

PUBLIC HEARING PROCEDURES
Deep Geologic Repository for Low and Intermediate
Level Radioactive Waste Project
June 18, 2013

1. INTRODUCTION

1.1. PURPOSE OF THIS DOCUMENT

The purpose of this document is to provide procedures for the public hearing to be held by the Joint Review Panel (the Panel) for the proposed Deep Geologic Repository for Low and Intermediate Level Radioactive Waste project (DGR).

1.2. THE PROJECT

The DGR is a proposal by Ontario Power Generation to prepare a site, and construct and operate a facility for the long-term management of low and intermediate level radioactive waste at the Bruce Nuclear site, within the Municipality of Kincardine, Ontario. Low level radioactive waste consists of industrial items that have become contaminated during routine clean-up and maintenance activities at nuclear generating stations. Intermediate level radioactive waste consists primarily of used nuclear reactor components, ion-exchange resins, and filters used to purify reactor systems. Used nuclear fuel will not be stored or managed in the DGR.

1.3. THE JOINT REVIEW PANEL

The Panel was established by the federal Minister of the Environment and the President of the Canadian Nuclear Safety Commission to carry out an environmental assessment of all phases of the project in accordance with the *Canadian Environmental Assessment Act, 2012* and to obtain the information necessary to consider an application for a Licence to Prepare Site and Construct under the *Nuclear Safety and Control Act*. The Joint Review Panel Agreement and Terms of Reference for the review were amended in August 2012 to take into consideration the requirements of the *Canadian Environmental Assessment Act 2012*.

1.4. THE PUBLIC HEARING

The Panel will conduct the public hearing in a manner that ensures a thorough examination of matters relevant to its mandate, while providing for timely and meaningful public participation. The Panel considers the public hearing to be an essential part of the review process, and will give careful consideration to all submissions and perspectives, whether in writing, oral or both.

1.4.1. Objectives of the Hearing

The objectives for this public hearing are to provide fair and equitable opportunities for:

- a) the Proponent to explain the project and respond to concerns and questions;
- b) Aboriginal groups, government representatives and the public to provide their views on the implications of the proposed project; and
- c) the Panel to receive the information that will help it complete its assessment of the environmental effects of the project and review the application for a Licence to Prepare Site and Construct in a fair, informal and expeditious manner.

1.4.2. Observing the Hearing

Any person may attend the public hearing in person and is not required to register to do so. Alternatively, a person may observe the hearing by Webcast. The Canadian Nuclear Safety Commission will endeavour to provide a live Webcast of all the hearing sessions. A link to the Webcast will be available on the home page of the Canadian Nuclear Safety Commission Web site at www.nuclearsafety.gc.ca.

Further, any person may follow the hearing by accessing the written transcripts of the proceedings. A transcript will be prepared and will be posted to the [Canadian Environmental Assessment Registry](#) (the registry) as quickly as possible following each hearing day.

Observers not registered in advance to participate at the hearing (see Section 2, below) may, on request, be granted an opportunity by the Chair to make a brief oral statement if time remains at the end of each hearing day.

1.4.3. Participation by Aboriginal Groups

The Panel strongly encourages the participation of Aboriginal groups during the public hearing. The Panel may amend the hearing procedures, as required, to facilitate participation by Aboriginal peoples.

1.4.4. When the Hearing Ends

Once the Panel announces that no further information is required, the Panel will close the record for the review and have 90 days to deliver its Joint Review Panel Report to the Minister of the Environment. Subject to the Minister's decision on whether the project is likely to cause significant adverse environmental effects, the Panel may then be authorized to make a decision on the application for a Licence to Prepare Site and Construct the DGR.

2. HOW TO PARTICIPATE AT THE PUBLIC HEARING

There are three ways to participate in the public hearing. A person may apply to the Panel to make a written-only hearing submission. Alternatively, a person may apply to

make either an oral intervention or an oral statement at the hearing. Details regarding each of these options are set out below.

Where the Panel receives multiple requests to participate in the hearing that identify the same or similar issues or interests, the Panel may request that a single representative be identified to present at the hearing or may choose one or more participants to speak to the issue.

The Panel may refuse any request to participate when it is of the view that the request falls outside the scope of the review, addresses matters that are repetitive, irrelevant, immaterial or have already been answered to the Panel's satisfaction.

2.1 WRITTEN-ONLY HEARING SUBMISSION

Any person may request to provide a written hearing submission to the Panel without making a request to make an oral presentation at the hearing.

