

IAAC COMPLAINT ADDITIONS

Energy Alberta Peace River Nuclear Power Project — Registry #89430

A Formal Submission to the Impact Assessment Agency of Canada
Registry #89430 — Energy Alberta Peace River Nuclear Power Project

March 2026

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A PROCESS REDUCED TO A MOCKERY

How Energy Alberta treated the Statutory consultation process with disdain, how the CNSC participated and enabled this disdain and how the IAAC allowed it to happen

The Impact Assessment Act does not contemplate a proponent that treats the statutory process as a commercial convenience. It does not contemplate a national nuclear regulator that provides technical evidence to a quasi-judicial panel for determinations it knows its own institutional posture precludes it from supporting. And it does not contemplate an assessment agency that watches both of those things happen while continuing the assessment as though nothing has gone wrong. The Act is built on the assumption that these three things cannot happen simultaneously because the system of statutory obligations, disclosure requirements, and procedural safeguards that the Act establishes would prevent it.

In this proceeding, all three have happened simultaneously. Energy Alberta has treated the process with contempt across seven documented acts. The CNSC has participated in and enabled that contempt by providing a regulatory imprimatur that Energy Alberta's conduct did not deserve and by staying silent when its section 18 disclosure obligations required it to speak. The IAAC has allowed both — watching a proponent make undisclosed technology shifts, ignore mandatory information requirements, and disregard binding treaty obligations, while the Agency's primary technical adviser said nothing, and while the Agency itself continued the assessment.

For the Peace River community — a Treaty 8 community already carrying an elevated and unexplained cancer burden, 30 kilometres from the proposed site — the combined effect of these three institutional failures is not a series of remediable procedural gaps. It is the systematic reduction of the only statutory process designed to protect their health and rights into a proceeding that has the form of an impact assessment and lacks its substance. This Show Stopper documents all three failures, in order, and explains why the process they have jointly produced cannot result in a lawful or defensible outcome.

ENERGY ALBERTA'S SEVEN ACTS OF PROCEDURAL DISDAIN — SUMMARY

Each of the following acts is independently sufficient to invalidate the assessment record. Part One addresses them in full. Parts Two and Three address how the CNSC enabled each act and how the IAAC permitted it.

EA Act 1 — Filing a Project Description for a Technology With No Regulatory Basis

Named the CANDU MONARK in April 2025. At the time of filing the CNSC had not begun even a preliminary VDR assessment of this design. No Canadian regulatory basis existed. Every participant directed their effort toward a project the CNSC had never assessed.

EA Act 2 — Signing a Competing Technology MOU During a Live Assessment Without Notice

Signed a Memorandum of Understanding with Westinghouse Electric for the AP1000 on 21 October 2025, during the live assessment, without filing an amended project description, without notifying participants, and without adopting a Plant Parameter Envelope to preserve the value of existing submissions.

EA Act 3 — Using the Assessment Suspension as Cover for an Undisclosed Technology Shift

Requested the assessment suspension in August 2025, used the suspension to negotiate and sign the Westinghouse MOU in October 2025, and allowed the assessment to resume on 2 March 2026 without any disclosure to participants.

EA Act 4 — Filing Without a Waste Management Plan Despite Explicit Mandatory Requirements

The IAAC's June 2025 Summary of Issues explicitly required a complete waste management plan. Energy Alberta filed nothing. No disposal pathway, no transport plan, no interim storage site, no financial assurance.

EA Act 5 — Filing Without the Mandatory 100-Year Water Security Assessment

The Summary of Issues required 100-year climate-adjusted water projections. Energy Alberta provided a single static flow figure. No Water Act licence application exists. The mandatory assessment does not exist.

EA Act 6 — Ignoring UNESCO Treaty Requirements and the NWT's Formal Transboundary Notification

UNESCO's 2023 SOC 4339 requires OUV impact assessment before approval of any major PAD watershed project. The NWT government formally documented Transboundary Water Agreement breach in July 2025. Energy Alberta addressed neither.

