

IAAC CURRENT DRAFT TISG

THE DOCUMENT IS DEFICIENT AS A REGULATORY INSTRUMENT

AN IMPACT STATEMENT PRODUCED UNDER IT CANNOT SUPPORT A LAWFUL PUBLIC INTEREST DETERMINATION UNDER IAA SECTION 63

March 2026

SHOW STOPPER STATEMENT

The draft Integrated Tailored Impact Statement Guidelines for the Peace River Nuclear Power Project are deficient as a regulatory instrument in twenty-seven identified respects. An Impact Statement produced under the draft TISG as written cannot provide the Review Panel with the evidentiary foundation required to discharge its independent functions under IAA section 46, cannot demonstrate compliance with mandatory CNSC regulatory requirements for an initial licence application, and cannot support a lawful public interest determination by the Minister under IAA section 63. IAAC cannot approve this project on the basis of an Impact Statement produced under deficient guidelines. Approval would constitute an unreasonable decision reviewable under Vavilov (2019 SCC 65). The show stopper is remedied only by finalising the TISG with all identified deficiencies corrected before the Impact Statement phase commences.

SECTION 1 — THE LOGICAL STRUCTURE OF THIS SHOW STOPPER

Show Stopper 32 operates at a different level from Show Stoppers 1 through 31. Each of SS1–31 identifies a specific scientific, regulatory, or procedural deficiency that independently bars approval of the project. SS32 makes a structural argument: even if the Review Panel were to accept the proponent's position on each of those individual matters, the process itself cannot produce a valid outcome because the instrument governing it — the TISG — is deficient. A deficient TISG produces a deficient Impact Statement. A deficient Impact Statement cannot support a lawful Minister's decision under IAA section 63.

The argument proceeds through the following chain of legal and factual propositions. Each is independently established in the body of this submission.

#	Proposition	Consequence if true
P1	The TISG is the instrument IAAC issues to define the scope and content of the proponent's Impact Statement. The TISG determines what the proponent must study, what evidence it must provide, and what scientific and regulatory standards it must address.	<i>If the TISG is deficient, the Impact Statement produced under it is necessarily deficient in the same respects.</i>
P2	The IAA requires that the impact assessment take into account all factors listed in section 22(1), including the effects of accidents, alternatives, health effects, Indigenous rights, cumulative effects, and the purpose of and need for the project. The TISG must require the proponent to provide information addressing all factors that are material to decision-making.	<i>If the TISG omits a mandatory s.22(1) factor that is material to decision-making, the Impact Statement produced under it cannot satisfy the statutory requirements of the IAA.</i>
P3	The CNSC's REGDOC-2.5.2 §2.2.1 imposes a mandatory 'shall' requirement that societal risks be demonstrated comparable to or less than viable competing technologies. This is a precondition to a valid licence application under the NSCA.	<i>If the TISG does not require the proponent to provide this demonstration, the Impact Statement cannot satisfy the mandatory NSCA licensing standard, and the Review Panel cannot issue a Licence to Prepare Site on the basis of it.</i>
P4	IAA section 46 confers Commission powers on the Review Panel independently of the CNSC. The Review Panel is not bound by CNSC published science and must form its own independent judgments. The TISG must require the proponent to provide a scientifically independent evidentiary foundation adequate for this function.	<i>If the TISG directs the proponent to rely on CNSC-published positions as its evidentiary baseline, the Impact Statement cannot provide the evidentiary foundation required for the Review Panel's lawful section 46 function.</i>
P5	IAA section 63 prohibits the Minister from designating a project's adverse effects as being in the public interest unless the Review Panel report and the evidence before it establish the factual basis for that determination.	<i>If the Impact Statement is produced under a deficient TISG and therefore cannot establish the required factual basis, the Minister's section 63 determination would lack a lawful evidentiary foundation and would be unreasonable under Vavilov.</i>
P6	The draft TISG contains twenty-seven identified deficiencies, each of which corresponds to a mandatory regulatory requirement, a statutory obligation under the IAA, or IAAC's own previously stated position that has been abandoned without explanation.	<i>The draft TISG, if finalised without amendment, produces an Impact Statement that fails at each of P1 through P5. Approval on that basis is not available in law.</i>

SECTION 2 — THE LEGAL FRAMEWORK

2.1 The TISG's Legal Function and IAAC's Obligation

The TISG is not a policy preference document. It is the legal instrument through which IAAC defines the scope of the Impact Statement that the proponent must prepare. Under the IAA and the Information and Management of Time Limits Regulations, the TISG must include all tailored guidelines regarding information or studies that IAAC considers necessary for the conduct of the

impact assessment. IAAC is required to consider all factors set out in IAA section 22(1) in determining what information and studies are necessary.

