

New Can-Do CANDU Energy: Bill C-39 Looks to Reduce Regulatory Burdens and Streamline the Development of Nuclear Projects in Canada

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Bill C-39, the *Building Canada Strong Act*, was introduced to Parliament on September 21, 2026, and proposes to simplify and streamline Canada's regulatory process for nuclear projects.¹

Canada has been, and remains, a major player in the international nuclear supply chain. That legacy started in Canadian communities like Uranium City, Saskatchewan and Port Radium, Northwest Territories. It was advanced through early and continuing investments in research in places like Chalk River Laboratories, Ontario and Whiteshell Laboratories, Manitoba. And it continues to serve an international supply chain through uranium refineries (Blind River, Ontario), uranium conversion facilities (Port Hope, Ontario), and the continuing advancement of CANDU reactor technology with 30 CANDU reactors currently in operation around the world² and more under consideration.³

In June 2026, the Government of Canada emphasized its ambitions for Canada's nuclear industry when it released its [Nuclear Energy Strategy for Canada](#), which aims to further advance CANDU, develop ten new large-scale reactors, attract private funding, increase Indigenous equity participation, and streamline the regulatory framework for nuclear projects.⁴ Bill C-39 represents a major step towards advancing this last objective.

Restoring Responsibility to the Canadian Nuclear Safety Commission

The Canadian Nuclear Safety Commission (CNSC) is Canada's primary nuclear regulator, responsible for granting licences for nuclear facilities, mines, waste storage, material possession, and a number of related activities pursuant to the powers granted to it under the *Nuclear Safety and Control Act*.⁵ Prior to the introduction of the *Impact Assessment Act* (IAA)⁶, the CNSC was also responsible for undertaking impact assessments, but this responsibility was transferred to the Impact Assessment Agency under the IAA.⁷

Bill C-39 amends the IAA to restore the CNSC's role in conducting impact assessments for designated nuclear projects. This change is intended to reduce regulatory duplication, allowing a single body to assess both the environmental implications under the IAA, and the licencing considerations under the *Nuclear Safety and Control Act*, simultaneously.

Permitting Initial Steps to be Taken

Bill C-39 will authorize the CNSC to permit the construction of some project elements before the entire project is approved.⁸ This relatively minor change may significantly reduce timelines and costs. For example, preliminary works – such as tree clearing – may be limited to certain periods in the year to avoid interfering with nesting birds and other animals. Likewise, some initial work may require frozen ground that is only available for a few weeks of the year. Under Bill C-39, the CNSC will have the ability to authorize these types of activities ahead of granting its final project approval, allowing proponents to streamline construction and development, and materially reduce construction time and delays.

In order to permit initial construction activities, the CNSC will need to establish conditions for remediating any adverse effects (within federal jurisdiction), presumably for the purpose of ensuring that any initial construction can be “undone” should the CNSC ultimately decide not to authorize the project. It will be up to proponents to weigh the risks and benefits of proceeding with initial development activities without the certainty of a final authorization for their project.

Timelines for Assessments

Bill C-39 sets a more constrained timeline for conducting impact assessments. Under the IAA, an impact assessment for a nuclear project referred to a review panel (the most stringent level of review) has a time limit of 600 days.⁹ Under Bill C-39, a nuclear project is reviewed by the CNSC and subject to a 300-day period.¹⁰

Under Bill C-39, the CNSC will have flexibility regarding these timelines, including in respect of when the clock starts, and extensions.¹¹ While efficient and timely regulatory reviews are important to supporting the growth of Canada’s nuclear industry, Bill C-39 will give the CNSC the flexibility to adopt longer assessment timelines where appropriate, which may be important for maintaining public confidence in Canada’s nuclear regulatory regime and the industry as a whole.

