canada Deuterium Uranium-6 (CANDU-6) pressurized heavy water reactor and the Solid Radioactive Waste Management Facility (SRWMF). The SRWMF is used for the storage of radioactive waste, including used fuel, which is produced at the PLNGS site.
4. NB Power holds a single licence for all activities at the PLNGS site, including the possession of nuclear substances and prescribed equipment. The reactor at the PLNGS returned to commercial operation in 2012 following completion of reactor refurbishment.
5. In September 2016, up to \$75,000 in funding to participate in this licensing process was made available to Indigenous groups, not-for-profit organizations and members of the public through the CNSC's Participant Funding Program (PFP). A Funding Review Committee (FRC), independent of the CNSC, recommended that up to \$108,462 in participant funding be provided to six applicants. These applicants were required, by virtue of being in receipt of the funding, to submit a written intervention and make an oral presentation at Part 2 of the public hearing commenting on NB Power's application. One PFP recipient withdrew its PFP request prior to Part 2 of the public hearing.

### Issues

6. In considering the application, the Commission was required to decide:
  - a) what environmental assessment review process to apply in relation to this application;
  - b) if NB Power is qualified to carry on the activity that the licence would authorize; and

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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.

- c) if, in carrying on that activity, NB Power 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.

### Public Hearing

7. The Commission, in making its decision, considered information presented for a two-part public hearing held on January 26, 2017 in Ottawa, Ontario and on May 9 to 11, 2017 in Saint John, New Brunswick. The public hearing was conducted in accordance with the *Canadian Nuclear Safety Commission Rules of Procedure*.<sup>2</sup> During the public hearing, the Commission considered written submissions and heard oral presentations from NB Power (CMD 17-H2.1, CMD 17-H2.1A, CMD 17-H2.1B and CMD 17-H2.1C) and CNSC staff (CMD 17-H2, CMD 17-H2.A, CMD 17-H2.B and CMD 17-H2.C). The Commission also considered oral and written submissions from 94 intervenors (see Appendix A for a list of interventions). The hearing was webcast live via the CNSC website, and video archives are available for a three-month period following the hearing.

### Mandate of the Commission

8. Many intervenors provided the Commission with information about the economic impact of the PLGNS. The Commission notes that, as the regulatory authority over nuclear matters in Canada, it has no economic mandate and will not base its decision on the economic impact of a facility. It is the health, safety and security of the public, the protection of the environment, national security, and international obligations that guide its decisions. The Commission does note that, although the economic impact of a licensed activity is not considered as part of the CNSC's mandate, the Commission considers all aspects of a licensee's facility as a whole in its licensing decision.

## **2.0 DECISION**

9. Based on its consideration of the matter the Commission concludes that NB Power is qualified to carry on the activity that the 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,

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<sup>2</sup> Statutory Orders and Regulations (SOR)/2000-211.

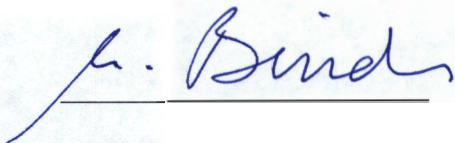
the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, renews the Nuclear Power Reactor Operating Licence issued to New Brunswick Power Corporation for the Point Lepreau Nuclear Generating Station located on the Lepreau Peninsula in New Brunswick. The renewed licence, PROL 17.00/2022, is valid from July 1, 2017 until June 30, 2022.

10. The Commission includes in the licence the conditions as recommended by CNSC staff in CMDs 17-H2 and 17-H2.B. The Commission also delegates authority for the purposes of licence conditions 3.2 and 15.2, as recommended by CNSC staff.
11. The Commission considers the environmental review that was conducted by CNSC staff to be acceptable and thorough.
12. The Commission notes that CNSC staff can bring any matter to the Commission as applicable. The Commission directs CNSC staff to inform the Commission on an annual basis of any changes made to the Licence Conditions Handbook (LCH).
13. With this decision, the Commission directs CNSC staff to report annually on the performance of NB Power and PLNGS, as part of the annual *Regulatory Oversight Report for Canadian Nuclear Power Plants* (NPP ROR). CNSC staff shall present this report at a public proceeding of the Commission, where members of the public will be able to participate.

