

NUCLEAR ENERGY BILL

Atomic Energy Corporation (AEC)

Eskom

Business SA (BSA)

Nufcor

NUMIC WIU

Earthlife Africa (EA)

Institute of Nuclear Engineers (verbal only) (INE)

Environmental Justice (NAG)

Department of Trade and Industry (DTI)

SANCO (copy of CNS comments)

Earthlife Africa (EA)

Bell (written to PPC)

Guy (written to PPC; same as CNS)

N NUCLEAR REGULATOR BILL

Council for Nuclear Safety (CNS)

Eskom

Business SA (BSA)

NUM/CWIU

Chamber of Mines (COM)

Environmental Monitoring Group (EMG)

Namaqualand Action Group for

Anglogold

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NATIONAL NUCLEAR REGULATOR BILL ISSUES

(CNS)

Issue: Reporting line of the nuclear regulator should change to another Minister or Deputy President. (+EMG; 'NE)

DME Position:

- The main principles in the Bill, including responsibilities or reporting lines, have been approved by Cabinet
- The Cabinet/President decides the Ministerial portfolios. This is question of turf which the President decides.
- The CNS has been for some time tried to report elsewhere and has publicly campaigned to report to the Deputy President and the Minister of Minerals and Energy(MME) has discussed the matter with the CNS and discouraged them to continue along that line.
- The size of the nuclear industry and international experiences seem to suggest the current arrangement.
- The Nuclear Regulator should not have special treatment over the other regulators.
- In a hierarchy of any organisation, the combined responsibilities of promotion/development and regulation will ultimately fall under one portfolio.
- The role and mandate of the Regulator is the most important issue, not so much the reporting line."
- Reporting to the Minister of Minerals and Energy (MME) is considered adequately independent and not in contravention of the Convention on Nuclear Safety.

Proposal: The current reporting line must remain. This matter should be raised with appropriate authorities if necessary. There is no justification to refer the Bills back based on the reporting line of the Regulator and it proposed that the request be

turned down.

Implication: In an unlikely event that the relevant authority agrees to change reporting lines, both nuclear bills will have to be referred back. The NNRB will then have to be reprocessed via Cabinet by the new Minister or Deputy President. The status quo of the existing legislation will remain for a considerable time to come.

1A Issue: Flawed Process (CNS process. consultation and suggestions that Bills be referred back) (+EMG; INE; NUM/CWIU)

DME Position

- CNS consulted (1995)
- Minister took over the policy development process as this would happen in any policy development process.
- Despite the bills being delivered later than the promised date (7 & 11 January 1999), the DME was prepared to continue with NEDLAC process. However, the process was terminated

Referring the bills back as suggested by some, has implications as outlined in 1 above.

Proposal: The bills be processed during this sitting of Parliament.

2 **Issue:** Licensees should be explicitly excluded from the Board of the Regulator (+ Eskom; NUM; EMG; Bell)

Proposal: To protect the independence of the Board the critique should be accepted and the following amendment inserted: "7(5)(f) a holder of a nuclear authorisation or an employee of the holder of a nuclear authorisation"

3 **Issue:** Representation to authorities (whistleblowers) (+NUM; EA)

DME position: There is nothing preventing persons to make representations to the Regulator or the Minister and it is doubtful if specific provision should be made in the legislation. However, the DME would warn that while there are positives about whistle blowers there are at the same time serious dangers of costly false alarms being raised without substantiating.

Proposal: No amendment.

4 Issue: There should be clear division between the *management* and *regulation* of radioactive waste. The NNR Bill fails to allocate responsibilities of the regulator.

DME position: It is considered that the NNR Bill clearly makes the Regulator responsible for regulation of radioactive waste as the act applies to:

2(l)(a) " operation of any nuclear installation". The definition of the latter

1(xvii) includes (h), which states ~'a facility specifically designed to handle, treat, condition, temporarily store or permanently dispose of any radioactive material which is intended to be disposed of as waste material". The management of radioactive waste is one of several operational activities in a nuclear installation like security, maintenance, training or the management of spent fuel, which are not specifically specified.

2(l)(c) 'any human activity involving radioactive material ". This clearly includes radioactive waste.

In addition it should be noted that the Nuclear Energy Bill requires radioactive waste to be managed "with due regard to the provisions of the National Nuclear Regulator Act".

Proposal: No amendment should be required.

5 Issue: 'The Bill does not allow the Regulator to set safety standards *more* restrictive than international practice (IAEA/ICRP) and it is implied that less restrictive standards could be set. All the IAEA Safety Standards should apply" (+ Eskom; NUM; EMG; 'NE).

