



Nuclear Liability Act



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Nuclear Liability Act – What is It?

- Federal legislation in effect for over four decades
- Limits total liability for a nuclear accident to \$75 million for all claims and losses

NLA – Why do we have it?

- Predecessor to the NLA was an Order-in-Council (a federal cabinet decision) offering indemnity to certain private companies that were supplying and helping to build nuclear power plants in Canada
- The stated rationale was that without this indemnity, the private companies would not invest as the risks were too high

NLA When Would it be Used

- In case of a “nuclear incident”
- The NLA defines a “nuclear incident” as injury to person or property as a result of the “fissionable” or “radioactive” properties of nuclear material in a nuclear power plant (or in a nuclear powered sub etc.) or in the process of being transported to the plant or in a factory that processes nuclear material

Nuclear Material

- “capable of releasing energy by a self-sustaining chain process of nuclear fission,
- the radioactive material produced in the production or utilization of that material and material made radioactive by exposure to radiation consequential on or incidental to
- the production or utilization of that material”

Nuclear Liability Act – Who is Affected

- Suppliers to the nuclear industry are protected entirely from any liability
- Operators (e.g. OPG, Bruce Power in Ontario) have an absolute limit of \$75 million for any nuclear incident
- The public may or may not have recourse once the \$75 million runs out, depending on whether the federal government sets up a special taxpayer funded fund

Where would the NLA apply?

- Wherever there is an operating nuclear power plant, research reactor, or isotope producing reactor
- Wherever there is a factory processing (or reprocessing) nuclear material or storing nuclear material if it is in a situation where it is capable of maintaining a self-sustaining chain reaction
- On transportation routes on the way to the nuclear installations
- On / around any nuclear powered ships or aircraft

Toronto and the NLA

- City of Toronto took the federal government to Court along with Dr. Rosalie Bertell and Energy Probe to have the NLA declared invalid under the Charter; the case was lost and withdrawn on appeal because of court costs
- Toronto is proximate to the Pickering and Darlington power plants; other facilities are affected

Toronto and the NLA cont'd

- Toronto (York University) is a destination for evacuation from the Pickering and Darlington plants in case of an accident
- Toronto or parts of Toronto could be within potential evacuation zones in case of severe accidents at those plants if some of the zones advised at Fukushima were used (eg 80 km)

Future of the NLA

- Attempts have been made by the federal government to pass a new version of the NLA
- The attempts so far would have raised limits to \$650 million although Industry has said it could provide 1 b\$ insurance)
- Supplier industry has said that the proposed new Act shields their companies from exposure to Canadian risks

Future of the NLA cont'd

- Main problems of the NLA would still remain:
 - Limits of liability
 - Protection of operators and suppliers
 - Risks imposed on public and taxpayers
 - Private sector remains unwilling to bear full risks