To provide a written-only hearing submission, a government organization, Aboriginal group, other group or individual must complete the on-line request form available at www.nuclearsafety.gc.ca/intervention/eng/ or the printable version of the request form which is included in this document as Appendix A, no later than July 5, 2013.

A request to make a written-only submission may be accepted by the Panel from a person or group who has an interest in the DGR Review or from a person who has expertise in the matter or information that may be useful to the Panel.

A person who participates under this provision must provide their written submission to the Panel no later than August 13, 2013. The submissions should be labelled, "DGR Joint Review Panel Hearing Written-only Submission" and must include the contact information (full name, address, telephone number(s) and Email address, if possible) of the submitter. To help protect the confidentiality of personal information, please submit this information on a separate page.

Persons who have made a written-only submission and later decide to apply to make an oral presentation to the Panel may submit this request to the Panel which may be granted subject to time constraints and other considerations as outlined in subsection 8.11. Late Submissions and Request to Extend Deadlines.

2.2 REGISTERED ORAL PARTICIPANT

A registered oral participant is a federal department or agency, provincial ministry, Aboriginal group or other group or individual that has either been directed by the Panel to participate at the hearing or has had their request to participate at the hearing accepted by the Panel.

To become a registered oral participant, the government organization, Aboriginal group, other group or individual must complete the on-line request form available at www.nuclearsafety.gc.ca/intervention/eng/ or the printable version of the request form which is included in this document as Appendix A, no later than July 5, 2013.

A request to participate in the hearing may be accepted by the Panel from a person or group who has an interest in the DGR Review or from a person who has expertise in the matter or information that may be useful to the Panel.

2.2.1 Oral Intervention

Persons that have completed the form to request to participate at the hearing and have been accepted by the Panel to make an oral intervention will be provided a maximum of 30 minutes to speak in support of their intervention. Presenters will be required to submit detailed written materials in support of their oral intervention to the Panel no later than August 13, 2013. The written submission should be clearly titled, "DGR Joint Review Panel Hearing Written Submission in Support of an Oral Intervention".

Persons making an oral intervention who intend to use slides or other visual aids must provide an electronic copy of that presentation to the Panel Secretariat no later than August 27, 2013. Slides or other visual aids are not required for an oral intervention.

In the event that the request to make an oral intervention is withdrawn or not accepted, a written submission may still be accepted by the Panel. The written submission must be received by the Panel no later than August 13, 2013.

2.2.2 Oral Statement

Persons that have completed the form to request to participate at the hearing and have been accepted by the Panel to make an oral statement will be provided a maximum of 10 minutes for their presentation at the hearing. The Panel does not require any additional written information to be submitted in support of an oral statement.

Persons making an oral statement who intend to use slides or other visual aids must provide an electronic copy of that presentation to the Panel Secretariat no later than August 27, 2013. Slides or other visual aids are not required for an oral statement.

In the event that the request to make an oral statement is withdrawn or not accepted, a written submission may still be accepted by the Panel. The written submission must be received by the Panel no later than August 13, 2013.

2.2.3 Government Participants

The Panel will notify the Federal, Provincial and Municipal government departments and agencies that are required to participate in the public hearing. Such notice may include direction to make a presentation on specific themes, issues or subjects. As issues and

questions arise during the public hearing, Government Participants may be directed by the Panel to provide additional written and/or oral advice regarding those matters.

Government Participants who have received notice from the Panel to make a presentation at the hearing are required to submit written materials in support of their presentation to the Panel no later than July 23, 2013. Government Participants will have approximately 30 minutes for their presentation at the hearing.

As the federal authority that has regulatory responsibility for the DGR, the Canadian Nuclear Safety Commission shall have approximately 30 minutes at the start of the public hearing to make its introductory presentation. The Panel may direct the Canadian Nuclear Safety Commission to make additional subject-specific presentations during the public hearing.

Other Federal, Provincial and Municipal governments, departments and agencies that were not directed by the Panel to participate in the hearing are welcome to request to participate by completing the electronic request form available at www.nuclearsafety.gc.ca/intervention/eng/ by July 5, 2013 to make an oral presentation or a written-only submission. A written-only submission or written materials in support of an oral presentation must be provided no later than July 23, 2013.

Government Participants who intend to use slides or other visual aids must provide an electronic copy of the presentation to the Panel Secretariat no later than August 27, 2013.

2.3 SCHEDULING OF PRESENTATIONS BY REGISTERED ORAL PARTICIPANTS

The Panel Secretariat will work with registered oral participants to schedule hearing presentation times that are acceptable, within reason, to both the Panel and the participant.

