



Summary Record of Decision

DEC 22-H2

In the Matter of

Applicant New Brunswick Power Corporation

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

Public Hearing January 26, 2022
Dates May 10-12, 2022

Summary Record June 21, 2022
of Decision Date

SUMMARY RECORD OF DECISION – DEC 22-H2

Applicant: New Brunswick Power Corporation

Address/Location: 515 King Street
Fredericton, NB E3B 4X1

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

Application received: June 30, 2021

Dates of public hearing: January 26, 2022 (Part 1)
May 10-12, 2022 (Part 2)

Location: Part 1: Virtual Hearing

Part 2: Delta Hotel Saint John, Ballrooms A & B
39 King Street
Saint John, NB E2L 4W3

Members present: R. Velshi, President
T. Berube
S. Demeter
R. Kahgee

Registrar: D. Saumure
Recording Secretary: D. MacDonald
Senior General Counsel: L. Thiele

Applicant Represented By		Document Number
M. Power	Site Vice President	CMD 22-H2.1 CMD 22-H2.1A CMD 22-H2.1B
J. Nouwens	Director, Regulatory & External Affairs	
P. Michaud	Manager, Strategic Engineering	
K. Duguay	Manager, Community Affairs and Nuclear Regulatory Protocol	
J. Lennox	Director, Engineering & Chief Nuclear Engineer	
D. Mullin	Senior Technical Advisor	
J. Allen	Senior Health Physicist	
N. Reicker	Manager, Regulatory Affairs & Emergency Preparedness	
A. McGathey	Environmental Technical Specialist	
H. Thompson	Computer Design Supervisor	
J. Perley	First Nations Affairs	

A. Paul	First Nations Specialist and Community Liaison	
K. Ward	Director, Continuous Improvement & Emergency Services	
CNSC staff		Document Number
R. Jammal	Executive Vice-President and Chief Regulatory Operations Officer, Executive Vice-President's Office	CMD 22-H2 CMD 22-H2.A
A. Viktorov	Director General, Directorate of Power Reactor Regulation (DPRR)	
A. Bulkan	Director, Gentilly-2/Point Lepreau Regulatory Program Division, DPRR	
P. Collins	Senior Regulatory Program Officer, Gentilly-2/Point Lepreau Regulatory Program Division, DPRR	
S. Gyepi-Garbrah	Senior Regulatory Program Officer, Gentilly-2/Point Lepreau Regulatory Program Division, DPRR	
H. Davis	Power Reactor Site Office Supervisor, Gentilly-2/Point Lepreau Regulatory Program Division, DPRR	
N. Greencorn	Director, Wastes and Decommissioning Division, DNCFR	
A. Levine	Team Leader, Indigenous Consultation and Participant Funding, Indigenous and Stakeholder Relations Division, SPD	
K. Sauvé	Director, Health Sciences and Environmental Compliance Division, DERPA	
P. Elder	Vice-President and Chief Science Officer, Vice-President's Office, TSB	
T. Nitheanandan	Director, Reactor Behaviour Division, DAA	
A. Éthier	Environmental Risk Assessment Specialist, Environmental Risk Assessment Division, DERPA	
D. Moroz	Director, Emergency Management Programs Division, DSS	
D. Wallace	Licensee Emergency Programs Officer, Emergency Management Programs Division, DSS	
S. Watt	Senior Project Officer, Wastes and Decommissioning Division, DNCFR	
K. Randhawa	Radiation and Health Sciences Officer, Health Sciences and Environmental Compliance Division, DERPA	
M. Gerrish	Senior Communications Advisor, Corporate and Regulatory Communications Division, SCD	
J. Sigetich	Director, Systems Engineering Division, DAA	
M. Shawkat	Technical Specialist, Reactor Behaviour Division, DAA	
W. Grant	Technical Specialist, Reactor Physics and Thermalhydraulics Division, DAA	

N. Gadbois	Radiation Protection Specialist, Radiation Protection Division, DERPA	
N. Sadek	Technical Specialist, Reactor Physics and Thermalhydraulics Division, DAA	
M. Fabian-Mendoza	Director, Environmental Risk Assessment Division, DERPA	
S. Lei	Geoscience Technical Specialist, Environmental Risk Assessment Division, DERPA	
S. Langille	Technical Specialist, Operational Engineering Assessment Division, DAA	
J. Burta	Regulatory Program Director, Darlington Regulatory Program Division, DPRR	
S. Gyepi-Garbrah	Technical Specialist, Reactor Behaviour Division, DAA	
G. Stoyanov	Director, Engineering Design Assessment Division, DAA	
Intervenors		
See appendix A		
Other Government Representatives		
<ul style="list-style-type: none"> • Department of Fisheries and Oceans: B. Hulbert and A. LeBlanc • Natural Resources Canada: J. Adams • First Nation Affairs: A. Paul • Nuclear Waste Management Organization: C. Boyle • NB Health: K. Barker • New Brunswick Emergency Measures Organization: R. Shepard and G. MacCullum • Environment and Climate Change Canada: N. Ali and D. Kim 		

