



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 Limited

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

Hearing
Date December 20, 2012

RECORD OF PROCEEDINGS

Applicant: New Brunswick Power Nuclear Limited

Address/Location: Point Lepreau Generating Station,
PO Box 600, Lepreau, NB E5J 2S6

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

Application received: September 28, 2012

Date of hearing: December 20, 2012

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

Members present: M. Binder, Chair

Secretary: M. Leblanc
Recording Secretary: S. Gingras

Licence: Amended

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Introduction

1. New Brunswick Power Nuclear Limited (NB Power) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for an amendment to the Point Lepreau Nuclear Generating Station (NGS) operating licence located on the Lepreau Peninsula in New Brunswick. The current licence, PROL 17.00/2017, expires on June 30, 2017.
2. This application contains two requests for modification to the current operating licence: a revision of the Derived Release Limits (DRLs) for radionuclides in airborne and liquid effluents listed in Appendix A of the licence, as well as an update to the current inventory of nuclear substances and prescribed equipment listed in Appendix B of the licence.
3. In addition to the nuclear reactor, the site also includes the Solid Radioactive Waste Management Facility, which is used for the storage of solid radioactive waste, including nuclear spent fuel, produced exclusively at the Point Lepreau NGS.

Issue

4. 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 NB Power is qualified to carry on the activity that the amended licences would authorize; and
 - b) if 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.

Hearing

5. 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 December 20, 2012 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 12-H122) and NB Power (CMD 12-H122.1).

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 Statutes of Canada (S.C.) 1997, chapter (c.) 9.

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 has met the conditions of subsection 24(4) of the NSCA. Therefore,

the Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends the Nuclear Power Reactor Operating Licence, PROL 17.00/2017, issued to New Brunswick Power Nuclear Limited for its Point Lepreau Nuclear Generating Station located in the Lepreau Peninsula, New Brunswick. The amended licence, PROL 17.01/2017, is valid until June 30, 2017.

7. The Commission includes in the licence the conditions as recommended by CNSC staff in CMD 12-H122.

Issues and Commission Findings

Qualifications and Protection Measures

8. The DRL for a particular radionuclide is defined as the activity (in Becquerel's – Bq) that would cause an individual of the most highly exposed group of the public to receive a dose equal to the regulatory annual dose limit due to the release of the radionuclide to air or surface water during the normal operation of a nuclear facility over the period of one calendar year.
9. CNSC staff noted that actual releases are well below (typically much less than 1%) of the DRLs. CNSC staff also stated that any proposed changes to the DRLs listed in Appendix A of the licence require the Commission's approval. CNSC staff added that, as required by the licence, NB Power has to meet the 2008 version of CSA Standard N288.1³ by no later than January 1, 2013. Therefore, the DRLs need to be recalculated since NB Power is currently complying with the 1997 version of CSA standard N288.1. In September 2012, NB Power applied for the inclusion of these new DRLs into the Point Lepreau NGS licence.
10. CNSC staff reported that it reviewed NB Power's submission of its revised DRLs for the Point Lepreau NGS and considers that NB Power's approach, methodology, parameters and assumptions used in the calculation of the DRLs are consistent with the requirements of CSA standard N288.1-08, and that the proposed DRLs will enhance NBPN's environmental protection measures at the Point Lepreau NGS. CNSC staff therefore recommends the Commission to approve these changes.

³ CSA Standard N288.1, "*Guidelines for Calculating Derived Release Limits for Radioactive Material in Airborne and Liquid Effluents for Normal Operation of Nuclear Facilities*".

11. In September 2012, NB Power applied for a revision to the current inventory of nuclear substances and prescribed equipment, listed in Appendix B of the licence. CNSC staff reported that NB Power requested the removal of two items from this list as they are not in use (the first one, a calibrating device, is now stored as waste in the Point Lepreau Solid Waste Management Facility and a decision has been made not to purchase the second item, a lead paint analyzer). CNSC staff agrees with these changes as they are administrative.
12. CNSC staff reported that the requested licence amendments are administrative changes and as such are not likely to cause adverse impacts to aboriginal or treaty rights. CNSC staff is of the view that the duty to consult does not arise in relation to the proposed amendments.

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, 2012*⁴ (CEAA 2012) have been fulfilled.
14. CNSC staff reported that it had completed an Environmental Assessment (EA) determination under the CEAA 2012. CNSC staff stated that the proposed licence amendments are not classified as a “designated project” pursuant to the *Regulations Designating Physical Activities* made under paragraph 84(a) of the CEAA 2012. Therefore, the CNSC is not considered a responsible authority pursuant to paragraph 15(a) of the CEAA 2012 and no federal EA is required.

Conclusion

15. The Commission has considered the information and submissions from NB Power and CNSC staff and is satisfied that the requested amendments are administrative in nature and will not adversely impact the safety of the Point Lepreau operations. The Commission is also satisfied that aboriginal consultation is not necessary in relation to the proposed amendments.
16. The Commission is also satisfied that all applicable requirements of the CEAA have been fulfilled.



Michael Binder
President,
Canadian Nuclear Safety Commission

DEC 20 2012

Date

⁴ S.C. 2012, c. 19, s.52