Canadian Environmental Law Association
EQUITY. JUSTICE. HEALTH.

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New Nuclear at Wesleyville Project
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Project Number 89802

Re: Submission by the Canadian Environmental Law Association on Behalf of CELA, Durham Nuclear Awareness and Slovenian Home Association – Comment on the Draft Integrated Tailored Impact Statement Guidelines

The Canadian Environmental Law Association (CELA) 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.

COMMENTS ON THE DRAFT INTEGRATED TAILORED IMPACT STATEMENT GUIDELINES

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

I. Requirements for the Project Description in the Draft Tailored Impact Guidelines will result in a fundamentally deficient Project Description
II. Requirements related to Alternatives to the project, and Alternative means of carrying out the project will not meet legislative requirements, are inconsistent with relevant case law and contrary to the precautionary principle
III. The Cumulative Effects assessment will not meet prior precedent for cumulative effects assessments, and will not address cumulative effects or compounding effects of projects and activities
IV. Requirements related to malfunctions or accidents remain unclear and hinder the Impact Assessment process under the *Impact Assessment Act*
V. Requirements for Emissions, radioactive waste, and long-term storage and handling of nuclear fuel waste do not satisfy regulatory requirements
VI. Malevolent acts and current social context must be adequately assessed for new nuclear projects

ISSUES

I. Requirements for the Project Description in the Impact Statement will result in a fundamentally deficient Project Description under the IAA, per the norms of the nuclear sector in Canada and per international standards

As indicated in its comments on the Initial Project Description (IPD), CELA remains of the view that the project description is premature and incomplete and will remain so pursuant to the requirements outlined in the Draft Tailored Impact Statement Guidelines (DTISG).

In particular, the requirements for the DTISG related to project components and activities, the receiving environment and the plant parameter envelope approach are not sufficient to adequately describe what the project is and what it impacts may be, and the public or any decision maker would lack information with which it could meaningfully engage. As such, the DTISG would not meet prior precedents for IPD in this sector, Impact Assessment (IA) standards of practice or international standards in the nuclear sector and would impair the effectiveness of the IA process under the IAA.

a) Project Components and Activities do not meet prior precedents for Draft Tailored Impact Statement Guidelines in this sector and impair IA process under the IAA

First, the Draft Guidelines require that the IS describe components and activities to be carried out during each project phase with the notable qualification that this **requires at a minimum** that it "include project components and activities (direct and incidental) listed in the **Initial Project Description**". [1]

[1] See Canada, Impact Assessment Agency of Canada, *Draft Integrated Tailored Impact Statement Guidelines – New Nuclear at Wesleyville projecct*, (April 7 2026) at 13 online (pdf):

If the proponent were to rely on the project components and activities listed in IPD, the project description would not be complete. In the IPD, the proponent indicated that "project activities may be refined as the NNW Project progresses".[2] Without a robust description of project components and activities throughout each project phase, the IA process could not fulfill its purpose under section 6 of the IAA 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," nor could it apply the principles of fair, predictable and efficient process, or adhere to principles of scientific integrity, honesty, objectivity, thoroughness and accuracy" which are mandated by the act.

Furthermore, and in contrast with the Bruce C project, the proponent for Wesleyville would **not be** required to "describe nuclear facilities-related activities and components (e.g., reactor design, cooling water system, water intake and discharge structures, and preliminary information on waste management strategies, including practices and projected quantities, for low, intermediate and high-level radioactive waste (e.g., spent fuel) for the facility's lifecycle)" in its DTISG.[3]

Without information on the above-noted nuclear facilities-related activities and components, the DTISG would not allow for any evaluation of the impacts of the project under any of the criteria specific to the IAA.[4] Notably, the type of nuclear reactor technology and cooling systems would be allowed to remain unspecified. These notable gaps would prevent the evaluation of information as to the type of fuel used and related supply chain questions, of potential emissions to the surrounding environment from normal operations, of potential pathways for accidents and of the impacts of the cooling system on physical human and natural environments, respectively.

b) Requirements for Siting and Plant Perimeter Envelope Approach do not meet prior precedents or international standards

