

***Darlington New Nuclear Power Plant Project***  
***Joint Review Panel***

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## **PUBLIC HEARING PROCEDURES**

This document outlines the Procedures for the public hearing to be conducted by the Darlington New Nuclear Power Plant Project Joint Review Panel (the Panel). The public hearing sessions will begin on March 21, 2011 at a venue in or near the project area. More information on the location of the hearing, hearing session dates and a schedule will be available in advance of the hearing.

Any person may attend the public hearing as an observer or view the documents pertaining to the review.

### **1. BACKGROUND INFORMATION**

The project is a proposal by the Proponent, Ontario Power Generation, for the site preparation, construction, operation, decommissioning and abandonment of up to four new nuclear reactors at its existing Darlington Nuclear site located near Oshawa, Ontario, along the north shore of Lake Ontario, in the Municipality of Clarington. The project is expected to generate up to 4800 megawatts of electricity for delivery to the Ontario grid.

The Proponent submitted its Environmental Impact Statement and application for a Licence to Prepare a Site to the Canadian Nuclear Safety Commission and federal departments on September 30, 2009. During the course of the comment period, which began on November 16, 2009, the Panel directed the Proponent to provide additional information.

The Proponent's Environmental Impact Statement, licence application and additional information and the records that have been generated by the Panel or received in the course of the review are available on the Canadian Environmental Assessment Registry Internet site (the Registry) at Reference Number [07-05-29525](#).

### **2. ROLE OF THE 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 the complete life cycle of the project in accordance with the *Canadian Environmental Assessment Act* and to review the application for a Licence to Prepare a Site under the *Nuclear Safety and Control Act*. Together, these two aspects of the Panel's mandate are called the review.

The Panel has determined that the Proponent's Environmental Impact Statement, along with the additional information that has been provided in response to questions from the

Panel, provides enough information to proceed to the next step of the environmental assessment, which is the public hearing for the project.

The Panel will conduct the public hearing in a manner that ensures a thorough examination of matters within its mandate and provides 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 presentations.

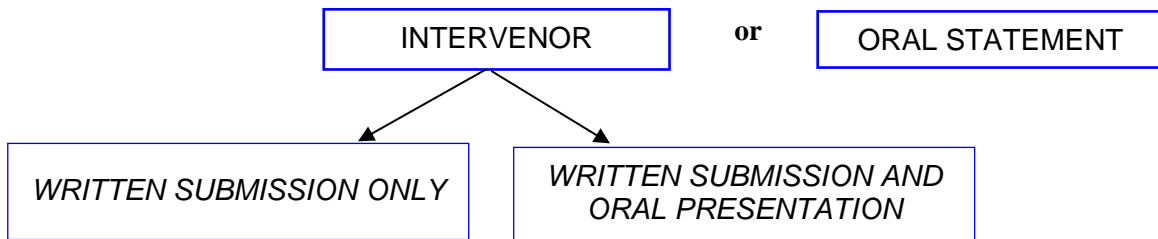
The Panel's objectives for the public hearing are to provide opportunities for:

- (a) the Proponent to explain the project and respond to concerns and questions;
- (b) individuals, organizations, Aboriginal groups and government departments and agencies to provide their views on the implications of the proposed project;
- (c) the Panel to receive information and advice that will help it complete its assessment of the environmental effects of the project and review of the application for a Licence to Prepare a Site.

Within 90 days of the close of the public hearing record, the Panel will submit an environmental assessment report to the federal Minister of the Environment outlining the Panel's rationale, conclusions and recommendations. Subject to the Government of Canada's response to the Panel's Report, the Panel may then proceed to make a decision on the proponent's application for a Licence to Prepare a Site.

### 3. PARTICIPATION AT THE PUBLIC HEARING

An individual, organization or Aboriginal group may participate in the public hearing in one of two ways: by intervening in the process, or by providing an oral statement to the Panel. An Intervenor may either provide a written submission only to the Panel or may provide a written submission followed by an oral presentation at the public hearing.



#### 3.1 Intervenor

An individual, organization or Aboriginal group that wishes to participate in the hearing process may do so as an Intervenor.

Intervenors must register by submitting a Participant Request Form (Attachment A) to the Panel Secretariat no later than **January 13, 2011** and must provide the following information:

- (a) the nature of their interest or expertise in the project;

- (b) that they wish to provide a written submission only or that they wish to provide a written submission and make an oral presentation to the Panel at the public hearing;
- (c) the name, mailing address, telephone number(s) and e-mail address, if applicable, of the Intervenor; and
- (d) where the Intervenor intends to be represented by counsel or an agent, the name, mailing address, telephone and email address of the counsel or agent.