### **3.0 ISSUES AND COMMISSION FINDINGS**

14. In making its licensing decision, the Commission considered a number of issues and submissions relating to NB Power's qualification to carry out the licensed activities. The Commission also considered 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.
15. The Commission notes that an environmental assessment conducted under the NSCA and its regulations was appropriate for this licence renewal. The Commission further notes that the CNSC regulatory framework ensures that adequate measures are in place to protect the environment and human health in accordance with the NSCA and its regulations.
16. The Commission examined CNSC staff's assessment of NB Power's performance in all 14 safety and control areas and in relation to several other matters of regulatory interest over the current licence period. In addition to the issues addressed below, details of and the Commission's consideration of this matter will be presented in a detailed *Record of Decision*, to be published at a later date.

17. Based on the written information and that which was presented at the hearing, the Commission is satisfied that NB Power has appropriate emergency plans in place to protect the health and safety of persons and the environment in the event of a nuclear emergency at the PLNGS. The Commission notes, however, the lack of transparency and public availability of emergency planning documents and directs NB Power to publically disclose its nuclear emergency technical planning basis document, *Technical Planning Basis – Radiation Emergency*,<sup>3</sup> by August 2017.
18. The Commission also notes NB Power's commitment to update its nuclear emergency technical planning basis and expects annual updates on the progress of this project to be provided during CNSC staff's presentation of the annual NPP ROR, starting in August 2017.
19. The Commission appreciates the efforts made by the New Brunswick Emergency Measures Organization (NBEMO) in regard to the *Point Lepreau Nuclear Off-Site Emergency Plan*<sup>4</sup> and the annual updates that are made to these plans. The Commission encourages NBEMO to improve the public availability of its PLNGS off-site nuclear emergency plans and looks forward to an update on NBEMO's initiative to publish a public-friendly emergency planning document later in 2017.
20. Several Indigenous groups informed the Commission that the PLNGS was built on traditional and ancestral territories and that the facility adversely impacted their Aboriginal and/or treaty rights. The Commission recognizes that Indigenous groups were not consulted at the time of the construction of the PLNGS. The Commission, however, acknowledges the current efforts and commitments made by NB Power in relation to Aboriginal engagement and CNSC staff's efforts in this regard on behalf of the Commission. Based on the information presented on the record for this hearing, the Commission is satisfied that this licence renewal will not result in any changes to PLNGS operations, that the renewal will not cause adverse impacts to any potential or established Aboriginal and/or treaty rights and that the duty to consult was not triggered in this matter. The Commission is also of the opinion that the engagement activities taken for the review of the PLNGS licence renewal application have been adequate.<sup>5</sup>



Michael Binder  
President,  
Canadian Nuclear Safety Commission

JUN 14 2017

Date

<sup>3</sup>*Technical Planning Basis – Radiation Emergency*, Point Lepreau Generating Station, IR-78600-02, Rev. 0, NB Power, 2004.

<sup>4</sup> *Point Lepreau Nuclear Off-Site Emergency Plan*, New Brunswick Emergency Measures Organization, Province of New Brunswick, March 2016.

<sup>5</sup> *Rio Tinto Alcan v. Carrier Sekani Tribal Council*, 2010 SCC 43[2010] 2 S.C.R. 650 at paras 45 and 49.



## Appendix A – Intervenors

City of Saint John, represented by K. Clifford	17-H2.35
Maliseet Nations of New Brunswick, represented by R. Letica, F. Sabattis and Z. Crafton-McDonald	17-H2.92
Canadian Nuclear Society, represented by P. Ozemoyah, C. Hunt and P. Easton	17-H2.12
Lorneville Mechanical Contractors, represented by S. Dumouchel	17-H2.37
CANDU Owners Group, represented by F. Dermarkar	17-H2.14
Saint John Naturalists' Club Inc., represented by J. Wilson	17-H2.24 17-H2.24A
Passamaquoddy Nation, represented by Chief H. Akagi, W. Nolan and Grand Chief R. Tremblay	17-H2.73
Gordon W. Dalzell	17-H2.25
North American Young Generation in Nuclear, represented by R. Horgan	17-H2.21
International Brotherhood of Electrical Workers, Local 37, represented by R. Galbraith and M. Goddard	17-H2.58
Canadian Nuclear Workers' Council, represented by D. Shier and D. Dixon	17-H2.28 17-H2.28A
Ron Mawhinney	17-H2.31 17-H2.31A
Andrew Dykeman	17-H2.55
Women in Nuclear (Win) New Brunswick, represented by G. Clark and M. Hawkes	17-H2.51
New Brunswick Emergency Measures Organization (NBEMO), represented by G. McCallum and R. Shepard	17-H2.52
Canadian Environmental Law Association and Conservation Council of New Brunswick, represented by K. Blaise	17-H2.93 17-H2.93A
Musquash Volunteer Fire Rescue Department, represented by W. Pollock	17-H2.33
Sunny Corner Enterprises Inc., represented by G. Lavoie	17-H2.13
Greenpeace Canada, represented by S.-P. Stensil	17-H2.74
SNC Lavalin, represented by R. Whalen	17-H2.57
Mi'gmawe'l Tplu'taqnn Inc. (MTI), represented by K. Barnaby, D. Gorber and K. Narvie	17-H2.45 17-H2.45A
Corporate Research Associates Inc., represented by C. Wight	17-H2.59 17-H2.59A
New Clear Free Solutions, represented by C. Rouse	17-H2.94
Saint John Region Chamber of Commerce, represented by D. Duplisea	17-H2.79
Joseph Valardo	17-H2.65
Black & McDonald Limited, represented by M. Arseneault	17-H2.63
Jason McKay	17-H2.61
Centre for Nuclear Energy Research, represented by W. Cook	17-H2.40
RESD Inc., represented by P. Sedran	17-H2.96
Sipekne'katik, represented by J. Copage	17-H2.76
Leah Belding	17-H2.69