Few New Indigenous Considerations

Bill C-39 adds aspirational language to the IAA to reflect that “Parliament recognizes the importance of coordinating... consultation with Indigenous groups in relation to the [impact assessment]”,¹² and to articulate that one of the purposes of the IAA is to “coordinate... consultations with Indigenous groups...”,¹³ but provides little in the way of express processes and commitments for Indigenous groups. However, while there are few *express* new measures aimed at Indigenous groups or their participation, the net effect of empowering the CNSC to undertake both the impact assessment and the licencing process will be to reduce

duplication in the consultation process, which should reduce the administrative burden on both Indigenous groups and project proponents.

Species at Risk Act

Bill C-39 also proposes changes to the *Species at Risk Act* (SARA)¹⁴ that may be helpful for nuclear projects that have the potential to impact listed species (e.g., endangered and threatened species), their habitat or residence. Presently, SARA states that the Minister can authorize these activities but provides only limited guidance on what factors support the issuance of a permit and what conditions may be imposed in the permit.¹⁵ Bill C-39 proposes to add a new section that will apply to designated projects under the IAA (including designated nuclear projects) requiring that the Minister “take into account the technical, economic and practical feasibility of the terms and conditions” if the permit is in respect of a designated project under the IAA.¹⁶ This proposed amendment may help to create greater alignment between SARA permitting and CNSC impact assessments for the same project, including by encouraging the SARA permitting process to contemplate their proposed conditions within the broader context of the project and its approval.

More to Come?

Bill C-39 proposes meaningful measures that will help streamline nuclear project advancement in Canada. Whether these measures are enough to support the growth of Canada's nuclear industry remains to be seen, but they are only one part of the puzzle. Canada's Nuclear Energy Strategy relies on both the “pull” of improved regulatory processes, as well as the “push” of support for large-scale reactors, Indigenous equity participation, and investments in technology. If Bill C-39 is any indication, we may see more significant announcements on Canada's nuclear strategy in the near-future.

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¹ Bill C-39, *An Act respecting certain measures to strengthen the economy*, 1st Sess, 45th Parl, 2026 (first reading 21 September, 2026) [Bill C-39].

² Canadian Nuclear Association, “Compete Globally” (accessed 23 September 2026), online: Canadian Nuclear Association <https://cna.ca/research-and-advocacy/compete-globally/>

³ <https://financialpost.com/commodities/energy/canada-in-talks-sell-nuclear-power-Ing-poland>

⁴ Natural Resources Canada, *Nuclear Energy Strategy for Canada* (Ottawa: Natural Resources Canada, 2026), online: [Government of Canada https://natural-resources.canada.ca/energy-sources/nuclear-energy-uranium/nuclear-energy-strategy-canada](https://natural-resources.canada.ca/energy-sources/nuclear-energy-uranium/nuclear-energy-strategy-canada).

⁵ Nuclear Safety and Control Act (S.C. 1997, c. 9) section 26.

⁶ *Impact Assessment Act*, SC 2019, c 28. [IAA]

⁷ Bill C-39 cl 7 (amending *Impact Assessment Act*, SC 2019. C28, s 1, s 8.3(a)) (first reading 21 September 2026).

⁸ Bill C-39 cl 5(1) (amending *Impact Assessment Act*, SC 2019. C28, s 1, s 7(3)(e))(first reading 21 September 2026).

⁹ IAA s 37.1(2).

¹⁰ Bill C-39, cl 26(3) (amending *Impact Assessment Act*, SC 2019. C28, s 1, ss 28(3)) (first reading 21 September 2026).

¹¹ Bill C-39, cl 26(3) (amending *Impact Assessment Act*, SC 2019. C28, s 1, ss 28(2.1), (6.1)) (first reading 21 September 2026).

¹² Bill C-39, cl 2 (amending the preamble of the *Impact Assessment Act*, SC 2019. C28, s 1) (first reading 21 September 2026).

¹³ Bill C-39, cl 4(1) (amending *Impact Assessment Act*, SC 2019. C28, s 1, s 6 (1.1) (b)).

¹⁴ *Species at Risk Act*, SC 2002, c 29. [SARA]

¹⁵ SARA, s 73.

¹⁶ Bill C-39, cl 177.

This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.