

February 11, 2026

New Nuclear at Wesleyville Project
Impact Assessment Agency of Canada
160 Elgin Street, 22nd Floor
Ottawa, Ontario K1A 0H3
Telephone: 343-596-8128
Email: wesleyville@iaac-aeic.gc.ca

Project Number 89802

Re: Submission by the Canadian Environmental Law Association on Behalf of CELA, DNA and SHA and Slovenian Home Association – Comment on Summary of Initial Project Description of New Nuclear at Wesleyville

The Canadian Environmental Law Association provides the following submissions on behalf of CELA, Durham Nuclear Awareness and Slovenian Home Association.

CELA works to protect human health and our environment by seeking justice for those harmed by pollution or poor environmental decision-making, and by changing policies to prevent such problems in the first place. Since 1970, CELA has used legal tools, undertaken ground-breaking research and conducted public interest advocacy to increase environmental protection and safeguard communities. CELA strives to help those lacking the resources to participate in environmental decision making, or grapple with complex environmental threats. CELA has a very extensive history of advising on, participating in, and representing communities in respect of the safety and regulatory issues pertaining to nuclear projects over many decades.

Durham Nuclear Awareness is a volunteer group of concerned citizens dedicated to raising awareness about nuclear issues and risks facing the people and communities of Durham Region, an area home to not just one, but two very large multi-unit nuclear plants. DNA was born out of a need for people in Durham Region to come together, learn & empower themselves after the Chernobyl nuclear accident on April 26, 1986. DNA has an extensive history of intervening in regulatory, licensing, safety, and emergency planning issues related to nuclear power since the 1980's.

Slovenian Home Association (SHA) is a Slovenian cultural association that serves the Slovenian community through volunteering. One of SHA's primary objectives is to co-ordinate and assist Slovenian Canadians in respect of their environmental, cultural, social, sport and charitable activities. SHA has a history of intervening in regulatory, licensing, safety, and emergency planning issues related to nuclear power over the past decade.

Canadian Environmental Law Association

T 416 960-2284 • 1 844 755 1420 • F 416 960-9392 • 55 University Avenue, Suite 1500, Toronto, Ontario M5J 2H7 • cela.ca

COMMENTS ON THE SUMMARY OF THE INITIAL PROJECT DESCRIPTION

The following comments by CELA on behalf of CELA, DNA AND SHA address the following issues:

1. The proposed project is premature and not ready to be subject to the requirements of the Impact Assessment Act.
2. The project description is incomplete.
3. The Impact Assessment Agency should not accept the proposed “Plant Parameter Envelope” (PPE) approach to describing the project and conducting an impact assessment as there is not enough information available.
4. Use of the PPE Approach is inconsistent with the purpose of the IAA In this case.
5. There is a lack of adequate information to evaluate the suitability of the site for nuclear power generation.
6. The Initial Project Description fails to meet the requirements of the applicable law and regulation including the guidance of the IAAC for project descriptions.
7. The IPD fails to include any description of accidents and malfunctions.
8. The need and purpose of the project descriptions are incomplete and vague.
9. The description of alternatives to the project is inadequate and incomplete.
10. The description of alternative means of carrying out the project is inadequate and incomplete.
11. The IPD Fails to include a description of cumulative effects.
12. The IPD fails to include an appropriate or adequate list of all non-negligible adverse effects that may be caused by carrying out the project.

Prematurity

CELA, DNA and SHA submit that the initial project description is fundamentally deficient. It is not at the stage at which it is ready for the commencement of an Impact Assessment under the *Impact Assessment Act, 2019* as amended. It lacks specificity and an air of reality.

Almost the entire suite of factors that would be essential for the conduct of an impact assessment are lacking. The initial project description is vague and unclear, and the proponent appears to be communicating that an impact assessment and eventual approvals are being sought in a provisional way, in order to preserve future options for decisions that have not yet been made. There is a deficiency of information with which the public or any decision maker can engage.

The project description is premature. It is not ready in terms of proponent decision making to be brought forward for an impact assessment in relation to the federal regulatory decision making under either the *Impact Assessment Act*¹ or the *Nuclear Safety Control Act*² decisions which are required to be heard simultaneously and made consecutively with the decision under the *Impact Assessment Act*.

The Impact Assessment Agency of Canada (the Agency) should not countenance using its process so that a proponent can pursue regulatory approvals merely "to keep future options open"; this is a major waste of time and resources on the part of the public and public agencies.

¹ *Impact Assessment Act*, SC 2019, c. 28, s.1 (referred to hereafter as the IAA),

² *Nuclear Safety Control Act* SC 1997, c. 9

The idea of even considering new nuclear at Wesleyville only arose in November 2024. In a Briefing Package for the then newly appointed Minister of Natural Resources, CNSC staff advised him that:

“Potential upcoming designated projects

The CNSC is aware of the following potential projects that are being considered and may result in applications in the short term:

Ontario Power Generation’s Wesleyville site: *In November 2024, the Ontario Government asked Ontario Power Generation to assess 2 of its existing sites, including the Wesleyville site, located in Port Hope, Ontario. This was to determine if there is interest on the part of rights holders and municipalities to explore the potential for new large scale nuclear generation. Port Hope has indicated a willingness to explore the potential for such new nuclear projects.”*³

The proposed nuclear power generation facility of up to 10,000MW at a location not already licensed for Class 1A nuclear operations on the site is not ready to proceed to the stage of Initial Project Description. It has been just over twelve months since the proponent was asked by its shareholder, the province of Ontario, to even begin to consider the idea.

The project description is a barely generic outline of what a nuclear power generation facility would consist of. The physical generation works is described as “several nuclear reactor units, totaling up to 10,000 Mwe.” (page 13)

This bare description does not allow for any evaluation whatsoever of the impacts of the project under any of the criteria specified in the IAA. The type of technology is not chosen. The IPD states,

“As the type, number of reactors and the circulating cooling technology have not been established, a range of options based on the PPE are being considered.” (page 13/14).

