

Record of Proceedings, Including Reasons for Decision

In the Matter of

Proponent Hydro-Québec

Subject Application for approval to postpone the
submission of the safety report update for the
Gentilly-2 Nuclear Generating Station

Hearing
Date April 14, 2009

RECORD OF PROCEEDINGS

Proponent: Hydro-Québec

Address: 4900 Bécancour Boul., Gentilly, Bécancour, Quebec
G9H 3X3

Purpose: Application for approval to postpone the submission of the safety report update for the Gentilly-2 Nuclear Generating Station

Application received: November 3, 2008

Date of hearing: April 14, 2009

Location: Canadian Nuclear Safety Commission (CNSC), 280 Slater St.,
12th Floor, Ottawa, Ontario

Members present: M. Binder, Chair

Secretary: K. McGee
Recording Secretary: P. Reinhardt

Decision: Exemption

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Introduction

1. Hydro-Québec submitted an application to the Canadian Nuclear Safety Commission¹ (CNSC) to be temporarily exempted from clause 6.4.4 of Standard S-99 S-99², cited in condition 1.6 of the Gentilly-2 operating licence (PROL 10.02/2010). The purpose of the application is to extend the deadline for submission of the safety report update, as specified in clause 6.4.4 of Standard S-99, until December 31, 2011.
2. The clause, cited in condition 1.6 of the licence, stipulates that the licensee shall submit notifications and safety reports pursuant to Regulatory Standard S-99, referred to in Appendix C of the operating licence.
3. Pursuant to this standard, the report must be updated every three years. Hydro-Québec's last report was submitted at the end of 2005, which means that the most recent update should have been submitted at the end of 2008. The effect of changing the deadline is a temporary change to the safety report update schedule and requires Commission approval.

Issues

4. In considering the application, the Commission was required to decide, pursuant to section 7 of the *Nuclear Safety and Control Act*³ (NSCA):
 - a) if Hydro-Québec could be exempted from clause 6.4.4 of Standard S-99, *Reporting Requirements for Operating Nuclear Power Plants*, until December 31, 2011; and if

an exemption granted to Hydro-Québec, pursuant to section 11 of the *General Nuclear Safety and Control Regulations*⁴ (GNSCR):

- a) poses an unreasonable risk to the environment or the health and safety of persons;
- b) poses an unreasonable risk to national security; or
- c) results in a failure to achieve conformity with measures of control and 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 *Reporting Requirements for Operating Nuclear Power Plants*, CC173-3/3-99E, ISBN 0-662-33690-9

³ S.C. 1997, c. 9.

⁴ S.O.R./2000-202.

Hearing

5. Pursuant to section 22 of the *NCSA*, the President of the Commission established a Panel of the Commission to review the application.
6. The Panel of the Commission (hereafter referred to as “the Commission”), in making its decision, considered information presented for a hearing held on April 14, 2009, in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 09-H102) and Hydro-Québec (CMD 09-H102.1).
7. In establishing the process, the Commission, through 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, on the basis of the written submissions.

Decision

8. On the basis of its consideration of the matter, the Commission concludes that exempting Hydro-Québec from clause 6.4.4 of Standard S-99, cited in condition 1.6 of the operating licence, would not pose an unreasonable risk to the environment or the health and safety of persons, nor would it pose an unreasonable risk to national security or result in a failure to achieve conformity with measures of control and international obligations to which Canada has agreed.

Therefore, the Commission, pursuant to section 7 of the *Nuclear Safety and Control Act*, exempts Hydro-Québec from clause 6.4.4 of Standard S-99, *Reporting Requirements for Operating Nuclear Power Plants*, cited in condition 1.6 of the operating licence, until December 31, 2010. The current licence, PROL 10.02/2010, remains valid until December 31, 2010.

Issues and Commission Findings

Qualifications and protection measures

9. Hydro-Québec’s main justification for extending the deadline for submission of the safety report update is its inability to include in the report at the end of 2008 all the resolutions of the problems raised by CNSC staff and covered under Subject No. 081005⁵. According to Hydro-Québec, the problems require a great deal of research and an extended deadline. In addition, the safety review conducted as part of the Gentilly-2 refurbishment identified a number of analyses requiring updating for the end of the project in 2010, and this will result in major adjustments in the safety report for 2011. Hydro-Québec would prefer to wait for the results of these analyses in order to be more thorough in correcting the deficiencies in the safety report.

