

**INTERVENING AT A CANADIAN NUCLEAR SAFETY COMMISSION HEARING
A Resource Guide Prepared by the
Canadian Environmental Law Association**

Prepared By:
Kerrie Blaise, Legal Counsel CELA
Krystal-Anne Roussel, Legal Counsel CELA

February 7, 2022

*This informational booklet and templates are provided for informational purposes only
and do not constitute legal advice.*

Contents

PART I - RESOURCES	
1. Definition of Intervenors	3
2. Materials to Review	3
Hearing Documents <i>Key documents setting out scope of hearing and issues:</i>	
https://nuclearsafety.gc.ca/eng/the-commission/hearings/cmd/index.cfm	3
CNSC Regulatory Documents	3
Access to CSA Standards	4
2. Contacts	4
3. Sample Written Interventions	4
4. Sample Oral Interventions	4
PART II – PROCESS AND TIMELINE	5
1. Submitting Your Intervention	5
2. Hearing Details.....	5
PART III – WRITING YOUR INTERVENTION	7
1. Overview	7
Step 1: Review Materials	7
Step 2: Review Issues List and Commence Research	7
Step 3: Write and File Your Intervention	7
2. The Written Intervention	7
1. Overview Statement	7
2. Recommendations	8
3. Conclusion.....	8
APPENDIX 1 - SAMPLE COVER LETTER	9
APPENDIX 2 - SUGGESTED LIST OF ISSUES	10

PART I - RESOURCES

1. Definition of Intervenors

According to the CNSC,

Intervenors are members of the public or organizations **who have an interest or expertise** in the matter who have requested the opportunity to present information on the subject of the proceeding.

Where a proceeding allows for both written submissions and an oral presentation, the **intervenor may choose to present both orally and in writing, or to make a written submission only**. In general, an intervenor may only make an oral presentation if a written submission has been made. Rule 19 of the *Canadian Nuclear Safety Commission Rules of Procedure* gives the Commission discretionary power as to whether to permit a person to participate in a proceeding.

For more information on writing your intervention, see the CNSC's guidance document at:

<https://nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents/published/html/regdoc3-4-1/index.cfm#sec1-4-5>

2. Materials to Review

Hearing Documents

Key documents setting out scope of hearing and issues: <https://nuclearsafety.gc.ca/eng/the-commission/hearings/cmd/index.cfm>

1. NB Power Licence Renewal Application: <https://www.nbpower.com/media/1490873/2021-06-30-application-by-new-brunswick-power-for-the-renewal-of-170-1-2022.pdf>
2. CNSC Staff Commission Member Document (CMD): [CMD 22-H2 – Submission from CNSC staff on the application by NB Power for the renewal of the licence for the Point Lepreau Nuclear Generating Station \(PDF, 332 pages, 3.77 MB\)](#)
3. NB Power Commission Member Document (CMD): [CMD 22-H2.1 – Submission from NB Power on their application for the renewal of the licence for the Point Lepreau Nuclear Generating Station \(PDF, 159 pages, 9.13 MB\)](#)

CNSC Regulatory Documents

Check for relevancy based on topic matter of your intervention: <https://nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents/index.cfm>

Access to CSA Standards

Register for free access. Note however, community users are unable to print or save material nor reproduce due to copyright: <https://community.csagroup.org/>

2. Contacts

- CNSC Information Requests: cpsc.info.ccsn@cpsc-ccsn.gc.ca
- Questions about Interventions: interventions@cpsc-ccsn.gc.ca
- NB Power Information Requests – direct to Kathleen Duguay: KDuguay@nbpower.com

3. Sample Written Interventions

- CELA Intervention on NB Power’s Licence Renewal (2017): <https://cela.ca/emergency-planning-at-the-point-lepreau-nuclear-generating-station-2/>
- CELA Intervention on OPG’s Pickering Nuclear Generating Station (2018): <https://cela.ca/wp-content/uploads/2019/07/1189-CELA-Submission-to-the-CNSC-Pickering-Licence-Renewal-2018-H-03.pdf>
- Swim Drink Fish Intervention for CNSC Regulatory Oversight Meeting (2019): <http://www.nuclearsafety.gc.ca/eng/the-commission/meetings/cmd/pdf/CMD18/CMD19-M35-3.pdf>

4. Sample Oral Interventions

- CELA Presentation for Douglas Point Waste Facility (2020): <https://cela.ca/decommissioning-licence-amendment-cnls-douglas-point-waste-facility/>
- CELA Intervention on OPG’s Pickering Nuclear Generating Station (2018): <https://cela.ca/presentation-to-cpsc-pickering-relicensing-2018/>

PART II - PROCESS AND TIMELINE

1. Submitting Your Intervention

Written Interventions & Request for Oral Intervention Due: March 28, 2022

Presentation (if permitted) Due: Approximately 2 weeks prior to hearing

Intervention Requirements

- You must indicate if you are asking to participate in writing only, or also requesting to make an oral presentation.
- The request to intervene, sent by email to cnscc.interventions.ccsn@canada.ca or filed online at <http://www.nuclearsafety.gc.ca/eng/the-commission/intervention/index.cfm>, must include:
 - 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
 - the requester's name, address and telephone number (also the email, it is easier for communicating the agenda, etc.)
- If the CNSC permits you to present orally, the time allowed to present is typically 10 minutes. It is meant as an opportunity to summarize key points of your written intervention. The Commission members read all the submissions prior to the hearing, so the intervenors should focus on the key points of their submission when presenting. After the presentation, the Commission members can ask questions to the intervenor, CNSC staff or NB Power on the submission and/or comments presented. There is no time limit for the discussion that follows the presentation.

