



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Summary Record of Proceedings and Decision

In the Matter of

Applicant GE - Hitachi Nuclear Energy Canada Inc.

Subject Application to Renew the Licences for Toronto
and Peterborough Facilities

Public Hearing
Dates September 30 and December 9, 2010

SUMMARY RECORD OF PROCEEDINGS

Applicant: GE-Hitachi Nuclear Energy Canada Inc.

Address/Location: 1160 Monaghan Road, Peterborough, Ontario, K9J 7B5

Purpose: Application to renew licences for the Toronto and Peterborough facilities

Applications received: June 1, 2010

Dates of public hearings: September 30 and December 9, 2010

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

Members present: M. Binder, Chair R. J. Barriault
A.R. Graham A. Harvey

Secretary: K. McGee
Recording Secretary: S. Dimitrijevic
Senior Counsel: L. Thiele

Applicant Represented By		Document Number
<ul style="list-style-type: none">• P. Mason, President and CEO• P. Desiri, Environmental Health and Safety Manager, and Nuclear Regulatory Officer		CMD 10-H17.1
		CMD 10-H17.1A
		CMD 10-H17.1B
		CMD 10-H17.1C
CNSC staff		Document Number
<ul style="list-style-type: none">• P. Elder• B.R. Ravishankar	<ul style="list-style-type: none">• G. Crawford• P. Thompson	CMD 10-H17
		CMD 10-H17.A
		CMD 10-H17.B
Intervenors		Document Number
See appendix A		

Licence: Renewed

Table of Contents

Introduction..... 1
Decision 2
Issues and Commission Findings..... 3

Introduction

1. GE-Hitachi Nuclear Energy Canada Inc. (GEH-C) has applied to the Canadian Nuclear Safety Commission¹ (CNSC) for the renewal of the operating licences for its facilities located in Toronto, Ontario and Peterborough, Ontario. The current operating licences for both facilities, FFOL-3622.0/2010 and FFOL-3621.2/2010, expire on December 31, 2010. GEH-C has applied for the renewal of these licences for a period of ten years and their consolidation into one licence for both facilities.
2. GEH-C is a company that manufactures fuel bundles for CANDU reactors from uranium oxide powder. The Toronto facility produces natural uranium dioxide (UO₂) pellets from powder. The Peterborough facility uses the UO₂ pellets to assemble fuel bundles for nuclear power reactors. The Peterborough facility is also involved in nuclear services and design, as well as in contaminated equipment repair. Both facilities are located close to residential neighbourhoods. The Toronto facility is assessed to be at the lower end of the medium risk facilities, while the Peterborough facility has been assessed to be a low risk facility.
3. The current operating licences for both facilities are Class IB licences. The licence for the Toronto facility has not been amended since June 2007. The licence for the Peterborough facility has been amended twice. The last amendment allowed the Peterborough facility to produce a limited amount of fuel bundles with low enriched uranium; however, due to lack of demand for such bundles, they have not been assembled in the Peterborough facility.
4. This is a Summary Record of Proceedings. The Detailed findings of the Commission will be presented in a *Record of Proceedings, including Reasons for Decision*, to be published at a later date.

Issues

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 GE-Hitachi Nuclear Energy Canada Inc. is qualified to carry on the activity that the licence would authorize; and
 - b) if, in carrying on that activity, GE-Hitachi Nuclear Energy Canada Inc. 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 Statutes of Canada, S.C. 1997, c. 9.

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 public hearing held on September 30, 2010 and on December 9, 2010 in Ottawa, Ontario. The public hearing was conducted in accordance with the *Canadian Nuclear Safety Commission Rules of Procedure*³. During the public hearings, the Commission considered written submissions and heard oral presentations from CNSC staff (CMD 10-H17, CMD 10-H17.A and CMD 10-H17.B) and GEH-C (CMD 10-H17.1, CMD 10-H17.1A, CMD 10-H17.1B and CMD 10-H17.1C). The Commission also considered oral and written submissions from 48 intervenors (see Appendix A for a detailed list of interventions), as well as a petition of the parents of the children who attend Prince of Wales Elementary School in Peterborough.

Decision

7. Based on its consideration of the matter, as described in more detail in the following sections of this *Summary Record of Proceedings*, the Commission concludes that GEH-C is qualified to carry on the activity that the licence will authorize. The Commission is of the opinion that GEH-C, 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 the operating licence issued to GE-Hitachi Nuclear Energy Canada Inc. for its facilities located in Toronto and Peterborough in Ontario. The Commission issues a single licence for both facilities. The renewed licence, FFOL-3620.00/2020, is valid until December 31, 2020, unless suspended, amended, revoked or replaced.

