



What you need to know to attend or participate at public hearings

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Document availability

This document can be viewed on the CNSC Web site at nuclearsafety.gc.ca. To order a printed copy of the document in English or French, please contact:

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CANADA

Tel.: 613-995-5894 or 1-800-668-5284 (in Canada only)
Facsimile: 613-995-5086
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Canadian Nuclear Safety Commission

**What you need to know to attend or
participate at public hearings**

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Introduction

Introduction The Canadian Nuclear Safety Commission (The Commission) is an administrative tribunal that makes neutral, fair and transparent decisions on the licensing of nuclear-related activities.

All proceedings before the Commission are dealt with as informally and expeditiously as the circumstances and considerations of fairness permit.

Mandate The Commission's mandate is:

- to make legally binding regulations
- to set the direction of regulatory policy on health, safety, security and environmental issues in respect to the Canadian nuclear sector
- to hand down decisions on the licensing of major nuclear facilities and on environmental assessments of proposed projects
- to make legislative, policy or administrative decisions on matters of particular or general application during public meetings.

Who is involved in a public hearing? A public hearing involves the following participants:

1. The parties: persons seeking a licensing decision or proposing a project; generally referred to as the applicant (for licensing matters) or the proponent (for environmental assessment matters).
2. The intervenors: participating members of the public.

For intervenors, it is an opportunity to present information on the specific subject of the hearing that they view should be considered by the Commission when making its decision. This is called an intervention.
3. CNSC staff: they act as advisors and make recommendations to the Commission in exercising any of its power and carrying out its duties and functions.
4. The Commission Members: under the *Nuclear Safety and Control Act*, there are seven permanent Commission members appointed by Order in Council. One permanent member of the Commission is designated as the Canadian Nuclear Safety Commission's (CNSC) President.

Public hearings

Public hearings

Commission public hearings are governed by the *Canadian Nuclear Safety Commission (CNSC) Rules of Procedure*, under the *Nuclear Safety and Control Act*.

Depending on how complex matters to be heard before the Commission Tribunal are, hearings can be abridged (abridged hearing), last one day (one-day public hearing) or two days (two-day public hearing). In some cases, the Commission may add more days if necessary.

A hearing before the Commission must be as informal and efficient as the circumstances and considerations of fairness permit.

The Commission conducts hearings in a way that allows information to be adequately presented and considered, and can make any direction necessary to achieve that.

A public hearing takes place before the Commission Tribunal, which sits with a quorum of the Commission members present. All participants involved in a hearing must follow the instructions of the Presiding Member.

Commission hearings are normally open to the public, but some are also held “in-camera” (closed session) either entirely or in part.

For example, hearings that involve protected information may not be discussed in a public forum.

One-day public hearing

If the Commission decides a less complex matter can be heard on a single day, participants, CNSC staff and intervenors will all present before the Commission on the same day.

Two-day public hearing

More complex matters are usually dealt with over a two-day period as are hearings involving major nuclear facilities.

Official languages

The Commission works in both official languages and provides simultaneous interpretation in both official languages during public hearings.

Webcasts

CNSC public hearings and meetings can now be viewed live on the Internet and are archived for 90 days at the following address:
<http://www.nuclearsafety.gc.ca/eng/commission/webcasts/index.cfm>

Attending and participating in public hearings

**Attending a public hearing:
Observers**

Anyone can attend a public hearing as an observer. It is not necessary to give advance notice or make a request to attend a hearing.

The Commission provides reasonable seating arrangements, which are available on a first-come first-served basis.

Observers are expected to behave with courtesy so hearings can take place in an orderly and fair fashion. The Commission is authorized to maintain order during hearings.

The media are considered members of the public and are welcome to attend public hearings. However, broadcast media that attend a hearing must not disrupt the proceedings in any way.

**Participating in a public hearing:
Intervenors**

The only persons who can actively take part in a public hearing are:

- applicants
- intervenors
- CNSC staff
- any witnesses whom the Commission may allow to give information at the hearing.

Members of the public who wish to take part in a public hearing as intervenors must notify the Commission Secretariat by following the instructions contained in the Notice of Public Hearing. For more information, see the section titled Notice of Public Hearing and Submitting a request to intervene.

Depending on the type of intervention allowed by the Commission on a given matter (written or oral), members of the public are allowed to file only written submissions or to file both written and oral submissions. Intervenors can make an oral presentation only if they have also provided a written submission.

Participant costs

Participants at hearings must cover all their associated costs.

The CNSC does not have the legal authority to provide participant funding for the purpose of preparing, submitting or presenting an intervention.

Submitting a request to intervene

To become an intervenor

You must file a request to intervene with the Commission's Secretariat within the deadlines* set out in the Notice of Public Hearing.

Members of the public cannot take part in the hearing unless they have been given intervenor status before the hearing date.