The public hearing schedule will be available approximately 14 days before the public hearing begins. The schedule will be updated as required and persons impacted by the update will be notified. Every effort will be made to accommodate the availability of registered oral participants when rescheduling is required.

Daily agendas will be created and updated as required to reflect required changes, including a supplementary speakers list for persons who were not registered in advance. An opportunity to make a brief oral statement may be granted by the Chair to persons not registered in advance to participate in the hearing if time remains at the end of each hearing day.

In the interest of using public hearing time efficiently and effectively, presenters who have similar interests may be grouped together by the Panel on specific public hearing days to address particular issues.

3. PARTICIPATION BY THE PROPONENT

The Proponent is expected to make a presentation of approximately 30 minutes at the start of the hearing to provide a general overview of the project and its predicted effects on the environment and an overview of the application for a Licence to Prepare a Site and Construct. Additional presentations on specific themes or subjects may be requested by the Panel throughout the public hearing and the Proponent will be given as much advanced notice as possible to prepare for these presentations.

Written information to be provided by the Proponent for the public hearing must be submitted to the Panel Secretariat no later than July 23, 2013.

The Proponent, together with its subject matter experts, shall be in attendance or otherwise available throughout the public hearing.

If the Proponent intends to use slides or other visual aids in its presentation(s), an electronic copy must be provided to the Panel Secretariat no later than August 27, 2013.

4. REQUESTS FOR RULINGS

A request to the Panel for a ruling may seek to address any issue relating to these procedures or any other procedural or administrative issue.

A pre-hearing request for a ruling may be made by submitting the request in writing to the Panel no later than July 23, 2013. All requests should include the issue and reasons for the ruling sought. The Panel will address these requests, as appropriate, prior to the start of the hearing.

At any time during the public hearing, a registered oral participant may make a request to the Panel for a ruling on a particular issue by explaining the issue and the reasons for the ruling that is sought. A request for ruling must be provided to the Panel in writing. Registered oral participants should contact the Panel Secretariat for further direction.

The Panel shall give its decision in relation to a request for a ruling after providing the relevant persons an opportunity to present their views on the request and after the Panel has had an opportunity to consider all of the relevant information.

5. FORMAT FOR THE PUBLIC HEARING

The Panel will endeavor to secure a hearing venue or venues that accommodate all the individuals that wish to attend. In the event that the demand for seating in the public hearing room exceeds the space available, access priority will be given to the Proponent, Canadian Nuclear Safety Commission staff and registered oral participants on the agenda. The balance of the seating will be available on a first come, first served basis.

The public hearing will follow an agenda provided for each day. The public hearing shall proceed as follows:

5.1. Opening Remarks by the Panel Chair

The Panel Chair will begin the first day of the public hearing with opening remarks. The Chair will also make brief opening remarks on each day of the public hearing.

5.2. Presentation(s) by the Proponent

On the first day of the public hearing, following the opening remarks by the Panel Chair, the Proponent shall have approximately 30 minutes to provide a general overview of the project, outline key issues about the project and its impacts on the environment and present an overview of the application for a Licence to Prepare Site and Construct. This presentation will be followed by questions from the Panel and, time permitting, questions through the Chair from registered oral participants.

Additional presentations on specific themes or subjects may be requested by the Panel throughout the public hearing and the Proponent will be given as much advanced notice as possible to prepare for these presentations.

5.3. Presentation(s) by the Canadian Nuclear Safety Commission

Following the presentation by the Proponent and completion of questions, the Canadian Nuclear Safety Commission shall make a presentation of approximately 30 minutes relating to the environmental assessment and licence application. This presentation will be followed by questions from the Panel and, time permitting, questions through the Chair from registered oral participants.

Additional presentations on specific themes or subjects may be requested by the Panel throughout the public hearing and the Canadian Nuclear Safety Commission will be given as much advanced notice as possible to prepare for these presentations.

5.4. Balance of Presentations

Presentations by Government Participants, Aboriginal peoples and other registered oral participants shall be scheduled, wherever possible, based on the subject matter to be addressed in their presentation.

6. QUESTIONS

Each presentation will be followed by a question and answer period led by the Panel Chair.

When the Panel has completed its questions, the Proponent, Government Participants and registered oral participants may seek leave of the Panel Chair to pose questions relating to that presentation.

The Panel Chair may limit or exclude questions or comments that fall outside the scope of the review, are repetitive, irrelevant, immaterial or have already been answered to the Panel's satisfaction. The opportunity to ask a question through the Chair may also be limited or denied due to time constraints. Questions are to be posed in a style that is courteous and respectful. Clarity and brevity are encouraged.