Third, the requirements related to the Receiving Environment of the project contrasts from the requirements for the Integrated Tailored Impact Statement Guidelines for the Bruce C project. Unlike the Bruce C project, the DTISG for Wesleyville would **not** require "geographic coordinates (i.e., longitude/latitude using international standard representation in degrees, minutes, seconds) for the centre of the main project site, project footprint, including the extent of the tenure; key project components, boundaries of the proposed site with geographic coordinates, major existing infrastructure; proponent lands, and leased properties or lands, adjacent resource lease boundaries."[5] The lack of specificity related to the siting of the project that is required from the proponent ties into the lacklustre Plant Perimeter Envelope (PPE) Approach requirements in the DTISG.

<https://acee.gc.ca/050/documents/p89802/165939E.pdf> [*DTISG*]. Throughout these comments, the project is referred to as the "Wesleyville project".

[2] See OPG, "New Nuclear at Wesleyville in Port Hope" (April 7 2026) at 86 online (pdf): <https://iaac-aeic.gc.ca/050/documents/p89802/162725E.pdf> [IPD].

[3] See Canada, Impact Assessment Agency of Canada, *Integrated Tailored Impact Statement Guidelines, Bruce C Nuclear Project*, (August 19 2025) at 15 online (pdf): <https://iaac-aeic.gc.ca/050/documents/p88771/162760E.pdf> [*Bruce C project*]. Throughout these comments, the Bruce C Nuclear project is referred to as the "Bruce c project".

[4] See *Impact Assessment Act*, SC 2019, c 28, s 22 [*IAA*].

[5] *DTISG*, at 13.

The requirements related to the PPE Approach further contribute to the insufficiency of the project description. The proponent would be required to present "**potential** reactor technologies as part of a bounding approach referred to as the "Plant Parameter Envelope".[6] While the proponent would be encouraged to **narrow** the envelope to the most plausible choices of technology to reduce the quantity and complexity of information to be reviewed, it would **not** required to do so.[7] In contrast, the Integrated Tailored Impact Statement Guidelines for the Bruce C project provided the **list of candidate technologies and sites** used in defining the bounding envelope, and required that the **final** list be presented in the IS.[8]

Thus, the proponent for the Wesleyville project would not present the final choice of technology or site used in defining the bounding envelope, nor would it necessarily need to narrow down the list of possible technologies to the most plausible. Together, these factors would weaken the effectiveness of the IA process as a planning tool, mar transparency in the IA process and impair the public's acceptability or trust in any result of an IA.

Transparency in IA processes are an international norm. IA processes "ensure the availability of key environmental information by requiring that such information be collected and brought to the attention of the decision-maker" and "transparency promotes accountability for decisions affecting the public welfare generally and with respect to the environment specifically."[9]

The importance of transparency and public trust to the question of siting of a new nuclear power plant is stressed in International Atomic Energy Agency (IAEA) guidance on nuclear power plant siting. That guidance is specifically applicable to the Wesleyville project, as Canada is a participant in the international instruments governing use of nuclear power, and actively participates in developing these documents and norms. Without any specificity on final reactor technology or siting used to define the bounding envelope, the Wesleyville project would fail to meet IAEA guidance on siting and on a PPE approach.[10]

II. Requirements related to Alternatives to the project, and Alternative means of carrying out the project will not meet legislative requirements, are inconsistent with relevant case law and contrary to the precautionary principle

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[6] *DTISG*, *ibid*.
[7] *DTISG*, at 14.
[8] *Bruce C Guidelines*, at 20.
[9] 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)
[10] See International Atomic Energy Agency, Nuclear Energy series No. NG-T-3.7 (Rev. 1) "Managing Siting Activities for Nuclear Power Plants" at 11 online (pdf): <pub.iaea.org/MTCD/Publications/PDF/PUB2000_web.pdf> in which the IAEA states 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"; see also *ibid* at 28 in which the IAEA states that the use of a PPE approach must be based on "all the technologies being considered".

