

Integrated Review Team
Peace River Nuclear Power Project
Impact Assessment Agency of Canada
peacenuclear-nucleairepaix@iaac-aeic.gc.ca

Dear Joe

24 March 2026

**RE: CONSOLIDATED REPLY TO IAAC RESPONSE — MARCH 18 AND MARCH 20 EMAILS
— MATERIAL ADMISSIONS, UNANSWERED QUESTIONS, SHOW STOPPER
FUNDAMENTAL ISSUES, AND FORMAL NOTICE — REGISTRY #89430**

I refer to the IAAC's response to my emails of March 18 and March 20, 2026.

This letter is please to be placed on the registry as part of the formal record for the Integrated Review Panel and for any judicial or administrative review of this process.

PART I — THE THREE UNANSWERED QUESTIONS

My March 20 email asked three direct questions.

Question A	<i>Do you agree with Energy Alberta's letter?</i>
Question B	<i>If so, please confirm that I have exhausted all avenues with IAAC to establish a meaningful consultation process and that I can proceed to Court for relief.</i>
Question C	<i>If not, please instruct Energy Alberta to engage me on the matters that are current and that they can consult me on at this stage.</i>

1. IAAC did not answer any of them.
2. IAAC responded that it does not take a day-to-day role in monitoring proponents' engagement activities, and invited me to discuss what meaningful participation looks like. This is not a response to any of the three questions. It is a deflection.

3. The failure to answer Question B has a specific legal consequence, because as a registered intervenor I am entitled to know whether IAAC regards the participation process as having met its statutory obligations. Without that answer I cannot make an informed decision about whether to seek judicial review.
4. The invitation to describe what meaningful participation will only end in disputes as to who said what and I ask that you please formally give a written answers to my questions.

PART II — FOUR MATERIAL ADMISSIONS IN IAAC'S RESPONSE

Admission 1 — Post-Closure Consultations With No Capacity to Influence the TISG

5. IAAC's response contains four admissions that I place formally on the record.
6. IAAC confirmed that:
 - a. The formal comment period on the draft Integrated Guidelines closed on July 23, 2025.
 - b. Two months after the TISG closure, the in-person sessions in Peace River and Manning took place September 25 to 28, 2025.
 - c. IAAC confirmed that staff at those sessions were present only to explain the process and answer questions.
 - d. The comments received outside the formal period will not be guaranteed to be incorporated into the TISG.
7. These statements above confirms my position that the September IAAC consultations were informational theatre, not substantive participation.
8. The consequence is direct.
9. IAAC consulted the Manning community and registered intervenors on their requirements and concerns after the process for incorporating those requirements into the TISG had already closed.

10. Participants were not told this. Participants participated in good faith believing their input mattered and that they can shape the TISG, which governs what Energy Alberta must study.
11. The proponent will not be required to address the requirements and concerns raised by the participants at those sessions because the participants' requirements and concerns are not incorporated into the TISG.
12. Communities were consulted after the comments on the TISG, that governs what Energy Alberta must study, was closed and the public input therefore cannot shape the TISG.
13. The September 2025 sessions therefore were informational. It was not participatory in any substantive sense and lacked the meaningful participation requirement of the Impact Assessment Act.

Admission 2 — Submissions on the Registry But Not Incorporated

14. IAAC confirmed that all submissions — including those filed in September 2025 and March 2026 — are on the registry and form part of the record available to the Integrated Review Panel.
15. However, being on the registry is not the same as having been considered and incorporated in the TISG.
16. The Panel assesses the project against the TISG and enforces the TISG, but the Panel cannot enforce the comments in the registry.
17. If the TISG do not reflect the requirements and concerns of the participants during the consultations process, the Panel is constrained, because the Panel can only assess what the Guidelines require and not what the communities said after the Guidelines were finalised.
18. IAAC's attempt to substitute the right to participate in the TISG with the public comments in the registry dilutes the participation and degrades the participants from participants to commentators.

Admission 3 — AP-1000 Addition Characterised as Minor

19. IAAC stated that the addition of the Westinghouse AP-1000 as a second reactor technology option does not materially change the Integrated Guidelines, and that only minor targeted updates are anticipated.
20. This directly validates the structural invalidity argument in Show Stopper 32.
21. This issue is a major issue that IAAC needs to address as detailed in full in Part IV below.

