

NUCLEAR SAFETY AND RADIATION PROTECTION ACT, 1995 (REPEAL
AND RE-ENACTMENT) BILL, 2019

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A BILL

FOR

AN ACT TO REPEAL THE NUCLEAR SAFETY AND RADIATION PROTECTION ACT NO. 19 OF 1995, AND RE-ENACT THE SAFETY AND RADIATION BILL, 2019 BY RE-ESTABLISHING THE NIGERIAN NUCLEAR REGULATORY AUTHORITY IN ORDER TO PROVIDE FOR NUCLEAR SECURITY AND SAFEGUARDS; AND FOR RELATED MATTERS

Sponsored by Hon. Anayo Edwin

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

PART I - OBJECTIVES OF THE BILL

1. -(1) The objectives of this Bill are to:

Objectives of the Bill

(a) allow for the beneficial and peaceful uses of nuclear energy and its applications;

(b) provide an effective legal and regulatory framework for nuclear safety, nuclear security, safeguards of nuclear materials and radiation protection;

(c) ensure adequate protection of people and the environment from harmful effects of ionising radiation and other radiation risks, and the safety and security of radiation sources;

(d) establish the Nigerian Nuclear Regulatory Authority with the functions and responsibilities set forth in this Bill for the purpose of exercising regulatory control over the peaceful uses of ionising radiation and to guarantee its independence;

(e) authorise the provision of a regulatory framework for civil liability for nuclear incidents or damage, and

(f) enable Nigeria to fulfill its obligations under relevant international instruments.

1 PART II - ESTABLISHMENT OF THE NIGERIAN NUCLEAR REGULATORY
2 AUTHORITY AND ITS GOVERNING BOARD

Establishment
of the Nigerian
Regulatory
Authority

3 2.-(1) There is hereby established a body which shall be known as the
4 Nigerian Nuclear Regulatory Authority (in this Bill referred to as "the
5 Authority")

6 (2) The Authority-

7 (a) shall be a body corporate with perpetual succession and, a
8 common seal;

9 (b) shall have financial autonomy;

10 (c) may sue and be sued in its corporate name; and

11 (d) may acquire, hold or dispose of any property, movable or
12 immovable for the purpose of carrying out any of its functions under this Bill.

13 (3) The Authority shall be-

14 (a) effectively independent in its safety-related decision-making;

15 (b) able to make independent regulatory judgements and decisions at
16 all stages in the lifetime of facilities and the duration of activities until release
17 from regulatory control, under operational states and in accidents;

18 (c) free from any pressure associated with political circumstances or
19 economic conditions, or pressure from government ministries, departments
20 and agencies, authorised parties or other organisations;

21 (d) able to give independent advice and provide reports to
22 government ministries, departments and agencies, and governmental bodies
23 on matters relating to the safety of facilities and activities.

24 (4) The staff of the Authority shall have no direct or indirect interest in
25 facilities and activities or authorised party beyond the interest necessary for
26 regulatory purposes.

Establishment
and Membership
of the Governing
Board

27 3.-(1) There is hereby established for the Authority a Governing
28 Board (in this Bill referred to as "the Board").

29 (2) The Board shall consist of-

1 (a) the President as the Chairman (in the Bill referred to as the "the
2 Chairman";

3 (b) the Director-General of the Authority, who shall be appointed
4 by the President; and

5 (c) the Ministers charged with responsibility for the following
6 matters, that is-

7 (i) Defence;

8 (ii) Interior;

9 (iii) Mines and Steel development;

10 (iv) Petroleum resources;

11 (v) Energy;

12 (vi) Environment;

13 (vii) Finance;

14 (viii) Justice ;and

15 (ix) Health .

16 (d) National Security Adviser;

17 (e) three (3) eminent Nigerians with practical experience in the
18 Nuclear field who shall be appointed by the President.

19 (3) The appointment of the members of the Board specified in
20 subsection 2 (e) of this section shall be subject to confirmation by the Senate.

21 (4) The Board shall have a Secretary, who shall be a Legal
22 Practitioner with not less than ten (10) years experience, to be appointed by
23 the Director-General from the staff of the Authority.

24 (5) The members of the Board shall be paid such allowances as
25 applicable to Federal Boards, commissions and agencies

26 (6) The provisions of the Schedule to this Bill shall have effect with
27 respect to the proceedings of the Board and the other matters mentioned
28 therein.

29 4.-(1) The Members of the Board shall serve for a term of four (4)
30 years and may, subject to satisfactory performance, be re-appointed for a

1 further term of four (4) years and no more.

2 (2) The Members of the Board referred to in section 3(2)(e) shall serve
3 on part-time basis.

Vacancy on
the Board

4 5.-(1) The office of a Member of the Board shall become vacant
5 where-

6 (a) he resigns his appointment by notice addressed to the Chairman;

7 (b) he becomes of unsound mind;

8 (c) he becomes bankrupt or makes a compromise with his creditors;

9 (d) he is convicted of a felony or of any other offence involving
10 dishonesty or corruption;

11 (e) he becomes incapable of carrying on the functions of his office
12 either arising from an infirmity of mind or body;

13 (f) he dies;

14 (g) he completes his tenure of office; or

15 (h) he is removed by the Chairman, being satisfied that it is not in the
16 interest of the Authority or in the interest of the public for the person to continue
17 as a Member of the Board.

18 (2) Where a vacancy occurs in the Membership of the Board, it shall
19 be filled by the appointment of a successor to hold office for the remainder of
20 the term of office of his predecessor.