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1.0 INTRODUCTION

1. New Brunswick Power Corporation (NB Power) has applied to the Canadian Nuclear Safety Commission¹ for the renewal of the Power Reactor Operating Licence (PROL) for its [Point Lepreau Nuclear Generating Station](#) (PLNGS) located in Lepreau, New Brunswick (NB), and on the territory covered by the Peace and Friendship Treaties with the Maliseet, Passamaquoddy and Mi'gmaq peoples. NB Power requested a renewal of the licence for a period of 25 years. The current licence, PROL 17.01/2022, expires on June 30, 2022.
2. The PLNGS site consists of a single 705-megawatt electric (MWe) 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. 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 began commercial operations in 1983 and was returned to commercial operation in 2012 following the completion of reactor refurbishment.
3. This *Summary Record of Decision* reflects the substance of the Commission's decision with respect to the licence renewal of NB Power's PLNGS. It is issued now, in light of the pending expiry of the current licence on June 30, 2022. The detailed reasons for the Commission's decision and its assessment of all submissions made on the application will be provided in a detailed *Record of Decision*, to be published at a later date.

Issues

4. The Commission is required to determine whether and what requirements the [Impact Assessment Act](#)² (IAA) imposes in relation to the activities sought to be authorized in NB Power's application to renew the licence for the PLNGS. Satisfying any such requirements can be a prerequisite to licensing.
5. Pursuant to paragraph 24(4)(a) and (b) of the [Nuclear Safety and Control Act](#)³ (NSCA), the Commission must be satisfied that:
 - a) NB Power is qualified to carry on the activity that the licence would authorize; and
 - b) 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.

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. 2019, c. 28, s. 1

³ S.C. 1997, c. 9

6. As an agent of the Crown, the Commission recognizes its role in fulfilling the Crown's constitutional obligations, along with advancing reconciliation with Canada's Indigenous peoples. The Commission's responsibilities include the duty to consult and, where appropriate, accommodate Indigenous interests where the Crown contemplates conduct which may adversely impact potential or established Indigenous or treaty rights⁴. As such, the Commission must determine what engagement and consultation steps and accommodation measures are called for, respecting Indigenous interests.

Public Hearing

7. On August 17, 2021, the Commission published a [Notice of Public Hearing and Participant Funding](#) for this matter, which invited requests to intervene by March 28, 2022. The Commission subsequently published two revised notices. The first, on [October 13, 2021](#), rescheduled Part 2 of the hearing to the following week. The second, on [April 7, 2022](#), added an additional day to Part 2 of the hearing and provided updated information on the hearing venue.
8. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission over which she would preside, including Commission members Dr. Timothy Berube, Dr. Sandor Demeter, and Mr. Randall Kahgee. The Commission, in making its decision, considered information presented for a two-part public hearing held virtually on January 26, 2022, and from May 10 to 12, 2022, in Saint John, New Brunswick. The public hearing was conducted in accordance with the [Canadian Nuclear Safety Commission Rules of Procedure](#)⁵ (the Rules). During the public hearing, the Commission considered written submissions and heard oral presentations from NB Power ([CMD 22-H2.1](#), [CMD 22-H2.1A](#), [CMD 22-H2.1B](#)) and CNSC staff ([CMD 22-H2](#), [CMD 22-H2.A](#), [CMD 22-H2.B](#), and [CMD 22-H2.C](#)). The Commission also considered oral and written submissions from 243 intervenors (see Appendix A for a list of interventions). The hearing was webcast live via the CNSC website, and [video archives](#) are available on the CNSC's website.

Participant Funding Program

9. Pursuant to paragraph 21(1)(b.1) of the NSCA, the Commission has established a [Participant Funding Program](#) (PFP) to facilitate the participation of Indigenous Nations and communities, members of the public and stakeholders in Commission proceedings. In [August 2021](#), up to \$100,000 in funding was made available through the CNSC's PFP to review NB Power's licence renewal application and associated documents, and to provide the Commission with value-added information through topic-specific interventions. A Funding Review Committee (FRC), independent of the CNSC, reviewed the funding applications received and made recommendations on the

⁴ *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73; *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, 2004 SCC 74

⁵ Statutory Orders and Regulations (SOR)/2000-211.

allocation of funds. Based on the recommendations from the FRC, the CNSC awarded a total of [up to \\$176,741.98 to 7 applicants](#).