<b>Intervenors</b>	<b>Document Number</b>
Sunil Nijhawan	17-H2.78
Keith Miller	17-H2.72
Canadian Nuclear Association, represented by J. Barrett and S. Coupland	17-H2.15
PEACE NB, represented by S. Murphy-Flatt	17-H2.95
Marlene Dewar	17-H2.66
Leanna Hickman-Leroy and H. Mawhinney	17-H2.85
Anne Harding	17-H2.89
Town of Rothesay	17-H2.2
Atlantica Centre For Energy	17-H2.3
Wayne Long, Member of Parliament, Saint John-Rothesay	17-H2.4
St. George and Area Food Bank	17-H2.5
Stephen Smith	17-H2.6
New Brunswick Community College	17-H2.8
New Brunswick Mentor Apprentices Program (NB-MAP)	17-H2.9
Town of St. George	17-H2.10
Maritime Electric	17-H2.11
David Small	17-H2.16
Joey Baird and some members of the Fundy Bay Senior Citizens' Club Inc.	17-H2.17
Saint John Energy	17-H2.18
Cooke Aquaculture	17-H2.19
Town of Shediac	17-H2.20
Saint John Regional Hospital Foundation	17-H2.22
Rick Doucet, Minister, Energy and Resource Development	17-H2.23
Patty Bent and Richard Young, Campobello VillageMart	17-H2.26
Timothy L. Curry	17-H2.27
TJ Harvey, Member of Parliament, Tobique-Mactaquac	17-H2.29
Fundy Shores School	17-H2.30
John Weir, Point Lepreau Chief Warden	17-H2.32
Mark Wilson, PTech	17-H2.34
Hon. Stephen Horsman, Deputy Premier, Legislative Assembly of New Brunswick	17-H2.36
Atlantic Cancer Research Institute	17-H2.38
Gilles Allain	17-H2.39
J. Smith Excavating	17-H2.41
Joel Levesque	17-H2.43
Saint John Port Authority (Port Saint John)	17-H2.44
J. Curtis Nason	17-H2.46
Town of Quispamsis	17-H2.47
Laurie Comeau	17-H2.48
Faculty of Engineering, Université de Moncton	17-H2.49
HAWK Marketing Service	17-H2.50
New Brunswick's Building Trades Unions	17-H2.53

<b>Intervenors</b>	<b>Document Number</b>
Coastal Enterprises Ltd.	17-H2.54
Town of Saint Andrews	17-H2.56
Boilermaker Contractors' Association of Canada	17-H2.60
Dave Wilson	17-H2.62
Jennifer Lennox	17-H2.64
Matt DeCoursey, Member of Parliament, Fredericton	17-H2.67
Association of Professional Engineers and Geoscientists of New Brunswick	17-H2.68
Northern Harvest Sea Farms	17-H2.70
Stéphane Boucher	17-H2.71
Connors Brothers Clover Leaf Seafood Company	17-H2.75
BWXT Canada Ltd	17-H2.77
Lyman Crawford	17-H2.80
Holly Breau	17-H2.81
Eileen Mawhinney	17-H2.82
Local Service District	17-H2.83
Town of Grand Bay-Westfield	17-H2.84
United Way of Central New Brunswick	17-H2.86
Darlene Weir	17-H2.87
Lester and Helen Hyslop	17-H2.88
Construction Association of New Brunswick	17-H2.90
United Way, serving Saint John, Kings and Charlotte	17-H2.91