Accordingly, there is no information as to the type of fuel, whether natural uranium, slightly enriched or enriched. Each of these varies from technology to technology and these all bring significantly different and important impacts. For example, social and economic factors arising would include supply chain questions, origin of fuel whether from Canada or imported, energy security and atomic proliferation security questions. None of this can be evaluated when the type of technology is not even yet proposed.

The question of potential emissions to the surrounding environment from normal operations, as well as the potential pathways for accidents, and the “source term” (radioactive emission types) that might result from a very severe offsite accident are also integrally tied to the question of the type of nuclear reactor technology which is absent in this description.

Similarly, the cooling system is barely indicated, as “a circulating cooling water option”, but with no indication as to the type and therefore no ability to consider impacts on physical, human, and natural environments therefrom in the impact assessment.

³ <https://www.cnsccsn.gc.ca/eng/corporate/transparency/proactive-disclosure/disclosure-transition-material/ministerial-transition-materials-2025/> (Page dated August 2025).

The Agency's Guide to Preparing an Initial Project Description and a Detailed Project Description indicates that upon receipt of a proponent's initial description of the project, the Agency will review it for completeness and will post the IPD within 10 days on the Registry for public review and comment.⁴

In this case, the result of the Agency's internal review of the "completeness" of OPG's IPD for Wesleyville has not been posted on the Registry. However, since the IPD was posted on the Registry and the public comment period is currently underway, CELA, DNA and SHA infer that the Agency must have concluded that the posted version of the IPD met all prescribed requirements.

If so, they submit that the Agency's determination of the completeness of the IPD is premature, unreasonable, and erroneous. To reach such a conclusion, it appears that the Agency has undertaken a superficial review of whether the prescribed sub-headings were present in the IPD, rather than perform a careful analysis of the substantive adequacy of the IPD content.

In the future, the Agency should await public and Indigenous comment before declaring whether or not an IPD is complete. This is also true in relation to the forthcoming Detailed Project Description if and when filed by the OPG.

The inadequate content of the IPD is discussed in more detail in the following sections of this submission on behalf of CELA, DNA and SHA.

Incomplete Project Description

The project description is incomplete. It does not adequately describe what it is. The project description does not meet the Agency's guidelines, prior precedents for project descriptions in this sector, or EA standards of practice.

IAA should reject the "PPE" Approach

The Impact Assessment Agency should reject the "plant parameter envelope" approach that OPG proposes in the project description. This PPE approach was accepted by a prior decision maker in a different context, that of the proposal for new nuclear at the Darlington site.⁵ It was never intended to become the standard approach to nuclear project decision making and is not appropriate for this impact assessment. Automatic acceptance of this approach defeats the purposes of the *Impact Assessment Act*. As was noted in a case comment following the earlier *Darlington* decision, experts on Canadian impact assessment stated,

"Failure to assess the readily foreseeable environmental effects of a project, such as the hazardous substance emissions of a nuclear plant, is a clear example of a decision contrary to the interests of CEAA's intended beneficiaries, i.e. the Canadian public".⁶

⁴ Impact Assessment Agency of Canada, [Guide to Preparing an Initial Project Description and a Detailed Project Description](#), Introduction.

⁵ *Ontario Power Generation v Greenpeace* 2015 FCA 186 (CanLII)

⁶ Olszynski, M and Doelle, M, *Case Comment: Ontario Power Generation Inc v Greenpeace Canada – Form Over Substance Leads to a "Low Threshold" for Federal Environmental Assessment*, Sept. 22, 2015, *Ablawg.ca* access at *Canlii Comments*: <https://canliiconnects.org/en/commentaries/38862>

The IPD for project contemplated at Wesleyville would amount to an even more extreme example of seeking to proceed with an IA with a paucity of information with which the required decision makers can grapple. It can be distinguished from new nuclear proposal at Darlington (DNNP) in a number of ways.

Firstly, the previous DNNP assessment arose in the odd circumstances whereby the province of Ontario had announced it would procure new nuclear technology and accordingly ran a procurement process to obtain bids with technology descriptions and costs. Given the startlingly high costs the province began receiving in that process, it then cancelled the procurement process. However, OPG decided to proceed and seek a license for new nuclear at the existing Darlington site in any event.

To compensate for the lack of a final technology choice at that time, it decided to “bound” the potential descriptors of the nuclear technology by several “parameters” that it derived from considering three of the technologies that had been actively participating in the bid process. Accordingly, there was a great deal of available information, including specific reactor technologies, and specific parameters such as predictions of emissions, prior operational track records, understand of accident pathways, knowledge of the fuel that would be used, knowledge of the waste that would be produced, knowledge of the cooling systems and a great deal of additional information that was grounded in the actual proposals that had been under consideration.⁷

In the current impact assessment, the IPD contains absolutely none of this information. It is probably not too extreme to say that the approach taken by OPG in this initial project description makes a mockery of the concept of impact assessment as a planning tool.

The project description does not meet requirements of transparency, as a result of which, there can be no public acceptability or trust in any result of an IA with so little information. Transparency is an international norm applicable to environmental/impact assessment as illustrated in the following excerpt by an international scholar.