DME position: It is agreed that all the Safety Standards of the IAEA should apply. However, the Safety Standards of the IAEA are international standards and the Department sees no justification why more stringent standards should be set in South

Africa, neither is there any precedent supporting the need for more stringent standards. However, the words "and not more restrictive than" can be deleted.

Proposal: Amend 32(1) by the deletion of "and not more restrictive than" and make all IAEA Standards applicable. 32(1) will then read; "The Minister must, on the recommendation of the Board and by notice in the Gazette, establish safety standards and regulatory practices which are in accordance with- (a) the Safety Standards of the International Atomic Energy Agency; and

6 Issue: The Bill is inconsistent in that Section 29(4) suggests unlimited liability of the licensee, while Section 27(2) limits the liability to amounts specified by the Minister. 27(2) also prevents affected persons from claiming compensation, which exceeds the maximum amount (+Bell).

DME position: DME agrees that the two clauses are in conflict and supports the following proposal made by the SLA to resolve this issue.

Proposal: 27(2) should be deleted and 26(5) amended as follows: "The holder of a nuclear installation licence must annually provide proof to the Regulator that any claim

- for compensation to an amount determined by the Minister, after consulting the Board, by notice in the Gazette, can be met". The heading of clause 29 should

be amended to read "Claims for compensation in excess of financial security".

7 Issue: Section 43 "Delegation and Assignment by Minister" should be deleted to ensure independence of the Regulation from the State Department and prevent direct control of the Regulator by lower functionaries in the DME. (+EMG)

DME position: Agreed

Proposal: Section 43 will be deleted or revised to ensure that the independence of the Regulator is not affected by the delegation.

8 Issue: Section 2(2)(e) which specifically excludes any matter in respect of which the Mine Health and Safety Act is applicable should be deleted and the recommendations of the Leon Commission should be implemented. (+NUM/CWIU; EMG; EA)

Implications:

The Mine Health and Safety Act (MHSA) makes the Chief Inspector of Mines (CIM) responsible for regulation of all hazards in mines and in terms of this law he will remain obliged to regulate the radiological hazard in mines, even if Section 2(2)(e) is deleted. In terms of the legislation there will therefore be two regulators. Neither can the CIM be excluded from a say as a regulator of the radiological hazard (radon) as this hazard is controlled by mine ventilation together with several other potentially more risky hazards (dust, explosive or poisonous gasses) and for safety reasons the potential for contradictory instructions from two different regulators cannot be permitted at all.

Note: The State Law Adviser will be requested to express an opinion on the applicability of the MHS Act with regard to the CIM obligations in terms of radiation in mines.

DME position: In order to give effect to the Leon Commission recommendations, it is suggested that the exclusion of the mining industry is removed from the Bill that the CNS remains the Regulator and that, in exercising its functions, the Regulator must co-operate and co-ordinate with the Chief Inspector of Mines and the Mine Health and Safety Council.

Proposal:

Legend: brackets = deletion; underline = addition

1. Add new definition: 'chief inspector of mines' means an officer appointed in terms of section 48(1) of the Mine Health and Safety Act, 1996 (Act No.29 of 1996).

2. Section 2(2)(e)~~[(e)]~~: [any matter in respect of which any provision of the Mine Health and Safety Act, 1996 (Act No.29 of 1996), is applicable; or].

3. Section 2(2)~~[(f)]~~ (e)

4. [6(2)] 6(2)

6(2)(1) When exercising its functions over any operation to which the Mine Health and Safety Act, 1996 (Act No.29 of 1996) applies, the Regulator must consult with the Chief Inspector of Mines.

6(2)(2) The monitoring and control of radiation must be carried out according to a procedure agreed upon by the Regulator and the Chief Inspector of Mines.

5. [6(2)] 6(3)

6. 32(3)(c) in relation to the operations to which the Mine Health and Safety Act, 1996

(Act No.29 of 1996) is applicable, consult with the Mine Health and Safety Council established in terms of section 41(l) of the said Act.

(Eskom)

9 Issue: Licence fee

9.1 A licence fee paid by a licensee should reflect the actual costs of regulation of the specific licensee

DME position: The principle is accepted.

Proposal: Amend section 25(1) to read: The Minister may, after consultation with the Regulator and by notice in the Gazette, determine the fees payable as prescribed, in respect of-

9.2 25(l)(c) and (d) (fees for renewal, amendments or inspections) should be deleted as it is too open ended and licensees cannot establish in advance the amount for which they will become liable. Such costs should be included in the annual fee.