- Dr. Helmy Ragheb – up to \$1,500
- Gordon Dalzell – up to \$1,500
- Passamaquoddy Recognition Group Inc. – up to \$45,522.50
- Kopit Lodge – up to \$24,255
- Canadian Environmental Law Association – up to \$20,630
- Wolastoqey Nation in New Brunswick – up to \$33,701.16⁶
- Mi'gmawe'I Tplu'taqnn Incorporated – up to \$49,633.32

2.0 DECISION

10. Based on its consideration of this matter, the Commission is satisfied that:
- no requirements under the IAA are imposed in relation to this matter;
 - the Commission's responsibility to uphold the honour of the Crown and its constitutional obligations with regard to engagement and consultation respecting Indigenous interests has been satisfied, while the Commission acknowledges that commitments made towards meaningful actions by the licensee and CNSC staff will serve to advance reconciliation;
 - NB Power is qualified to carry on the activity that the licence will authorize; and
 - NB Power, in carrying on these activities, 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 the Power Reactor Operating Licence issued to New Brunswick Power Corporation for its Point Lepreau Nuclear Generating Station located in Lepreau, New Brunswick. The renewed licence, PROL 22.00/2032, is valid from July 1, 2022, until June 30, 2032.

11. Regarding licence length, the Commission acknowledges the strong public interest in this hearing and the importance of providing regular opportunities for members of the public and Indigenous Nations and communities to voice their perspectives and concerns directly to the decision maker. Therefore, the Commission finds that a 10-year licence, with a comprehensive update to the Commission at the mid-point of the licence term, is appropriate at this time.

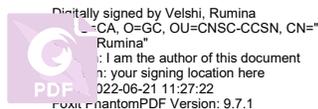
⁶ The Wolastoqey Nation in New Brunswick was unable to provide the CNSC with an intervention for this hearing.

12. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 22-H2. The Commission also delegates authority for the purposes of licence conditions 3.2 and 15.2, as recommended by CNSC staff.
13. With this decision, the Commission directs CNSC staff to report on the performance of NB Power and the PLNGS, as part of the periodic [*Regulatory Oversight Report for Canadian Nuclear Power Generating Sites*](#). CNSC staff shall present this report at a public proceeding of the Commission. The Commission also directs CNSC staff to inform the Commission on an annual basis, as part of the *Regulatory Oversight Report*, of any changes made to the Licence Conditions Handbook (LCH). The Commission notes that CNSC staff can bring any matter to the Commission as applicable.
14. The Commission directs that NB Power and CNSC staff shall each present a comprehensive update on the licenced activities at the PLNGS to the Commission at the mid-point of the licence term, and no later than 2027. This update shall be presented at a meeting conducted in the community in proximity to the PLNGS and shall allow for the participation, both orally and in writing, of members of the public and Indigenous Nations and communities. This update shall consider the performance of NB Power during the licence term across all Safety and Control Areas (SCAs), consolidate relevant information from periodic *Regulatory Oversight Reports*, and provide a status update on other matters of regulatory importance. Additionally, the Commission expects NB Power and CNSC staff to specifically demonstrate the progress of:
 - the conduct of Indigenous Knowledge (IK) studies, and incorporation of IK in PLNGS practises;
 - the formalization of engagement agreements with Indigenous Nations and communities and the advancement of reconciliation; and
 - work to reduce the PLNGS tritium source term.

3.0 CONCLUSION

15. Details of the Commission's rationale, and its consideration of information submitted by NB Power in support of its licence renewal application, of CNSC staff assessments, and of interventions submitted in relation to this matter will be provided in a detailed *Record of Decision*, to be published at a later date.

