

Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Hydro-Québec

Subject Application to Amend Gentilly-2 Radioactive
Waste Facility Operating Licence

Hearing
Date August 14, 2008

RECORD OF PROCEEDINGS

Applicant: Hydro-Québec

Address/Location: 75 René-Lévesque Blvd. West, Montreal, Quebec, H2Z 1A4

Purpose: Application to Amend the Gently-2 Radioactive Waste Facility Operating Licence

Application received: June 18, 2008

Date of hearing: August 14, 2008

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

Members present: Michael Binder, Chair

Secretary: K. McGee

Recording Secretary: P. Reinhardt

Licence: amended
Date of Release of Decision: September 5, 2008

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Introduction

1. Hydro-Québec has applied to the Canadian Nuclear Safety Commission (CNSC)¹ for an amendment to the waste facility operating licence (PEID-W4-319.01/2009) for the Gentilly-2 Nuclear Generating Station located in Bécancour, Québec.
2. Hydro-Québec is seeking CNSC's approval to:
 1. Replace the reference to the document entitled: “ *Rapport de sûreté - déchets radioactifs solides et des installations de stockage à sec du combustible irradié de la centrale Gentilly-2, revision 6*” in the appendix B of the current licence with a revised version that integrates aspects relating to the new solid radioactive waste management facility;
 2. Withdraw condition 2.3 from the current licence;
 3. Update the information provided in Appendix A of the license regarding the description and location of Hydro-Québec radioactive waste management facilities at Gentilly-2; and
 4. Remove the reference to the document entitled: “Operating Manual ME-35370 - *Système: Stockage à sec du combustible irradié.*” in the Appendix B of the license.

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 Hydro-Québec is qualified to carry on the activity that the amended licences would authorize; and
 - b) if in carrying on that activity, Hydro-Québec 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. In establishing the process, a standing panel on procedural matters determined that it was not necessary to hold a public hearing on the matter, and the hearing was conducted by a panel of one commission member, based on written submissions.

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.

5. The Commission, in making its decision, considered information presented for a hearing held on August 14, 2008 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 08-H122) and Hydro-Québec (CMD 08-H122.1).

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 Hydro-Québec is qualified to carry on the activity that the amended licence will authorize. The Commission is also satisfied that Hydro-Québec, 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*, amends Gentilly-2 Radioactive Waste Facility Operating Licence No. PEID-W4-319.01/2009. The amended licence, PEID-W4-319.02/2009, remains valid until December 31, 2009, unless suspended, amended, revoked or replaced.

Issues and Commission Findings

7. In making its licensing decision, the Commission considered the following issues.

Safety Report and Operations

8. The Commission considered Hydro-Québec first request: refer to a newer version of the following document “ *Rapport de sûreté - déchets radioactifs solides et des installations de stockage à sec du combustible irradié de la centrale Gentilly-2, revision 6*” in appendix B of the current licence. In respect with this request, the Commission concurs with CNSC staff recommendation to replace revision 6 of the document cited above with a newer version (revision 9) dated July 2008. The Commission notes that versions 7 and 8 of the report mentioned above were not implemented.
9. Condition 2.3 of the current licence requested that Hydro-Québec present, for approval by CNSC staff, a revised safety report including the activities related to the new “Installation de gestion de déchets radioactifs solides” (IGDRS) before the start of the activities. Hydro-Québec has produced the requested report which has been revised by CNSC staff and deemed satisfactory. CNSC staff concludes that condition 2.3 is not mandatory anymore in the amended licence if the Appendix B is changed to refer to revision 9 of the “ *Rapport de sûreté - déchets radioactifs solides et des installations de*

stockage à sec du combustible irradié de la centrale Gentilly-2” as stated in the paragraph below. The Commission concurs with CNSC staff recommendation to withdraw condition 2.3 from the amended licence.

10. Hydro-Québec also requested that the information provided in Appendix A of its current license regarding the description and location of Hydro-Quebec radioactive waste management facilities at Gentilly-2 be updated to include new location parameters generated by work done by the government of Québec under the “Programme de réforme du cadastre dans la région de Bécancour”. CNSC staff concludes that this modification is administrative in nature and would not change the configuration, the size or the location of the IGDRS. CNSC staff recommends that the reference in Appendix A be changed to reflect the actual modification. The Commission concurs with staff recommendation.
11. Finally, Hydro-Québec requested that the reference to the document entitled: “Operating Manual ME-35370 - Système: Stockage à sec du combustible irradié” be removed from the Appendix B of its current licence. This document is an internal document used by Hydro-Québec personnel on a daily basis and has to be updated regularly. This request is to avoid the need for a licence amendment each time the concerned document is updated, which happens regularly. CNSC staff concluded that this modification will not influence Hydro-Québec compliance with CNSC regulatory requirements 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. The Commission agrees with CNSC staff to remove the document cited above from Hydro-Québec current licence.

Performance of the Facility

12. After the review of the results of inspections performed at Gentilly-2 Waste under operating licence PEID-W4-319-11.01/2009, CNSC staff confirms that Hydro-Québec continue to operate the IGDRS in compliance with the regulatory requirements in its licence. The emission of radionuclides from IGDRS has been lower than the limits permitted in the licence and the threshold for intervention specified in the *Radiation Protection Regulations*³ has never been reached. CNSC staff conclude that operation of Gentilly-2 IGDRS will not have any adverse significant impact on health and security of persons, the environment and maintenance of national security.

³S.O.R./2003-212

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.

Cost Recovery

16. CNSC staff confirms that Hydro-Québec is fully compliant with the *Cost Recovery Fees Regulations*⁵ for Gentilly-2 Radioactive Waste Facility Operating licence.

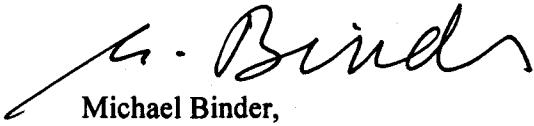
Conclusion

17. The Commission has considered the information and submissions of Hydro-Québec and CNSC staff as presented in the material available for reference on the record.
18. 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 Hydro-Québec is qualified to carry on the activity that the amended licences 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.
19. The Commission, pursuant to section 24 of the *Nuclear Safety and Control Act*, amends Gentilly-2 Radioactive Waste Facility Operating Licence No. PEID-W4-319.01/2009. The amended licence, PEID-W4-319.02/2009, remains valid until December 31, 2009, unless suspended, amended, revoked or replaced.

⁴ S.C. 1992, c. 37.

⁵ S.O.R./2003-212.

20. The Commission includes in the licence the modifications outlined in CMD 08-H122.

A handwritten signature in black ink, appearing to read "M. Binder". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Michael Binder,
President
Canadian Nuclear Safety Commission

Date of Release of Decision: September 5, 2008