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C.C.S.M. c. R10

THE HIGH-LEVEL RADIOACTIVE WASTE ACT

(Assented to July 17, 1987)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definitions

1 In this Act,

"actinide" means a radioactive element with an atomic number from 89 to 103 inclusive; (« actinide »)

"disposal" means the emplacement of waste materials in a repository, or at a given location, without the intention of retrieval, in a way that controls the direct discharge of both gaseous and liquid effluents into the environment from the waste materials; (« élimination »)

"fission product" means a nuclide produced either by fission or by subsequent radioactive decay of a radioactive nuclide thus formed; (« produit de fission »)

"high-level radioactive waste" means:

(a) spent nuclear reactor fuel, not intended for reprocessing or research, or

(b) the highly radioactive liquid, whose radioactivity consists mainly of fission products, with some actinides also present, that are generated during chemical reprocessing of irradiated nuclear fuel (aqueous waste from the first solvent extraction cycle and those waste streams combined with it), or

(c) any other waste with a radioactivity level comparable to clause (a) or (b); (« déchet radioactif de haute activité »)

"interim storage" means a temporary radioactive waste storage operation for which

(a) radiation monitoring and human-access control are provided, and

(b) subsequent transportation and final disposal is expected; (« stockage provisoire »)

"irradiated nuclear fuel" means nuclear fuel that has undergone fission in a nuclear reactor; (« combustible nucléaire irradié »)

"nuclear facility" means any installation in which radioactive or fissile materials are produced, processed or handled on such a scale that considerations of nuclear safety arise; (« installation nucléaire »)

"nuclear fission" means a process in which a nucleus splits into two or more nuclei releasing atomic energy in the process; (« fission nucléaire »)

"nuclear reactor" means a device in which nuclear fission may be sustained in a self-sustaining chain reaction; (« réacteur nucléaire »)

"nuclide" means a particular species of atom, characterized by the mass, the charge (number of protons), and energy content of its nucleus; (« nuclide »)

"radioactivity" means the property of certain nuclides of spontaneously emitting particles or gamma radiation, or of emitting X-radiation following orbital electron capture, or of undergoing spontaneous fission; (« radioactivité »)

"repository" means a facility in which waste may be emplaced for disposal; (« dépôt »)

"spent nuclear fuel" means nuclear reactor fuel elements that have undergone fission in a reactor and whose further use is deemed to be inefficient; (« combustible nucléaire épuisé »)

"storage" means the emplacement of waste using containment in isolation that permits retrieval at a later date. (« stockage »)

Prohibitions

2 No person shall

(a) provide facilities for the storage of high-level radioactive wastes that were not produced on-site as the result of research in Manitoba, transported to the site for use in on-site research in Manitoba, produced by medical research or treatment centres in Manitoba, or produced as a result of educational research in Manitoba; or

(b) provide facilities for the storage of spent nuclear fuel, not intended for research purposes, that was produced at a nuclear facility or in a nuclear reactor outside Manitoba; or

(c) provide interim storage, for more than seven days, for spent nuclear fuel that was produced at a nuclear facility or in a nuclear reactor outside Manitoba; or

(d) provide storage for high-level radioactive waste or spent nuclear fuel underground or in an above-surface environment that is not subject to continuous monitoring, as agreed between the government and the research facility, and that does not provide reasonable human access to the containers in which the waste or nuclear fuel is contained; or

(e) provide facilities for the disposal of high-level radioactive wastes in Manitoba.

Crown bound

3 The Crown in right of Manitoba is bound by this Act.

Offence and penalty

4(1) Any person who contravenes or fails to observe a provision of this Act is guilty of an offence and liable on summary conviction, where the person is an individual, to a fine of not more than \$10,000. for each day that the offence continues or to imprisonment for a term of not more than 12 months or to both and, where the person is a corporation, to a fine of not more than \$1,000,000. for each day that the offence continues.

Directors and officers

4(2) Where a person who is guilty of an offence under subsection (1) is a corporation, any director or officer of the corporation who acquiesced in the commission of the offence is also guilty of the offence and liable on summary conviction to the penalty provided in that subsection for an individual for each day that the offence continues.

Reference in Continuing Consolidation

5 This Act may be referred to as chapter R10 of the Continuing Consolidation of the Statutes of Manitoba.

Commencement of Act

6 This Act comes into force on the day it receives the royal assent.