“EIA processes ensure the availability of key environmental information by requiring that such information be collected and brought to the attention of the decision-maker. In doing so, EIAs explicitly insert environmental values and concerns into the decision process and flag them as important EIA processes, thereby enhancing transparency since the gathered information must be disclosed to the public. In turn, the public can be more engaged and participate more effectively in the decision process. Finally, transparency promotes accountability for decisions affecting the public welfare generally and with respect to the environment specifically.”⁸

The importance of transparency and public trust to the question of siting (location) of a new nuclear power plant is also stressed in International Atomic Energy Agency guidance on nuclear power plant siting. That guidance is specifically applicable to the Wesleyville proposal, as Canada is a participant in the international instruments governing use of nuclear power, and actively participates in developing these documents and norms. Furthermore, OPG as a nuclear power proponent routinely states that it is compliant with all applicable international guidance in this realm. In the IAEA guidance, the following statement is made:

⁷ *Greenpeace v Canada (Attorney General)* 2014 FC 463 (CanLII); *Ontario Power Generation v Greenpeace* 2015 FCA 186 (CanLII)

⁸ Yang, T *The Emergence of the Environmental Impact Assessment Duty as a Global Legal Norm and General Principle of Law*, 70 *Hastings Law Journal* 525 at p. 533 (access at https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=3846&context=hastings_law_journal)

“When done well, stakeholder participation improves the quality and legitimacy of a decision and builds the capacity of all involved to engage in the process. It can enhance trust and understanding among parties. Stakeholder participation will ideally be fully incorporated into the decision-making processes and ought to be recognized by operating organizations, authorities and other stakeholders as a requisite of effective action, not merely a formal procedural requirement. Effective participation needs to be a dynamic two way process. Simply dictating to the public or informing the public of decisions cannot be considered stakeholder participation.”⁹

Use of the PPE Approach is Inconsistent with the Purpose of the IAA In this Case

In any event, and in the alternative, CELA, DNA and SHA submit that the IAA should find that a “PPE” approach is not suitable in the current case for the proposal at Wesleyville. The use of this approach in the previous DNNP case resulted in the evaluation of what the author has previously described as a “fictional amalgam” whereby the “project” that was initially assessed did not represent any real technology from any vendor or builder of nuclear power. CELA, DNA and SHA submit that the use of this approach in the instant case at Wesleyville is inconsistent with the purpose of the Impact Assessment Act.

The purpose section of the *Impact Assessment Act* provides:

Purpose

6 (1) The purpose of this Act is to **prevent or mitigate significant adverse effects within federal jurisdiction — and significant direct or incidental adverse effects — that may be caused by the carrying out of designated projects**, as well as significant adverse *environmental effects*, as defined in section 81, that may be caused by the carrying out of *projects*, as defined in that section, by establishing **processes to anticipate, identify and assess the potential effects of those projects in order to inform decision making under this or any other Act of Parliament** in respect of those effects (emphasis added).

Mandate

(2) The Government of Canada, the Minister, the Agency and federal authorities, in the administration of this Act, **must exercise their powers in a manner that fosters sustainability**, respects the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982*, takes into account Indigenous knowledge, **considers the cumulative effects of physical activities, applies the precautionary principle** and promotes cooperation among jurisdictions and with the Indigenous peoples of Canada.

Application of principles to powers

(3) The Government of Canada, the Minister, the Agency and federal authorities **must, in the administration of this Act, exercise their powers in a manner that**

⁹ International Atomic Energy Agency, *Nuclear Energy series No. NG-T-3.7 (Rev. 1) “Managing Siting Activities for Nuclear Power Plants”* page 16; Accessible at https://www-pub.iaea.org/MTCD/Publications/PDF/PUB2000_web.pdf

(a) ensures that processes referred to in subsection (1) are fair, predictable and efficient; and
(b) adheres to the principles of scientific integrity, honesty, objectivity, thoroughness and accuracy.
 2019, c. 28, s. 1 “6”; 2024, c. 17, s. 272.

The mandatory principles, mandate of the federal decision makers, and mandatory principles to be applied that are outlined in the purposes section 6 of the *Impact Assessment Act* cannot be met without any design or technology choice or any of the other information arising therefrom.

Continuing with the current impact assessment with the initial project description provided by the proponent at this point would not be fair, predictable, or efficient. There is nothing to which the principles of scientific integrity, honesty, objectivity, thoroughness and accuracy can apply. The project description so far is a *chimera*.

Furthermore, Section 3 of the *Information and Time Management Regulations* (“*Information Regulations*”) enacted pursuant to the IAA is not met in this project description. That section is mandatory and requires the initial description of a project to be “representative of the project at the time the information is provided” and “include the information related to any option that the proponent is considering in respect of any item in the description of the project.”¹⁰

To illustrate the importance of concrete information, such as the design of a project, the *Information Regulations*¹¹ provide that one of the reasons that there could be a delay in the regulated time for an impact assessment is that:

(b) the undertaking of studies or the collection of information by the proponent related to a change in the design, construction or operation plans for a designated project and the resulting effects of the change, if the Agency or the review panel, as the case may be, is of the opinion that the change would alter the potential effects of the project and there is not sufficient information available to it for the purpose of conducting the impact assessment or preparing the impact assessment report; ...

However, in the current IPD submitted by OPG for Wesleyville, there is no design whatsoever to evaluate. There are no designs, no construction plans, and no operational plans since all of these depend on having an actual technology choice, along with all the resulting construction and operational plans that depend on that very choice. A design is a condition precedent to the conduct of an impact assessment.

To use an analogy in a different context, if this project was for a bridge across a major waterway such as a strait, the proponent has provided an initial project description that says, “We will build a bridge.” They might indicate the two points of land to be connected, but are saying nothing whatsoever about the design of the bridge, what the bridge will be made out of, how it will safely cross the body of water, what the results of accidents would be, etc., and as a result of which any environmental assessment that has ever been conducted in Canada on such a project would have been impossible. There is no information of substance provided. The level of detail provided amounts to saying that the bridge will have lanes travelling in both directions, and ramps to connect the mainland to the bridge structure spanning the water

¹⁰ *Information and Management of Time Limits Regulations, SOR/2019-283* (“*Information Regulations*”) at s 3.

¹¹ *Information Regulations*

way; that there will be a construction force and the types of skills required include concrete construction, electricians, and sign contractors.