EA Act 7 — Filing a Cancer-Only HIA Against the Wrong Baseline for the Wrong Community

Filed a health impact assessment covering one of seven statutory endpoint categories, against a generic national baseline, for a community whose cancer incidence already exceeds that baseline for reasons that have never been explained.

PART ONE: ENERGY ALBERTA'S SEVEN ACTS OF PROCEDURAL DISDAIN

The Impact Assessment Act establishes a quasi-judicial process that carries legal obligations for every participant. A proponent in this process is not merely providing information — it is a party to a proceeding whose integrity and completeness depend on its candour, its compliance with mandatory requirements, and its respect for the participation rights of every other party. Energy Alberta has met none of these obligations. Across seven documented acts, it has turned the statutory process into a vehicle for commercial advancement while stripping from it the protective content the legislature required.

1.1 Filing a Project Description for a Technology With No Regulatory Basis

Energy Alberta filed its Initial Project Description in April 2025 naming the CANDU MONARK reactor. At the time of filing, the CANDU MONARK had no Vendor Design Review — not even a commenced preliminary assessment — in Canada. AtkinsRéalis had entered only a preliminary 'special project' arrangement in October 2024 to plan what a future VDR might look like. This is the most preliminary stage of pre-licensing engagement imaginable. It produces no regulatory assessment of the design, no source term, no safety case, and no basis for any technical finding the CNSC would make in a Panel submission.

The CNSC confirmed in March 2026 — eleven months after the IPD was filed — that it had not begun a preliminary VDR assessment of the CANDU MONARK. Every participant in the planning phase had, by then, directed months of research effort, including publicly funded Participant Funding Program resources, toward a design the CNSC had never assessed. The project description satisfied the physical form of the section 10 requirement while being substantively hollow: it named a technology for which no Canadian regulatory foundation existed and gave no indication that this was the case.

ENERGY ALBERTA'S CONDUCT:

Named a reactor technology with no Canadian regulatory basis in its project description, without disclosure, directing the entire planning phase toward a design the CNSC had never assessed. The planning phase record built against this project description was built against a regulatory phantom.

1.2 Signing a Competing Technology MOU During a Live Assessment Without Notice

On 21 October 2025, six months into the IAAC process, Energy Alberta signed a Memorandum of Understanding with Westinghouse Electric to explore deploying AP1000 pressurised water reactors at the Peace River site instead of the CANDU MONARK. The CANDU MONARK and the AP1000 are not design variants. They are categorically different configurations: different fuel type, different coolant, different moderator, tritium outputs two orders of magnitude apart, spent fuel volumes differing by a factor of approximately four, incompatible accident scenarios, and different cooling water demands.

Energy Alberta filed no amended project description. It issued no process notice. It did not adopt a Plant Parameter Envelope. It made a commercial decision that retroactively rendered every CANDU-specific submission in the planning phase potentially inapplicable — and made that decision in silence. The participants who had directed their resources toward CANDU tritium volumes, CANDU spent fuel, CANDU accident scenarios, and CANDU dose projections discovered the Westinghouse MOU through sources other than any formal process channel.

ENERGY ALBERTA'S CONDUCT:

Signed a technology MOU with a competing supplier during a live quasi-judicial assessment without amended project description, without participant notice, and without any mechanism to preserve the value of existing submissions. Made the most consequential undisclosed commercial decision in the proceeding's history and left every other participant to absorb the consequences.

1.3 Using the Assessment Suspension as Cover for an Undisclosed Technology Shift

Energy Alberta requested the assessment suspension in August 2025. The suspension ran until March 2026. The Westinghouse MOU was signed in October 2025 — during the suspension. The assessment resumed on 2 March 2026 with the technology indeterminacy unresolved, no process notice issued, and no supplementary participation opportunity offered. The suspension — granted by the IAAC to accommodate the proponent — was used to advance a commercial negotiation that compromised the entire planning phase record, and was used for this purpose without a word to any participant.

Had the Westinghouse MOU been signed while the assessment was running, rather than during a suspension the proponent had itself requested, the commercial nature of the decision and its regulatory consequences would have been immediately visible. The suspension created a regulatory blind spot in which a technology shift could be made without triggering the process obligations that a mid-assessment commercial change would otherwise require.