Velshi,
Rumina



June 21, 2022

Rumina Velshi
President,
Canadian Nuclear Safety Commission

Date

Appendix A – Intervenors

Intervenors – Oral Presentations	Document Number
Westinghouse Electric Canada	CMD 22-H2.2
Margaret R. MacDonald	CMD 22-H2.3
Leap4wards	CMD 22-H2.5
Saint John Naturalists’ Club Inc.	CMD 22-H2.112 CMD 22-H2.112A
Helen Ward-Wakelin	CMD 22-H2.114
Town of St. George	CMD 22-H2.121 CMD 22-H2.121A
Atlantica Centre for Energy	CMD 22-H2.125
Lorneville Mechanical Ltd	CMD 22-H2.132
PEACE-NB	CMD 22-H2.139 CMD 22-H2.139A
Narrative Research	CMD 22-H2.142 CMD 22-H2.142A
Heather Chase	CMD 22-H2.143
Joseph M. Valardo	CMD 22-H2.144
Keith Miller	CMD 22-H2.147
Canadian Nuclear Association	CMD 22-H2.148
Bruce Power	CMD 22-H2.149
Organization of Canadian Nuclear Industries	CMD 22-H2.150
The Fundy North Fishermen’s Association and Fundy Weir Fisherman’s Association Inc.	CMD 22-H2.151 CMD 22-H2.151A
Leah Belding	CMD 22-H2.156
Paul Thompson	CMD 22-H2.161 CMD 22-H2.161A
Jennifer Hannigan	CMD 22-H2.171 CMD 22-H2.171A
Canadian Nuclear Society	CMD 22-H2.175
Helmy Ragheb	CMD 22-H2.177 CMD 22-H2.177A

Canadian Nuclear Worker's Council	CMD 22-H2.179
Generation Atomic	CMD 22-H2.183
Kelly Newman	CMD 22-H2.186
CANDU Owners Group	CMD 22-H2.188
Coalition for Responsible Energy Development in New Brunswick (CRED-NB) and the Canadian Environmental Law Association (CELA)	CMD 22-H2.194 CMD 22-H2.194A
Rural Action and Voices for the Environment	CMD 22-H2.197
Ann McAllister	CMD 22-H2.198 CMD 22-H2.198A
The International Brotherhood of Electrical Workers (IBEW), Local 37	CMD 22-H2.209
Musquash Volunteer Fire-Rescue Department	CMD 22-H2.212
Saint John Region Chamber of Commerce	CMD 22-H2.213
Sunny Corner Enterprises Inc.	CMD 22-H2.214
Fundy Bay Senior Citizen's Club Inc	CMD 22-H2.215
NB Health Emergency Operations Center	CMD 22-H2.217 CMD 22-H2.217A
Center for Nuclear Energy Research	CMD 22-H2.218
Northwatch	CMD 22-H2.220 CMD 22-H2.220A
Geoff McCabe	CMD 22-H2.223
Canadian Coalition for Nuclear Responsibility	CMD 22-H2.228 CMD 22-H2.228A
NB Emergency Measures Organization	CMD 22-H2.230 CMD 22-H2.230A CMD 22-H2.230B
Mi'gmawe'l Tplu'taqnn Incorporated	CMD 22-H2.234
Brilliant Energy Institute	CMD 22-H2.240
Passamaquoddy Recognition Group Inc.	CMD 22-H2.244 CMD 22-H2.244A
Intervenors – Written Submissions	Document Number
Alantra Leasing	CMD 22-H2.4

Mark Wilson	CMD 22-H2.6
The Town of Saint Andrews	CMD 22-H2.7
Jean Desrosiers	CMD 22-H2.8
Kathleen Henderson	CMD 22-H2.9
Michael Greene	CMD 22-H2.10
Aur�a Cormier	CMD 22-H2.11
Ryan Hillier	CMD 22-H2.12
Elaine Hughes	CMD 22-H2.13
MaryAnne MacKeigan	CMD 22-H2.14
Amy Floyd	CMD 22-H2.15
Heather Reed	CMD 22-H2.16
Sandi McKessock	CMD 22-H2.17
Dawn Mockler	CMD 22-H2.18
Thomas G. McAlister	CMD 22-H2.19
Celina King	CMD 22-H2.20
Heather Cronk	CMD 22-H2.21
Raven Cameron	CMD 22-H2.22
EOS Eco-Energy Inc.	CMD 22-H2.23
Jason Robichaud	CMD 22-H2.24
Marion Taylor	CMD 22-H2.25
Rita Crosbie	CMD 22-H2.26
Victoria Marcott	CMD 22-H2.27
Mary Hatt	CMD 22-H2.28
Kelly Fitzpatrick	CMD 22-H2.29
Charlon Dorey	CMD 22-H2.30
Allison MacKenzie	CMD 22-H2.31
Evelyn Gigantes	CMD 22-H2.32
Lauren Brady	CMD 22-H2.33
Crysta-Lea Lane	CMD 22-H2.34
Steven Dennis	CMD 22-H2.35
Cathie McElman	CMD 22-H2.36