Any plain reading of the proposed initial project description for the project at Wesleyville which is the subject of this public comment and consultation demonstrates that it is as lacking in content as this above-described parody of a bridge EA would be. The Agency should not be misled by thinking there is any mystique or special circumstances arising due to the proposed facility generating electricity by nuclear fission. There is still the need for an adequate project description upon which the process of impact assessment and decision making can operate.

Lack of Information to Evaluate Suitability of Site for Nuclear Power Generation

The project description does not meet international requirements for a decision on siting at a new location under IAEA guidance. The purpose and mandate of the IAA and the scope of the factors that section 22 requires to be considered under the IAA are also relevant pursuant to the IAEA guidance.

The IAEA guidance document mentioned earlier states in its overview that:

Additionally, the process for selecting a site has changed substantially since the time when only economic, engineering and geopolitical considerations were the primary site attributes used for such purposes. Currently, a more comprehensive scenario of safety requirements, economic considerations, environmental impacts, social aspects, societal trend changes in the perception and acceptance of nuclear energy and the need to obtain stakeholder consensus through a broad based participatory process including local communities is to be considered, in addition to the economic, engineering and geopolitical considerations mentioned above. (At page 10)

However, the Initial Project Description for Wesleyville is characterized by a paucity of even a basic description of aspects of the safety requirements, economic considerations, environmental impacts, social aspects or any other of the considerations mentioned in the IAEA guidance.

As set out in section 6 of the purpose statement of the *Impact Assessment Act* reviewed above, it is intended that there be serious and thorough science and objective considerations applied to an Impact Assessment under the IAA.

Similarly, under the IAEA guidance, it is expected that

“the level of scientific content of siting and site evaluation projects is very high, which requires senior scientists with their own specific knowledge and experience to work closely with other scientific and technical disciplines within the time constraints of the project.” (at page 11).

These expectations are not fulfilled in the IPD, even at the level of a summary of the project; there is no description of economics of the project; there is no description of the hazards or safety risks. There is no description of the existence of other nuclear facilities in the area. Since there is no choice of technology, there is nothing for expected science or objective evaluation to grapple with. The IAEA guidance does not anticipate a proposal for nuclear power that is nothing more than the idea of a nuclear power site with no description or design or technology proposal.

According to the IAEA siting guidance, among the criteria that are to be evaluated in the siting stage of a new nuclear proposal are questions to be answered with science and data related to “Health, Safety and Nuclear Security Factors.” (at page 25)

These include the following issues such as magnitude and frequency of natural external events, human induced external events, characteristics related to radiological impact, and emergency planning. (An excerpt with a list of these issues which should be included in the IPD or the Detailed Project Description is extracted from the IAEA Guide in Appendix A.) These types of impacts should be included in the IPD.

In the alternative to the above submission that the PPE approach is not appropriate in this case. CELA, DNA and SHA submit that the IPD does not provide enough information to even use the PPE approach. As described earlier, when it was used in the Darlington New Nuclear Project situation, there were specific nuclear reactor technologies with specific vendors under consideration. Their engineering, fuel, operational approaches, cooling technologies, safety systems, source term and other characteristics were known and were used in that situation to create the “PPE” for the purpose of the environmental assessment.

Similarly, in the IAEA guidance, it states, that where a PPE approach is used, it must be based on “all the technologies being considered.”

“The bounding approach considers the maximum and minimum values (encompassing the entire range of emissions, operating values, etc.) for all the technologies being considered, although if widely different technologies are being considered, more than one bounding envelope may need to be established. Next, the worst case value of the bounding range, for any aspect being considered, is considered in the siting evaluation.” (at page 28)

However, in the IPD for Wesleyville, there is no technology yet under consideration. The only specificity is as to the maximum potential total output of 10,000 MW and this is completely insufficient for the creation of “bounding case” on which impact assessment can be conducted.

Failure to Meet the Guidance of the IAAC for Project Descriptions

The project description lacks descriptions that would underly consideration of several mandatory factors under section 22 of the IAAC which will be critical aspects of an Impact Assessment under the *Act*.

CELA, DNA and SHA submit that “the project” as described by OPG is the supply of 10,000 MW to the Ontario electrical grid at the Wesleyville site.

The initial project description must include descriptions that include information related to the section 22 factors that will be considered during the Impact assessment.

10 (1) The proponent of a designated project must provide the Agency with an initial description of the project that includes the information prescribed by regulations made under paragraph 112(1)(a).¹²

Section 10 requires enough information about the factors listed in section 22 in an initial project description to allow for the commencement of an impact assessment.

Section 22 of the Impact Assessment Act, listing the factors to be considered in an Impact Assessment, is set out in full below. We will address the failings of the Initial Project Description to address these

¹² *Impact Assessment Act*, SC 2019, C. 28, s.1 (referred to herein as the IAA), s. 10(1)

factors in relation to certain of the following factors in the next section following this excerpt from the Act.

- 22(1)(a)** the changes to the environment or to health, social or economic conditions and the positive and negative consequences of these changes that are likely to be caused by the carrying out of the designated project, including
- **(i)** the effects of malfunctions or accidents that may occur in connection with the designated project,
 - **(ii)** any cumulative effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out, and
 - **(iii)** the result of any interaction between those effects;
- (b)** mitigation measures that are technically and economically feasible and that would mitigate any adverse effects of the designated project;
- (c)** the impact that the designated project may have on any Indigenous group and any adverse impact that the designated project may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the [Constitution Act, 1982](#);
- (d)** the purpose of and need for the designated project;
- (e)** alternative means of carrying out the designated project that are technically and economically feasible, including through the use of best available technologies, and the effects of those means;
- (f)** any alternatives to the designated project that are technically and economically feasible and are directly related to the designated project;
- (g)** Indigenous knowledge provided with respect to the designated project;
- (h)** the extent to which the designated project contributes to sustainability;
- (i)** the extent to which the effects of the designated project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change;
- (j)** any change to the designated project that may be caused by the environment;
- (k)** the requirements of the follow-up program in respect of the designated project;
- (l)** considerations related to Indigenous cultures raised with respect to the designated project;
- (m)** community knowledge provided with respect to the designated project;
- (n)** comments received from the public;
- (o)** comments from a jurisdiction that are received in the course of consultations conducted under section 21;
- (p)** any relevant assessment referred to in section 92, 93 or 95;
- (q)** any assessment of the effects of the designated project that is conducted by or on behalf of an Indigenous governing body and that is provided with respect to the designated project;
- (r)** any study or plan that is conducted or prepared by a jurisdiction — or an Indigenous governing body not referred to in paragraph (f) or (g) of the definition *jurisdiction* in section 2 — that is in respect of a region related to the designated project and that has been provided with respect to the project;
- (s)** the intersection of sex and gender with other identity factors; and
- (t)** any other matter relevant to the impact assessment that the Agency requires to be taken into account.