Under sections 22(1)(e) and (f) of the IAA, the proponent is required to consider "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" and to consider "any alternatives to the designated project that are technically and economically feasible and are directly related to the designated project".[11]

As they are currently described in the IPD, the alternatives means and alternatives to are not adequately set out, and not set out at all, respectively.[12] These omissions are 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. Further, the proposed approach does not meet the legislative requirements of section 18(1.1) of the IAA, and the Impact Assessment Agency of Canada (IAAC) is exercising authority beyond the legal authority it is conferred under section 18 (1.2) of the IAA.

Lastly, the requirements proposed in the IPD are also fundamentally inconsistent with the findings of the Canadian judiciary regarding IA processes, and contrary to the precautionary principle.

A) The Alternatives to the project and Alternative means of the Project in the Impact Statement will remain contrary to the mandatory requirements of the IAA, applicable regulations and jurisprudence on IA processes, and the precautionary principle

In the DTISG, the IAAC indicated that it "will rely on the proponent's Initial Project Description demonstrating that there are no alternatives to the project that are technically and economically feasible to meet the need for the project and achieve its purpose".[13] It also indicated that "the selection of electricity generation technologies and the broader energy supply mix in Ontario are matters determined through provincial energy planning and policy processes, including Ontario's Integrated Energy Plan".[14]
The IAAC submitted that

> the federal impact assessment will focus on the potential effects of the designated project and the proponent's rationale for the selected technology and site. It will not reassess provincial energy policy or determine the appropriate electricity generation mix for the province. On this basis, the information provided in the Initial Project Description is considered sufficient to address alternatives to the project for the purposes of these Integrated Guidelines, and no additional information is required. [our emphasis].[15]

Based on the information provided to date in the IPD, it is difficult to ascertain how the proponent has assessed alternatives to the project or how it provided a rationale for the selection of the project

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[11] *IAA*, ss 22(1)(e)(f).
[12] See Canadian Environmental Law Association, "Comment on Summary of Initial Project Description of New Nuclear at Wesleyville - Submission by CELA, DNA and SHA" (February 11 2026), at 13-14 online (pdf): <https://archive.celafoundation.ca/archive-item/comment-on-summary-of-initial-project-description-of-new-nuclear-at-wesleyville-submission-by-cela-dna-and-sha/wesleyville-submission-on-ipd-by-cela-dna-and-sha/> [*CELA comments on IPD*].
[13] *DTISG*, at 17.
[14] *DTISG*, *ibid*.
[15] *DTISG*, *ibid*.

over alternatives to it when no technology has been selected.[16] It is also difficult to ascertain how the IAAC could conclude that the information provided in the IPD was sufficient.

These assessments are contrary to the mandate prescribed by the IAA.[17] The IAAC does **not** have legal authority to wholly exclude an analysis of alternatives to the project under the IAA. The IAAC must account for all factors in section 22(1) to determine what information or which studies are necessary for the conduct of the impact assessment, including alternatives to the project.[18] Meanwhile, the IAAC's discretion in section 18(1.2) of the IAA relates to the **scope of the factors** in section 22, not whether they should be wholly excluded from the analysis.[19]

In subsection C, CELA submits that the proponent must evaluate the alternatives to the project based on the project's purpose and needs, and that renewable energy sources must be adequately assessed as alternatives to the project.

The proposed approach is also contrary to the courts' findings on the purpose of IA processes and requirements it has outlined for proponents in numerous decisions.

The central purpose of IAs is to require proponents to consider and justify both the need for the project and the available "alternatives to" the project and "alternative means" of a project prior to development.[20] Requiring proponents to conduct IAs "before the shovel hits the grounds" imposes constraint that prevents proponents from proceeding with construction or causing irreversible impacts until after any reasonable alternatives and design approaches have been properly assessed and justified.[21]

Courts have found that proponents are not free to design their own IA processes without regard for the requirements established by legislative and regulatory frameworks.[22] Factors such as alternatives, environmental effects, and mitigation are essential statutory requirements that must be addressed to conduct meaningful assessments. Although there is some flexibility in how requirements under the IA framework are met, any departure or exemption from core requirements are subject to ministerial approval, which courts have treated with a high degree of deference.[23]