(+COM)

Proposal: The critique is accepted and it is proposed that 25(l)(c) and (d) be deleted.

10 **Issue:** Section 6(j)) should be amended to require the Minister to table the annual public report in Parliament.

Proposal: The critique is accepted and it is proposed that 6(j) be amended to read "produce and submit to the Minister an annual public report which the Minister must table in Parliament, on the health and safety related to workers, the public and the environment associated with all nuclear sites".

11 **Issue:** Provision should be made to protect proprietary and commercially sensitive information.

DME position: The critique is accepted. Section 46 on "Disclosure of Information" to be amended in consultation with SLA.

Proposal: Section 46 to be amended as follows:

12 **Issue:** The Bill should make provision for a Stakeholder Advisory Committee (+BSA; + NUM; COM)

- **DME position:** The establishment of "Advisory Committees" has administrative and financial implications. In addition, the Minister is required to invite public comments before any standards are adopted. However, nothing prevents stakeholders from arranging meetings with, or to make representations to the Regulator, or the Minister., or to establish stakeholder forums, for example the present "Industry Forum on Radiation".

Proposal: It is proposed that the establishment of a Stakeholder Advisory Committee to the Regulator not be made mandatory in legislation. However, from some of the presentations at the PPC it was evident that the public living in the vicinity of nuclear sites is not adequately informed. It is therefore proposed for consideration by the PPC that clause 23(4) be added as follows: "The holder of a nuclear installation licence must establish a Public Information Forum in order to inform the public living in the vicinity of the nuclear site."

13 **Issue:** Potential duplication with Environmental Conservation Act in clause 18(4)(b) whereby the Regulator can arrange for public hearings relating to health, safety and the environment. (+BSA)

DME position: 18(4)(b) relate to public hearings and not to Environmental Impact Assessments. 18(4)(b) also relates mainly to health and safety issues and therefore much wider than the Environmental Conservation Act.

Proposal: No amendments

(BSA)

14 **Issue:** Provision should be made for an appeal to the High Court. This is supported by the State Law Adviser. (+COM)

Proposal: An additional clause should be inserted as follows:

41A. (1) Any person adversely affected by a decision of the Minister, either in terms of section 41(3) or in the exercise of any power in terms of this Act, may appeal against that decision to the High Court.

(2)

Such appeal must-

(a) be lodged within 60 days from the date on which that decision was made known by the Minister; and

(b) must set out the grounds for the appeal.

(3) A decision of the Minister contemplated in subsection (1) shall be deemed to be judgement in civil proceedings in the magistrate's court of the district in which the head office of the Regulator is situated.

(4) The High Court may-

(a) confirm, set aside or vary the decision; or

(b) substitute any other decision for the decision of the Minister; and

(c) give an order as to costs as the court may deem fit.

- (5) The judgement of the High Court under subsection (4) shall have the effect of a judgement in civil proceedings."

15 **Issue:** The present wording in 5(a) on the Objects of the Regulator could be interpreted to mean "health protection at any cost". It is recommended that the wording be amended in accordance with principles established by the International Commission on Radiation Protection as follows (italics): "provide for the protection of persons, property and the environment against nuclear damage, *without unduly limiting the beneficial practices giving rise to radiation exposure*, through the establishment of radiation safety standards and regulatory practices". (+COM)

DME position: The DME is comfortable with the recommendation, especially as it is a principle of the ICRP and it supports the principle of sustainable development. However, it should be realised that it could potentially lead to arguments between the Regulator and the regulated parties due to subjectivity. Since clause 32 makes provision for comment by the regulated parties on the proposed standards and the standards will be in accordance with international practice it would appear that provision is made to prevent undue limitation of practices.

Proposal: No Amendments.

16 **Issue:** Fees should only be levied for nuclear installations and nuclear vessels and not for certificates of registration as the latter should require relatively moderate resources from the Regulator. Clause 25(d) regarding fees for inspections should be deleted.

DME position: DME see no justification why certificates of registration should be exempt from licence fees, especially as the licence fee would be much less relatively to nuclear installations and such a procedure would be inconsistent. Clause 25(d) has been deleted. see paragraph 9.

Proposal: No amendments.

17 **Issue:** Board approval should only apply to nuclear installation licences and

nuclear vessel licences and not to certificates of registration as this could unnecessarily encumber and delay what should be almost a day-to-day process involving the authorisation of work activities that cannot give rise to any acute health effects.