ENERGY ALBERTA'S CONDUCT:

Used a suspension it had requested to enter a commercial agreement with a competing technology supplier, then allowed the assessment to resume without disclosing the agreement through any formal channel. The suspension mechanism, designed to protect the integrity of the process, was used as cover for the most serious act of non-disclosure in the proceeding.

1.4 Filing Without a Waste Management Plan Despite Explicit Mandatory Requirements

A four-unit CANDU facility would produce approximately 400 to 500 tonnes of spent nuclear fuel annually — tens of thousands of tonnes over a 70-year life. That spent fuel will be radioactively hazardous for tens of thousands of years. Canada has no operating permanent repository. The NWMO's DGR at Ignace is in early pre-licensing, subject to active court challenge, and designed for a fuel type that may not match whatever reactor Energy Alberta ultimately chooses. The IAAC's June 2025 Summary of Issues explicitly required a complete waste management plan including alternate waste storage site, long-term containment, transportation risk, and interjurisdictional responsibility. Energy Alberta has not provided one.

No waste management plan exists. No transportation corridor — approximately 3,500 kilometres between the Peace River site and Ignace, with no connecting rail line — has been identified. No interim storage site in the Peace River region has been proposed. No financial assurance instrument exists. A mandatory requirement declared by the Agency's own process, published in June 2025, was simply ignored. The Panel is being asked to find the project in the public interest for a facility whose most dangerous output has no destination and no management plan.

ENERGY ALBERTA'S CONDUCT:

Ignored a specific, published, mandatory requirement for a complete waste management plan. Filed nothing on waste disposal, transport, interim storage, or financial assurance. The consequence is that the Panel must make a public interest finding about decades of spent nuclear fuel accumulating in Treaty 8 territory with no plan for where it goes or who pays to manage it.

1.5 Filing Without the Mandatory 100-Year Water Security Assessment

The proposed facility would draw non-interruptible cooling water from the Peace River for 70 to 100 years. The Peace River's primary source is Rocky Mountain snowpack projected to decline across all climate scenarios over the second half of this century. The Smoky-Wapiti sub-basin is the most highly allocated sub-basin in the entire Peace watershed. The IAAC's Summary of Issues declared 100-year climate-adjusted water projections mandatory. Energy Alberta characterised water demand as approximately 0.2% of mean annual flow — a single static figure against a static baseline with no climate adjustment, no drought scenario, and no 100-year projection. No Water Act licence application exists.

The cooling water returned to the Peace River is warmer than ambient and carries low-level tritium. Thermal effects alter ice formation dynamics and the sediment regime on which the Peace-Athabasca Delta's ecology depends. Ice jam flooding is the primary mechanism replenishing the Delta. UNESCO specifically required assessment of Peace River hydrology changes. None of this has been addressed.

ENERGY ALBERTA'S CONDUCT:

Ignored a specific, published, mandatory requirement for a 100-year climate-adjusted water security assessment. Filed a single static flow figure. Applied for no Water Act licence. The Panel is being asked to find water impacts acceptable for a non-interruptible 100-year water user on a declining river without the assessment the Agency declared necessary.

1.6 Ignoring UNESCO's Treaty-Level Requirements and the NWT's Formal Transboundary Notification

UNESCO's 2023 SOC 4339 requires that all major PAD watershed projects specifically address impacts on Wood Buffalo National Park's Outstanding Universal Value before approval. This is a binding treaty obligation Canada assumed before this proponent filed a single document. The Northwest Territories government wrote formally to the IAAC on 23 July 2025 documenting breach of the Alberta-NWT Transboundary Water Agreement. Four First Nations filed joint legal submissions in October 2025. The Dene National Chief formally demanded meaningful consultation in November 2025. UNESCO's August 2026 Reactive Monitoring Mission — to determine whether Wood Buffalo should be placed on the World Heritage In Danger list — is proceeding this year.

Energy Alberta has filed no OUV impact assessment. It has not addressed the transboundary breach. It has not responded to the NWT government's formal notification. It has filed a project description for an upstream Peace River development that treats the standing treaty obligations applicable to all upstream Peace River developments as though they do not exist.

