



May 17, 2023

**Sent by email**

Mr. Nadir André  
Borden Ladner Gervais  
[nandre@blg.com](mailto:nandre@blg.com)

**SUBJECT: Kitigan Zibi Anishinabeg Request for a hearing in hybrid format - Canadian Nuclear Laboratories Application to Construct a Near Surface Disposal Facility**

Dear Mr. André:

On March 23, 2023, the Commission issued a [Revised Notice of Public Hearing and Procedural Guidance for Final Submissions](#) indicating that the portion of the above-noted public hearing, for the oral final submissions regarding Canadian Nuclear Laboratories' application to authorize the construction of a near surface disposal facility ("NSDF"), scheduled for June 27, 2023, would be held virtually.

**Request**

By letter dated April 28, 2023, Kitigan Zibi Anishinabeg ("KZA") requested that the June 27, 2023 hearing be held in a hybrid (virtual and in-person) format, rather than virtually. KZA raised that the hybrid format would further the Commission's duty to conduct its proceedings as informally and expeditiously as the circumstances and the considerations of fairness permit. KZA also raised that, considering the significance of the NSDF Project to KZA, whose rights and interests could be significantly affected by the outcome of this proceeding, a hybrid format would ensure that KZA community members, especially its Elders, can fairly and meaningfully participate in the hearing process.

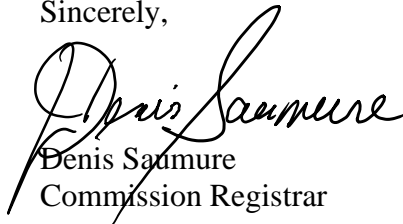
**Decision**

The Commission, after duly considering KZA's request, has decided that the public hearing of June 27, 2023, will remain virtual. The virtual format is a proven and effective approach that the Commission has been using over the past few years, which offers fair and equitable access to its

proceedings. The Commission appreciates KZA's arguments in favour of a hybrid format for the June 27, 2023 hearing. The hearing is an opportunity for KZA and other Indigenous Nations and communities to provide an overview of their position, and not for any new information to be submitted. The Commission is satisfied that a virtual format is appropriate for final oral submissions. All hearing participants, including KZA and other Indigenous Nations and communities, had the opportunity to present evidence and submissions to the Commission at the hybrid virtual/in-person public hearing from [May 30 to June 3, 2022](#).

Should KZA require additional support for the community to participate in the virtual hearing, we encourage KZA's representative to communicate with the Registry to discuss possible arrangements for the virtual hearing.

Sincerely,



Denis Saumure  
Commission Registrar

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