The statutory consequence of a deficient TISG is not merely that the Impact Statement will be incomplete. It is that:

- An Impact Statement produced under the TISG may appear complete on its face while being substantively inadequate, because the TISG defined the scope too narrowly;
- The Review Panel's task of assessing the Impact Statement will be compromised by the absence of information the panel requires to discharge its function, through no fault of its own;
- A decision by the Minister based on a structurally inadequate Impact Statement lacks a lawful evidentiary foundation and is unreasonable under Vavilov.

2.2 IAA Section 22(1): The Mandatory Assessment Factors

IAA section 22(1) lists the factors the impact assessment must take into account. The TISG must require information sufficient to address each factor that is material to decision-making. The following section 22(1) factors are material to decision-making for the Peace River project and are not adequately addressed in the draft TISG:

- s.22(1)(a): Changes to the environment and health, social, or economic conditions — the TISG does not require health risk assessment beyond cancer, does not require an epidemiological baseline study, does not require non-cancer endpoint assessment, and does not require the GBA+ disaggregation that s.22's own language requires;
- s.22(1)(b): Mitigation measures — the TISG cannot require adequate mitigation measures for risks it has not required the proponent to characterise;
- s.22(1)(d): Capacity of renewable resources — not assessed in the alternatives context despite being directly relevant to the comparative need analysis;
- s.22(1)(f): Alternatives to the project — identified as a key concern in the SOI but absent from the TISG without explanation;
- s.22(1)(i): Purpose, need, and alternative means — the AP1000 alternative means is not required to be assessed despite the proponent's own October 2025 technology partnership announcement;
- s.22(1)(j): Indigenous Knowledge — the TISG does not embed Indigenous Knowledge requirements in the health and environmental assessment chapters;
- s.22(1)(l): Cumulative effects — the draft TISG treats cumulative effects superficially; the combined effect of pre-existing elevated cancer baseline, Montney-induced seismicity, climate hydrological change, and nuclear construction population influx on the Peace Region population is not required to be assessed in any integrated way;
- s.22(1)(s): Contribution to Canada's climate obligations — a lifecycle carbon intensity comparison against viable alternatives is not required, and the Alberta-specific methane leakage problem is not addressed.

2.3 IAA Section 46: The Review Panel’s Independent Function

Section 46 of the IAA provides that for the purpose of conducting an impact assessment of a designated project that includes activities regulated under the NSCA, the Review Panel may exercise the powers conferred on the Canadian Nuclear Safety Commission. This provision has three consequences that bear directly on the adequacy of the TISG.

First, the Review Panel is not reviewing a CNSC decision. It is exercising CNSC powers for itself. It must have before it an evidentiary record adequate for it to make its own independent determinations, not merely to assess whether the proponent has complied with CNSC-published positions.

Second, the Review Panel is not bound by CNSC published science. CNSC fact sheets, guidance documents, and published regulatory conclusions are participant inputs to the proceeding — one source among others. The Review Panel must evaluate them on their merits against the full scientific record.

Third, the TISG as the instrument defining the Impact Statement’s scope must be adequate for the Review Panel’s independent section 46 function. A TISG that directs the proponent to cite CNSC published positions as its evidentiary foundation, and does not require independent scientific validation, does not produce an Impact Statement adequate for section 46 purposes.

2.4 IAA Section 63: The Minister’s Public Interest Determination

Section 63 of the IAA governs the Governor in Council’s and Minister’s decision on whether adverse effects within federal jurisdiction are in the public interest. The determination must be based on the Review Panel’s report and must weigh the factors listed in section 63(4), including the impact on the rights of Indigenous peoples, the extent to which effects are adverse, and the purpose and need for the project.