ENERGY ALBERTA'S CONDUCT:

Filed a project whose treaty-level obligations — to UNESCO and under the Alberta-NWT Transboundary Water Agreement — were formally placed on the record by a government party and four First Nations. Energy Alberta has addressed none of them. The Panel is being asked to find a project in the public interest that Canada's own treaty partners have formally identified as breaching bilateral and international obligations.

1.7 Filing a Cancer-Only HIA Against the Wrong Baseline for the Wrong Community

The Peace River region carries a documented above-average cancer incidence of unknown aetiology. The IAAC's Summary of Issues required characterisation of the region's health baseline precisely because it is not average. You cannot calculate adequate incremental risk against a baseline you have not established. Energy Alberta's health impact assessment evaluates cancer as the sole quantitative endpoint — excluding cardiovascular disease, neurological and neurodevelopmental effects, immune system dysregulation, ophthalmic effects, adverse reproductive and developmental outcomes, and mixture interaction effects, all of which have peer-reviewed evidence of association with chronic low-dose ionising radiation.

The assessment calculates incremental cancer risk against a generic national baseline rather than the Peace River community's actual health position. It presents this fraction of the required assessment — one endpoint category out of seven, against the wrong baseline — as adequate health protection for a community whose starting health position makes every assumption in the assessment more consequential than it would be anywhere else in Canada.

ENERGY ALBERTA'S CONDUCT:

Filed a health impact assessment covering one of seven statutory endpoint categories, calibrated against a generic national baseline the Agency's own process declared inadequate, for a community whose cancer incidence already exceeds that baseline. This is not a health impact assessment. It is a cancer risk calculation formatted to look like one.

PART TWO: HOW THE CNSC PARTICIPATED IN AND ENABLED ENERGY ALBERTA'S DISDAIN

Energy Alberta's seven acts did not occur in a regulatory vacuum. At every point, the CNSC was a participant in this proceeding — as primary health and safety technical adviser, as pre-licensing engagement authority, and as a federal authority with a statutory disclosure obligation under IAA section 18. At every point, the CNSC had the authority and the obligation to flag what was wrong. At every point, it chose instead to continue providing Energy Alberta with the regulatory imprimatur that its conduct had forfeited.

The CNSC's participation in and enablement of Energy Alberta's disdain for this process takes six forms, each corresponding to one or more of the seven acts documented in Part One.

2.1 Providing Technical Authority for a Technology It Had Never Assessed — Enabling Act 1

When Energy Alberta filed its IPD naming the CANDU MONARK in April 2025, the CNSC knew — because it maintains its own pre-licensing engagement records — that no preliminary VDR assessment of that design had been commenced. It knew that it had no regulatory basis for the safety case submissions that a CNSC advisory

role in a nuclear assessment requires: no source term, no design basis accident scenarios, no tritium emission profile against Canadian standards. It knew, in other words, that it was being asked to serve as primary technical adviser for a facility whose fundamental regulatory assessment did not exist.

It said nothing. It did not advise the Agency that the project description named a technology for which no CNSC regulatory basis existed. It did not recommend that the Agency require a technology commitment or a commenced VDR before the planning phase opened. It assumed its advisory role and allowed eleven months of assessment to proceed on a technical foundation it knew had not been established. The CNSC's silence on the VDR status of the CANDU MONARK is not an oversight. It is the single most consequential undisclosed fact in this proceeding — a fact that only the CNSC possessed and only the CNSC was positioned to disclose.

CNSC'S PARTICIPATION:

Knew that the technology named in the project description had no Canadian regulatory basis. Said nothing to the Agency. Assumed its role as primary technical adviser and allowed the entire planning phase to be conducted against its authority for a design it had never assessed. Every technical submission the CNSC filed in this proceeding rests on a foundation it knew did not exist.