Paige Wilson	CMD 22-H2.37
Julia Hansen	CMD 22-H2.38
Maritime Electric	CMD 22-H2.39
Noelle Mitton	CMD 22-H2.40
Stephen Mahler	CMD 22-H2.41
Alexandra DeCarlo-Graves	CMD 22-H2.42
David Cannon	CMD 22-H2.43
Lauren Clark	CMD 22-H2.44
Page Murphy	CMD 22-H2.45
Mindy Swinemar	CMD 22-H2.46
Karen Heinemann	CMD 22-H2.47
Melissa Estrada	CMD 22-H2.48
Anne-Marie Séguin	CMD 22-H2.49
Sarah Boyer and the Boyer family	CMD 22-H2.50
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Valerie Sherrard	CMD 22-H2.52
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Sandra Fowler	CMD 22-H2.57
Brittany Carmichael	CMD 22-H2.58
Vaughn Barnett	CMD 22-H2.59
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Annabelle Fournier	CMD 22-H2.68
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Maureen Fowler	CMD 22-H2.72
Julie Cormier	CMD 22-H2.73
Council of Canadians Fredericton Chapter	CMD 22-H2.74
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Helen Forsey	CMD 22-H2.78
Linda Dornan	CMD 22-H2.79
Ross McKean	CMD 22-H2.80
Olivia Chisholm	CMD 22-H2.81
Josh Shaddick	CMD 22-H2.82
Ed MacAulay	CMD 22-H2.83
William A. MacCallum	CMD 22-H2.84.
Pat Poole	CMD 22-H2.85
Danielle Saulnier	CMD 22-H2.86
Craig Robinson	CMD 22-H2.87
the Town of Riverview	CMD 22-H2.88
Elizabeth Lee	CMD 22-H2.89
Geraldine Vautour	CMD 22-H2.90
Daniel Becker	CMD 22-H2.91
Becky Johnson	CMD 22-H2.92
Gail Delano	CMD 22-H2.93
Krista M. Bietz-Bielecki	CMD 22-H2.94
Robyn Guptill	CMD 22-H2.95
Joan Green	CMD 22-H2.96
Karen Daley	CMD 22-H2.97
Faye Arbou	CMD 22-H2.98

John Williamson, MP, New Brunswick Southwest	CMD 22-H2.99
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Mike Farrell	CMD 22-H2.102
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Daniel Serre	CMD 22-H2.116
Lawrence Furlotte	CMD 22-H2.117
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Tatiana Dedam	CMD 22-H2.131
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The Association of Professional Engineers and Geoscientists of New Brunswick	CMD 22-H2.174
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Mary Ellen Stevenson	CMD 22-H2.178
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Carol A. Ring	CMD 22-H2.181
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Jess H. Brewer	CMD 22-H2.184
Beth McCann	CMD 22-H2.185
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Anne Lindsey	CMD 22-H2.191
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Mike Holland, Minister of Natural Resources and Energy Development New Brunswick	CMD 22-H2.196
The Canadian Manufacturers & Exporters	CMD 22-H2.199
Andrea Anderson-Mason, Member of the Legislative Assembly, Fundy-The Isles-Saint John West	CMD 22-H2.200
Susan Curtis	CMD 22-H2.201
Larry Lack and Lee Ann Ward	CMD 22-H2.202
Daniel Beaudry	CMD 22-H2.203
Ron Mawhinney	CMD 22-H2.204
Zachary Simon	CMD 22-H2.205
Renée Turcotte	CMD 22-H2.206
Kim Leffley	CMD 22-H2.207
Town of Dalhousie	CMD 22-H2.208
Steven Myers, Minister of Environment, Energy and Climate Action, Prince Edward Island	CMD 22-H2.210
Douglas Carmody	CMD 22-H2.211
HAWK Marketing Service	CMD 22-H2.216
The Nuclear Transparency Project	CMD 22-H2.219
Lyman Crawford	CMD 22-H2.221
Gordon W. Dalzell	CMD 22-H2.222
Kathy Bockus, Member of the Legislative Assembly, Saint Croix	CMD 22-H2.224

Stéphane Boucher	CMD 22-H2.225
Fundy Shores School	CMD 22-H2.226
J.D. Irving, Limited	CMD 22-H2.227
South Ridge Maple Co. Ltd.	CMD 22-H2.229
North Shore Micmac District Council	CMD 22-H2.231
The Local Service District	CMD 22-H2.232
Richard Bradgon, MP, Tobique-Mactaquac	CMD 22-H2.233
Dave Wilson	CMD 22-H2.235
Mawiw Council Inc.	CMD 22-H2.236
City of Saint John	CMD 22-H2.237
Canadian Nuclear Laboratories	CMD 22-H2.238
The Town of Shediac	CMD 22-H2.239
Lester and Helen Hyslop	CMD 22-H2.241
Holly Breau	CMD 22-H2.242
The University Network of Excellence in Nuclear Engineering (UNENE)	CMD 22-H2.243