Questions are not to be used as an opportunity to make a comment or a statement. Where a person does not adhere to the procedures and the direction of the Panel Chair, the Chair may refuse to permit further questioning from that person. The Panel Chair may limit the number of questions to respect the Agenda for each public hearing day.

If a person to whom a question is directed is not able to answer the question when asked, the Panel Chair may direct that person to undertake to answer the question at a later point, to be agreed upon with the Panel Chair, but prior to the close of the record for the review.

7. CLOSING REMARKS

Once the Panel has obtained all of the information it requires at the hearing the Panel will offer the Proponent and registered oral participants an opportunity to make brief oral closing remarks.

If time does not permit oral closing remarks at the hearing, or if a registered oral participant is unavailable, the Panel may provide an opportunity to submit written closing remarks. Written closing remarks shall be limited to a maximum of 10 typed, letter-sized pages and must be submitted to the Panel Secretariat on a date to be specified by the Panel.

Following receipt of the closing remarks, the Panel will confer with regard to the information received. When the Panel decides that it is ready to proceed with the writing of the Joint Review Panel Report, the record will be closed and no further information will be considered by the Panel. The Panel will advise the public accordingly.

8. GENERAL PROVISIONS

8.1. Personal Privacy and Access to Information:

All information provided to the Panel will be placed on the public registry for this project subject to any determination that some information must be protected. Personal information will be protected in accordance with the *Privacy Act* and the *Access to Information Act*. Contact information such as addresses, telephone numbers and email addresses will be protected as personal information.

8.2. Confidential Information

If any person requests that information submitted be kept confidential a written request can be made to the Panel which will determine whether the information can be protected and the extent of that protection.

8.3. Maintaining Order

The Panel Chair will maintain order and ensure efficiency in accordance with the procedures outlined in this document and the principles of procedural fairness. Anyone attending the public hearing may be asked to leave if their behaviour is not appropriate.

8.4. Varying the Procedures

The Panel may vary, or supplement any of these procedures, in order to ensure that the hearing proceeds as informally and expeditiously as the circumstances and the considerations of fairness permit.

Any procedural matter that arises during the public hearing that is not provided for in these procedures shall be dealt with by the Panel as informally and expeditiously as the circumstances and the considerations of fairness permit.

Failure to comply with any procedural requirement will not invalidate the hearing or part of the hearing.

8.5. Summonses

In addition to these procedures, the Panel, under section 20 of the *Nuclear Safety and Control Act* and section 45 of the *Canadian Environmental Assessment Act 2012*, has the power to summon persons to appear before the Panel and to produce information as the Panel considers appropriate.

8.6. Official Languages

All submissions to the Panel and all oral presentations must use one of Canada's two official languages unless they are accompanied by a translation of the submission in at least one official language and a statement from the translator attesting to the accuracy of the translation.

8.7. Simultaneous Translation

Simultaneous translation in French and English will be available for the duration of the public hearing. Persons requiring other interpretation services must advise the Panel Secretariat at least 30 days before the start of the public hearing. The Panel Secretariat will make every effort to accommodate requests for interpretation.

8.8. Transcripts

Written transcripts will be made of all public hearing sessions in the official language in which they were recorded. Daily hearing transcripts will be posted on the Registry for the project as soon as practicable following the end of each daily session.

8.9. Fairness and Efficiency

In the interests of a fair and efficient public hearing, the Panel requires that the Proponent and all registered oral participants respect the deadlines set out in these procedures. The Panel encourages the use of electronic submissions to ensure that documents are received on time. The Panel will not allow an exception to a deadline unless, in the Panel's view, it can be reasonably justified.

8.10. Security

All persons entering the hearing room may be subject to a search.

8.11. Late Submissions and Request to Extend Deadlines

The Panel has set deadlines for certain procedural steps to provide certainty to all participants in the hearing process. Timely provision of information and submission of documents is a standard that applies equally to all participants.

On request, the Panel will decide whether to accept a late submission or otherwise extend a deadline by considering:

- the reason presented to explain why the deadline was not met;
- whether the submission is likely to assist the Panel;
- whether similar submissions have been, or could be, made by others;
- how other parties could be disadvantaged as a result of the late submission or other missed deadline; and
- any other relevant considerations.

8.12. Media

Media are welcome to attend the public hearing. Media reporting or interviews will not be allowed in the hearing room while the session is underway.

Filming, recording and photographs will be allowed in the public hearing room with prior approval from the Panel Chair. Any conditions or restrictions on an approval shall be strictly adhered to at all times.

Media inquiries regarding the panel review process should be directed to the Panel Communications Advisor, Lucille Jamault at 613-957-0434 or Lucille.Jamault@ceaa-acee.gc.ca.