8. The Commission includes in the licence the conditions as recommended by CNSC staff and set out in the draft licence attached to CMD 10-H17, with the following modifications: the activities related to low enriched uranium, as approved in the January 2010 amendment to the Peterborough licence, as well as the right to possess low enriched uranium is to be removed from the proposed draft licence, so that these activities would not be allowed under the renewed licence, FFOL-3620.00/2020. The proposed Licence Condition Handbook should be modified accordingly.
9. With this decision, the Commission directs GEH-C to prepare a status report on the safety performance of its facilities following the midpoint of the 10-year licence term. The Commission requests that CNSC staff also prepare annual reports on the results of compliance activities and on the licensee's performance. The reports shall be presented at public proceedings of the Commission.

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

Issues and Commission Findings

10. In making its decision, the Commission considered a number of issues relating to GEH-C'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.
11. The Commission determined that there was no requirement for an Environmental Assessment pursuant to subsection 5(1) of the *Canadian Environmental Assessment Act*⁴ (CEAA). The Commission is satisfied that all applicable requirements of the CEAA have been fulfilled.
12. The Commission recognizes the improvements that GEH-C has made in its Public Information Program and expects that GEH-C fully implement all aspects of this program. The Commission directs CNSC staff to closely monitor implementation of the program and inform the Commission on the progress of the implementation in their annual reports.
13. The Commission understands the concerns regarding general health issues, expressed by the public in numerous interventions; however, the Commission points out that, for the purpose of this licence renewal, it has focused, pursuant to its mandate, on the potential impact of the activities conducted in the GEH-C's CNSC licensed facilities, and not on other matters raised by intervenors pertaining to non-radiological contamination or legacy issues at other non-nuclear facilities in Peterborough.
14. The findings of the Commission will be presented in more detail in a *Record of Proceedings, including Reasons for Decision*, to be published at a later date.



Michael Binder
President,
Canadian Nuclear Safety Commission

DEC 21 2010

Date

⁴ S.C. 1992, c. 37.

Appendix A – Intervenors

Intervenors		Document Number
Tyler Vandermolen		CMD 10-H17.2
Zach Ruiter		CMD 10-H17.3 CMD 10-H17.3A
Matthew Laing Gibbard		CMD 10-H17.4
Canadian Nuclear Workers' Council and the Communications, Energy & Paperworks Union, Local-599-O, represented by D. Shier		CMD 10-H17.5
Amanda Lickers		CMD 10-H17.6
Council of Canadians, Peterborough-Kawarthas Chapter, represented by R. Brady		CMD 10-H17.7
Leah Simms-Karp		CMD 10-H17.8
Carol Winter		CMD 10-H17.9
Victoria Wood		CMD 10-H17.10
Molly MacDonald		CMD 10-H17.11
Aaron Alexander-Campbell		CMD 10-H17.12
Hanah McFarlane		CMD 10-H17.13
Sheila Nabigon-Howlett		CMD 10-H17.14
Tegan Moss		CMD 10-H17.15
Jo Hayward-Haines		CMD 10-H17.16
Darlene Buckingham		CMD 10-H17.17
Evan Brockest		CMD 10-H17.18
Mike Facey		CMD 10-H17.19
Ian Cameron		CMD 10-H17.20
Patricia Morris		CMD 10-H17.21
Susan Dymont		CMD 10-H17.22
Paul Longhurst		CMD 10-H17.23
Shane Hartman		CMD 10-H17.24
Sally Goodwin		CMD 10-H17.25 CMD 10-H17.25A
Stuart Morris		CMD 10-H17.26
Liat Mandel		CMD 10-H17.27
Emily Mask		CMD 10-H17.28
Megan Dochuk		CMD 10-H17.29
Matthew Beal		CMD 10-H17.30
Jane Scott		CMD 10-H17.31 CMD 10-H17.31A
Carla Dempsey Matt Vidler Julie Cosgrove Megan Meyer Cathrine VanHoof Melanie Buddle Anna Tennent-Riddell Caroline Tennent Christina Warne Julian Tennent-Riddell	Kevin Siena Erica Martin Andrew Griffin Lara Griffin Peter Harris Pete Woolidge Stephanie Melles Carla Dempsey	CMD 10-H17.32 CMD 10-H17.32A
Daniel Adaszynski		CMD 10-H17.33