

Chapter 2

The Canadian Nuclear Fuel Waste Management Program: The Agencies Involved

The federal government is not only not against the creation of nuclear waste, the federal government is not even neutral on the subject. The federal government is subsidizing the waste-makers; the federal government has from the start taken ownership of the nuclear industry, which has brought us this problem.

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The Regulatory Framework

In 1946, the Canadian Parliament passed the *Atomic Energy Control Act* (RSC 1970, c.A-19), and in so doing declared nuclear energy to be a matter of national interest and thus under federal jurisdiction. The Atomic Energy Control Board (AECB) was created by that Act to control and supervise the development, application and use of nuclear energy.

The current bases for Canada's nuclear regulation are contained in that Act and more especially in the *Atomic Energy Control Regulations* (CRC 1978, c. 365), which define the authorization and supervisory structure for nuclear activities as a whole. Because the legislation did not cover certain matters, Parliament passed the *Nuclear Liability Act* (RSC 1970, sup. I, c. 29), which defined a limited civil liability in cases of nuclear damage. It came into force on October 11, 1976. Radioactive waste management facilities are subject to the general requirements of the *Atomic Energy Control Regulations*, and operators must obtain a licence from the AECB. To obtain a licence for any other category of activity (extraction of minerals, possession and marketing of nuclear materials, equipment or technology), applicants must prove that they have made adequate provision for storage or disposal of wastes, to ensure that appropriate conditions are spelled out in every permit.⁽³⁶⁾

The Institutional Framework

Many government departments and agencies play a role in the regulation of nuclear activities and waste management in Canada. The federal and provincial departments of the environment assess the environmental repercussions of proposed nuclear installations and related projects (for example, waste burial sites). Environment Canada also participates in

⁽³⁶⁾ OECD Nuclear Energy Agency, *Nuclear Legislation: Analytical Study*, Paris, Vol. 1, 1983, p. 66-70.