A section 63 determination made on the basis of an Impact Statement that omitted mandatory REGDOC-2.5.2 comparative risk analysis, omitted non-cancer health endpoint assessment, omitted the NWT transboundary effects, omitted an epidemiological baseline for the Peace Region, and was produced under guidelines that treated disputed CNSC published science as settled truth, is a determination made without the lawful evidentiary foundation that section 63 requires. Under Vavilov, that determination would not comply with the relevant factual or legal constraints imposed on the decision-maker and would therefore be unreasonable.

SECTION 3 — THE TWENTY-SEVEN IDENTIFIED DEFICIENCIES

The following table sets out the twenty-seven identified deficiencies in the draft TISG. Each is referenced to the TISG section it affects, the specific deficiency, and the regulatory or statutory basis for requiring amendment. Full substantive submissions on each deficiency are on the IAAC registry.

Code	TISG Section	Deficiency	Mandatory Basis
D1	§§4, 12	No comparative societal risk demonstration against viable competing technologies (flex gas with CCS, large-scale BESS/VRFB).	REGDOC-2.5.2 §2.2.1 ('shall' requirement)
D2	§§4, 12	No alternatives-to assessment despite SOI identifying whether other technologies are more appropriate as a key concern.	IAA s.22(1)(f); Vavilov (unexplained SOI departure)
D3	§§4, 7, 12	No alternative-means assessment of AP1000 despite proponent's own October 2025 Westinghouse partnership.	IAA s.22(1)(i)
D4	Introduction; §9	CNSC published positions treated as settled evidentiary baseline; proponent not required to provide independent scientific foundation adequate for Review Panel's section 46 function.	IAA s.46; Vavilov
D5	§9.1	KiKK/childhood leukemia assessment not required to address full peer-reviewed literature; CNSC 'unfounded' characterisation may be adopted without independent evaluation.	IAA s.46; IAA s.22(1)(a)
D6	§9.1, 12	RADICON radioiodine source term not excluded despite acknowledged false statement (EVP Jammal, 2017). Accident consequence assessments may be built on values the CNSC itself acknowledged as incorrect.	IAA s.46; REGDOC-2.10.1
D7	§9.1	Tritium risk assessed at 7,000 Bq/L only; ODWAC 2009 precautionary recommendation of 20 Bq/L not required to be addressed despite documented inadequacy for pregnant women and fetuses.	IAA s.22(1)(a); IAA s.46; ODWAC 2009
D8	§9.1	LNT model four extrapolation steps not required to be disclosed or subjected to sensitivity analysis. Review Panel cannot independently evaluate model appropriateness.	IAA s.46; IAA s.22(1)(a)
D9	§9.1	Six non-cancer health endpoint categories (cardiovascular, reproductive, developmental, immunological, neurological, non-malignant respiratory) not required to be assessed.	IAA s.22(1)(a); UNSCEAR documented endpoints
D10	§9.1, 9.3	Kinlen population-mixing epidemiological assessment not required despite CNSC's own published position identifying it as the most likely explanation for nuclear-proximate childhood leukemia.	IAA s.22(1)(a); CNSC KiKK fact sheet
D11	§9.1	No epidemiological baseline study required before HHRA submission. Peace Region has documented elevated cancer incidence of unknown etiology invalidating incremental risk methodology.	IAA ss.22(1)(a), 63; scientific validity
D12	§9.1	No GBA+ disaggregation of radiological risk estimates by sex, age cohort, and pregnancy status despite TISG §1.3 GBA+ obligation and peer-reviewed evidence of differential radiation sensitivity.	TISG §1.3 GBA+ obligation; IAA s.22(1)(a)