DME position: It is agreed that approvals should be granted without undue delays. However, it is considered that delays would be prevented by delegation of the Board to the Executive Officer and that the present wording will ensure the necessary Board approvals and accountability.

Proposal: No amendments.

18 **Issue:** Clause 22 should be amended to make a nuclear authorisation transferable.

DME position: A nuclear authorisation should not be transferable to ensure continued interaction with the Regulator on the authorisation and the provisions for financial security, where applicable.

Proposal: No amendments.

19 **Issue:** The definition of a nuclear accident should be revised in accordance with the International Nuclear Event Scale ('NES').

DME position: The 'NES system was established mainly as a tool to communicate nuclear events with the public. The definition as given in the Bill is considered appropriate.

Proposal: No amendments.

20 **Issue:** Clause 27(2) should be amended, substituting "for each nuclear accident" the words "for each event giving rise to nuclear damage"¹⁹.

DME position: Clause 27(2) has been deleted, see paragraph 6.

Proposal: No amendments.

21 **Issue:** Provisions in clause 2()(2)(b) (rehabilitation) and clause 23 (display authorisation; inspection; monthly return) should be deleted as they would be expected as conditions in a nuclear authorisation.

DME position: These responsibilities on the holders of nuclear authorisations are considered very important and should therefore be specified in the Bill.

Proposal: No amendments

(NUM/CWIU)

22 **Issue:** The Bills should be referred back for proper consultation. (+EMG)

DME position: The DME concurs that the consultation process could have been better. However, there was considerable consultation on the Bills (as presented by DME to the PPC) and it is considered that the extent of flaws in the consultation process does not warrant the Bills to be referred back. Also, the extent and type of comments received at the PPC (which can be addressed) and the positive support of various key parties for the Bills are indications that the consultation process was reasonable. It is important to note that some parties participated very constructively in the consultation process. The NEDLAC process was not cancelled by the DME.

Proposal: It is proposed that the Bills not be referred back but that any specific issues and constructive proposals be addressed to the satisfaction of the PPC.

23 **Issue:** The Bills should have been referred in terms of section 76 of the constitution, rather than section 75.

SLA position: The Joint Tagging Mechanism (JTM) of Parliament tagged both bills as section 75.

Proposal: It is proposed that the JTM tagging be accepted.

24 **Issue:** "The provision concerning the disclosure of information (section 46) is draconian" and not consistent with the Constitution.(+EMG; EA; Bell)

DME position: The secrecy provisions of the previous legislation have been removed and section 46 now only makes provision for the protection of information regarding security arrangements at nuclear installations which is standard practice. DME disagree that the provision is "draconian" or inconsistent with the constitution.

Proposal: To improve clarity it is proposed that section 46(2)(a) be amended (*italics*) to read "is likely to jeopardise the *physical* security arrangements". In addition, the SLA has undertaken to consider the implications of the new right of access to information, which will take effect on 4/2/2000.

25 **Issue:** Different standards for the mining sector and other sectors would be unconstitutional.

DME position: Neither DME nor the Bill proposes different standards for different sectors. Section 2(2)e has been deleted.

Proposal: No amendment.

(EMG)

26 **Issue:** It is proposed that "criteria are developed for suitability of Board members ...and the Bill stipulates a transparent process " (+INE).

DME position: The Minister will have to apply his mind to the appointment of suitable Board members and it is practice to follow a transparent process, by inviting public nominations. It is doubtful whether this should formally be entrenched in legislation. The present wording of "suitably qualified" allows the Minister more flexibility to use his discretion, without prescribing specific formal academic qualifications.

Proposal: No amendment.

27 Issue: The current responsibility of the Department of Health in terms of the Hazardous Substances Act should be transferred to the Regulator. (+INE).

DME position: This issue has not been included within the scope of redrafting the Nuclear Energy Act. It will be a matter for Cabinet to decide if the relevant Ministers considers it necessary.

Proposal: No amendment.

28 Issue: "The wording of Sections 18 and 19 should be changed to allow regulation based on the potential risk posed by the nuclear activity to be regulated."

DME position: The comment is not ver,' clear as sections 18 and 19 relate to "applications". The various levels of nuclear authorisations as given in section 17 indeed reflect a distinction of the different potential risks.

Proposal: No amendment.