Several of the descriptions related to factors required by section 22 and the applicable regulation are either not included or unacceptably inadequate and incomplete in the Initial Project Description. These include the inadequate description of changes to the environment or to health, social or economic conditions and the positive and negative consequences of these changes that are likely to be caused by the carrying out of the designated project, particularly including effects of accidents and malfunctions, cumulative effects of the project in combination with other physical works and their interactions, as well

as inadequate inclusion of a description of the need and purpose of the project; the incomplete and inadequate description of alternatives to the project; and the incomplete and inadequate description of alternative means of carrying out the project.

Incomplete and Vague Description of the Need and Purpose of the project (section 22(1)d)

There is no detailed analysis or discussion of the “need for” and “alternatives to” the project, contrary to the requirement in Schedule 1, Part B, sections 7 and 12(b) of the Information Regulations.¹³

As noted earlier, CELA, DNA and SHA submit that “the project” as described by OPG is the supply of 10,000 MW to the Ontario electrical grid at the Wesleyville site.

The IPD merely states that the option of nuclear power is one option under Ontario’s studies and reports within a mix of energy supply to meet future energy needs within a potentially decarbonizing future. The IPD stated that the Ontario IESO 2022 *Pathways* report recommended “a diverse energy mix, where **nuclear power is just one component among several.**” (page 8 of the IPD, emphasis added).

It further states that “Given that large-scale infrastructure projects like hydroelectric and nuclear facilities, as well as transmission infrastructure, require 10 to 15 years to develop, the report advocates for the initiation of planning, siting, and environmental assessments now **to ensure these options are viable by the 2030s and beyond.**” (page 8 of the IPD; emphasis added)

The “need” and “alternatives to” analysis are among the most important threshold issues in any impact assessment process, particularly in relation to large-scale, costly, complex, and environmentally risky undertakings such as the Wesleyville proposal. As succinctly noted by the Joint Board in a hearing decision under Ontario’s Environmental Assessment Act:

Where an undertaking involves the risk of environmental harm, it remains a fundamental and traditional principle that the undertaking should be necessary in order to be approved.¹⁴

While this principle was expressed by the Joint Board in relation to a large landfill proposal, it is equally applicable to the Wesleyville proposal under the IAA. If OPG cannot prove that there is demonstrable public need for its risk-laden project (or that it is environmentally superior to other alternatives to the project), then it should not be approved, and the public should not be exposed to its risks.

Furthermore, nuclear power is a matter of federal jurisdiction under the division of powers under *Constitution Act, 1867* as it has been declared “for the general advantage of Canada” as a constitutional matter.¹⁵ The license that would be required for preparation of a site, constructions, operation, and future stages are federal licences issued under the authority of the *Nuclear Safety and Control Act*. Accordingly, the *Impact Assessment Act* must be applied before the federal decision maker, the CNSC can proceed with any such licences.¹⁶

At this stage, the *IAA* requires a robust consideration of the requirement for a proper description of the purpose of and need for the project as the context within which the IAA is conducted and for future decision making to occur under the *Act*. For example, the alternatives to the project must be considered in

¹³ *Information Regulations*, Schedule 1, Part B, s 12(b).

¹⁴ *Re West Northumberland Landfill Site* (1996), 19 C.E.L.R. (N.S.) 181 (Ont. Jt. Bd.) at para 88.

¹⁵ *Nuclear Energy Act*, RSC 1985 c. A-16 at s. 18

¹⁶ IAA, ss. 44 to 51; Physical Projects Regulation SOR/2019-285

the context of the need or purpose that the project is trying to solve. At a later stage, cabinet would have to make a decision as to whether residual environmental effects are significant, and furthermore, if they could not be mitigated, that the project be allowed (or not) according to cabinet's determination of whether it is in the public interest to do so. This ultimate decision will require a proper description of the purpose of and need for the project.¹⁷

The project's "need" is not for a nuclear power plant; rather the "need" is the supply of energy services to the population of Ontario. As noted earlier in its IPD, OPG acknowledged that nuclear power is only one option; and furthermore, that final preferences on Ontario's part as to the makeup of the energy mix are still to be determined. This will be important when we turn next to consideration of the requirement that the IPD include a description of "Alternatives to the Project".

Incomplete Description of Alternatives to the Project

The IPD "alternatives to" submitted by OPG is deficient and in fact not included in the IPD, because it states that "No alternatives to the project are being considered". (Summary of IPD at page 9)

This is contrary to the mandatory requirements of the IAA and the applicable regulations under which section 22 contains a mandatory requirement to consider alternatives to the project.

The IPD erroneously states that

"in the case of a nuclear energy project, an assessment of energy mandates established through federal and provincial legislation or policy may not be within the scope of the IA." (Summary of IPD at page 9)

No authority is cited in the IPD for this startling statement.

First of all, as previously noted, CELA, DNA and SHA submit that "the project" as described by OPG is the supply of 10,000 MW to the Ontario electrical grid at the Wesleyville site.