D13	§7, 13	NWT transboundary water agreement not reflected in geographic scope. NWT government formal objection on record. Peace River flows to Slave-Mackenzie-Arctic system.	1997 Mackenzie River Basin Master Agreement; IAA s.22(1)(a)
D14	§9.1	CANDU tritium production orders of magnitude higher than PWR comparators. Food-chain HTO/OBT pathway assessment not required despite documented CANDU-specific tritium exposure route.	IAA s.22(1)(a); REGDOC-2.5.2 §2.2.1 comparator
D15	§7, 12, 13	Induced seismicity from Montney/Harmon Valley fracking not required to be characterised as separate dynamic hazard category. SOI identified this specifically.	CNSC RD-346; REGDOC-1.1.1; IAA s.22(1)(a)
D16	§7, 13	70-year climate-adjusted hydrology for cooling water supply not required. Site suitability contingent on Peace River flows that climate projections indicate will decline.	REGDOC-1.1.1; IAA ss.22(1)(a), 13(d)
D17	§7, 12	CANDU MONARK first-of-kind with no operating data, no VDR started. No requirement for proponent to address how REGDOC-2.4.2 PSA standard will be met without empirical validation data.	REGDOC-2.4.2; NSCA s.24(4); REGDOC-2.5.2
D18	Entire TISG	AP1000 technology pivot not addressed. Energy Alberta's October 2025 Westinghouse partnership means MONARK-only TISG may be void before Impact Statement is submitted.	IAA s.22(1)(i); integrity of TISG instrument
D19	§12, 13	Wildfire-nuclear emergency integration requirements deferred to Licence to Operate phase. Darlington November 2025 emergency exercise failure establishes elevated standard for remote first-of-kind sites.	CNSC RD-346; REGDOC-2.10.1; SOI acknowledged gap
D20	§9.3	Radioactive waste pathway for interim on-site storage beyond facility life not required. No licensed permanent disposal pathway exists for the full waste inventory.	Nuclear Fuel Waste Act; IAA s.22(1)(a); UNDRIP Art.29.2
D21	§9	Nuclear Liability and Compensation Act \$1B cap vs. actual severe accident economic loss not required to be disclosed. Residual public liability unquantified.	IAA ss.22(1)(b), 63(4); NLCA s.24
D22	§9	IAA s.63 public interest analysis not required as standalone chapter. Proponent not required to identify, quantify, and weigh all adverse health effects against the public interest standard.	IAA s.63; IAA s.22(1)(a)
D23	§9	Decommissioning financial assurance not required to be demonstrated. Energy Alberta is a newly formed private company with no demonstrated capacity for multi-billion dollar decommissioning liability.	CNSC REGDOC-3.3.1; NSCA s.24(4)
D24	§9	No AESO grid integration assessment required. No System Access Service Request filed. No transmission NID filed. 4,800 MWe remote injection point has no demonstrated feasibility.	IAA s.22(1)(i) need and purpose; AESO connection requirements
D25	§7, 8, 13	Peace-Athabasca Delta downstream Treaty rights assessment scope limited to Peace River	IAA s.22(1)(g); UNDRIP Art.29; Constitution s.35

		corridor. Fort McKay, Athabasca Chipewyan, and ACFN submissions document transboundary aquatic pathway.	
D26	§12	CANDU positive void coefficient not required to be addressed in EPZ sizing for MONARK-specific worst-case accident sequences at a remote site without emergency infrastructure.	CNSC RD-346; REGDOC-2.10.1; REGDOC-2.5.2
D27	§9.1	No independent expert oversight mechanism required. Review Panel's section 46 independent function requires independent expert reports on source terms, health risk methodology, and PSA validation.	IAA s.46; integrity of evidentiary record

SECTION 4 — LEGAL CONSEQUENCE: UNREASONABLENESS UNDER VAVILOV

4.1 The Applicable Standard

The finalization of the TISG is an administrative decision subject to judicial review on the standard of reasonableness under Vavilov (2019 SCC 65). Reasonableness review requires that the decision comply with the relevant factual and legal constraints imposed on the decision-maker, including those imposed by the governing statute and other applicable regulatory instruments. A reasonable decision must also be transparent and intelligible, and where the decision-maker departs from its own previously stated position, it bears the burden of explaining that departure.

4.2 The Specific Vavilov Violations

Finalizing the TISG with the twenty-seven identified deficiencies would produce an unreasonable decision on the following grounds:

4.2.1 Failure to Comply with a Legal Constraint (REGDOC-2.5.2 §2.2.1)

REGDOC-2.5.2 §2.2.1 is a mandatory 'shall' requirement in the CNSC's own operative design standard. It constitutes a legal constraint imposed by the regulatory framework that IAAC itself references in the TISG. A TISG that does not require the proponent to provide the mandatory comparative societal risk demonstration fails to comply with this legal constraint and is therefore unreasonable on that ground alone.