29 Issue: "It is unacceptable that standards published in the schedule... are below what is considered internationally acceptable. The schedule as is must be scrapped". (+Bell)

DME position: There is no justification given for the statement. The schedule is based on IAEA and ICRP standards. In addition, Section 44 makes provision for the Minister to revise the schedule, after consulting the Board.

Proposal: No amendment

(Namaqualand Action Group)

30 Issue: Section 7(4) should be amended to include direct representation of affected communities and worker organisations on the Board of the Regulator. (+EA)

DME position: Representation by affected communities is supported but should be restricted to nuclear installations (Koeberg Pelindaba, Vaalputs) and a limit should be specified for practical reasons. The proposal of worker representation is in conflict with what has been proposed by the CNS in paragraph 2.

Proposal: Section 7(4) should be amended as follows: "(b) not more than five suitably qualified directors appointed by the Minister" and "(e) one representative from affected communities appointed by the Minister" . "one representative nominated by organised labour in the nuclear industry appointed by the Minister".

31 Issue: Any person with business interests in the nuclear industry should be disqualified in Section 7(5).

DME position: Agreed

Proposal: Add Section 7(5)(g) to read is involved in any business in the nuclear industry"

32 Issue: Section 18(2) should make provision to ultimately close SA territorial waters to nuclear powered or nuclear material carrying vessels.

DME position: This is impractical given that Government policy does exclude nuclear energy as an option and in the long term, there are no scenarios that RSA's nuclear industry will disappear

Proposal: No amendment

33 Issue: Section 18(3) should be amended to ensure that affected parties are properly informed by adding 18(3)(c) 'The chief executive officer will ensure that local communities directly affected by application be informed effectively of such applications

DME position: This is effectively covered by 18(3)(a) as the local authority represents the community and must inform them. However, the wording can be made more specific.

Proposal: Amend 18(3)(a) to read: "serve a copy of the application upon such local authority, *members of the local public community*, and any other body or person that the chief executive officer determines"

34 Issue: Section 18(4)(a): Representation should not be limited to health, safety and environment but should include all aspects for example socio-economic.

DME position: The mandate of the regulator is limited to health, safety and environment.

Proposal: No amendment

35 Issue: Section 19(1): "The Bill envisages a two-fold approach viz one of authorisation and one of certification"

DME position: There is misunderstanding. The bill makes provision for a nuclear

authorisation which can be either a nuclear installation licence, nuclear vessel licence, certificate of registration or certificate of exemption.

Proposal: No amendment.

36 **Issue: Section 36:** An annual record of nuclear accidents and incidents must be made public.

DME position: The purpose of the public report required by Section 60) is to reflect this information.

Proposal: No amendment

(Earthlife Africa)

37 **Issue:** Minutes of Board meetings of the Regulator must be made available for public scrutiny.

DME position: The right of access to information is considered by the SLA (see paragraph 24).

Proposal: No amendment

38 - **Issue:** Section 21(3) Amendments to the nuclear authorisation must be agreed by the Board and publicised for public comment.

DME position: Amending a nuclear authorisation is a function of the regulator as per 6(l)(a), which is performed by the CEO as directed by the Board. It would not be practical to publish amendments to nuclear authorisations for public comment. Section 23 makes provision for the nuclear authorisation to be displayed for public scrutiny.

Proposal: No amendment

39 **Issue:** Section 26(1): The categorisation of nuclear installations and determination of financial security should be made publicly available, as should the methodology used.

DME position: Section 26(2) already make provision for "determination" for which notice must be given in the gazette. The methodology used may be evident from the results but can otherwise be obtained from the Minister by interested parties.

Proposal: Section 26(l)(2) should be amended to read "The Minister must give notice in the Gazette of his or her categorisation and determination in terms of subsections 1(a) and (b)". It is also proposed that the Minister's categorisation and determination be done on "recommendation of the board" rather than "after consulting the board" as the regulator follows a risk based approach and should recommend accordingly. 26(1) should therefore read: The Minister must, *on recommendation* of the Board -"

40 **Issue:** Section 34: There should be a specified timeframe for establishing an emergency plan.

DME position: The existing provision that a timeframe must be specified by the Regulator is considered adequate. Stipulating a specific timeframe should be left to the discretion of the Regulator. In terms of its Objects (5(f) the Regulator must ensure that provisions for emergency planning is in place. This implies prior to the granting of a nuclear authorisation.

Proposal: No amendment.

Issue: Section 35: Records on the nuclear installation must be open for public scrutiny

DME position: Subject to section 46, these records will be open for public access.

Proposal: No amendment.