Additionally, all Intervenors must provide a written submission to the Panel no later than **February 14, 2011**. Where an Intervenor will also be making an oral presentation at the hearing, the Panel expects that the oral presentation will focus on the elements identified in the written submission.

Intervenors that wish to make a slide show presentation as part of the oral presentation must submit an electronic copy of the presentation to the Panel no later than **March 9, 2011**. An Intervenor's oral presentation should not exceed 30 minutes.

At any time during or following an intervention, the Panel may ask questions to the Intervenor or the proponent regarding the intervention.

### **3.2 Oral Statement**

The oral statement option allows those who do not wish to intervene in the process an opportunity to give their views to the Panel at the public hearing.

Time limits may be imposed by the Panel for oral statements. An oral statement should not exceed 10 minutes. At any time during or following an oral statement, the Panel may ask questions of the presenter(s).

Individuals, organizations and Aboriginal groups wishing to reserve the right to make an oral statement only to the Panel at the public hearing must register by submitting a Participant Request Form (Attachment A) to the Panel Secretariat no later than **January 13, 2011**, and must provide the following information:

- (a) the nature of their interest in the project;
- (b) that they wish to make an oral statement;
- (c) the official language in which they wish to make the statement; and
- (d) the name, mailing address, telephone number(s) and e-mail address, if applicable, of the presenter(s).

Those who do not register with the Panel Secretariat by **January 13, 2011** to make an oral statement at the public hearing may still be permitted to do so only when and if the hearing schedule allows. These individuals, organizations and Aboriginal groups may ask the Panel Secretariat to add their name(s) to an additional oral statement presenters' list at any time before or during the public hearing.

Those choosing to participate in the hearing by making an oral statement will not be provided an opportunity to pose questions to other hearing participants through the Panel.

### 3.3 Government Participants

Federal and provincial departments and agencies (Government Participants) may register to participate in the public hearing. Certain Government Participants may be directed or invited by the Panel to register for the hearing and make a written and/or an oral presentation on specific issues.

Government Participants may also be directed by the Panel to provide written and/or oral information regarding issues and to respond to questions that may arise during the public hearing.

Government Participants that either wish to or are directed by the Panel to participate in the public hearing must submit a Participant Request Form (Attachment A) to the Panel Secretariat no later than **January 13, 2011** and must provide the following information:

- (a) the name of the department or agency, the name of the primary contact person and spokesperson(s) and their title, mailing address, email address, telephone number(s) and fax number;
- (b) a description of their interest in the project;
- (c) a statement on whether they intend to participate by way of a written submission only or written submission and oral presentation;
- (d) an outline of the issues to be addressed; and
- (e) the official language to be used in correspondence with the Panel and at the public hearing.

Additionally, all Government Participants must provide a written submission to the Panel no later than **January 31, 2011**. Where a Government Participant either wishes to, or is directed by the Panel to make an oral presentation, the written submission should provide a detailed outline of the information to be presented at the hearing.

Government Participants that wish to make a slide show presentation as part of the oral presentation must submit an electronic copy of the presentation to the Panel Secretariat no later than **March 9, 2011**. Government Participant's oral presentations should not exceed 30 minutes.

Once received, the Panel Secretariat may contact the Government Participant to request printed copies of any submitted material.

### 3.4 Proponent Participation

The Proponent must submit written information in support of its participation at the public hearing to the Panel no later than **January 31, 2011**.

The Proponent is expected to make a presentation at the start of the hearing to provide a general overview of the project, key issues about the project and its predicted effects on the environment and an overview of the application for a Licence to Prepare a Site. 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.

If the Proponent intends to make a slide show presentation as part of its oral presentation(s), it must submit an electronic copy of the presentation(s) to the Panel Secretariat no later than **March 9, 2011**.

Once received, the Panel Secretariat may contact the Proponent to request printed copies of any submitted material.

### **3.5 Questioning During the Hearings**

The Panel may ask questions of a presenter at any time during the public hearing. All questions by hearing participants must be posed through the Panel Chair unless the Chair directs the participants otherwise.

Each presentation may be followed by a question and answer period led by the Panel. When the Panel has completed its questioning, the Proponent, Government Participants and Intervenors may seek leave of the Panel Chair to put a question to the presenter. The Panel Chair may exclude questions or comments that fall outside the mandate of the Panel, are repetitive, irrelevant, immaterial or already answered to the Panel's satisfaction and may limit questions due to timing or other considerations. Questions are to be posed in a courteous and respectful manner. Clarity and brevity are encouraged in the posing of and response to questions.