2.2 Staying Silent When Energy Alberta Changed Its Technology — Enabling Acts 2 and 3

The Westinghouse MOU of 21 October 2025 became publicly known. The CNSC's own pre-licensing engagement records showed the AP1000's VDR status: Phase 2 completed in 2013 against substantially outdated regulatory standards, Phase 3 never completed. The CNSC therefore knew, when the Westinghouse MOU was signed, that the proponent had shifted toward a technology that also had no current completed regulatory basis in Canada.

The CNSC had a mandatory obligation under IAA section 18 to provide the Agency with all information in its possession relevant to the assessment. The VDR status of both technologies is directly relevant. The CNSC did not file a section 18 advisory. It did not recommend that the Agency require a technology commitment or an amended project description before the assessment resumed. When the assessment resumed on 2 March 2026, the CNSC resumed its advisory role without disclosing to the Panel that neither technology the proponent had named had a current completed regulatory basis in Canada, and that it could not therefore provide the safety case submissions that the IAAC's acceptance of the CNSC as primary technical adviser assumed it had established.

CNSC'S PARTICIPATION:

Knew the VDR status of both technologies. Was obligated under IAA section 18 to disclose this to the Agency. Disclosed nothing. Allowed the assessment to resume on a technology-indeterminate record while continuing to provide advisory submissions that assumed a regulatory basis for the project that the CNSC knew had not been established for either technology under consideration.

2.3 Submitting Dose Projections From a Framework the IAEA Found Non-Compliant Twice — Independent of Energy Alberta

This failure is not directly caused by Energy Alberta's conduct, but it is integral to the process being a mockery: the CNSC submitted dose projections to this Panel as adequate health protection for a community with a documented above-average cancer incidence without disclosing that the framework producing those projections was found deficient by the IAEA in two consecutive review cycles — 2019 and 2024 — specifically because it lacks the dose constraint that gives the framework its health-protective function. No dose constraint exists for the Peace River facility. The CNSC's own implementation plan defers the constraint to the construction licence phase, after the design is fixed, which is the precise reverse of what IAEA GSR Part 3 Requirement 29 requires.

The Panel is being asked to find adequate health protection on the basis of a dose framework the world's nuclear safety authority has twice declared deficient for lacking the mechanism that would make the projections health-protective. The CNSC submitted those projections without disclosure. That is not a gap in the evidence. It is a

material misrepresentation to a quasi-judicial body of the CNSC's capacity to provide adequate health protection for Peace River residents.

CNSC'S PARTICIPATION:

Submitted dose projections from a framework the IAEA found non-compliant in 2019 and again in 2024 without disclosing these findings to the Panel. Allowed the Panel to treat those projections as adequate health protection on a record from which the one fact that would prevent that treatment — the IAEA's twice-documented finding that the framework lacks its health-protective mechanism — has been withheld.

2.4 Refusing the Benefits-Outweigh-Harm Test While Advising a Panel That Must Apply It — Enabling the Entire Process

IAA sections 60 to 63 require a public interest determination that is, at its core, a benefits-outweigh-harm analysis. The CNSC formally refused to apply this standard: its published response to the IAEA's 2019 Suggestion S9 states 'Not accepted.' It confirmed the same position in Federal Court in *CARN v BWXT*, 2022 FC 849. The 2024 IRRS follow-up confirmed the matter remains unresolved. The CNSC has therefore been providing primary technical evidence to this Panel for a determination it has formally and institutionally refused to make — without disclosing this to the Panel.

This is not a technical gap. It is a structural misrepresentation of the CNSC's role in this proceeding. A regulator that has refused the central analytical step the Panel's statutory obligation requires cannot serve as the primary evidence source for that obligation without disclosing its institutional exclusion of that step. The CNSC has provided submissions to this Panel that invite deference to its technical authority for a public interest determination whose core component the CNSC has formally declined to apply. Energy Alberta's disdain for this process was enabled, in its most fundamental dimension, by a regulator whose submission to the process was itself constructed on a misrepresentation of its capacity.

CNSC'S PARTICIPATION:

Formally refused the benefits-outweigh-harm test on the published international record twice and in Federal Court. Provided primary technical evidence to a Panel whose statutory obligation requires exactly that test. Did not disclose the exclusion. The Panel is being invited to make a public interest determination by deferring to an institution that has structurally excluded itself from answering the question the determination requires. This is the foundational misrepresentation that makes the entire process a mockery.

