



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT



GREENPEACE

August 9, 2010

Mr. Alan Graham, Chair
Darlington New Nuclear Power Plant Project
Joint Review Panel
Place Bell Canada
160 Elgin St., 22nd Floor
OTTAWA , ON K1A 0H3

Re: Darlington New Nuclear Power Plant Project

Dear Mr. Graham, Ms. Beaudet, and Mr. Pereira:

We write jointly on behalf of the following groups Canadian Environmental Law Association, Lake Ontario Waterkeeper, Mouvement Vert Mauricie, NorthWatch, Safe and Green Energy, Greenpeace.

We make the following submissions as to the manner of the Panel's public hearing regarding the Darlington New Build Environmental Assessment. These submissions have been discussed and agreed to by the Participants named below. We are of the view that these provisions are necessary to ensure a fair hearing with equitable access for those wishing to participate; to ensure that the Joint Panel has the best possible evidence and information on which to base its decision in the matter; and to ensure transparency in the proceeding.

1. Disclosure of all responses to Information Requests before the close of comments to the public;
2. Right of members of the public to request standing as Participants in the hearing, regardless of whether or not those members or organizations have been funded by the Funding Panel;
3. Right to Participants to make opening and closing oral and written submissions and to reply to closing submissions of other parties / participants;
4. Requirement for proponent to address in its evidence all "worst case" scenarios in the proposed design, construction and operation of the nuclear generating station;
5. Allocation of at least 90 days after final presentation of any evidence in the hearing in order to make final submissions;

6. Requirement for those presenting evidence on the part of the applicant / proponent to be under oath;
7. Right of Participants to cross-examine the applicant / proponent and CNSC staff on evidence and information provided by them to the Joint Panel;
8. Right of Participants to ask questions of others presenting evidence and information;
9. Ability of Participants to submit list of witnesses to be called by the Joint Panel and topics regarding same; including the right of participants to request the Joint Panel to summon government witnesses;
10. Ability of Participants to submit lists of documents relevant to the subject matter of the proceeding to be requested by the Joint Panel to be introduced into the Record of the Panel and ability of participants to ask questions of relevant witnesses regarding same;
11. Ability of Participants and their advisors to provide opinion evidence to the Joint Panel;
12. Provision of additional funding awards to the funded Participants for participation in the Hearing before the Joint Panel;
13. Provision to ensure that all sessions are fully accessible to the public, both physically and electronically, and in both official languages with simultaneous translation;
14. Provision to allow for presentations from individuals and experts in remote locations or in other jurisdictions such as by teleconference, video link or webinar technology including from New York State; other parts of the United States or United Kingdom and elsewhere;
15. Provision of satellite hearings by the Panel, including in addition to the hearings in the vicinity of Darlington, hearings in Toronto, Northern Ontario, Montreal, Port Hope and Peterborough, and inclusions of non-weekday hours for hearings in those locations;
16. Provision for “public days” where members of the public in those same communities who are otherwise not engaged in the hearing may hear a summary of the evidence and ask questions or express their views;
17. Permanent archiving of all hearing sessions including opening and closing statements and evidence of all parties and participants, on-line on the CNSC / CEAA websites;
18. Preparation of transcripts of the hearing, electronic accessibility to those transcripts by the participants, one-day turn around of said transcripts, and posting of transcripts on-line on the CNSC and CEAA websites;
19. Translation of all proceedings, evidence, submissions and documents adduced in the Record of the Joint Panel into both English and French; including full translation of all Parties’, Governments; Participants; and public submissions into both official languages as the case may be;
20. Provision by the Joint Panel of a final decision document which includes a full outline of all information on which it has relied and thorough reasons for its decision.

We look forward to the Panel's response to the foregoing submission.

Yours very truly,

CANADIAN ENVIRONMENTAL
LAW ASSOCIATION



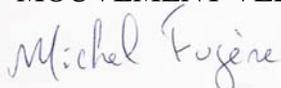
Theresa McClenaghan
Executive Director

LAKE ONTARIO WATERKEEPER



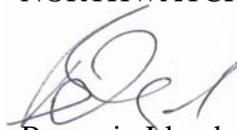
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Safe And Green Energy



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GREENPEACE



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