



Canadian Nuclear  
Safety Commission

Commission canadienne  
de sûreté nucléaire

## Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Hydro-Québec

Subject: Application to amend Hydro-Québec's Gentilly-2  
radioactive waste facility operating licence

Hearing  
Date November 19, 2009

## **RECORD OF PROCEEDINGS**

Applicant: Hydro-Québec

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

Purpose: Application to amend Hydro-Québec's Gentilly-2  
radioactive waste facility operating licence

Application received: January 28, 2009 and May 19, 2009

Date of hearing: November 19, 2009

Location: Canadian Nuclear Safety Commission (CNSC)  
280 Slater Street, 12th floor, Ottawa, Ontario

Members present: M. Binder, Chair

Secretary: K. McGee  
Recording Secretary: P. Reinhardt

**Decision: amended**

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## **Introduction**

1. Hydro-Québec has applied to the Canadian Nuclear Safety Commission<sup>1</sup> (CNSC) for an amendment to its Gentilly-2 radioactive waste facility operating licence, WFOL 319.02/2009. The current licence expires on December 31, 2009.
2. The Gentilly-2 radioactive waste facility is located within the exclusion zone of the Gentilly-2 Nuclear Generating Station. The Gentilly nuclear complex includes, among other things, the Gentilly-2 nuclear power reactor and the associated building, as well as the radioactive waste facility. It is located east of the Bécancour industrial and harbour park on the south shore of the St. Lawrence River, approximately 15 kilometres southeast of Trois-Rivières, Quebec.
3. Hydro-Québec is asking that the validity of the WFOL be extended by twelve months, to December 31, 2010, the same date the Gentilly-2 power reactor operating licence (PROL), PROL 10.02/2010, expires. This amendment, if authorized, would enable the Commission to study the application for renewal of both licences at the same hearing and possibly combine them. Hydro-Québec is also asking that a paragraph be added to section 2.1 of the current WFOL and that a reference in its Appendix B be updated.

## Issues

4. In considering the application, the Commission was required to decide, in accordance with subsection 24(4) of the *Nuclear Safety and Control Act*<sup>2</sup> (NSCA):
  - a. whether Hydro-Québec is qualified to carry on the activities that the amended licence would authorize; and
  - b. whether, in carrying on those activities, Hydro-Québec would take the steps required to protect the environment, safeguard the health and safety of persons, maintain national security and fulfill the international obligations Canada has agreed to.

## Hearing

5. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review Hydro-Québec's application.

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<sup>1</sup> The Canadian Nuclear Safety Commission appears as the "CNSC" when reference is made to the organization and its staff in general and as the "Commission" when referring to the tribunal component.

<sup>2</sup> S.C. 1997, c. 9.

6. In order to render a decision, the Panel of the Commission (hereafter called ("the Commission")), reviewed information presented for a hearing held on November 19, 2009, in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 09-H107) and Hydro-Québec (CMD 09-H107.1).
7. When setting out the process to be followed for the hearing, the Commission, through a standing panel on procedural matters, determined that a public hearing did not have to be held on the matter. A panel of one Commission member chaired the hearing and reviewed the written submissions.

### **Decision**

8. After giving the matter due consideration, the Commission concluded that Hydro-Québec is qualified to carry on the activities that the amended licence would authorize, and that, in so doing, it would make take the steps required to protect the environment, safeguard the health and safety of persons, maintain national security and fulfill the international obligations which Canada has agreed to.

Therefore, pursuant to section 7 of the *Nuclear Safety and Control Act*, the Commission amends the Gently-2 radioactive waste facility operating licence (WFOL), WFOL-W4-319.02/2009. The amended licence, WFOL-W4-319.00/2010, shall remain valid until December 31, 2010.

### **Issues and Commission Findings**

#### Qualifications and protection measures

9. Hydro-Québec asks that the following amendments be approved:
  1. extension of the validity of the current licence by twelve months, to wit, until December 31, 2010;
  2. addition of the following paragraph to section 2.1 of the current licence: "Amendment of the licence is not required prior to the implementation by the licensee of a proposed change to a document listed in Appendix B that has been approved in writing by the Commission or a person authorized by the Commission. An approved change is deemed to be part of the licence."; and
  3. replacement of the reference to Document 3 of Appendix B of the WFOL, entitled "Hydro-Québec, Centrale nucléaire de Gently-2, « Programme de radioprotection », DR-46, révision 0, 10 mars 2003," with an up-to-date version of that document.

10. CNSC staff has reviewed Hydro-Québec's submission and agrees with the application for extension of its radioactive waste facility operating licence to December 31, 2010, since the Gentilly-2 power reactor operating licence (PROL), PROL 10.02/2010, expires on that date. CNSC staff believes that, authorization of this amendment will be beneficial, in that the application for amendment of the licence for all Class I nuclear facilities would be presented at the same hearing, eliminating the need for separate public hearings for the renewal of the WFOL and PROL on different dates.. Moreover, Hydro-Québec plans to take this time to analyze the possibility and benefits of integrating the WFOL into the PROL and submitting a single application for renewal of the licences held by Hydro-Québec in 2010.
11. Hydro-Québec's request also calls for the addition of the following paragraph to Condition 2.1 of the current licence: "Amendment of the licence is not required prior to the implementation by the licensee of a proposed change to a document listed in Appendix B that has been approved in writing by the Commission or a person authorized by the Commission. An approved change is deemed to be part of the licence." CNSC staff is of the opinion that this addition will enable Hydro-Québec to implement new provisions approved by the Commission and included in one of the documents in Appendix B of the WFOL, even before the reference to that document has been amended in the licence. Addition of the paragraph will allow for faster implementation of new provisions authorized by the Commission.
12. Finally, Hydro-Québec requests that the reference to Document 3 in Appendix B of the WFOL, entitled "Hydro-Québec, Centrale nucléaire de Gentilly-2, « Programme de radioprotection », DR-46, révision 0, 10 mars 2003," be replaced with an up-to-date version of that document. The updates made to that document have been reviewed and deemed acceptable by the staff of the CNSC's Radiation Protection Division. The revised version of that document has subsequently been approved by the Director General, Directorate of Power Reactor Regulation.
13. CNSC staff therefore finds that Hydro-Québec's applications to revise its licences pose 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 approve these amendments.

#### Application of the Canadian Environmental Assessment Act<sup>3</sup>

14. The proposed amendments to the current licence have been reviewed by the staff of the CNSC's Environmental Assessment Division to determine whether the *Canadian Environmental Assessment Act* (CEAA) should apply. CNSC staff finds that the licence amendments described in section 2.3 of this CMD, if approved by the Commission, would not give rise to implementation of a project within the meaning of subsection 2(1) of the CEAA. An environmental assessment of the amendments proposed in this CMD is therefore not required.

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<sup>3</sup> *Canadian Environmental Assessment Act*, S.C. 1992, c. 37.

### Commission Findings

15. The Commission has considered the written submissions of CNSC staff and Hydro-Québec on the hearing file and therefore rules that Hydro-Québec is qualified to carry on the activities authorized in the WFOL.
16. The Commission has concluded that, with reference to the activities authorized in accordance with the proposed amendments, Hydro-Québec has taken and will take the necessary steps to protect the environment, safeguard the health and safety of persons, maintain national security and take measures required to implement international obligations Canada has agreed to.
17. Therefore, pursuant to section 7 of the *Nuclear Safety and Control Act*, the Commission amends Hydro-Québec's licence and authorizes the amendments cited in paragraph 9 of this record.



Michael Binder  
President  
Canadian Nuclear Safety Commission

NOV 19 2009

Date