⁵ Subject No. 081005 is part of the list of information to be provided that is discussed every six months with the licensee.

10. Progress on Subject No. 081005 is regularly updated and Hydro-Québec keeps CNSC staff advised of such updates. Hydro-Québec also supplied an action plan for the safety report update. The action plan meets the requirements of Regulatory Document RD-310⁶.
11. CNSC staff has reviewed Hydro-Québec's submissions and finds its application conditionally acceptable subject to the following conditions:
 1. Hydro-Québec must follow proper procedures to document and maintain the currency of the revised analyses that are currently available for the safety report update; and
 2. Hydro-Québec must provide a more detailed plan, including a schedule, for the main activities that are covered under Subject No. 081005 and that are part of other major phases, including harmonization with Regulatory Document RD-310 and the power station refurbishment project.
12. CNSC staff has concluded that the application to extend the deadline for the safety report update has no impact on the safety of the Gentilly-2 generating station given that the number of controls and verifications related to routine will be maintained during the transition to the refurbished facility. CNSC staff added that controls carried out during the refurbishment will differ from customary controls but will remain reliable. Hence, these controls and different safety reports will replace the report normally submitted every three years.
13. CNSC staff also noted that, during the refurbishment, risk of radiation exposure will be significantly reduced when the fuel is removed from the reactor.
14. CNSC staff therefore finds that Hydro-Québec's application poses no risk to the operation of the Gentilly-2 generating station, to the health and safety of persons or to the environment. The staff therefore recommends that the Commission exempt Hydro-Québec from clause 6.4.4 of Standard S-99 until December 31, 2011.

Application of the *Canadian Environmental Assessment Act*

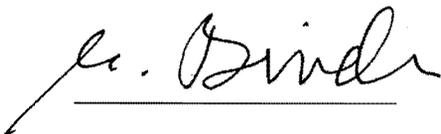
15. The Commission is satisfied that an environmental assessment under the *Canadian Environmental Assessment Act*⁷ (CEAA) is not required before it can proceed to make a decision on Hydro-Québec's exemption application. The Commission is satisfied that all CEAA requirements have been met.

⁶ Safety Analysis for Nuclear Power Plants, Catalogue number CC173-3/4-310E, ISBN 978-0-662-47989-5

⁷ S.C. 1992, c. 37

Commission Findings

16. The Commission has considered the submissions by CNSC staff and Hydro-Québec, as placed on the hearing record, and has decided to exempt Hydro-Québec from clause 6.4.4 of Standard S-99, *Reporting Requirements for Operating Nuclear Power Plants*, cited in condition 1.6 of the operating licence, until December 31, 2010, i.e., the licence expiry date. The Commission will consider extension of the exemption when Hydro-Québec applies for renewal of the operating licence.
17. Based on its consideration of the matter, the Commission concludes that Hydro-Québec is qualified to carry on the activity authorized by its licence, taking into account the exemption granted.
18. The Commission finds that exempting Hydro-Québec from clause 6.4.4 of Standard S-99, cited in condition 1.6 of its operating licence, does not pose an unreasonable risk to the environment or the health and safety of persons, nor does it pose an unreasonable risk to national security or result in a failure to achieve conformity with measures of control and international obligations to which Canada has agreed.
19. Consequently, pursuant to section 7 of the *Nuclear Safety and Control Act*, the Commission exempts Hydro-Québec from compliance with clause 6.4.4 of Standard S-99, *Reporting Requirements for Operating Nuclear Power Plants*, cited in condition 1.6 of its licence, until December 31, 2010. The Commission includes in its decision the following two conditions that must be met by Hydro-Québec:
 1. Hydro-Québec must follow proper procedures to document and maintain the currency of the revised analyses that are currently available for the safety report update; and
 2. Hydro-Québec must provide a more detailed plan, including a schedule, for the main activities that are covered under Subject No. 081005 and that are part of other major phases, including harmonization with Regulatory Document RD-310 and the power station refurbishment project.



Michael Binder
President
Canadian Nuclear Safety Commission

MAY 01 2009

Date