Questions are not to be used as an opportunity to make a comment or a statement. Where a participant does not adhere to the Procedures and the direction of the Panel Chair, the Chair may refuse to permit further questions from that participant.

Individuals, organizations and Aboriginal groups that have chosen to participate in the hearing by providing an oral statement to the Panel will not be permitted to pose questions.

## **4. GENERAL PROVISIONS**

### **4.1 Requests For Rulings**

At any time before the start or during the public hearing, an Intervenor, Government Participant or the Proponent may make a request to the Panel for a ruling on a particular issue by setting out the issue and reasons for the ruling that is sought.

The Panel will give its decision in relation to the request for a ruling after the Panel has provided the relevant participants an opportunity to present their views on the request.

### **4.2 Varying the Procedures**

The Panel may vary or supplement the Procedures to ensure that the hearing is conducted 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 the Procedures will be dealt with by the Panel Chair.

The Panel Chair will maintain order and ensure efficiency in accordance with the Procedures and the principles of procedural fairness.

#### **4.3 Personal Information**

All submissions provided to the Panel will be placed on the Registry for the project unless particular information is excluded for security or other reasons. Contact information such as addresses, telephone numbers and email addresses will be protected as personal information.

#### **4.4 Confidential Information**

The Panel may take measures to protect information if:

- (a) the information involves national or nuclear security;
- (b) the information is confidential information of a financial, commercial, scientific, technical, personal or other nature that is treated consistently as confidential and the person affected has not consented to the disclosure; or
- (c) disclosure of the information is likely to endanger the life, liberty or security of a person.

#### **4.5 Hearing Schedule**

A draft schedule for each day of the public hearing will be released by the Panel Secretariat as soon as is practicable following receipt of the written submissions from Intervenors, Government Participants and the Proponent.

The Panel Secretariat will communicate with all presenters, including those who have registered to present an oral statement only, in an attempt to accommodate the availability of presenters within the framework required by the Panel. The Panel may require presentations that address similar issues or topics to be presented on certain days.

Daily schedules will be revised as required by the Panel and in consideration, where at all possible, of the availability of presenters. It is critical that all presenters provide a contact number to the Panel Secretariat so that they may be informed of a change to their presentation time. Revised schedules will be available in the hearing venue and will be posted on the Registry.

#### **4.6 Transmitting Materials**

Unless otherwise provided for by the Procedures, materials may be submitted to the Panel in one of the following ways:

- (a) in printed copy by hand, ordinary mail, registered mail, or courier;
- (b) by facsimile;
- (c) by electronic copy; or
- (d) by any other method that is agreed to by the Panel Secretariat.

Submission of materials by electronic copy is strongly encouraged. Those submitting materials electronically are not required to and should not submit those materials in printed copy unless directed otherwise by the Panel Secretariat.

#### **4.7 Defect in Form or Procedure**

No proceeding is invalid, in whole or in part, by reason only of a defect in form or failure to follow a procedure that is set out in the Procedures, where the defect or failure does not result in any material harm to a relevant interest.

#### **4.8 Summonses**

In addition to the Procedures, the Panel, under section 20(2)(a) of the *Nuclear Safety and Control Act* and section 35 of the *Canadian Environmental Assessment Act*, has the power to summon participants to appear before the Panel and to produce such information and documents as the Panel considers appropriate.

#### **4.9 Simultaneous Translation**

Simultaneous translation in French and English will be available for the duration of the public hearing. Participants requiring other interpretation services must make a request to 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.

#### **4.10 Maintaining Order**

The Chair may take action considered necessary to maintain order during the hearing and, in particular, may limit the participation in the hearing, or eject from the hearing, any person who disrupts the proceedings and, where the person is ejected, continue the hearing in the person's absence.

A peace officer shall provide such assistance as the Panel may request to maintain order during the hearing.

#### **4.11 Official Languages**

All submissions to the Panel and all oral presentations must use one of Canada's two official languages. Submissions in a language other than English or French will be accepted by the Panel if they are accompanied by a translation of the submission in at least one official language and an affidavit of the translator attesting to the accuracy of the translation.

#### **4.12 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 a daily session.

#### **4.13 Fairness and Efficiency**

In the interest of a fair and efficient public hearing, the Panel requires that all Intervenor, Government Participants, the Proponent and persons providing an oral statement only observe the deadlines set out in the Procedures. The Panel encourages the use of electronic submission and facsimile or courier to ensure that materials 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.

#### **4.14 Media and Recording at the Hearing**

Media inquiries regarding the Panel's activities should be directed to the Panel Communications Manager at the coordinates provided at the end of this document.

Members of the media are welcome to attend the public hearing and to sit in the public seating area. Media reporting or interviews will not be allowed in the room while the public hearing is underway.