Admission 4 — No Response to Show Stopper Fundamental Issues

22. IAAC's response does not engage with any of the fundamental legal, statutory, constitutional, and regulatory issues raised in the Show Stopper submissions.
23. IAAC's response treats these submissions as contributions to the evidentiary record for the Panel. This treatment is wrong for the Show Stoppers that raise fundamental objections to whether the process can lawfully proceed at all.
24. Part III and Part IV of this letter show that this question – whether the process can lawfully proceed at all – must now be addressed by IAAC and should not be deferred to the Panel.

PART III — THE CRITICAL DISTINCTION: TISG VS FUNDAMENTAL ISSUES

Category A — TISG-Dependent Issues	<i>Issues about what studies Energy Alberta must conduct, what comparators must be applied, and what information must be provided in the Impact Statement. These issues are engaged by and resolved through the TISG process.</i>
Category B — Fundamental Issues Independent of the TISG	<i>Issues that challenge whether the assessment process as constituted can lawfully proceed at all — because of statutory defects, constitutional obligations, regulatory failures, and jurisdictional errors that exist above and before the TISG. These issues are not addressed by finalising or improving the TISG. They are not resolved by posting submissions to the registry. They require a written response from IAAC as the agency responsible for the lawfulness of the process, and they require that response before the Planning Phase closes.</i>

25. The Show Stopper submissions filed on the registry that falls in Category B require a written response from IAAC as the agency responsible for the lawfulness of the process.
26. IAAC needs to respond to Category B Show Stoppers before the Planning Phase closes.
27. IAAC cannot resolve the Category B fundamental issues by improving the TISG. This is because the Panel cannot fix a broken process — it can only assess what it is given.
28. If the Planning Phase foundation is defective as the Category B fundamental issues demonstrate, then the Panel inherits that defect.
29. IAAC’s attempt to defer the fundamental objections to the Panel does not resolve them. It entrenches them and makes them harder to remedy as the process advances by years.
30. The Impact Assessment Agency is accountable under the Impact Assessment Act for the lawfulness of the Planning Phase. That accountability cannot be delegated to the Integrated Review Panel. The Agency must engage with Category B objections directly and provide reasoned written responses no later than April 22, 2026.

PART IV — THE FUNDAMENTAL ISSUES REQUIRING WRITTEN RESPONSE BEFORE APRIL 22

31. The following Show Stopper submissions raise Category B fundamental issues.
32. Posting submissions to the registry is not a response. Pointing to the Panel is not a response. IAAC must provide a written response to each before April 22, 2026.
33. A written response means IAAC accepts or rejects the fundamental objection and provides the reasons for IAAC’s decisions so that a Court can review this and set it aside.

SS#	Category	Fundamental Issue — Requires IAAC Response Before April 22
SS1	Statutory Authority	Whether IAAC has statutory authority under the Impact Assessment Act to assess a project for which no final technology has been selected. Technology indeterminacy is a defect at the level of the Act, not merely at the level of TISG content.
SS2	REGDOC-2.5.2 §2.2.2	The mandatory flex gas comparator requirement is a binding regulatory obligation of the CNSC as an integrated assessment participant. It exists independently of the TISG. IAAC must confirm whether the CNSC has been required to comply with it and how that compliance is captured in the assessment framework.

SS3	UNDRIP / FPIC	Free, prior and informed consent obligations under UNDRIP and the United Nations Declaration on the Rights of Indigenous Peoples Act are constitutional and statutory Crown obligations existing independently of the assessment process. IAAC must confirm the mechanism for FPIC implementation and at what stage in the assessment Crown consent obligations are triggered.
SS4	Nuclear Waste Disposal	The absence of a licensed final disposal pathway for high-level nuclear waste generated by this project is a pre-existing statutory and regulatory deficiency. IAAC must address whether a project can be lawfully assessed — let alone approved — without a licensed disposal pathway, and how this is captured in the assessment framework.
SS5	UNESCO World Heritage	Canada's obligations under the World Heritage Convention in respect of the Peace-Athabasca Delta are treaty obligations binding the Crown independently of the assessment process. IAAC must confirm how those obligations are being discharged in this assessment.
SS6	IAA Section 46 Powers	The Commission of the Impact Assessment Agency has independent powers under section 46 of the Impact Assessment Act to require information or studies it considers necessary. IAAC must confirm whether the Commission has considered exercising those powers in respect of the fundamental issues in the Show Stopper submissions.
SS32	Technology Indeterminacy	The TISG cannot be finalised on a technology-agnostic basis as between the MONARK and the AP-1000. This is a structural invalidity in the assessment process itself — not merely a TISG content issue. A TISG that does not specify which technology is being assessed cannot satisfy the tailoring requirement of the Impact Assessment Act. IAAC's own response confirms the Guidelines are technology-agnostic. This validates, not answers, Show Stopper 32.