2.5 Accepting the Cancer-Only HIA It Designed as Adequate — Enabling Act 7

The CNSC designed the Health Impact Assessment framework that limits quantitative assessment to cancer as the sole endpoint. When Energy Alberta filed a cancer-only HIA, it was filing an assessment built against the CNSC's own framework. The CNSC then accepted that assessment as adequate without requiring the six excluded endpoint categories to be addressed — categories for which peer-reviewed evidence of association with chronic low-dose radiation exists and which the statute requires to be assessed. The CNSC designed the inadequacy, the proponent applied it, and the CNSC then certified the result. This circular process — regulator designs inadequate framework, proponent follows it, regulator accepts it as adequate — is not regulatory oversight. It is regulatory capture expressed as methodology.

Between August 2024 and February 2026, six major peer-reviewed studies were published materially challenging the CNSC's regulatory framework — including INWORKS findings the CNSC acknowledged understated risk by a factor of ten to twenty-eight. The CNSC has not acknowledged these studies to the Panel. It has not updated its risk coefficient. It has not disclosed to the Panel that the framework on which every cancer risk finding in this proceeding rests may be wrong by an order of magnitude.

CNSC'S PARTICIPATION:

Designed a cancer-only HIA framework, accepted Energy Alberta's application of it as adequate, and submitted cancer risk estimates to the Panel based on a framework it acknowledged may understate risk by a factor of ten to twenty-eight without disclosing this to the Panel or updating the framework. The CNSC both created the inadequacy in the health assessment and certified that the inadequacy was adequate.

2.6 Failing to Flag Mandatory Assessment Gaps to the Agency — Enabling Acts 4, 5, and 6

The CNSC is not merely a technical adviser in this proceeding. It is a federal authority with an obligation under IAA section 18 to provide the Agency with all information in its possession that is relevant to the assessment. The absence of a waste management plan is directly relevant to whether the CNSC could form the satisfaction required by NSCA section 24 before issuing any licence. The absence of a water security assessment is directly relevant to the environmental assessment the CNSC would conduct as part of its licensing function. UNESCO's 2023 SOC 4339 standing requirement is directly relevant to any environmental assessment of a Peace River facility. The CNSC possessed all of this information and disclosed none of it.

The CNSC did not advise the Agency that the proponent had ignored the mandatory waste management plan requirement. It did not advise the Agency that the 100-year water assessment had not been provided. It did not disclose UNESCO's SOC 4339 requirements or flag the NWT government's formal Transboundary Water Agreement breach notification. On each of the three most consequential gaps in the assessment record, the CNSC — the institution best positioned to identify them — stayed silent, allowing Energy Alberta's ignoring of mandatory requirements to go unremarked and unremedied.

CNSC'S PARTICIPATION:

Had a statutory obligation under IAA section 18 to advise the Agency of the mandatory assessment gaps. Did not. The mandatory waste management plan, the mandatory 100-year water assessment, and UNESCO's standing treaty requirements were each within the CNSC's knowledge and each relevant to the assessment the CNSC was advising. Its silence on all three allowed Energy Alberta's non-compliance to be treated as non-existent.

PART THREE: HOW THE IAAC ALLOWED ENERGY ALBERTA AND THE CNSC TO PROCEED UNCHECKED

The IAAC is not a passive receiver of submissions. It is a statutory body with authority — and obligation — to control the integrity of the process it administers. Under the Impact Assessment Act, the Agency determines the scope of the assessment, sets the information requirements, certifies the participation record, and makes the determinations that allow each phase to advance. The Agency is, in other words, the institution with the power to stop what this submission documents. It has not stopped it. At each critical juncture — when the technology shifted, when the mandatory requirements went unsatisfied, when the treaty obligations were formally placed on the record — the IAAC allowed the process to continue.