Further, the precautionary principle is another component of a proponent's legal obligation as it has been entrenched into and is a foundational component of the IA framework. As recognized in *114957 Canada Ltée (Spraytech, Société d'arrosage) v Hudson (Town)*, in the event of scientific uncertainty and a risk of serious environmental harm, decision-makers must err on the side of

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[16] In neither the IPD or DTISG did the proponent identify the selected technology, or a list of potential technologies.
[17] See notably *IAA*, ss 18(1.1)(1.2), 22.
[18] *IAA*, s 18 (1.1), which states that "The Agency must take into account the factors set out in subsection 22(1) in determining what information or which studies it considers necessary for the conduct of the impact assessment".
[19] *IAA*, s 18 (1.2), which states that "the scope of the factors referred to in paragraphs 22(1)(a) to (f), (h) to (l) and (s) and (t) that are to be taken into account under subsection (1.1) and set out in the tailored guidelines referred to in paragraph (1)(b), including the extent of their relevance to the impact assessment, is determined by the Agency".
[20] *IAA*, s 22(1).
[21] *Hamilton Wentworth (Regional Municipality Of) v. Canada (Minister of The Environment)*, 2001 FCT 381 CanLII.
[22] See e.g. *Sutcliffe v. Ontario (Minister of the Environment)*, 2004 CanLII 31687 (ONCA) para 23. [*Sutcliffe*].
[23] *Sutcliffe*, paras 21-23.

caution.[24] This principle constrains reliance on uncertain mitigation measures and reinforces the need for credible, evidence-based alternatives that can be implemented into practice.

The courts have recognized that economically feasible alternatives are cost-effective, practical, and reasonably affordable in the project's context.[25] Technically feasible alternatives are those that rely on technologies that currently exist or have a sufficient scientific basis to demonstrate that they are likely to work and not cause adverse effects to the environment, even if some uncertainty remains.[26] Therefore, the technical and economic criteria operate as threshold requirements that constrain the range of acceptable alternatives.

CELA submits that the proponent's current assessment of alternatives to the project and the IAAC's determination that this assessment is sufficient is contrary to mandatory requirements under the IAA, and that the IAAC has failed to apply the precautionary principle and to uphold principles of scientific integrity, honesty, objectivity, thoroughness and accuracy mandated by the IAA.[27] Furthermore, without this information it will not be feasible for the ultimate decision maker to determine if any residual significant adverse effects are nevertheless justified in the public interest.

B) Requirements for Alternative means of carrying out the project do not meet the prior precedents of Impact Statements for new nuclear projects in Canada and obscures the IA process

The DTISG omit certain notable requirements for the Wesleyville project which were required for the Bruce C project. These omissions add a layer of obscurity to the IA process as it would prevent any decision maker or the public from determining how alternative means of carrying out the project were evaluated. As indicated previously, transparency is an international norm applicable to IA processes, and the requirements related to this section of the IS do not bolster confidence in the proponent's assessment of alternative means.

Notably, the Wesleyville project would **not be** required to provide an overview of the sites considered prior to selecting the proposed site, to describe the factors relevant to the selection of alternative means of carrying out the project, or to describe the methodology and criteria used to compare alternative means.[28]

Second, the proponent would **not** be required to describe how the potential release of contaminants related to historical land use, and the potential for those releases to interact cumulatively with effects of the project, was considered in the site options analysis.

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[24] *114957 Canada Ltée (Spraytech, Société d'arrosage) v. Hudson (Town)*, 2001 SCC 40. [*Spraytech*].
[25] *DTISG*, at 17.
[26] Government of Canada, "Addressing "Purpose of" and "Alternative Means" under the Canadian Environmental Assessment Act, 2012" 2015; see also *Tetzlaff v Canada (Minister of the Environment*), [1991] 1 FC 641 (FCA).
[27] *IAA*, s 6(2)(3)(b).
[28] See contrarily to *Bruce C project*, at 24. As it relates to the description of methodology and criteria the Bruce C project Integrated Tailored Impact Statement Guidelines required that the trade-offs be described.