*Note: Requests filed after the deadline will not be allowed unless the Commission feels that they can be reasonably justified and will not cause prejudice to other participants.

With your request to intervene, you must include:

- your name, mailing address, telephone number and e-mail address or fax number if applicable
- why you are intervening:
 - you have an interest in the matter being heard, or
 - you are an expert in the matter or have information that may be useful to the Commission in coming to a decision
- whether you wish to intervene in writing or if you will file a written submission and present it orally at the hearing
- any other information or submissions you wish the Commission to consider
- if you will be represented by another person, such as a counsel or agent;* provide their name, mailing address, telephone number, e-mail or fax number if applicable
- the official language to be used during your presentation.

* If a counsel or agent is representing you, the Commission will send all communications to that person unless it is told otherwise.

The [online form](#) available on the CNSC Web site lists all the information that you are required to provide with your request.

Submission of Documents

Send your request and information to the Commission Secretariat:

- by e-mail, fax or directly using the CNSC Web site' online form
- by ordinary or registered mail
- by courier
- by hand delivery.

The contact information is

Commission Secretariat
Canadian Nuclear Safety Commission
280 Slater St.

P.O. Box 1046, Station B
Ottawa, ON K1P 5S9

E-mail: interventions@cnscccsn.gc.ca.
Fax: 613-995-5086
Tel: 613-996-9063 or 1-800-668-5284

Be sure your contact information is correct, and advise the Secretariat if it changes. The Commission will not be responsible for miscommunication if you do not update your information.

The information sent to the Commission about a hearing may be made available to the public. Any information that becomes part of the record of the hearing, including your submission, is available to the public.

Hearing process and timeline

Hearing opening

On the day of the hearing, the Presiding Member opens the hearing and may address some preliminary questions.

Order of presentation

Generally, the applicant is asked to make their presentation first, which is followed by the CNSC staff presentation. Then, the intervenors will be asked to make their presentations.

One-day hearing

If the hearing is scheduled for one day, and oral presentations from intervenors are allowed, the Commission hears the evidence from the applicant and from CNSC staff. The Commission may then proceed with questioning the applicant and CNSC staff.

The Commission will then hear the intervenor presentations and may proceed with another period of questions.

The applicant and any intervenors may question each other and any witnesses, but only with the permission of the Commission and in the manner that the Commission may determine.

Questioning is controlled by the Commission through the Presiding Member.

What you need to know to attend or participate at public hearings

Two-day hearing

If the hearing is scheduled for two days, the applicant and the CNSC staff make their presentations and answer the Commission's questions on Day One of the hearing. The Commission hears the submissions and asks questions but does not make any decision.

The Presiding Member will then provide them with directions about Day Two of the hearing (this may include asking the applicant and/or staff to give the Commission further information on day two of the hearing), and will further adjourn the hearing.

The hearing will then be reconvened on Day Two, usually approximately 60 days after Day One.

When it is reconvened on Day Two, the Commission first hears additional information from the applicant and/or staff if any was requested by the Commission on day one.

Intervenors are then invited to make their presentations in the order listed on the published agenda. The agenda is published on the CNSC Web site and sent to all participants.

Each intervenor presentation (a summary of what was sent for the Commission members to consider in the written submission) is limited to ten minutes to maintain fairness and expeditiousness unless the Commission permits otherwise.

If intervenors decide to present as a delegation, the total time available for the presentation is still ten minutes.

The applicant and any intervenors may question each other and any witnesses, but only with the permission of the Commission and in the manner that the Commission may determine. Questioning is controlled by the Commission through the Presiding Member.

Hearing closing

When the members are satisfied with the information presented, the Presiding Member will close the hearing and the members will withdraw to make their decision.

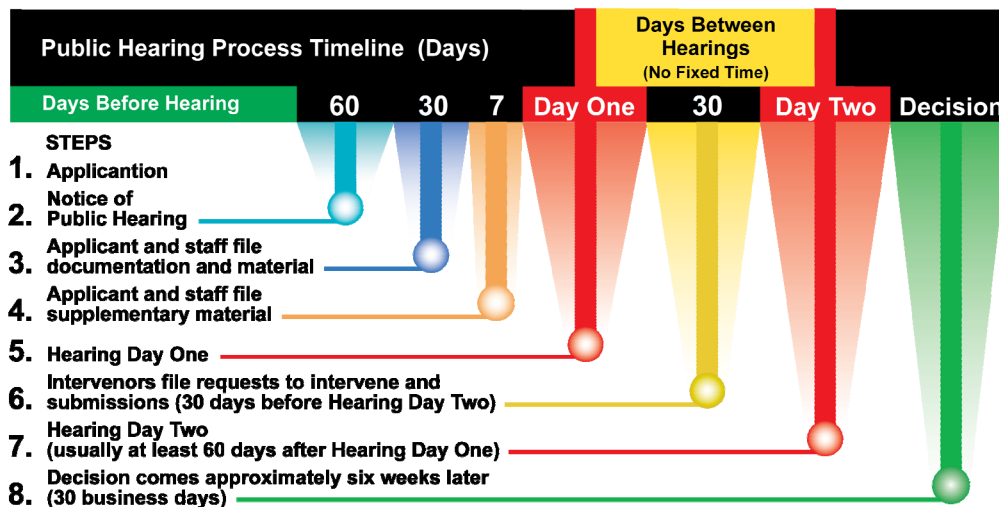
Commission decision

After the close of the hearing, the Commission considers the matter and, in most cases, makes its decision within 30 business days after the hearing.

