

Record of Proceedings, Including Reasons for Decision

In the Matter of

Proponent Hydro-Québec

Subject Redetermination - Environmental Assessment
Guidelines (EA Guidelines) for the proposed
Modifications to the Gentilly Radioactive Waste
Management Facilities and Refurbishment of the
Gentilly-2 Nuclear Generating Station

Date October 6, 2005

RECORD OF PROCEEDINGS

Proponent: Hydro-Québec

Address/Location: 4900 boul. Bécancour, Gentilly, ville de Bécancour, Québec,
G9H 3X3

Purpose: Redetermination - Environmental Assessment Guidelines (EA Guidelines) for the proposed modifications to the Gentilly Radioactive Waste Management Facilities and refurbishment of the Gentilly-2 Nuclear Generating Station

Letter of intent: April 15, 2002

Date of rehearing: September 15, 2005

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

Members present: L.J. Keen, Chair A.R. Graham
C. Barnes J.A. Dosman
J.M. McDill

General Counsel: J. Lavoie
Secretary: M.A. Leblanc
Recording Secretary: P. Bourassa

CNSC Staff	Document Number
• P. Thompson • G. Riverin	CMD 05-H31
Intervenors	Document Number
• L. Charest	CMD 05-H31.1

Date of Redetermination: September 15, 2005

1. Introduction

Hydro-Québec has indicated its intent to apply to the Canadian Nuclear Safety Commission (CNSC¹) for authorization to construct and operate new radioactive storage facilities at the Gentilly-2 Solid Radioactive Waste Management Facility and to construct four additional CANSTOR canisters for the Used Fuel Dry Storage Facility. Hydro-Québec has also indicated that it plans to refurbish the Gentilly-2 Nuclear Generating Station (NGS) in order to keep it in operation until 2035. The additional waste management capacity would be required to accommodate the radioactive waste arising from the proposed reactor refurbishment activity and from the extended operating life of the generating station.

In accordance with the *Canadian Environmental Assessment Act* (CEAA), the CNSC must prepare and make a decision on an environmental assessment (EA) of the proposed project before the Commission can make a decision on a licence application. For this EA under the CEAA, the Commission is the sole responsible authority.

In carrying out its responsibility under the CEAA, the Commission must first determine the *scope of the project* and the *scope of the assessment*. Accordingly, the Commission held a public hearing on June 26, 2003 to consider the proposed Environmental Assessment Guidelines (EA Guidelines) for the EA, including proposed statements of scope.

At that hearing, CNSC staff based its recommendations on an understanding that only the operating licence for the waste management facilities would need to be amended, and that the operating licence for the Gentilly-2 NGS would not require amendment to allow the station refurbishment and extended operation. On the basis of how the requirements of the CEAA are triggered in such circumstances, CNSC staff advised the Commission that the scope of the project should include, in addition to the proposed waste management area expansion, only those reactor refurbishment and operating activities at Gentilly-2 that would generate the radioactive waste to be managed at the waste management facilities.

Based on this understanding of the licensing requirements and related application of the CEAA, the Commission considered the matter and, on August 29, 2003, announced its decision on the EA Guidelines. The approved EA Guidelines were then used to direct Hydro-Québec in the conduct of the applicable environmental assessment studies and consultation activities.

Since that time, CNSC staff identified that the proposed refurbishment of the Gentilly-2 NGS would require that the Commission amend the operating licence for the station. Hence, an important factor on which the CNSC staff based its previous recommendations on the scope of the project and assessment has changed.

Consequently, the Commission decided, pursuant to subsection 43(3) of the *Nuclear Safety and Control Act*, to consider redetermining its decision issued on August 29, 2003 with a view to consider, for approval, new EA Guidelines. To assist the Commission in redetermining the *scope*

¹ In this *Record of Proceedings*, 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.

of the project and the scope of the assessment, CNSC staff prepared for the Commission's consideration and approval, new EA Guidelines based on an expanded version of the previously approved EA Guidelines to include the Gentilly-2 NGS refurbishment project in the draft statements of scope. The proposed EA Guidelines are attached as Appendix A to CMD 05-H31.

Issues:

In considering the new EA Guidelines, the Canadian Nuclear Safety Commission was required to decide, pursuant to section 15(1) and 16(3) of the CEAA:

- a) the *scope of the project* for which the EA is to be conducted; and
- b) the *scope of the factors* to be taken into consideration in the conduct of the EA.

Rehearing:

Pursuant to subsection 43(4) of the *Nuclear Safety and Control Act*, the Commission may hear new evidence or rehear such evidence as it considers necessary in making a redetermination. To enable the Commission to redetermine the matter in a fair, informal and expeditious manner, the Commission, in accordance with Part 5 of the *CNSC Rules of Procedure*, invited those persons who were original participants in the matter being redetermined to participate in the rehearing by way of written submissions.

The Commission, in making its decision, considered information presented during the rehearing. The notice of the rehearing was issued to the participants on August 30, 2005 and the deadline for filing submissions with the Commission was September 14, 2005. Following the issuance of the notice, the Commission received written submissions from CNSC staff (CMD 05-H31) and one intervenor-participant (Mr. Charest - CMD 05-H31.1).

2. Decision

Based on the information provided, the Commission accepts the CNSC staff's finding that, pursuant to paragraph 5(1)(d) of the CEAA, an EA of the proposed refurbishment and extended operation of the Gentilly-2 NGS to 2035 must be carried out before the Commission may decide on an application from Hydro-Québec for that activity.

The Commission also reaffirms its conclusion that an EA must be carried out pursuant to the CEAA before the Commission may decide on an application from Hydro- Québec for the construction and operation of new radioactive waste storage facilities at the Gentilly Waste Management Facility.

Furthermore, the Commission accepts the CNSC staff's recommendation that the refurbishment and operation of the reactor, and the expansion of the radioactive waste management facility at the Gentilly site should form part of a single project for the purposes of the EA to be conducted under the CEAA.

The Commission also accepts the CNSC staff's proposed EA Guidelines, as set out in CMD 05-M31, including the statements of *scope of project* and *scope of assessment*.

Therefore, based on its consideration of the matter,

the Canadian Nuclear Safety Commission, pursuant to sections 15 and 16 of the CEA, approves, without modification, the *Environmental Assessment (EA) Guidelines (Scope of Project & Assessment): Environmental Assessment of Proposed Modifications to Hydro-Québec's Gentilly Radioactive Waste Management Facilities and Refurbishment of the Gentilly-2 Nuclear Generating Station*, as set out in Appendix A of CMD 05-H31.

Consequently, the Canadian Nuclear Safety Commission revokes the EA Guidelines issued on August 29, 2003.

The Commission also continues to be satisfied that a referral of the project to the federal Minister of the Environment for his referral to a mediator or review panel is not warranted at this time. The Commission may consider the need for such a referral at any time during the conduct of the EA and therefore requests that CNSC staff continue to inform the Commission of any significant issues or public concerns arising during the conduct of the EA which may justify such a referral.

Marc A. Leblanc
Secretary,
Canadian Nuclear Safety Commission

Date of decision: September 15, 2005

Date of release of Reasons for Decision: October 6, 2005