9. PANEL SECRETARIAT

All requests to participate and materials to be submitted to the Panel for the hearing should be sent to:

OPG-DGR@cnscccsn.gc.ca

OR:

Joint Review Panel Secretariat – DGR
c/o Canadian Nuclear Safety Commission
P.O. Box 1046, Station B
280 Slater Street, Ottawa, ON K1P 5S9

Inquiries relating to the conduct of the public hearing or the review process may be directed to:

Debra Myles, Panel Co-Manager c/o Canadian Environmental Assessment Agency 160 Elgin Street, 22nd Floor Ottawa ON K1A 0H3 Tel.: 613-957-0626 or 1-866-582-1884 Email: DGR.Review@ceaa-acee.gc.ca	Kelly McGee, Panel Co-Manager c/o Canadian Nuclear Safety Commission PO Box 1046, Station B – 280 Slater Street Ottawa ON K1P 5S9 Tel.: 613-947-3710 Fax: 613-995-5086 Email: OPG-DGR@cnscccsn.gc.ca
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Appendix A – Printable Request Form

Deep Geologic Repository Joint Review Panel - Request to Participate at the Joint Review Panel Hearing

To participate in the public hearing process, an individual, organization or group must submit a request form to the Panel Secretariat by **July 5, 2013**. Use of the on-line request form is strongly encouraged. Alternately, a completed copy of the form, below, or the required information may be sent to:

OPG-DGR@cnscccsn.gc.ca

OR:

Joint Review Panel Secretariat – DGR
c/o Canadian Nuclear Safety Commission
P.O. Box 1046, Station B
280 Slater Street, Ottawa, ON K1P 5S9

Please note that submitting a request to participate does not automatically provide registered participant status.

Please read the [Privacy Statement](#) before completing this form. All fields marked with an asterisk (*) are required. If you have difficulty with the following form, contact us at the coordinates below.

Public Hearing Details	
Date	Monday, September 16, 2013
Proponent	Ontario Power Generation
Subject	Deep Geologic Repository Project for Low and Intermediate Level Radioactive Waste

Request to Participate Details	
Language	<input type="checkbox"/> English <input type="checkbox"/> French
First name*	
Last name*	
Organization	
Email	
Telephone	
Fax	
Street Number*	
Street Name*	
City*	
Province/State*	
Postal/ZIP*	

I am requesting to make:

- An oral statement at the hearing (10 minute maximum presentation + optional written submission sent to the address above by August 13, 2013)
- An oral intervention at the hearing (30 minute maximum presentation + detailed written submission sent to the address above by August 13, 2013)
- A written intervention only

I am requesting to participate because:

- I have an interest in the proposed project
- I have relevant information or expertise
- Both

Please explain the nature of your interest, information and/or expertise. Attach a separate sheet if necessary.

The subject(s) I want to address are:

- Public participation and aboriginal engagement
- Project justification
- Description of the project
- Environmental assessment boundaries
- Existing environment
- Effects prediction, mitigation measures and significance of residual effects
- Malfunctions, accidents and malevolent acts
- Long-term safety of the DGR
- Cumulative effects
- Capacity of renewable resources
- Follow-up program
- Other (please specify):

Personal Information Collection Statement

All personal information created, held or collected by the DGR Joint Review Panel is protected under the [Privacy Act](#).

Public Communications and Privacy Notice

Provision of the information requested on this form is mandatory and protected by the provisions of the [Privacy Act](#). The information collected will only be used and disclosed in the context of the public hearing process. If the required information is not provided, the application to participate at this public hearing may not be accepted. The personal information you include in this application may also be used to prepare a reply.

The transmission of this information is not secure so sensitive personal information, such as your Social Insurance Number, should not be included in your message.

If after reading this statement you prefer not to submit your inquiry via the Internet, you may use one of the following methods:

By Telephone:

Marie-Claude Valade, 613-947-8597

By Mail:

Deep Geologic Repository Joint Review Panel
Interventions
280 Slater Street
Ottawa, Ontario K1P 5S9

In Person at:

280 Slater Street, Ottawa, Ontario

Privacy inquiry

Any questions, comments, concerns or complaints regarding the administration of the [Privacy Act](#) and privacy policies may be directed to the Canadian Nuclear Safety Commission Privacy Coordinator:

Senior ATIP Advisor
Canadian Nuclear Safety Commission
280 Slater Street, 2nd Floor
Ottawa, Ontario K1P 5S9
613-947-3709
atip@cnsccsn.gc.ca