After the Commission has reached its decision, a notice is prepared in the form of a news release and is sent to all participants. The news release is posted on the CNSC Web site.

The Record of Proceedings of the hearing, including the reasons for decision, is also sent to all participants and posted on the Web site.

Timeline



Abridged hearings

Abridged hearings

An abridged hearing is held for less significant licence changes that deal with decisions that are more administrative in nature and that trigger less public interest.

Procedure for abridged hearings

CNSC Rules of Procedure change for abridged hearings.

Sometimes, that means shortened notification requirements, reduced time periods and/or limited participation.

Abridged hearings are usually held in a closed session, but can be held in a public forum and usually do not provide the chance for the public to be involved.

A Notice of Hearing is always posted on the CNSC Web site.

Details on the hearing are included in the Notice of Hearing, such as if the hearing is open for public intervention or held in a closed session.

The Record of Proceedings of the hearing, including the reasons for decision, is also posted on the CNSC Web site.

Notices of hearings and hearing locations

Notices of hearings

When a licensing matter is to be considered by the Commission at a hearing, the Secretariat of the Commission publishes a Notice of Hearing on the CNSC Web site.

In the case of public hearings, Notices of Public Hearings are posted on the CNSC Web site, approximately 60 days before the start of the hearing.

Notices of Public Hearings are also published in local newspapers of the interested community and sent to anyone who has signed up to receive them from the Subscription Centre on the CNSC Web site.

A Notice of Hearing contains information on:

- the kind of hearing (one-day, two-day or closed session);
 - the purpose of the hearing
 - when and where the hearing will be held
 - the form of interventions to be accepted for that particular hearing (no intervention, written intervention only or written intervention followed by an oral presentation on the day of the hearing)
 - the deadlines for filing documents for hearings with public intervention permitted.
-

Hearing locations

Although the Commission conducts most hearings at its headquarters in Ottawa, it also conducts hearings at different locations across the country, in the communities near nuclear facilities.

The Commission may offer the opportunity for intervenors to participate via teleconference or videoconference if they cannot attend the hearing in person.

Documentation

Submissions

All submissions filed before a public hearing are called Commission Members Documents or CMDs.

Submission documents are dealt with as follows:

The Commission Secretariat sends to the applicant:

- a copy of any submissions that the CNSC staff will present at the hearing
- a copy of any additional material filed by the CNSC staff
- a copy of any submissions filed by intervenors.

The Commission Secretariat sends to the intervenor:

- a confirmation that it has received their submission and the hearing agenda
- upon request, a copy of any other information filed by either the applicant, CNSC staff, or other intervenors.

The above information will be sent as soon as possible after the closing date for submissions.

Deadlines to submit documents

You must send all submission documents to the Commission Secretariat at least 30 days before the date of the hearing (for a two-day hearing, this means 30 days before Day Two). The deadline is indicated in the Notice of Hearing.

Additional information, such as a copy of your oral presentation, may be sent up to seven days before the hearing date.

Submitting documentation during a public hearing

Persons wishing to file a document with the Commission during the public hearing may do so as long as the Presiding Member allows it.

The document is to be given to the Secretary, who will pass it on to the Commission.

Where possible, the person giving the document should bring enough copies for Commission members, other participants and CNSC staff.

Official languages

Documents given to the Commission should be in either English or French.

Documents may be in a language other than English or French as long as the document is translated into one of these languages.

The translation must include an affidavit signed by the translator attesting to its accuracy.

The Commission will not pay for the translation of documents.

Official languages: Commission responses

The Commission will respond in writing in the language in which the document or translation (from a foreign language) was received.

Consulting documents

Where can I find or consult hearing documents or CMDs?

All information that is not confidential and that relates to a hearing held before the Commission is public and can be consulted at the library at the CNSC head office in Ottawa and is available upon request from the CNSC Secretariat.

Notices of Public Hearings, agendas, hearing transcripts, Records of Proceedings, including Reasons for Decisions and News Releases (Decisions), are available on the CNSC Web site.

The CNSC staff, applicant, and intervenor submissions (CMDs), however, are not available on line. They must be requested from the CNSC Secretariat.