Secondly, nuclear projects are among the significant projects specified on the physical projects list. A proposal for new nuclear of up to 10,000 MW on a new site with no existing class 1A nuclear facility is included in section 27(b) of SOR/2019-285.

"27 The site preparation for, and the construction, operation and decommissioning of, one or more new nuclear fission or fusion reactors if

(a) that activity is located within the licensed boundaries of an existing Class IA nuclear facility and the new reactors have a combined thermal capacity of more than 900 MWth; or

(b) that activity is not located within the licensed boundaries of an existing Class IA nuclear facility and the new reactors have a combined thermal capacity of more than 200 MWth. (emphasis added)

¹⁷ IAA, sections 60 to 72

There is no exemption for the applicability of any of the mandatory requirements of section 22 of the *Impact Assessment Act* nor of the mandatory information required in the Initial Project Description pursuant to the *Information Regulation* applicable to this project. The proponent must describe alternatives to the project.

In terms of the IAAC guidance which notes that alternatives can be considered “from the perspective of the proponent”, CELA, DNA and SHA submit that this means in this case that the broader public's perspective is relevant. The proponent is a public utility, owned by the province of Ontario as sole shareholder and with public ratepayers; therefore alternatives should be considered in that broader energy context.

In any event, “alternatives to” the project are required vis a vis the need that is being described. As OPG noted, the need is framed by the context of Ontario’s overall energy supply and the planning for that supply by the Ontario agency, the IESO. The IESO reports described in the IPD include a range of options. Undeniably there are in fact a range of options that could satisfy the electricity needs of Ontario.

Furthermore, the need for the project and the alternatives to the project are fundamental considerations in terms of the IA evaluating the impacts of the project. As described by Dr. M.V. Ramana, nuclear power is the most expensive option to provide future supply and takes the longest to achieve¹⁸. Furthermore, it is fraught with risks related to costs, completion, and likelihood of completion.

Even the question of whether there would eventually be 10,000 MW from nuclear at Wesleyville is not yet determined. Accordingly, OPG must describe all of Ontario’s options for future electricity supply as alternatives to the project. These must include energy storage, energy (electricity) imports, demand response, hydrogen, bioenergy, solar, wind, and hydroelectric generation and sources of electricity supply, all of which were included in the IESO reports that OPG mentioned in the IPD. Patently, these are all alternatives to nuclear generation. Consideration of alternatives to the project within the context of Ontario electricity supply must also include distributed energy, and other options that would impact the requirements for a centralized grid.

OPG is wholly owned by the province of Ontario which is its sole shareholder. OPG operates a range of generation facilities. The Ontario electricity system operates within a context of several crown agencies, related legislation and under the directions and oversight of the Ontario cabinet subject to the provisions of applicable law. OPG is not a silo within that context. The need that OPG is proposing to satisfy is a need articulated by the province of Ontario for the public as a whole. Ontarians are also the rate payers of OPG which is a public utility. Accordingly, the “need” and the “alternatives to” meeting that need must be evaluated within this broader context. This is a mandatory aspect of the IAA.

CELA, DNA and SHA also endorse the submission of the Ontario Clean Air Alliance as to available alternatives to the project, submitted earlier in this consultation period.¹⁹

¹⁸ M.V. Ramana, “Nuclear Reactors are Too Expensive and Slow to Build”, 11 *Nature Energy* 26 (2019); See also Robertson, D., “Ontario’s Costly Nuclear Folly”, *Perspectives*, 2025 accessed at <https://perspectivesjournal.ca/ontarios-costly-nuclear-foolly/>

¹⁹ Ontario Clean Air Alliance, Submission to Consultation on New Nuclear at Wesleyville, “Consider the lower cost, lower risk, cleaner, safer, more secure and quicker alternatives to new nuclear”, Feb. 5, 2026, IAAC Ref. Doc. No. 185

Incomplete Description of Alternative Means

The initial project description does not adequately set out a description of and information related to alternative means of carrying out the project. Section 22 (e) requires that among the factors to be considered in the Impact Assessment and whether there are adverse effects is that of:

- (e) alternative means of carrying out the designated project that are technically and economically feasible, including through the use of best available technologies, and the effects of those means;

CELA, DNA and SHA submit that “the project” as described by OPG is the supply of 10,000 MW to the Ontario electrical grid at the Wesleyville site.

Accordingly, alternative means that must be described include not only potential specific nuclear reactor technologies and their associated components, but also other types of generation, electrical power supply and energy services, and other locations and sites. These could consist of one or more other sites instead of, or in addition to the Wesleyville site. However, as described earlier, the IPD fails to describe even the preferred means, and then also fails to describe alternative means. Only extremely generic outlines of some components are provided.

It is mandatory that OPG describe alternative means in a comprehensive manner, and CELA, DNA and SHA reiterate the submissions made in the preceding section.

Failure to include Cumulative Effects Analysis

The IPD also fails to include a list of cumulative effects as required by section 22(1) of the Act.

Such a list must consider that there are other nuclear power facilities in the same area of Ontario, located on the same proposed body of water. It must also consider the potential for external or other events that could result in simultaneous failures and stresses on the emergency planning and response systems of the proponent and the civil authorities. It must also consider routine emissions from 10,000 MW of nuclear generation in addition to existing emissions from existing nuclear generation at the Darlington and Pickering Nuclear Generating multi-unit Stations including the proposed new nuclear at Darlington that has been approved.

It must also consider and provide information as to the cumulative effects of other past and present nuclear activities in the vicinity of the proposed site, including uranium refining, uranium conversion, contaminated lands in Port Hope, nuclear waste storage at Port Granby, nuclear power generation in Durham region, and waste facilities also in Durham Region. Furthermore, the increased risks to security and non-proliferation of adding another 10,000 MW nuclear generation in Ontario should be considered as added to the existing levels of risks. Furthermore, these risks should be described based on the types of nuclear fuel that the intended technology would use.

