

environmental and citizens' groups, the AECB is going outside its role as a regulatory agency and trespassing on the domain of the legislator, by setting criteria for AECL for a matter that is not purely technical in nature.⁽⁵⁵⁾ In a letter addressed to the Honourable Pat Carney when she was Minister of Energy, Mines and Resources, Mr. Poch pointed out that:

In its licensing hearing guidelines, the AECB have themselves excluded consideration of economics, employment, alternative energy options, tourism, choice of lifestyle, and the number of persons supporting or opposing an application. [...] The willingness of the AECB to evaluate the proposed concept without simultaneously thoroughly reviewing alternative approaches to the problem brings the Board's competence to evaluate even narrow technical matters into doubt.⁽⁵⁶⁾

For his part, Norman Rubin of Energy Probe argues that the CNFWMP will provoke a confrontation between the government and the public at large. Problems with the existing procedure arise from the fact that it was, from the very beginning designed, set up and regulated by people with a personal or collective commitment to the nuclear industry. According to Mr. Rubin, the AECB is in no position to arbitrate a conflict between the Canadian public and nuclear interests, because it has already come out clearly in favour of the industry. Consequently, to ensure the validity of decisions relating to nuclear fuel waste and other nuclear energy regulatory issues, and to enable Canadians to have confidence in the decisions reached by their governments on nuclear energy, the AECB should undergo certain reforms. This Committee agrees that the public must have confidence in the impartiality and competence of the agency that holds the regulatory power. The Committee has therefore taken Energy Probe's suggestions under consideration and recommends that:

Recommendation 3

The Government should introduce the following reforms at the Atomic Energy Control Board:

- (a) a consultation mechanism should be set up to require public participation in making decisions on moral or ethical questions;**
- (b) the membership of the Board should be modified to reflect more fully the reservations expressed by the public about nuclear energy; and**
- (c) the Board should be responsible to Environment Canada rather than to the Department of Energy, Mines and Resources.**

⁽⁵⁵⁾ David Poch, *Energy Probe et al.*, Issue No. 7, February 3, 1987, p. 49.

⁽⁵⁶⁾ David Poch, letter addressed to the Honourable Pat Carney, Minister of Energy, Mines and Resources, Ottawa, April 10, 1986, p. 2-3.