

Dr. MACKENZIE: Do you mean the Atomic Energy Control Board?

Mr. DRYSDALE: Yes.

Dr. MACKENZIE: I think it would be very improper.

Mr. DRYSDALE: Why?

Dr. MACKENZIE: It would be improper for us to consult, a board which was set up with federal authority, they do not consult, they are excluded from the code in the United States and why should the Canadian government go and be placed under the American body?

Mr. DRYSDALE: You have made that point. Who is the gentleman beside you? Is he a legal officer?

The CHAIRMAN: Yes, this is Mr. Jarvis.

Mr. DRYSDALE: I am sorry, Mr. Jarvis, I got in a little late. I am trying to clarify this, what you mean by authority. There is a reference on page 4 to a "purely legal viewpoint".

Mr. NUGENT: We are not on legal viewpoints now, but on the safety factor.

Mr. DRYSDALE: Under CANDU, when this is turned over to Ontario Hydro, will not the requirements come under the Boiler and Pressure Vessels Act at that particular time? In other words, they will have to conform with the Ontario statute. Is that correct?

Mr. JARVIS: No, I think not, sir. The reactor is under federal jurisdiction, not because of the fact of ownership, but because of the nature of the instrument. I think that is the result of the act and the only relevant decision under it.

Mr. DRYSDALE: Have you had any opinion from the Department of Justice, or have you prepared an opinion yourself?

Mr. JARVIS: I have given opinions to the board, and a rather related matter has come up in the Supreme Court of Ontario. The judgment was not appealed from, but it seems to be consistent with the authorities on which it was based. That was the case where it was decided that the jurisdiction in labour matters in relation to a privately owned uranium mine was federal rather than provincial. You are probably familiar with the case. It was put on the broadest of grounds, that the nature of the subject matter was such as to bring it under federal jurisdiction.

Mr. DRYSDALE: Mr. Jarvis, you are aware as a lawyer, I presume, of the Boiler and Pressure Vessels Act, section 46, which I allude to. Do you know any reason why there was not a reference made by the boiler inspector to the A.S.M.E. as is provided for in that act?

Mr. JARVIS: Now, I am afraid you are getting away from legal matters. I assume he was satisfied on what knowledge he had, and what special information he could get from those who had been working with this particular problem, that the decision was a proper one.

Mr. DRYSDALE: You are aware of section 46 of the Boiler and Pressure Vessels Act?

Mr. JARVIS: I have got a copy of the 1956 edition.

Mr. DRYSDALE: I was referring to the A.S.M.E.

Mr. JARVIS: It is section 41 in this act. It says:

Subject to this act and the regulations, the publications of the Canadian Standards Association, of the American Standards Association and of the American Society of Mechanical Engineers, as amended from time to time, shall be deemed to contain the rules that shall be referred to by the chief inspector and the inspectors in carrying out their duties