4.2.2 Unexplained Departure from IAAC's Own SOI Position

The SOI identified, as key issues: whether other technologies are more appropriate for the Peace River region; the need for expanded emergency response for wildfires; elevated cancer incidence; MONARK's unproven status; and induced seismicity. A TISG that does not require the proponent to address these matters that IAAC itself identified as relevant is departing from its own previously stated position without explanation. Under Vavilov, that departure is unreasonable unless IAAC can justify it. No such justification appears on the registry record.

4.2.3 Structural Incompatibility with IAA Section 46

A TISG that produces an Impact Statement incapable of supporting the Review Panel's independent section 46 function is incompatible with the Act's own structure. The Act confers independent Commission powers on the Review Panel specifically because Parliament determined that nuclear impact assessments require independent scientific evaluation beyond what the CNSC's own regulatory process provides. A TISG that undermines this by directing the proponent toward a CNSC-dependent evidentiary foundation defeats the purpose of section 46.

4.2.4 Section 63 Lacks an Evidentiary Foundation

A Minister's determination under section 63 based on an Impact Statement that omitted mandatory comparative risk analysis, omitted non-cancer health endpoint assessment, omitted NWT transboundary effects, omitted the Peace Region cancer baseline, and was produced under a TISG that treated disputed CNSC science as settled, is a determination made without a lawful evidentiary foundation. Under Vavilov, that determination does not comply with the factual and legal constraints imposed on the decision-maker and is unreasonable.

SECTION 5 — THE REMEDY

Show Stopper 32 identifies a structural deficiency in the assessment process, not in the project design. Unlike Show Stoppers 1 through 31, which identify matters where the project itself cannot satisfy applicable standards, SS32 identifies a matter where the assessment process as currently designed cannot produce a valid outcome regardless of what the proponent submits.

The remedy is specific and bounded. It does not require the assessment to be abandoned. It requires the TISG to be finalised with the twenty-seven identified deficiencies corrected before the Impact Statement phase commences. This is within IAAC's power and is the normal function of the finalization process. The public comment period on the draft TISG exists precisely to identify deficiencies so they can be remedied before the proponent receives its marching orders.

This submission requests that IAAC:

1. Acknowledge that the twenty-seven deficiencies identified in this submission and the supporting TISG amendment submissions constitute mandatory requirements that must be addressed in the final TISG;
2. Finalise the TISG with all twenty-seven deficiencies corrected, including the mandatory REGDOC-2.5.2 §2.2.1 comparative societal risk requirement, the IAA s.22(1)(f)/(i) alternatives assessment requirement, the section 46 independent evidentiary foundation requirements, and the twenty-one specific regulatory and procedural requirements identified in the supporting amendment submissions;
3. Post a revised draft TISG for public comment before the final TISG is issued, given the material additions required;
4. File IAAC's written response to this Show Stopper on the public registry as part of the assessment record.

NOTE ON THE RELATIONSHIP BETWEEN SS32 AND SS1–31

Show Stopper 32 is cumulative with, not alternative to, Show Stoppers 1 through 31. The IAAC does not need to find SS32 persuasive in order to find SS1–31 persuasive — each of the prior show stoppers independently bars approval. SS32 makes the further point that even if the proponent were to address each of SS1–31 in its Impact Statement, it cannot do so adequately if the TISG that governs the Impact Statement does not require the evidentiary foundation those show stoppers demand. A deficient TISG and deficient show-stopper outcomes are not independent problems: they are the same problem at different levels of the process.

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Primary instruments: Impact Assessment Act SC 2019, c.28, s.1 (ss.22, 46, 63); Nuclear Safety and Control Act SC 1997, c.9, s.24(4); CNSC REGDOC-2.5.2 Version 2.1 §2.2.1; CNSC REGDOC-2.4.2 (PSA); CNSC REGDOC-2.10.1 Version 2; CNSC REGDOC-1.1.1 Version 1.2; CNSC REGDOC-3.3.1; Nuclear Fuel Waste Act SC 2002, c.23; Nuclear Liability and Compensation Act SC 2015, c.4, s.24; 1997 Mackenzie River Basin Transboundary Waters Master Agreement; CNSC-IAAC MOU on Integrated Impact Assessments 2019; IAAC Summary of Issues, IAAC File 89430, May 2025; Ontario Drinking Water Advisory Committee Report on Tritium 2009; CNSC DPRR Joint Audit 2025; CNSC enforcement letter to OPG re Darlington Unified Command 2025, November 6, 2025; Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65.