The cumulative effects analysis should also describe the socio-economic effects of increasing reliance on one form of energy generation to the degree that OPG proposes for the province of Ontario. Future situations may arise that make this form of generation unacceptable, and which would leave Ontario in a very vulnerable state for satisfaction of the energy needs of the population and this is a very important impact to consider.

The economic consequences of this concentration of energy supply from an unknown nuclear technology and its increased cost must also be described in the cumulative effects analysis in that the proposed

facility will both increase the costs of the electricity system, and constrain decision making for future governments, both provincial and federal, due to the enormous costs that would be sunk into the proposed option.

Failure to Include a List of All Non-Negligible Adverse Effects that May be Caused by Carrying out of the Project

The Initial Project Description also fails to satisfy section 22.1 of Schedule 1 to the *Information Regulation*, as a project that is a “federal work or undertaking”, being a Class 1A Nuclear fission facility.

Pursuant to 22.1 of *SOR/2019-283*, if the project is to be carried out on federal lands or is a federal work or undertaking, as defined in subsection 3(1) of the Canadian Environmental Protection Act, 1999 (CEPA), a description of any non-negligible adverse effects that may be caused by the carrying out of the project is required.

The project would consist of a federal undertaking pursuant to subsection 3(1) of CEPA. In its current version, the Project’s description does not provide a description of non-negligible adverse effects.

Nuclear power generation, along with all other nuclear works, have been declared to be “for the general advantage of Canada.”²⁰

The *Nuclear Energy Act* declares that:

All works and undertakings constructed (a) for the production, use and application of nuclear energy, (b) for research or investigation with respect to nuclear energy, and (c) for the production, refining or treatment of nuclear substances, are, and each of them is declared to be, works or a work for the general advantage of Canada.

The *Information Regulation* requires information to be provided in relation to:

22.1 If the project is to be carried out on federal lands or is a federal work or undertaking, as defined in subsection 3(1) of the Canadian Environmental Protection Act, 1999, a list of any non-negligible adverse effects that may be caused by the carrying out of the project.

However, the initial project description for Wesleyville fails to include descriptions of impacts to the surrounding population from routine emissions, risks of accidents, risks to drinking water, extensive increased costs to be borne by surrounding municipalities for emergency preparedness, increased costs of training and preparedness by civil authorities, health facilities, host communities under emergency planning requirements, necessity for education, training and outreach of the community in respect of emergency preparedness, increased concern in terms of evacuation routes and shelters, and evacuation capacity, necessity for distribution of KI tablets within the surrounding area and particularly distribution to facilities with children.

Failure to include any description of accidents and malfunctions (section 22 (1) (a))

The project description is missing a description of accidents and malfunctions as required under section 22 of the Act.

²⁰ *Nuclear Energy Act*, 1985, as amended, s. 18

The project description is missing the social and economic contexts of the unique and extensive requirements of emergency planning, evacuation preparedness, host municipality requirements and other aspects that would be necessary pursuant to the Ontario Nuclear Emergency Response Plan and other emergency plans.

Failure to adequately describe wastes and emissions, particularly radioactive wastes and emissions

The IPD also omits satisfying section 24 of Schedule 1 to the *Information Regulation*, which requires:

“24. A list of the types of waste and emissions that are likely to be generated — in the air, in or on water and in or on land — during any phase of the project.”

The IPD is completely inadequate in its description of emissions and wastes likely to be generated. Firstly, with no technology choice, nor even a very short list of preferred options, there is no basis for any description whatsoever, contrary to the requirements of the regulation, of the characteristics of either routine emissions, or accidental emissions, spills, or radioactive waste.

The IPD fails to adequately describe the necessity for decades long (at a minimum) storage and handling of radioactive wastes ranging from low to very dangerous intermediate and highly hazardous high level (fuel) waste. It also fails to describe the impacts that would arise in terms of long-term production of very high levels of nuclear fuel waste that could have different characteristics from the high-level nuclear fuel waste created by CANDU reactors. Introducing new technologies to the nuclear power fleet creates additional complexity and hazards for long-term management of the wastes.

The CNSC Licensing Process

It is anticipated, and in fact required by the *IAA* that the Canadian Nuclear Safety Commission’s licensing process will take place concurrently with an impact assessment. Both processes are aimed at important purposes but are not the same decision making processes. Only if a decision is made under the *IAA* that permits the project to proceed can the first stage license be issued by the Commission, and only if the separate tests and thresholds of that legislation are also found to be satisfied.

Because the *IAA* decision is a condition precedent to the licensing decision, all of the required information to inform the factors and decision-making process under the *IAA* must be provided in the Impact Assessment. The Initial Project Description must include information on these factors.

Conclusion and Recommendations

This Project is a designated project listed on the Physical Activities Regulation under items 27 and 28 of the Schedule. As the proponent stated in the IPD,

“The site preparation, construction, operation, and decommissioning of a new nuclear reactor over 200 MW thermal (MWth) on an unlicensed site for a Class IA nuclear facility is a designated project listed on the Physical Activities Regulations (under item 27 in the Schedule) under the *IAA*. Additionally, the construction and operation of a new facility for the storage and management of

irradiated nuclear fuel or nuclear waste on an unlicensed site is also a designated project listed on the Physical Activities Regulations (under item 28 of the Schedule) under the IAA.”²¹

The examples of non-compliance with mandatory aspects of the requirements for an Initial Project Description outlined in this submission mean that the IAA should decline to accept the IPD nor exercise any jurisdiction or any of its authorities or responsibilities unless and until these requirements are met.²²

CELA, DNA and SHA and Slovenian Home Association (CELA, CELA, DNA AND SHA and SHA), are gravely concerned about the adverse environmental, social and health impacts that may be caused by all aspects of the Wesleyville new nuclear proposal. A credible, evidence-based and rigorous analysis of the direct, indirect, and cumulative effects of this risk-laden project is therefore required through an impact assessment pursuant to the Impact Assessment Act, SC 2019, c 28, s 1 (“IAA”).²³

An impact assessment is required in relation to this project in light of the potential for the project to cause significant adverse effects within federal jurisdiction.