2. Hearing Details

Periodically check CNSC hearing page for updates and new documents, like:

- Presentations from NB Power and CNSC Staff
- Other public interventions and presentations
- Visit: <https://nuclearsafety.gc.ca/eng/the-commission/hearings/cmd/index.cfm>

Hearing Dates

- Part I: January 26, 2022 (NB Power and CNSC Staff)
- Part II: May 11-12, 2022 (Intervenors)
- See full notice: <https://nuclearsafety.gc.ca/eng/the-commission/pdf/NoticeRevision1-PublicHearingPFP-NBPower-22-H2-e.pdf>

Decision from CNSC expected by:

- June 30, 2022

PART III - WRITING YOUR INTERVENTION

1. Overview

Step 1: Review Materials

- See materials and links above
- Prioritize reading hearing documents

Step 2: Review Issues List and Commence Research

- See Appendix 2 and select topic(s)

Step 3: Write and File Your Intervention

- See Appendix 1 for template cover letter
 - Do you want to request a written and oral intervention opportunity?

2. The Written Intervention

1. Format

In your written comment, consider answering these questions:

Why is it important?

Try to make your comment persuasive. Engage the Commissioners, tell a story. Communicate the justness of your position and solicit the CNSC's affection for your cause.

What's the key issue?

Frame your intervention's key issue or issues. Be careful not to state the issue(s) too broadly. If you're too broad, then your intervention may be excessively lengthy because you'll need a lot of supporting details. Keep it focused, with accompanying facts to support.

What are the facts?

Provide enough facts to give context to your key issues and concerns. You can include links and references.

2. Recommendations

- Consider dividing your report into chapters or subsections, each covering a certain topic. Based on these topics, your facts and analysis, what are your requests or recommendations to the Commission? (see Sample Written Interventions, above, for style and guidance on writing recommendations)
- Summarize these recommendations and requests at the end of each section and number (see Sample Written Interventions, above)

3. Conclusion

- What is the order your request from the Commission?
- Summarize and list your recommendations in this concluding section.
- See sample Written Interventions above for examples.

APPENDIX 1 - SAMPLE COVER LETTER

DATE

Senior Tribunal Officer, Secretariat
Canadian Nuclear Safety Commission
280 Slater Street, P.O. Box 1046, Station B
Ottawa, Ontario K1P 5S9

Sent by email interventions@cnsccsn.gc.ca

RE: Intervention by **XX** for the NB Power Licence Renewal Application (Hearing Ref. 2022 - H - 02)

To whom it may concern:

[NAME] requests to intervene in the hearing in the above-referenced matter at **[LOCATION New Brunswick (if possible) or virtually]**.

IF YOU WISH TO HAVE AN ORAL PRESENTATION, INCLUDE THIS STATEMENT IN YOUR LETTER:

By this letter, and pursuant to the CNSC's *Rules of Procedure* ("Rules"), I request status to participate as an intervenor in the public hearing and an opportunity to present oral submissions.

Please also find attached my submission to the Canadian Nuclear Safety Commission regarding the licence renewal of the NB Power Point Lepreau Nuclear Generating Station.

Sincerely,

[NAME]

[CONTACT INFO - requester's name, address, telephone number, email]

APPENDIX 2 - SUGGESTED LIST OF ISSUES

For each of the suggested topics, ask questions of the Commission. For instance, if you cannot find the relevant information, then ask the Commission members to (1) provide the information, (2) have NB Power provide the information so that they are (3) satisfied that sufficient evidence exists to make a determination on the issue.

The Role of the Commission

- Does the Commission have the public's trust?
- Is there transparency and accessibility of documents?

Length of Licence – Proposed 25 Years

- This would be precedent setting in Canada
- What do you think about the length of licence proposed?
- Note also, the CNSC Staff CMD speaks to revisions to the Periodic Safety Review and Environmental Risk Assessment on a periodic or 5-year basis (thus, need for shorter licence term, not 25 years)

Human Health and Emergency Preparedness

- What do you think of the size of Emergency Planning Zones?
- What about public alerting and awareness?
 - o Efficacy of alerting measures
- What has been said about Potassium Iodide (KI) distribution?
 - o Note that international guidelines support expanding KI availability to 100 KM
- How do you feel about the analysis of NB Power's Radiation Protection Program?
- What about weather contingency planning?

Environmental Monitoring and Protection

- Do you think NB Power's Environmental Risk Assessment is adequate?
- Do you think there should be real time emissions monitoring?
- What about surface water and aquatic impacts?
- Are there any gaps in NB Power's environmental monitoring program? Would you propose new measures?

Climate Considerations

Closure and Decommissioning