PART V — TECHNOLOGY INDETERMINACY IN DETAIL

34. Because IAAC specifically addressed the AP-1000 addition in its response — dismissing it as minor — I address Show Stopper 32 in additional detail here.
35. IAAC characterises the AP-1000 addition as minor because the Guidelines are “flexible enough” to accommodate both technologies — but that “flexible enough” is precisely the defect, not the cure.
36. The flexible technology-agnostic TISG cannot direct the proponent to provide the specific information required to assess either technology, which is the entire purpose of tailored guidelines under the Impact Assessment Act. The “flexible enough” TISG therefore defeats the entire purpose of tailored guidelines under the Impact Assessment Act.
37. The TISG is therefore, on IAAC's on version, deficient and fundamentally flawed.

38. A TISG that is structurally invalid on IAAC's own account cannot be finalised as a valid exercise of IAAC's statutory function. IAAC cannot issue "flexible enough" TISG guidelines it describes as technology-agnostic and simultaneously assert that those TISG guidelines are specific enough to satisfy the tailoring requirement of the Impact Assessment Act.
39. The two positions are irreconcilable. IAAC must choose between them before April 22, 2026."

5.1 All But Minor

40. IAAC's characterisation of the addition as minor fails on each of the following grounds independently:
- a. **Scale and physical footprint.** The MONARK is a small modular reactor proposed at a fraction of the output of a conventional large reactor. The AP-1000 is a 1,100 MWe large-scale pressurised water reactor. The difference in physical footprint, site preparation requirements, water intake volumes, transmission infrastructure, construction workforce, and land disturbance is not a variation of degree. It is a categorically different project in terms of its physical presence in the Peace River environment.
 - a. **Technology maturity and regulatory status.** The MONARK has not received CNSC design approval. It is a conceptual technology without an approved safety case, a verified waste profile, or a demonstrated operational record. The AP-1000 has undergone CNSC pre-licensing vendor design review. These two technologies sit at entirely different points in the regulatory approval pipeline. The studies, information requirements, and risk assessments appropriate to an unproven SMR are materially different from those appropriate to a proven large reactor design. A TISG that does not differentiate between them cannot be tailored to either.
 - b. **Emergency planning zones.** The emergency planning zone for an AP-1000 is determined by its large radioactive inventory and its accident consequence profile. The emergency planning zone for a MONARK — to the extent it can be determined for a technology without an approved safety case — reflects a fundamentally different risk profile. Emergency planning zones directly determine which communities must be consulted, which evacuation plans must be prepared, and what socioeconomic impacts must be assessed. A technology-agnostic TISG cannot specify emergency planning zone requirements because it does not know which technology it is assessing.

- c. **Water requirements.** The AP-1000 is a pressurised water reactor requiring large volumes of water for cooling. The Peace River water intake requirements for an AP-1000 are materially different from those of an SMR design. The environmental effects on the Peace River ecosystem — a waterway with direct connections to the Peace-Athabasca Delta and the Wood Buffalo National Park UNESCO World Heritage Site — depend on which technology is being built. A technology-agnostic TISG cannot specify the water impact study requirements because it does not know which cooling demand must be assessed.
- d. **Waste characteristics.** The MONARK and the AP-1000 produce different volumes, compositions, and activity levels of nuclear waste. High-level waste from an AP-1000 has a different decay profile from that of a MONARK. The information requirements for waste management and disposal — already a fundamental issue in Show Stopper 4 given the absence of a licensed disposal pathway — differ materially between the two technologies. A technology-agnostic TISG cannot specify waste characterisation requirements with the precision the Act requires.
- e. **The mandatory flex gas comparator under REGDOC-2.5.2 §2.2.2.** The comparator technology requirement applies differently to the MONARK and the AP-1000. The comparator is calibrated to the output, efficiency, and environmental profile of the proposed nuclear technology. An assessment that does not specify which nuclear technology is being proposed cannot identify the appropriate comparator. The mandatory comparator requirement — which is a binding CNSC regulatory obligation — is inoperable against a technology-agnostic project description.