Third, the DTISG would not require that the proponent describe nuclear facilities related activities and components including the reactor design and the cooling water systems for nuclear reactors.[29] As noted above, the lack of information required from the proponent for nuclear related activities is shocking and undermines the IA process as a planning tool.

Finally, the DTISG for Wesleyville would not require that the bounding technologies of the PPE be considered in the alternative means assessment, which is contrary to the Bruce C project.[30]

C) **Evaluation of Alternative to the project must be conducted based on Project's purpose and need**

It is currently impossible to assess the alternatives means to the project based on the potential impacts which may result from selected technology or siting as these details remain undetermined. Conversely, it is possible to evaluate the alternatives to the project pursuant to the project's purpose and need, as these factors have been identified by the proponent.[31]

In the IPD, the proponent indicated that the Wesleyville "[p]roject directly supports Canada's Net Zero goal by providing reliable, low-emitting electricity to help decarbonize Ontario's grid and meet growing energy demands".[32] The IPD also specifies that "early studies indicate the [Wesleyville] site could support up to approximately 10,000 MWe of new nuclear generation, which is enough to power the equivalent of ten million homes".[33]

Recent results from the Independent Electricity System Operator's Long-Term 2 Window 1 Energy Stream targeting energy producing resources such as solar and wind illustrate how **solar and wind projects** met "a total of 1,315.10 MW of Contract Capacity and an aggregate Expected Annual Imputed Production of 3.02 TWh", which will help meet energy needs forecasted to emerge in the 2030s.[34]

Thus, based on the intended purpose of the project – to provide reliable, low-emitting electricity and meet growing energy demands – and the apparent need – to support energy of approximately 10,000 Mwe – renewable energy producing resources should be considered as alternatives to the project by the proponent and their economic and technical feasibility should be assessed by the DTISG.

III. Limiting the Cumulative Effects assessment to the Generic Requirements for the Preparation of an Impact Statement will not meet prior precedent for cumulative effects assessments of new nuclear projects in Canada, and will not address sources of cumulative effects or consider the compounding effects of projects and activities

[29] See contrarily to *Bruce C project*, at 25.
[30] *Bruce C project*, *ibid*.
[31] *IPD*, at 63.
[32] *IPD*, *ibid*.
[33] *IPD*, at 64.
[34] See Independent Electricity System Operator, "Long-Term 2 RFP", (accessed on April 21 2026) online: <ieso.ca/Sector-Participants/Resource-Acquisition-and-Contracts/Long-Term-2-RFP>; see also "Results of the IESO's Long-Term 2 Window 1 Energy Stream", published April 2026, at 3–4.

As outlined in the DTISG, the proponent must meet the standard requirements related to assessment methodology as outlined in the Generic Requirements for the Preparation of an Impact Statement for the cumulative effects assessment.[35] This approach would result in certain factors not being assessed for the Wesleyville project which were assessed for the Bruce c project.

First, conducting an assessment pursuant to the Generic Requirements would not address the requirement from the Bruce C project to "identify the sources of potential cumulative effects, specify which other projects or activities that have been or will be carried out that could have resulted or could result in effects on the VCs within the defined boundaries and whether those effects could interact with the residual effects of the project, clearly explain and justify the rationale for selecting other past, existing or future projects or activities to include in the cumulative effects assessment."[36]

Second, this would not assess the cumulative effects for each selected VC through "the analysis of the effects of future projects and physical activities must include a comparison of possible future scenarios with and without the project and must reflect the full range of cumulative effects and not just the project's contribution".[37]

As CELA submitted in its comments on the IPD, the proponent must 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.[38]

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.

IV. Requirements related to malfunctions or accidents remain unclear and hinder the IA process under the IAA

It is unclear whether the effects of malfunctions or accidents and the subsequent the changes to the environment or to health, social or economic conditions are anticipated as being **material** to decision making. Thus, it remains unclear whether these must be assessed and included pursuant to the DTISG for the Wesleyville project.

A) It is impossible to discern whether the effects of malfunctions or accidents on the environment or to health, social or economic conditions will be material to decision-making under section 22 of the IAA

[35] *DTISG*, at 21.
[36] *Bruce c project*, at 50.
[37] *Bruce c project*, *ibid*.
[38] *CELA comments on IPD*, at 14.