42 **Issue:** Section 36. Records on accidents and incidents should be open to any person rather than limited to " any person who has suffered nuclear damage".

DME position: Agreed. See also paragraph 36.

Proposal: Amend 36(b) to read "make that record available to any person on request".

43 **Issue:** Section 38 entrenches secrecy and should be rewritten to provide public access to nuclear information.

DME position: Section 38 relates to physical security, especially of its own premises and property and the intent is not to limit access to public information.

Proposal: SLA to confirm that wording in Section 38 does not unduly limit public access to information.

(Bell)

44 **Issue:** The Bill should provide more guidance on display of the licence conditions (section 23) and public access to these conditions.

DME position: Agreed

Proposal: Amend Section 23(1) to read "The holder of a nuclear authorisation must, at all times, display copies of that authorisation at such places and in such languages and form as determined by the chief executive officer to *ensure public access to the conditions set in the nuclear authorisation*

45 **Issue:** Section 34(1), (2), (3) & (4) on Emergency Planning: The provision

that the Regulator or Minister may' direct a local authority or province to establish an emergency plan is unconstitutional as the onus should be on the nuclear operator who must be directed rather than the local authority. All safety arrangements must be at the expense of the nuclear operator and not at the expense of the taxpayer or affected local public. The onus must be and remain on the nuclear operator to make all necessary arrangements for the establishment of an emergency' plan at all levels (local, provincial) and to cover the costs in this regard. The CNS has been handling the development around Koeberg in a manner which infringes on constitutional rights by allowing Eskom to develop property in the 5 km radius whilst attempting to prevent private property owners from doing the same. For this reason the provision (34(4) to place limitations on development surrounding a nuclear installation must be revised to ensure that it does not infringe on constitutional rights.

DME position: The critique is accepted.

Proposal: Section 34 should be amended to read:

"Nuclear emergency planning

(1) The Regulator must direct any holder of a nuclear installation licence, nuclear vessel licence or certificate of registration, where the potential exists for a nuclear accident affecting the public, to -

- (a) enter into an agreement with the relevant local and provincial authority for the establishment of an emergency plan within a specified time frame
- (b) cover the costs for the establishment and management of such an emergency plan.

- (2) The Regulator must ensure that the emergency plan established in terms of subsection (1) makes adequate provision for the protection of persons against the effect of a nuclear accident.

(3) When a nuclear accident occurs, the holder of the nuclear authorisation in question must implement the nuclear emergency plan as approved by the regulator.

(4) The Minister may, on recommendation of the Board, impose limitations on the development surrounding any nuclear installation to ensure the effective implementation of any applicable nuclear emergency plan without infringing on any constitutional rights"

(INE)

46 **Issue:** Subsection 32(3)(b) must be amended to make provision for the Minister to consult with the Board on public comment.

Proposal: Amend 32(3)(b) to read: "consider that comment after consultation with the Board before final notice in the *Gazette*"

47 Issue: Subsection 7(8): Deputy Chairperson should be appointed by the Board and not the Minister.

DME position: Since the Minister appoints the chairperson and the deputy chairperson will act on behalf of the chairperson in his absence the deputy chairperson should be appointed by the Minister.

Proposal: No amendment.

48 Issue: "The public should pay for the upkeep of the Regulator i.e. all costs of the regulator should be borne from taxes which means funding from central governments budget.

DME position; the principle of polluter pays is implemented in terms of section 25 licence fees will be payable into the National Revenue Fund as can be seen from section 14(1)(a) the Regulator is funded by monies appropriated by Parliament.

Proposal: No amendment.

Issue: Subsection 25(3) (a) and 25(6) (b) The word money should be replaced by monies.

DME position: Agreed.

Proposal: Subsection 25(3) (a) and 25(6)(b) to be amended by replacing the word money with monies.

Issue: Subsection 28(5) should read :". . *party or parties in whom the rights . . .*in

DME position: agreed

Proposal: Subsection 28(5) to be amended as above.

51 Issue: Subsection 35(3) (a) and b uses the "terms nuclear weapons" state and "non nuclear weapons" state which should be defined.

DME position: consult with SLA.

Proposal: implement advice from SLA.

52. PROPOSED AMENDMENTS BASED ON CNS ANNOTATED COMMENTS

52.1 under "contents 8" delete second "of"

52.2 (xvii) (e): insert "spent fuel" after "nuclear"

52.3 Section 2(2) (c): add at end of sentence: "not situated at a nuclear installation"

52.4 Section 6(1)(b): change to read"... movable, immovable property and pro