41. The assessment cannot be conducted in the future once a technology is selected. IAAC's implicit position is that the technology can be selected later and the assessment will accommodate it. This is wrong as a matter of process.

5.2 The Two Technologies Are Not Interchangeable

- 42. The CANDU MONARK and the Westinghouse AP-1000 are not variants of the same reactor concept.
- 43. The MONARK is a proposed small modular reactor in the conceptual stage without CNSC design approval.

44. The AP-1000 is a large-scale pressurised water reactor with a generation III+ design, a CNSC pre-licensing vendor design review, a materially larger physical footprint, different water intake requirements, different emergency planning zone parameters, different waste characteristics, and a different socioeconomic impact profile.
45. A TISG that is agnostic as between these two technologies cannot be tailored to either of them.

5.3 A Technology-Agnostic TISG Fails the Act's Tailoring Requirement

46. The purpose of Tailored Impact Statement Guidelines under the Impact Assessment Act is to identify the specific information and studies required for the assessment of this project with this technology in this location.
47. Tailoring requires knowing what is being assessed. IAAC's own response — that the Guidelines are flexible and technology-agnostic — is a confirmation that no tailoring has occurred. The Guidelines are generic.
48. Generic guidelines do not satisfy the Act's tailoring requirement.

5.4 Three Alternative Responses Required

49. Before April 22, 2026, IAAC must provide one of the following:
 - (a) A written response explaining specifically how a technology-agnostic TISG satisfies the tailoring requirement of the Impact Assessment Act as between the MONARK and the AP-1000, addressing the specific differences in technology, safety architecture, regulatory maturity, and impact profile;
 - (b) A commitment to issue technology-specific addenda to the Integrated Guidelines — one addressing the MONARK and one addressing the AP-1000 — such that Energy Alberta must address the specific impacts of each technology option; or
 - (c) A requirement that Energy Alberta select a single technology before the Impact Statement Phase commences, such that the TISG can be finalised on the basis of a known technology.

50. In the absence of one of these three responses, I will most likely proceed to seek judicial review of the final Integrated Guidelines on the basis that they are structurally invalid for technology indeterminacy.

PART VI — WHAT MEANINGFUL PARTICIPATION REQUIRES AT THIS STAGE

51. IAAC invited me to describe what meaningful participation looks like.

52. I accept this invitation but I must be direct about what it means given where the process stands. Meaningful participation at this stage does not mean a Teams call to discuss the process.

53. It means IAAC engaging substantively with the Show Stopper submissions before the Planning Phase closes.

54. The Integrated Guidelines will be finalised on or before April 22, 2026. After that date the TISG is locked and Energy Alberta will conduct its studies within its terms. The opportunity to correct fundamental deficiencies in the foundation of the assessment will have passed.

55. Meaningful participation therefore requires the following before April 22, 2026:

- a. Direct written answers to Questions A, B and C from my March 20 email.
- b. A written response to each of the seven Category B Show Stopper submissions in the table in Part IV — specifically stating whether IAAC accepts or rejects each fundamental objection and providing reasons.
- c. One of the three written responses to the technology indeterminacy argument specified in Part V.
- d. An explanation on the record of how the post-closure September 2025 consultations satisfy the meaningful participation requirement of the Impact Assessment Act.
- e. Confirmation of whether the final Integrated Guidelines will address the substantive requirements and concerns in the submissions on the registry, or a statement on the record that they will not.

PART VII — FORMAL NOTICE OF INTENT

56. The Planning Phase closes on or before April 22, 2026.

57. I give formal notice that if IAAC issues the final Integrated Guidelines without having provided written responses to the Category B Show Stopper submissions identified in Part IV — and in particular without having addressed the technology indeterminacy deficiency in Show Stopper 32 — I will regard the Planning Phase as having been conducted in a manner that has denied me my participation rights and has produced guidelines that are structurally invalid under the Impact Assessment Act.

58. On that basis I may proceed without further notice to seek judicial review of the final Integrated Guidelines and of the Planning Phase as conducted.

59. This letter and IAAC's response — or non-response — will form part of the record placed before any court, tribunal, or review body that considers this matter.

Yours faithfully

<Original Signed by Christoffel Gerhardus Nel>

Registered Intervenor — IAAC Registry #89430
Peace River, Treaty 8 Territory, Northern Alberta

<personal information removed>

cc: IAAC Registry #89430 (for inclusion in the public record)

cc: CNSC — Integrated Assessment Process

cc: Standing Committee on Natural Resources (RNNR)