In section 1.1 "Scope of the impact assessment" of the DTISG, the IAAC indicated that it "took into account the factors listed in subsection 22(1) of the IAA, and focused on elements anticipated to be **material** to decision making under the IAA."[39] The factors anticipated as being material are very broadly and vaguely listed in section 1.3 "Selection of Valued Components" in the DTISG.[40] Notably, under the categories of physical environment, human environment, and Indigenous Peoples, the rationale for inclusion are that **project related activities** may result in changes, adverse impacts or impacts to the valued component.[41] Unlike in the Integrated Tailored Impact Statement Guidelines for the Bruce c project, the activities are not described or specified,[42] there are no indication that **malfunctions** or **accidents** would constitute project activities, or whether their effects on these categories would be considered material and included in the Impact Statement.

CELA is encouraged that the DTISG would require the proponent to identify "any **emotional** or **social stress** factor that may result from the project, particularly concerns regarding perceived public safety risks due to the project or **due to potential accidents or malfunctions**,"[43] to "describe the adverse and positive effects to the **local and regional services** and infrastructure, including their capacity and functionality, anticipating and considering increased demand on these services"[44] and to "estimate of total **investment requirements**".[45] Additionally, it is positive that the requirements related to malfunctions under sections for Risk Assessment and Emergency Management would meet prior precedent for new nuclear projects.[46]

B) The purpose of the IAA cannot be upheld without consideration for the social and economic effects of malfunctions or accidents

Nonetheless, CELA submits that decision-makers and the public must be specifically informed of the social and economic effects of potential malfunctions or accidents. In particular, the DTISG must require a clear description of the social and economic contexts of the requirements of emergency planning, evacuation preparedness, host municipality requirements and other aspects that are necessary pursuant to the Ontario Nuclear Emergency Response Plan and other emergency plans. The Intervenors are supportive of the requirement to assess accidents based on a very severe accident with the potential for acute effects as proposed by the draft Tailored Impact Statement Guidelines.

An accurate, thorough description of the potential impacts arising from accidents or malfunctions of each of the potential technologies or selected technology on each category, should include a description of the source term arising from that technology in a very severe accident, together with the range of response measures that would be required and an assessment of their feasibility in the

[39] *DTISG*, at 2.
[40] *DTISG*, at 4–6.
[41] *DTISG*, *ibid*.
[42] *Bruce c project*, *ibid*.
[43] *DTISG*, at 63.
[44] *DTISG*, at 67.
[45] *DTISG*, at 69.
[46] *Bruce c project*, at 133–138.

context of this proposal so that decision-makers can fulfill their obligations pursuant to the IAA.[47] Furthermore these will impact necessary terms and conditions that would be required to ensure that the public and the environment are adequately protected. In the event that such measures would leave residual effects (such as very long-term impacts on property and habitability of impacted properties) these should be required by the tailored guidelines to be clearly articulated in the Impact Statement. These residual impacts will be germane to the ultimate public interest decision to be made under the IAA.

V. Requirements for Emissions, radioactive waste, and long-term storage and handling of nuclear fuel waste do not satisfy regulatory requirements

In its comments, CELA submitted that the IPD failed to adequately describe wastes and emissions, in particular radioactive wastes and emissions, and that the IPD did **not** satisfy the requirements of section 24 of Schedule 1 to the Information Regulations.[48]

These concerns remain, as there remains no obligation under the DTISG for the proponent to identify a concise list of preferred technologies or to select a final technology. Thus, there would be no basis for any description of the characteristics of either routine emissions, or accidental emissions, spills, or radioactive waste, which is contrary to the requirements.[49]

CELA is encouraged that the DTISG must require a description of "anticipated used nuclear fuel quantities, storage methods, duration of on-site storage, and reasonably foreseeable long-term management pathways sufficient to support the assessment of potential adverse federal effects" over the life cycle of the project.[50]

CELA submits that the necessity for long-term storage and handling of radioactive wastes ranging from low to very dangerous intermediate and highly hazardous high level (fuel) waste must be adequately assessed.[51] Further, the impacts that would arise from long-term production of very high levels of nuclear fuel waste with potentially different characteristics from the high-level nuclear fuel waste created by CANDU reactors must also be adequately assessed.

