



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant New Brunswick Power Nuclear

Subject Application to amend the Power Reactor
Operating Licence for the Point Lepreau Nuclear
Generating Station to reflect an update in
documentation

Hearing
Date October 6, 2009

RECORD OF PROCEEDINGS

Applicant: New Brunswick Power Nuclear

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

Purpose: Application to amend the Power Reactor Operating Licence for the Point Lepreau Nuclear Generating Station to reflect an update in documentation

Applications received: July 29, 2009

Date of hearing: October 6, 2009

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

Members present: M. Binder, Chair

Secretary: K. McGee

Recording Secretary: P. Reinhardt

Licences: amended

Table of Contents

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

Introduction

1. New Brunswick Power Nuclear (NBPN) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for an amendment to the Point Lepreau Nuclear Generating Station (PLNGS) Power Reactor Operating Licence (PROL). Point Lepreau NGS is located on the Lepreau Peninsula in New Brunswick. The current licence is PROL 17.09/2011.
2. NBPN is seeking CNSC's approval to implement an updated version (Revision 2) of the CNSC document "*Requirements for the Requalification Testing of Certified Shift Personnel at Canadian Power Plants*" dated May 01, 2009.

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 (NSCA):
 - a) if NBPN is qualified to carry on the activity that the amended licence would authorize; and
 - b) if in carrying on that activity, NBPN 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 review the application. The Commission, in making its decision, considered information presented for a hearing held on October 6, 2009 in Ottawa, Ontario. The hearing was conducted in accordance with the Canadian Nuclear Safety Commission Rules of Procedure³. During the hearing, the Commission considered written submissions from CNSC staff (CMD 09-H123) and NBPN (CMD 09-H123.1).

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.

³ S.O.R./2000-211

Decision

5. 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 activities that the amended licence will authorize. The Commission is also satisfied that NBPN, 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*, amends Power Reactor Operating Licence 17.09/2011 issued to New Brunswick Power Nuclear for its Point Lepreau Nuclear Generating Station. The amended licence, 17.10/2011, remains valid until June 30, 2011.

6. The Commission includes in the amended licence the revisions as recommended by CNSC staff in CMD 09-H123.

Issues and Commission Findings

7. In making its licensing decisions, the Commission considered a number of issues relating to NBPN's qualification to carry out the proposed activities and the impact of the proposed changes on measures for protecting the environment, the health and safety of persons, national security and international obligations to which Canada has agreed.

Qualifications and Protection Measures

8. CNSC staff has reviewed information in support of NBPN's application to reference *Requirements for the Requalification Testing of Certified Shift Personnel at Nuclear Power Plants*, Revision 2, in the Point Lepreau PROL.
9. CNSC staff confirmed that a transition period to implement Revision 2 would not be required provided the implementation is effective immediately after the licence amendment approval by the Commission.
10. CNSC staff also confirmed that NBPN will need to maintain Appendix F in the PROL in order that requalification tests completed in accordance with Revision 1 prior to the effective date of the amended licence may also be deemed to meet the requirements under Revision 2.
11. CNSC staff has not identified any issues related to the incorporation of Revision 2 into the NBPN PROL, therefore it considers acceptable that this more recent Revision of "*Requirements for the Requalification Testing of Certified Shift Personnel at Canadian Power Plants*", dated May 01, 2009, be included into NBPN PROL.

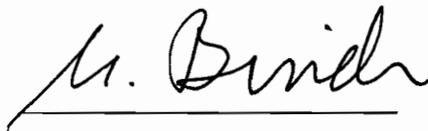
12. CNSC staff recommended that the Commission approves the amendment requested by NBPN.

Application of the *Canadian Environmental Assessment Act*

13. Before making a licensing decision, the Commission must be satisfied that all applicable requirements of the *Canadian Environmental Assessment Act*⁴ (CEAA) have been fulfilled.
14. CNSC staff reported that it had completed an Environmental Assessment (EA) determination. Since the proposed amendments are not for the purpose of enabling a project, CNSC staff stated that there was no requirement for an EA pursuant to subsection 5(1) of the CEAA.
15. The Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.

Conclusion

16. The Commission has considered the information and submissions of NBPN and CNSC staff as presented in the material available for reference on the record.
17. The Commission is satisfied that the applicant 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 activities that the amended licence will authorize and that it 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.
18. The Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends Power Reactor Operating Licence 17.09/2011 issued to New Brunswick Power Nuclear for its Point Lepreau Nuclear Generating Station. The amended licence, 17.10/2011, remains valid until June 30, 2011.
19. The Commission includes in the licence the recommendations made by CNSC staff in CMD 09-H123.



Michael Binder
President,
Canadian Nuclear Safety Commission

OCT 06 2009

Date

⁴ S.C. 1992, c. 37.