

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**NATIONAL NUCLEAR
REGULATOR AMENDMENT
BILL**

[B 25—2023]

(As agreed to by the Portfolio Committee on Mineral Resources and Energy)

[B 25A—2021]

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AMENDMENTS AGREED TO

NATIONAL NUCLEAR REGULATOR AMENDMENT BILL

[B 25—2023]

CLAUSE 1

1. On page 2, after line 15, to omit “[**radio-active**]” and substitute with “radioactive” and wherever it exists in the Act and the Bill.
2. On page 3, after line 1, to omit “[**vessels**]” and to substitute with “vessel”
3. On page 3, in line 13, to omit the definition of “[**clearance**]” and to substitute the following definition:

“clearance” means the removal of regulatory control over radioactive material or radio-active objects within authorised activities and facilities;”
4. On page 3, line 26, to omit definition of “[**decommissioning**]” and substitute the following definition:

“decommissioning” means all processes and actions, including decontamination and dismantling, leading to the release or partial release of a facility other than that part of a disposal facility in which radioactive waste has been emplaced from regulatory control;
5. On page 3, line 30, to omit definition of “[**discharges**]” and substitute the following definition:

“discharges” means planned and controlled releases into the environment, as a legitimate practice, within limits authorised by the regulator, of liquid or gaseous radioactive material that originates from regulated facilities during normal operation;
6. On page 3, in line 37, to delete the definition for “[**dosimetry services provider**]”
7. On page 3, in line 50, to omit definition of “[**facility**]” and substitute the following definition:

“facility” means nuclear facility, irradiation facility, facilities where mining and processing of radioactive ores are carried out, radioactive waste management facility, and any other places where radioactive material is produced, processed, used, handled, stored or disposed of, on such a scale that protection and safety is required;
8. On page 4, in line 22, to insert the word “loss” before the word “caused”.
9. On page 5, in line 9, to omit “radiological” and substitute with the “radiation”.

10. On page 5, in line 14, to omit definition of “period of responsibility” and substitute the following definition:

“**period of responsibility**” means the period beginning on the date of coming into force of the relevant authorisation and ending on the date on which the Regulator gives notice in writing to the holder of authorisation informing that they are relieved of further responsibility;

11. On page 5, in line 38, to omit the definition of “pre-construction activities” and substitute with the following definition:

“**pre-construction activities**” means the preparation of a site for the construction of a nuclear facility including initial earthworks and site levelling, preparation of construction roads, borrow areas, security infrastructure, dewatering, building of diaphragm wall and excavation and clearance to bedrock.

12. On page 5, in line 47, omit the words “or non-ionizing radiation”.
13. On page 6, in line 15, after the word “safety” to insert the words “and security”.

CLAUSE 2

1. On page 6, in line 23, to delete “, [**and**]” and substitute “and”.

CLAUSE 4

1. On page 7, in line 23, to omit “[**nuclear**]”.
2. On page 7, in line 40, to insert “and radiation” after nuclear.

CLAUSE 5

1. On page 9, in line 5, to omit the words “as contemplated in paragraph 2(1)(c)”.

CLAUSE 7

1. On page 9, in line 42 to omit “, [**a panel appointed by the Minister, which may include representatives of the relevant committees of Parliament**]” and substitute with “a relevant portfolio committee of the National Assembly must compile a short-list of not more than 20 candidates from persons nominated;”

CLAUSE 14

1. on page 11, from line 23, to omit clause 14, and substitute with the following clause:

“**18.** The Regulator’s financial year is in accordance with the Public Finance Management Act”.

CLAUSE 16

1. On page 11, in line 45, to insert “and radiation” after nuclear.
2. On page 12, in line 6, to insert “issued by the Regulator” after licence.

CLAUSE 18

1. On page 13, from line 34 to delete “(2) The chief executive officer **[may]** must direct that the applicant for a certificate of registration, certificate of exemption, authorisation to design or authorisation to manufacture—”

CLAUSE 19

1. On page 14, in line 21, insert “which must be based on objective evidence” after therefore.

CLAUSE 21

1. On page 14, from line 40, to omit “[**25(1) and 25(2)**]”, and substitute with the following:

“**25.** (1) An authorisation holder may not transfer authorisation for regulated activities to another person or entity without the written permission of the chief executive officer subject to approval by the board.

(2) A person or entity to whom the authorisation for previously regulated activities is to be transferred must apply to the Regulator as rescribed.”

CLAUSE 25

1. On page 16, in line 43, to omit “sections 20(2)”, and substitute with “20(1), 20(2) and 20(3)”

CLAUSE 26

1. Clause rejected.

CLAUSE 33

1. On page 19, in line 54, omit “opinion” and insert “objective assessment”.

CLAUSE 36

1. On page 21, in line 47, to omit the words “nuclear or radiation” after the word “and”.

CLAUSE 38

1. Clause rejected.

CLAUSE 39

1. Clause rejected.

CLAUSE 42

1. On page 24, clause rejected and replaced with the for the following clause:

“(1) If the Minister rejects a recommendation of the board contemplated in sections 2(2)(a), 2(3), 15(1), 28, 29 (1) and (2), 36 (1), 38 (4) and 45 (7), the Minister and the board must endeavour to resolve their disagreement.

(2) If the Minister and the board fail to resolve their disagreement, the Minister makes the final decision, after consultation with the relevant Minister.

LONG TITLE

1. On page 2, to substitute the long title with the following:

“To amend the National Nuclear Regulator Act, 1999, so as to substitute certain definitions and insert new definitions; to authorise the Regulator to perform additional regulatory functions; to provide for the decontamination, decommissioning and closing national defence force facilities, equipment, machinery and scrap for civilian use; to provide for financial provision for costs associated with safe rehabilitation or decommissioning of facilities to provide for additional powers of inspectors; to provide for administrative fines; to provide for the establishment of the National Dose Register; to provide for a centralised database of radiation workers; and to provide for matters connected therewith.”

