



Revised Notice of Public Hearing including Procedural Guidance for Intervenors

February 16, 2022

Ref. 2022-H-07
Revision 1

CNSC to conduct a public hearing on Canadian Nuclear Laboratories' application to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility

Note: This revised notice of public hearing provides additional procedural guidance to assist intervenors in their participation in the hearing process.

The [Canadian Nuclear Safety Commission](#) (CNSC) will hold a 2-part public hearing, with Part 1 on February 22, 2022, and Part 2 starting on May 31, 2022, to consider an application from Canadian Nuclear Laboratories Ltd. (CNL) to amend its nuclear research and test establishment operating licence for the Chalk River Laboratories (CRL) site to authorize the construction of the proposed near surface disposal facility (NSDF) for low-level radioactive waste. The CRL site is located in Deep River, Ontario, and on the traditional unceded territory of the Algonquin Anishnaabeg people.

During the 2-part public hearing, the Commission will consider the evidence to render decisions under 2 statutes:

1. an environmental assessment (EA) decision under the [Canadian Environmental Assessment Act, 2012](#) (CEAA 2012) on whether the proposed NSDF project is likely to cause significant adverse environmental effects
2. a licensing decision under the [Nuclear Safety and Control Act](#) (NSCA) on whether to amend CNL's nuclear research and test establishment operating licence for the CRL site

In relation to these matters, the Commission will also address the duty to consult and the honour of the Crown.

Additional details on CNL's application and the CNSC's Participant Funding Program can be found in the notice of public hearing issued on [October 28, 2021](#). CNL's licence amendment application is posted on the [CNL website](#). CNL's submission and CNSC staff's recommendations to be considered at the hearing are available on the [CNSC website](#), or on request to the Commission Registry.

Hearing details

Date (Part 1):	February 22, 2022
Place:	Virtual (via Zoom)
Time:	As set by the agenda published prior to the hearing date
Date (Part 2):	Starting on May 31, 2022 (duration to be determined)
Place:	To be determined (in Pembroke if possible, or at the CNSC public hearing room and/or virtual via Zoom)
Time:	As set by the agenda published prior to the hearing date

Participants concerned about their ability to participate virtually should contact the Senior Tribunal Officer, Commission Registry, using the contact information found at the end of this notice.

The hearing will be held in accordance with the [Official Languages Act](#). Simultaneous interpretation in both English and French will be available. Submissions from CNL and CNSC staff are available on the CNSC website in both English and French.

Any person may observe the hearing via [live webcast](#) on the CNSC website and follow highlights of the proceedings live on the [CNSC Twitter page](#).

Two-part public hearing format

An agenda will be provided for each part of the public hearing and will be posted on the [CNSC website](#). The agenda for Part 2 will be posted once all submissions for the hearing have been received.

Part 1

During Part 1, the Commission will consider written and oral submissions from CNL and CNSC staff. CNL will have 45 minutes to present an overview of its licence amendment application. CNSC staff will then have 45 minutes to present the highlights of its technical assessments and recommendations respecting both the EA and the licence amendment application. The presentations will be followed by a question-and-answer period led by the President.

Part 2

During Part 2, the Commission will consider updated submissions from CNL and CNSC staff, as well as written and oral submissions from intervenors. The President will lead a question-and-answer period for the written submissions and each oral submission. Part 2 will be organized by topic and is likely to be scheduled over a number of days. Interventions on the following topics will be grouped together in an effort to hear the issues in an effective and efficient manner:

- environmental assessment and environmental protection, including:
 - conduct and conclusions of the EA under CEAA 2012
 - the environmental protection [safety and control area](#) (SCA)
 - potential impacts on the Ottawa River

- Indigenous consultation and engagement, including:
 - duty to consult and accommodate
 - CNSC staff's and CNL's consultation and engagement activities
- long-term safety case, including:
 - the NSDF facility design
 - the NSDF pre-closure safety analysis
 - the NSDF post-closure safety assessment
 - waste characterization, waste inventory, and waste acceptance criteria
- the requested licence amendment, including:
 - licensing requirements under the NSCA
 - relevant SCAs
 - other matters of regulatory interest

Intervenors are encouraged to ensure that their submissions are within the scope of the hearing. Submissions that do not easily fall within these topics will be grouped together.

