NORTHWATCH

January 24, 2012

Dr. Stella Swanson, Panel Chair
Dr. James F. Archibald, Panel Member
Dr. Gunter Muecke, Panel Member
Deep Geologic Repository Project Joint Review Panel
Canadian Environmental Assessment Agency
160 Elgin St., 22nd Floor
Ottawa ON K1A 0H3

Email: DGR.Review@ceaa-acee.gc.ca

Dear Panel Chair and Members:

Congratulations on your appointment to the Joint Review Panel for the review of Ontario Power Generation's proposed project to construct and operate a facility for the long-term management of low and intermediate level radioactive waste in Ontario. This is an important review, and we look forward to our participation, and to your considered evaluation of the proposed geological repository for radioactive wastes.
At the commencement of your term as the Joint Review Panel and prior to your finalizing and issuing your directions on procedures and the notice of commencement of the Public Review, we wish to bring three procedural matters to your attention, and make some related process or procedural suggestions.

Management of Information Requests

As referenced in Part II, Item 5 of the Terms of Reference attached to the *Agreement to Establish a Joint Review Panel for the Deep Geologic Repository Project by Ontario Power Generation Inc. within the Municipality of Kincardine, Ontario* , Information Requests may be submitted during the public review period. We request that you include in your procedural directions clear direction on how Information Requests should be submitted, and the method that will be put in place for tracking Information Requests and the responses provided by Ontario Power Generation. In particular, we request consideration of the following attributes for the approach to be taken:

- Information Requests are not combined with information requests put forward by the Panel or by other review participants and are not paraphrased or restated by Agency staff.
- Information Requests are assigned individual numbers; responses from OPG are linked to the original information request through the identifying number; should OPG combine responses to more than one Information Request in a single response, the responses can be tracked back to the original Information Requests by the identifying number
- Responses are provided in electronic formats which are searchable, and sortable by topic, number, source, or EIS Guideline Section

These suggestions come from our experience with the Darlington New Nuclear Power Project, which was the subject of a Joint Panel Review process which was completed in 2011, and during which the management and tracking of Information Requests and responses from Ontario Power Generation was a time-consuming and often frustrating exercise, which demanded considerable time and tapped the limited resources available much more than would be required if the above measures were put in place.

Site Visits

It is a common practice of hearing panels to visit the site of a proposed project, and we expect this will be the case with the proposed deep geological repository project for which you are changed with the joint federal review. We do not disagree with this practice, and acknowledge the benefits of the Panel gaining a first-hand experience of the project location and adjacent operations and land uses. However, we do have a concern about any occasion in which the Joint Review Panel is interacting with the proponent and / or the proponent's consultants and employees outside of the public record, including during site visits. As a remedy, we propose two measures:

- A record be made of any interactions between Panel members and the proponent and/or their representatives, including during site visits
- Public participants in the review process be included in any site visits or other such opportunities for interaction between the Panel members and the proponent and/or their representatives

Advice to the Joint Review Panel

As set out in Part II, Item 5 of the Terms of Reference attached to the *Agreement to Establish a Joint Review Panel for the Deep Geologic Repository Project by Ontario Power Generation Inc. within the Municipality of Kincardine, Ontario*, the Joint Review Panel may receive professional, scientific, technical or other assessment from either Secretariat staff or additional independent experts retained by the Panel to provide information on and help interpret technical and scientific issues and issues relative to community knowledge and Aboriginal traditional knowledge. While we do not disagree with these provisions, we would ask that the Panel commit to making all such exchanges publicly known through the posting of meeting records or written materials on the public registry. This practice will ensure that the appropriate level of transparency is maintained.

Thank you for your consideration, and for your commitment to a fair, informed, and transparent review process. Please do not hesitate to contact us if you would like any of the above points clarified or more detail provided.

Sincerely,

<original signed by>

Brennain Lloyd
Northwatch