VI. Malevolent acts and current social context must be adequately assessed for new nuclear projects

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[47] See notably *IAA*, s 6(2) whereby the decision-maker "[…] 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 […]".
[48] *CELA comments on IPD*, at 16. Section 24 of Schedule 1 requires that the proponent provide "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." in the initial project description.
[49] *CELA comments on IPD*, at 16.
[50] *DTISG*, at 12.
[51] *CELA comments on IPD*, at 16.

CELA is encouraged that the risks and the security measures undertaken to reduce the potential of malevolent acts would be assessed in the Impact Statement.[52] These considerations are critical in light of recent malevolent acts directed at nuclear energy facilities around the world.[53]

CELA submits that the DTISG must require the proponent to thoroughly assess and describe the impacts of potential malevolent acts on the environment, human environment and Indigenous Peoples, and that these considerations adequately inform emergency preparedness plans.

CONCLUSION AND RECOMMENDATIONS

CELA, DNA 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.

Previously, CELA, DNA and SHA outlined their concerns that the IPD did not comply with mandatory aspects of the requirements for an IPD and submitted that the IAAC should decline to accept the IPD nor exercise any jurisdiction or any of its authorities or responsibilities unless and until these requirements are met.

Recommendation 1: The IAAC should reconsider, revise and resubmit an updated DTISG before proceeding to the next step of the IA process.

Following its review of the DTISG, CELA, DNA and SHA submit that the IAAC must reconsider, revise and resubmit an updated DTISG for the Wesleyville project prior to proceeding to the next step of an impact assessment under the IAA.

At this time, there is significant concern that the requirements outlined in the DTISG would **not** result in an Impact Statement that would allow a credible, evidence-based or rigorous analysis of the direct, indirect or cumulative effects of the Wesleyville project by decision-makers.

Notably, CELA, DNA and SHA submit that:

I. Requirements for the Project Description in the Draft Integrated Tailored Impact Statement Guidelines will result in a fundamentally deficient Project Description
II. Requirements related to Alternatives to the project, and Alternative means of carrying out the project will not meet legislative requirements, are inconsistent with relevant case law and contrary to the precautionary principle
III. The Cumulative Effects assessment will not meet prior precedent for cumulative effects assessments, and will not address cumulative effects or compounding effects of projects and activities
IV. Requirements related to malfunctions or accidents remain unclear and hinder the Impact Assessment process under the *Impact Assessment Act*

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[52] *DTISG*, at 85-87.

[53] See e.g. United Nations, "War in the Middle East: Iran nuclear facility hit as equivalent of 'one classroom of children' killed, wounded daily in Lebanon" (accessed on 26 April 2026) online (news article): <https://news.un.org/en/story/2026/03/1167175>; see also World Nuclear Association, "Ukraine: Russia-Ukraine War and Nuclear Energy" (last updated on 4 December 2025), online: <https://world-nuclear.org/information-library/country-profiles/countries-t-z/ukraine-russia-war-and-nuclear-energy>.

V. Requirements for Emissions, radioactive waste, and long-term storage and handling of nuclear fuel waste do not satisfy regulatory requirements
VI. Malevolent acts and current social context must be adequately assessed for new nuclear projects

Recommendation 2: The IAAC must require the proponent select the final type of nuclear reactor and cooling system technologies, or require that the proponent submit a narrow list of proposed nuclear reactor and cooling system technologies in the Impact Statement.

Recommendation 3: The IAAC must require the proponent to conduct a credible, evidence-based and rigorous analysis of the alternatives to the project and alternative means of carrying out the project, of the cumulative effects of the project and of the impacts of potential malfunctions and incidents.

Comments prepared by Theresa McClenaghan, Executive Director and Counsel, and Julie Lopez, independent legal counsel.

All of which is submitted this 7th day May, 2026
Canadian Environmental Law Association
On behalf of CELA, Durham Nuclear Awareness and Slovenian Home Association

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