Hearing documentation

Draft hearing transcripts will be made available on the CNSC website, usually within 24 hours of each hearing day. Final versions of the transcripts will be published after they have been reviewed for accuracy. Final [transcripts](#), along with [archives](#) of the hearing webcast, will be available on the CNSC website.

Participation in the public hearing

Pursuant to rule 19 of the [Canadian Nuclear Safety Commission Rules of Procedure](#), persons who have an interest or expertise in this matter or information that may be useful to the Commission in coming to a decision are invited to intervene on CNL's application by way of written submission only or by way of written submission and oral presentation. Requests to intervene must be filed with the Commission Registry by **April 11, 2022**, using the [online request form](#), [by email](#), or the contact information below. **The request to intervene must include the following information:**

- the requester's name, address, telephone number and email address
- a written submission of the comments to be presented to the Commission
- a statement setting out whether the requester wishes to intervene by way of written submission only or by way of written submission and oral presentation

Supplementary submissions, including slide decks for oral interventions, must be filed with the Commission Registry at least 14 days prior to the start of Part 2.

All submissions will be available for download on the CNSC website or on request to the Commission Registry. Personal information, such as email address and telephone number, is essential for linking the submission to its author. If you wish to ensure the confidentiality of your personal information, please submit it on a separate page.

Written interventions

Any member of the public, Indigenous Nation or community, or other stakeholder may request to provide a written submission to the Commission. Written submissions may pertain to any topic related to the scope of the hearing and will be included on the agenda for the session most relevant to the submission's contents. The Commission will consider written submissions at the end of each issue-based session.

Persons who have made a written-only submission and later decide to apply to make an oral intervention to the Commission may submit this request to the Commission Registry. Consideration of such requests will be subject to time constraints and procedural considerations.

Oral interventions

Any member of the public, Indigenous Nation or community, or other stakeholder who requests to intervene by way of oral presentation must identify the issue-based session(s) during which they prefer to present, in order of priority. Issue-based sessions are not intended to limit the scope of presentations, but rather, to allow the Commission to hear the issues in an effective and efficient manner. The list of topics for each session can be found in the "Part 2" section of this notice. Time permitting, intervenors may be invited to present during more than one issue-based session.

Persons or groups permitted to give an oral intervention will be provided a maximum of 10 minutes to present to the Commission. Each oral intervention will be followed by a question-and-answer period led by the President.

Question periods

The President will manage each question-and-answer period. The President will open the floor for Commission members to ask questions of CNL, CNSC staff, and other participants. The President will also ask questions raised in interventions. Participants wishing to ask questions of CNSC staff or CNL must direct their questions to the President, who may redirect the question, as appropriate. The President may limit or exclude questions or comments that fall outside the scope of the hearing; are repetitive, irrelevant or immaterial; or have already been addressed to the Commission's satisfaction.

If a participant to whom a question is directed is not able to answer the question when asked, the President may direct that person to undertake to answer the question at a later point, prior to the close of the record for the hearing.

Final submissions

Participants may make final submissions to the Commission up to 30 days following the final session of Part 2 of the hearing, before the record is closed. Submissions must be within the scope of the hearing. The Commission will provide further directions regarding final submissions prior to the end of Part 2.

Contact information

For further information on the public Commission hearing process, or on the licensee or the facility being considered in this matter, or to request documents, contact:

Senior Tribunal Officer, Commission Registry

Tel.: 613-858-7651 or 1-800-668-5284

Fax: 613-995-5086

Email: interventions@cnsccsn.gc.ca

Web: [Participate in a public Commission hearing](#)