3.1 The IAAC Did Not Require a Technology Commitment Before the Planning Phase Opened

IAA section 10 requires a project description satisfying the Physical Activities Regulations before the assessment commences. Regulation 7 requires identification of the physical components of the designated project. The CNSC's pre-licensing framework — and the example of the OPG Wesleyville project, which adopted a Plant Parameter Envelope from the outset precisely to address this problem — established that a technology commitment, or a formal parameter envelope equivalent, is the mechanism through which a nuclear project description satisfies the substantive content of this requirement. The Agency accepted the CANDU MONARK project description without requiring either. It opened the planning phase on a project description whose

technological premise had no regulatory foundation, and it did not require the one condition — a technology commitment — that would have given the planning phase a basis it could have defended.

IAAC'S FAILURE:

Did not require a technology commitment or Plant Parameter Envelope as a condition of accepting the project description. Allowed the planning phase to open on a project description naming a technology for which no Canadian regulatory basis existed. Every subsequent failure in this proceeding traces, in part, to this initial failure to enforce the substantive content of the section 10 requirement.

3.2 The IAAC Did Not Require an Amended Project Description or Supplementary Process After the Westinghouse MOU

The Westinghouse MOU became publicly known. The Agency was formally told — in the submissions that became SS 23 and SS 29 — that the Westinghouse MOU had rendered the project description indeterminate and the planning phase participation record structurally invalid. The Agency had the authority to require an amended project description as a condition of resumption. It had the authority to require a Plant Parameter Envelope. It had the authority to offer participants a supplementary comment period on the technology indeterminacy. It exercised none of these authorities. It allowed the assessment to resume on 2 March 2026 as though the preceding seven months had produced nothing requiring address.

The Agency resumed the assessment knowing — from its own record — that the planning phase submissions addressing CANDU MONARK-specific tritium, CANDU spent fuel, CANDU accidents, and CANDU dose projections were all potentially inapplicable to the project that might actually be built. It allowed the Panel to inherit this record without requiring the proponent to resolve the indeterminacy that its own commercial conduct had created.

IAAC'S FAILURE:

Was formally told that the Westinghouse MOU had compromised the participation record. Had the authority to require an amended project description and supplementary process as conditions of resumption. Did neither. The assessment resumed on a record the Agency knew was technology-indeterminate, without disclosure to participants, without remediation of the planning phase record, and without any acknowledgement that the factual basis of the assessment had materially changed during the suspension it had granted.

3.3 The IAAC Did Not Enforce Its Own Mandatory Requirements

The June 2025 Summary of Issues is the Agency's formal, published declaration of the information it requires before the assessment can advance. It declared three categories of assessment mandatory: a complete waste management plan, 100-year climate-adjusted water projections, and a Peace River health baseline characterisation. None has been provided. The Agency continued the assessment.

There is no ambiguity in the Summary of Issues on these requirements. There is no suggestion that they are aspirational, or that a lesser submission would be acceptable. They are mandatory. The proponent has not satisfied them. The Agency has not required it to. The Panel is now being asked to make a public interest determination — on waste, on water, on health — without the information the Agency's own process formally declared necessary to make those determinations. The Agency has undermined its own process by failing to enforce its own requirements against the proponent to whom those requirements were addressed.

IAAC'S FAILURE:

Issued mandatory requirements in June 2025. Those requirements were not satisfied. The Agency continued the assessment, allowed the planning phase to close, and resumed the Impact Statement phase without any of the mandatory assessments having been filed. The IAAC has told itself — and through the Summary of Issues, the participants — that it cannot make the required findings without this information. It has then proceeded to seek those findings on a record that does not contain it.

3.4 The IAAC Did Not Address Treaty Obligations Formally Placed on Its Record by a Government Party

The NWT government's July 2025 letter formally placed the Transboundary Water Agreement breach on the record of this proceeding. It is not a comment from a private participant. It is a formal notification from a provincial government that the Impact Statement Guidelines do not address a binding bilateral water agreement. Four First Nations filed joint legal submissions in October 2025. UNESCO's 2023 SOC 4339 requires OUV impact assessment before approval of any major PAD watershed project. All of this was formally before the Agency. The Agency did not amend the Impact Statement Guidelines. It did not require Energy Alberta to address the transboundary breach. It did not require an OUV impact assessment.