Filming, recording or photographing will generally be allowed in the public hearing room while the hearing is underway as long as prior approval is obtained from the Panel through its Communications Manager. Any conditions or restrictions on an approval will be strictly adhered to.

### **5. PANEL SECRETARIAT**

All inquiries relating to the conduct of the public hearing may be addressed to the Panel Secretariat at the following co-ordinates:

**Debra Myles - Panel Co-Manager**

Darlington New Nuclear Power Plant Project Joint Review Panel  
c/o Canadian Environmental Assessment Agency  
160 Elgin St. 22nd Floor, Ottawa ON K1A 0H3  
Tel: 613-957-0626 or 1-866-582-1884  
Fax: 613-957-0941  
[darlington.review@ceaa-acee.gc.ca](mailto:darlington.review@ceaa-acee.gc.ca)

**Kelly McGee - Panel Co-Manager**

Darlington New Nuclear Power Plant Project Joint Review Panel  
c/o Canadian Nuclear Safety Commission  
PO Box 1046, Station B, 280 Slater St. Ottawa ON K1P 5S9  
Tel: 613-947-3710 or 1-800-668-5284 or 613-995-1703 (Julie Bouchard, Tribunal Administrator)  
Fax: 613-995-5086  
[JRP-OPG-Darlington@cnsccsn.gc.ca](mailto:JRP-OPG-Darlington@cnsccsn.gc.ca)

**Lucille Jamault - Communications Manager**

Darlington New Nuclear Power Plant Project Joint Review Panel  
c/o Canadian Environmental Assessment Agency  
160 Elgin St. 22nd Floor, Ottawa ON K1A 0H3  
Tel: 613-957-0434  
Fax: 613-957-0946  
[lucille.jamault@ceaa-acee.gc.ca](mailto:lucille.jamault@ceaa-acee.gc.ca)

# Attachment A

## Darlington New Nuclear Power Plant Project Joint Review Panel Public Hearing Participation Request Form

All individuals, organizations, Aboriginal groups and Government Participants must register to participate in the public hearing process no later than **January 13, 2011** and are strongly encouraged to do so by completing the on-line [Participation Request Form](#).

Alternately, print and complete then FAX or mail this form or send the required information by Email to:

Panel Secretariat, Darlington New Nuclear Power Plant Project Joint Review Panel  
280 Slater Street

P.O. Box 1046, Station B

Ottawa, ON K1P 5S9

**FAX:** 613-995-5086

**EMAIL:** [JRP-OPG-Darlington@cnsccsn.gc.ca](mailto:JRP-OPG-Darlington@cnsccsn.gc.ca)

Contact Julie Bouchard, Tribunal Administrator 1-800-668-5284 or 613-995-1703

**(\*) indicates a mandatory field**

Title	<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms.
* First and Last Name	<input type="text"/>
Organization	<input type="text"/>
Email	<input type="text"/>
*Mailing Address	<input type="text"/>
*City	<input type="text"/>
*Province/State	<input type="text"/>
*Postal/Zip Code	<input type="text"/>
*Telephone	( <input type="text"/> ) <input type="text"/>
Fax	( <input type="text"/> ) <input type="text"/>
I prefer to be contacted	<input type="checkbox"/> By email (Please enter your email address above) <input type="checkbox"/> By mail <input type="checkbox"/> By phone
*I will be participating by	<input type="checkbox"/> intervening only in writing by providing a written submission <input type="checkbox"/> intervening both in writing and by making an oral presentation <input type="checkbox"/> making an oral statement only
*Language of choice	<input type="checkbox"/> English <input type="checkbox"/> French
* What is the nature of your interest or expertise in the project? Attach a separate sheet if necessary.	

**Optional - Representative information**

Complete the following section only if you choose to be represented by legal counsel, an agent or other representative at the hearing:

First and Last Name	<input type="text"/>
Organization	<input type="text"/>
Mailing Address	<input type="text"/>
City	<input type="text"/>
Province/State	<input type="text"/>
Postal/Zip Code	<input type="text"/>
Telephone	( <input type="text"/> ) <input type="text"/>
Fax	( <input type="text"/> ) <input type="text"/>
Email	<input type="text"/>

**Privacy notice**

The information on this form is required for the purpose of the public hearing of the Joint Review Panel. It is collected under the authority of subsection 40(3) and section 44 of the [Nuclear Safety and Control Act](#). The collection of the information is mandatory and is protected by the provisions of the [Privacy Act](#). If the noted information is not provided, the request to actively participate at the public hearing may not be accepted. The information collected will only be used and disclosed in the context of the public hearing process.