As required by the IAA, information for licensing under the Nuclear Safety and Control Act, SC 1997, c 9 (“NSCA”) must proceed concurrently, lead to a referral by the Minister under section 43 of the IAA, so that an integrated review panel will conduct the impact assessment, hold public hearings, and submit a report to the Minister.²⁴ However, the requirements of the IAA are a condition precedent to any licensing decision; a decision must be made as to the project’s adverse effects within federal jurisdiction, and its direct or incidental adverse effects that may be caused by the carrying out of the project, pursuant to the Decision-Making sections of the IAA.²⁵

However, for the reasons set out below, CELA, DNA and SHA submit that the IPD is fundamentally deficient and clearly unacceptable because it:

- does not meet the legislative and regulatory requirements of the IAA in relation to the preparation, content and submission of an IPD;
- lacks sufficient detail, information, and data about key operational components of the project;
- contains questionable assumptions, significant errors and omissions, and inaccurate or misleading statements about the project and its potential impacts;
- provides numerous unsubstantiated conclusions and speculative predictions about the potential environmental, socio-economic, and human health impacts of the project if approved;
- glosses over or unduly constrains the critically important environmental planning factors required under section 22 of the IAA, including the changes to the environment, health, social conditions, including effects of accidents or malfunctions, cumulative effects purpose and “need”, “alternatives to”, “alternative methods” (including site selection), changes to the project that may be caused by the environment, and other aspects of section 22;
- the OPG’s project-related decision-making, as reflected in the IPD, especially the exceedingly narrow approach to “need” and “alternatives to”, is not logical, traceable or replicable.

²¹ *Summary of the Initial Project Description*, page 13.

²² *Information Regulations*, Schedule 1, Part B; IAA, s 22.

²³ *Impact Assessment Act*, SC 2019, c 28, s 1 (“IAA”), s 16(1).

²⁴ IAA, s. 43

²⁵ IAA, s.16(2)(f.1)

CELA, DNA and SHA therefore submit that the Agency should reject the inadequate IPD and require the OPG to reconsider, revise, and resubmit an updated IPD that meets the requirements of the IAA, the regulations, and related guidance documents.²⁶

Recommendation 1: The IAA should decline to proceed further with any decision making unless and until the mandatory requirements of an IPD or Detailed Project Description are met.

In the alternative, CELA, DNA and SHA request that pursuant to s.15(2)(a) of the IAA, the Agency should require the OPG to provide a more Detailed Project Description which meets the requirements of the Information Regulations prior to proceeding with the next steps of an impact assessment under the IAA.²⁷

Recommendation 2: The IAA should require the proponent to provide a Detailed Project Description before proceeding with the next steps of an impact assessment under the IAA.

Comments prepared by Theresa McClenaghan, Executive Director and Counsel, with input from Julie Lopez, independent legal researcher.

All of which is submitted this 11th day of February, 2026
Canadian Environmental Law Association
On behalf of CELA, Durham Nuclear Awareness and Slovenian Home Association



Theresa A. McClenaghan
Executive Director and Counsel

²⁶ IAA, s. 15(1.1)

²⁷ IAA, s 15(2)(a).

APPENDIX A

Excerpt from Attributes and Criteria to be included in initial project evaluation for siting a new nuclear plant as outlined in the IAEA Guide Section 4.1 at pages 25 to 27.²⁸

4.1.3.1. Magnitude and frequency of natural external events

These include (though there may be others):

Seismic hazards, e.g. active faults, surface faulting, vibratory ground motion due to earthquakes.

Volcanic hazards.

Geotechnical hazards. e.g. slope instability, soil liquefaction, landslides, rock fall, avalanche, permafrost, erosion processes, subsidence, uplift, collapse.

Flooding: Coastal flooding or low water intake level, e.g. wave action, storm surges, seiches, tsunamis;

River flooding, e.g. overtopping due to dam breaks, or low water levels due to drought or low river water levels.

Blockage of intake channels (due to biofouling, ice, debris, ship collisions, oil spills or fires).

Extreme meteorological events, e.g. hurricanes, tornadoes, tropical storms, straight-line winds, ice, snow, hail, lightning, drought, extreme precipitation, extreme temperatures, sand and dust storms, etc.

Forest fires (whether of natural or human origin).

Credible combinations of events.

4.1.3.2. Human induced external events

These include (though there may be others):

Aircraft crashes, including impact, fire and vibration type loads;

Explosions from transport accidents (including drifting smoke) involving e.g. trucks, trains, tankers, gas carriers;

Explosions from fixed installations, e.g. other nuclear installations, military ranges and arsenals, oil and gas operations or storage facilities, gas pipelines, chemical plants, installations processing or using hazardous materials or waste, etc.;

Toxic liquid/gaseous releases, radiological releases;

Ship collisions or shipwrecks;

Electromagnetic interference.

4.1.3.3. Characteristics related to radiological impact

²⁸ International Atomic Energy Agency, *Nuclear Energy series No. NG-T-3.7 (Rev. 1) "Managing Siting Activities for Nuclear Power Plants"* pages 25 to 27; Accessible at https://www-pub.iaea.org/MTCD/Publications/PDF/PUB2000_web.pdf

These include:

Transport and dispersion in air;

Transport and dispersion in groundwater;

Transport and dispersion in surface water;

Population and emergency preparedness aspects;

Distance from population centres;

Requirements for exclusion area and low population area;

4.1.3.4. Emergency planning

Physical characteristics and site characteristics that may hinder emergency plans (particularly relating to local transport infrastructure and communications networks):

Evacuation routes and access routes;

Population density;

Special population groups (hospitals, prisons, etc.), transient populations.