UNESCO's August 2026 Reactive Monitoring Mission is proceeding this year. If the IAAC's assessment produces a positive public interest finding before that mission reports, Canada will have approved a major Peace River development while simultaneously under UNESCO's highest conservation alert for the downstream consequences of precisely that type of development. The IAAC has been formally advised of this collision. It has not changed course.

IAAC'S FAILURE:

Was formally told by a government party that the Impact Statement Guidelines ignore a binding bilateral water agreement. Was told by UNESCO's treaty record that OUV impact assessment is required before approval. Did not amend the Guidelines. Did not require the assessments. The process is advancing toward a public interest finding that will have been made while treaty-level obligations formally placed before the Agency remain unaddressed.

3.5 The IAAC Accepted the CNSC's Technical Authority Without Requiring Disclosure of Its Limitations

The IAAC accepted the CNSC as its primary technical adviser throughout this proceeding without requiring disclosure of: the VDR status of either technology; the CNSC's two-cycle IAEA dose constraint non-compliance; the CNSC's formal refusal to apply the benefits-outweigh-harm standard; UNESCO's SOC 4339 standing requirement; or the post-2023 INWORKS literature the CNSC acknowledged understates its risk coefficient by a factor of ten to twenty-eight. On each of these, the CNSC was in possession of information the Agency needed to assess the reliability of the technical advice it was receiving, and the Agency had the authority to require its disclosure.

The consequence is a Panel that has received, through its primary technical adviser, an advisory record that presents safety conclusions without their material qualifications, dose projections without their IAEA non-compliance context, and cancer risk estimates on a framework the adviser has privately acknowledged may be wrong by an order of magnitude. The Panel has been deprived of the information it would need to assess the weight it can give the CNSC's evidence. The IAAC had the authority to prevent this and did not exercise it.

IAAC'S FAILURE:

Accepted the CNSC as primary technical adviser without requiring disclosure of the information that would have allowed the Panel and participants to assess the reliability of that advice. The Panel is making its determination on evidence that has been materially qualified by facts the CNSC possessed, was obligated to disclose, and did not disclose — facts the IAAC had the authority to require and did not require.

CONCLUSION: THE COMBINED EFFECT — AN ASSESSMENT THAT IS A MOCKERY OF THE STATUTORY PROCESS

The Impact Assessment Act was designed to ensure that before a community is permanently committed to living beside a major industrial facility, the evidence has been assembled, the risks have been assessed, the affected communities have been genuinely heard, and the decision has been made on a foundation of reliable information. The Act is demanding precisely because the decisions it governs are irreversible. A nuclear facility approved in error cannot be un-approved. A Treaty 8 community harmed in error cannot be un-harmed.

What has happened in this proceeding is the combined product of three institutional failures operating simultaneously. Energy Alberta treated the statutory process as a commercial vehicle — filing an unassessable project description, making undisclosed technology shifts, and ignoring mandatory information requirements. The CNSC enabled every one of these acts: it provided technical authority for a technology it had never assessed, stayed silent when the technology shifted, submitted dose projections from a non-compliant framework without disclosure, refused the central analytical test the Panel must apply, and stayed silent on every mandatory assessment gap. The IAAC allowed both: it opened the planning phase without enforcing substantive section 10 requirements, did not enforce its own mandatory assessments, did not address treaty obligations formally placed on its record, and accepted the CNSC's advisory role without requiring disclosure of the limitations that made that role unreliable.

The result is not a series of remediable procedural deficiencies. It is a process that has been stripped of the protective content the legislature required. The participation record cannot be certified. The mandatory assessments have not been filed. The treaty obligations have not been addressed. The primary technical adviser has withheld the qualifications that would prevent the Panel from relying on it. The proponent's project has not been defined. On this record, no public interest finding the Panel might make could be lawfully sustained. The process must restart — not because the project could never be approved, but because the process through which approval is being sought has been reduced, by the combined conduct of the proponent, the regulator, and the Agency, to a mockery of the statutory process the Parliament of Canada enacted to protect communities like Peace River.