



Record of Decision

DEC 26-H100

In the Matter of

Canadian Nuclear Laboratories (CNL)

Subject Request for Ruling Filed by the Concerned
Citizens of Renfrew County and Area (CCRCA)
in the Matter of the Application from CNL to
Amend the Licence and Licensing Basis for the
Gentilly-1 Waste Facility

Date of
Decision June 19, 2026

1. INTRODUCTION

1. On April 9, 2026, the Concerned Citizens of Renfrew County and Area (CCRCA) submitted a request for ruling to the CNSC under Rule 20 of the [Canadian Nuclear Safety Commission Rules of Procedure](#)¹ (CNSC Rules) in the [matter](#) of the application by Canadian Nuclear Laboratories (CNL) to amend its waste facility decommissioning licence (WFDL) for the Gentilly-1 Waste Facility.
2. If the amendment is granted, CNL intends to continue executing its accepted *Detailed Decommissioning Plan* at the Gentilly-1 Waste Facility, meaning all remaining facilities at the site will be dismantled and demolished to achieve a brownfield end state for industrial reuse consistent with the end state of the broader Gentilly site.² In essence, CNL is asking for a change to its licensing basis. This change would not change the licensed activity (i.e., decommissioning) but would allow CNL to move into active decommissioning (or Phase 3) of its decommissioning plan, and to start that work earlier than previously anticipated. CNL's application also seeks to extend the duration of its licence from 2034 to 2041 and to modernize certain aspects of its licence.
3. By *Notice of Hearing in Writing and Participant Funding* dated May 12, 2025 (Notice), the Commission determined that the application would be considered by way of a hearing in writing, based on written submissions from the applicant, CNSC staff, and intervenors, with participant funding made available.
4. The President of the Commission, acting as a panel on preliminary procedural matters, made the determination relative to a hearing in writing. The President also assigned the file to Commission Member Dr. Marcel Lacroix, who is presiding over the hearing and addressing any further procedural requests.
5. The CCRCA submitted a request for ruling, arguing that the Commission must hold an in-person, oral hearing of at least one day as it believes hearings in writing do not satisfy the requirement under paragraph 40(5)(a) of the [Nuclear Safety and Control Act](#) (NSCA) to hold a public hearing in licensing matters.

2. ISSUE

6. Can a hearing based on written submissions constitute a “public hearing” within the meaning of subsection 40(5)(a) of the NSCA?

¹ SOR/2000-211

² The Gentilly site also includes the Gentilly-2 facilities, which is the subject of separate timelines and decommissioning activities.

3. DECISION

7. Yes, a hearing in writing can constitute a “public hearing” for the purposes of the NSCA. As a result, the Commission rejects the CCRCA’s request.
8. Specifically, the Commission finds that:
 - the proceeding initiated by the Notice satisfies the requirement under paragraph 40(5)(a) of the NSCA to hold a public hearing; and
 - the NSCA does not require that a public hearing be conducted as an in-person, oral proceeding.

4. ANALYSIS

9. The Commission agrees that paragraph 40(5)(a) of the NSCA requires that CNL’s licence amendment application must proceed as a “public hearing.” In addition, the Commission acknowledges that Part 2 of the CNSC Rules describes how public hearings are normally held, when in-person.
10. However, the Commission rejects CCRCA’s argument that the law prohibits it from holding a public hearing as a hearing in writing.
11. Rather, the Commission has broad powers to manage its own proceedings. In particular, subsection 20(3) of the NSCA requires the Commission to deal with all proceedings as informally and expeditiously as fairness allows. Rule 3(1) allows the Commission to vary the rules in pursuit of these same goals. And critically, rule 21(1) allows the Commission to limit the ways in which participants can present their information and submissions to the Commission, **including through written submissions only**.
12. The Commission rejects the CCRCA’s dictionary-based arguments that “public hearings” must be oral and in person.
13. First, the definitions do not take the Commission’s legal framework into account. For example, CNL is the only party to the present proceeding³ and, applying Rule 21, the Commission does not normally allow the questioning and cross-questioning of witnesses by participants in an oral hearing. Rather, the Commission directs all questions, even in an oral hearing.

³ See the definition of “party” under rule 1(1) of the CNSC Rules.

14. Second, the Federal Court and Federal Court of Appeal have acknowledged that a “public hearing” does not require an oral, in-person hearing in every case.⁴ Instead, what’s critical is that the public be given a fair and meaningful opportunity to participate in the proceeding, which is the case here.
15. Aside from the Commission’s legislative framework, the Supreme Court of Canada has confirmed that the duty of fairness does not require an oral hearing in every case either.⁵ The flexible nature of the duty of fairness recognizes that meaningful participation can occur in different ways in different situations.
16. The Commission is not circumventing the NSCA or CNSC Rules in this case. Rather, it is applying rule 21(1) to permit the hearing participants to present their information and submissions to the Commission in writing only. This will allow the Commission to determine the matter in a fair, informal, and expedition manner while still providing the public with a fair and meaningful opportunity to participate in the hearing. Notably,
 - The [Notice](#) was published on the CNSC website and distributed through additional media channels;
 - CNL’s application, along with other materials from CNSC staff and intervenors are all being published [on the CNSC website](#) (subject to any confidentiality order);
 - Up to \$75,000 in participant funding was offered to facilitate the public’s participation in the proceeding and up to \$69,400 was, in fact, awarded to 8 participants ([Participant Funding Program decision – Canadian Nuclear Laboratories’ application to amend the Gentilly-1 Waste Facility licence](#)); and
 - if the Commission finds that it does not have enough information to render a decision, it will ask its questions to hearing participants in writing and all the questions and answers will also be published on the CNSC website.
17. The Commission therefore rejects the CCRCA’s argument that the text, context, and purpose of the NSCA mean that “public hearing” can only be interpreted as being an oral, in-person hearing held for at least one day.
18. In terms of the text, the Federal Courts have already concluded, as highlighted above, that “public hearing” and “oral hearing” are not the same. In terms of context, the Commission places considerable weight on Rule 21(1), which provides the Commission with flexibility to determine when participants can present their information and submissions to the Commission in writing only. The CCRCA’s arguments are incompatible with this degree of flexibility. And in terms of purpose, the Commission highlights subsection 20(3) of the NSCA and rule 3 of the CNSC

⁴ See *Re Attorney-General of Manitoba et al. and National Energy Board et al.*, 1974 CanLII 2519 at p 522 (FC) and *Re Canadian Radio-Television Commission and London Cable Tv Ltd.*, 1976 CanLII 2305 at p 624-5 (FCA).

⁵ See *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 at para 33.

Rules, both of which emphasize the Commission's broad powers to deal with proceedings as informally and expeditiously as possible, all while maintaining fairness and without compromising on safety.

19. Accepting CCRCA's argument would mean that every licence amendment application – regardless of how minor – would require a public hearing of at least 1 day, to be held orally and in person. This would undermine the Commission's ability to deal with proceedings as informally and expeditiously as fairness allows and to restrict the Commission's broad powers under rule 21(1).
20. For all these reasons, the Commission concludes that this hearing in writing constitutes a valid public hearing under paragraph 40(5)(a) of the NSCA. The Commission continues to believe that a hearing in writing enables it to determine the matter in a fair, informal, and expeditious manner. As a result, this proceeding will remain as a hearing in writing.

Dr. Marcel Lacroix
Commission Member
Canadian Nuclear Safety Commission

June 19, 2026
Date