Functions of
the Board

21 6.-(1) The Board shall have responsibility for:

22 (a) the supervision of policy formulation by the Authority;

23 (b) Considering and approving regulations proposed by the
24 Authority;

25 (c) Considering and approving annual reports and statement of
26 accounts of the Authority;

27 (d) appointing and approving fees for auditors;

28 (e) considering and approving the audited accounts and annual
29 reports of the Authority; and

30 (f) performing other functions as provided under this bill.

1 7.-(a) A member of the Board shall disclose in writing any personal
2 interest or otherwise that the member has in the activities or practices
3 regulated by the Authority;

Disclosure of
interest

4 (b) A member of the board who has an interest in a matter for
5 consideration shall:

6 (i) disclose the nature of the interest and the disclosure shall form
7 part of the records of the consideration of the matter; and

8 (ii) not participate in the deliberations of the board in respect of that
9 matter.

10 (c) A member ceases to be a member of the Board if that member
11 has an interest in a matter before the Board and-

12 (i) fails to disclose that interest; or

13 (ii) participates in the deliberations of the Board in respect of that
14 matter.

15 PART III - FUNCTIONS AND POWERS OF THE AUTHORITY

16 8.-(1) Subject to the provisions of this Bill, the Authority shall be
17 charged with the responsibility for the control of activities and practices
18 identified in this Bill and, without prejudice to the foregoing, the Authority
19 shall:

Functions of the
Authority

20 (a) provide advice or assistance to the Federal Government in the
21 development of national policies and measures for the regulatory control of
22 activities and practices under this Bill;

23 (b) issue rules, regulations and guidelines as prescribed under this
24 Bill, which shall be binding on all users of radioactive sources, operators of
25 nuclear installations, operators of prescribed substances and other practices,
26 and operators of sources involving exposure to ionising radiation;

27 (c) establish standards for the protection of life, property and the
28 environment from the potentially harmful effects of ionising radiation,
29 while allowing beneficial practices involving exposure to ionising
30 radiation;

1 (d) establish and maintain a system of authorisation of practices
2 involving nuclear materials, radioactive sources and equipment generating
3 ionising radiation;

4 (e) establish and implement, in cooperation with the relevant
5 ministries, departments and agencies, a system of control over the import,
6 export, transit and trans-shipment of nuclear materials, radioactive sources,
7 ionising radiation generating machines, information and technology in order to
8 prevent diversion from their authorised uses;

9 (f) define and grant exemptions and clearances;

10 (g) monitor the existence and use of ionising radiation anywhere in
11 Nigeria;

12 (h) carry out inspections and any appropriate investigation and
13 enforce compliance with this Bill by concern persons and bodies in line with
14 the conditions of their authorisation;

15 (i) take enforcement measures where there has been a violation of this
16 Bill, applicable regulations or the terms and conditions of authorisations;

17 (j) define the obligations, of persons or entities authorised to conduct
18 activities or practices;

19 (k) prescribe fees payable for authorisations and other services
20 rendered under this Bill;

21 (l) publish a list of exposures that are subject of exclusion, which list
22 shall be available to the public;

23 (m) establish and maintain a system of records or registry for all
24 authorised practices and for material accountability for safety and safeguard
25 purposes;

26 (n) establish and maintain a national register for each category of
27 sources or practices involving ionising radiation and of persons authorised to
28 carry out an activity or practice, including records of all nuclear installations
29 and radiological facilities such as maps, diagrams, photographs, showing the
30 position and limits of these installations and facilities;

1 (o) cooperate with the International Atomic Energy Agency in the
2 application of safeguards in accordance with the Safeguards Agreement,
3 and any protocols thereto, between Nigeria and the International Atomic
4 Energy Agency, including conducting inspections and visits, carrying out
5 complementary access and providing any assistance or information required
6 by designated International Atomic Energy Agency inspectors in the
7 fulfillment of their responsibilities;

8 (p) establish regulatory measures for the security of nuclear and
9 other radioactive material, and their associated facilities, including
10 measures for the detection, prevention and response to unauthorised or
11 malicious acts involving such material, or facilities;

12 (q) participate in the definition of the Design Basis Threat (DBT)
13 for the implementation of security provisions;

14 (r) establish, in cooperation with other competent national
15 authorities, plans and procedures which shall be periodically tested and
16 assessed for coping with any radiation emergency and abnormal occurrence
17 involving nuclear material and radiation sources;

18 (s) regulate the safe promotion of nuclear research and
19 development, and radiation safety and security necessary to implement its
20 functions;

21 (t) liaise and foster cooperation with relevant national and
22 international bodies or institutions having similar objectives for the
23 effective performance of its functions under this Bill;

24 (u) establish appropriate mechanism and procedures for informing
25 the public and other stakeholders about the regulatory process, and the
26 safety, health and environmental aspects of regulated activities and
27 practices, including incidents, accidents and abnormal occurrences;

28 (v) regulate the possession and application of radioactive
29 substances and devices emitting ionising radiation;

30 (w) regulate the introduction of radiation sources, associated

1 facilities and activities, exposure of workers and the general public to ionising
2 radiation;

3 (x) perform all necessary functions to enable Nigeria meet its national
4 and international safety, security and safeguards obligations in the application
5 of nuclear energy and ionising radiation and in particular, establish and
6 maintain a national system of accounting for and control of nuclear materials;

7 (y) provide training, information and guidance on nuclear safety,
8 security, safeguards and radiation protection and approve radiation protection
9 training programmes of all users and handlers of ionising radiation; and

10 (z) perform such other functions which are necessary for the full and
11 efficient discharge of its functions under this Bill.

Powers of the
Authority

12 9.-(1) The Authority shall have power to:

13 (a) categorise practices and activities involving exposure to ionising
14 radiation;

15 (b) acquire offices and other premises and establish such number of
16 zonal and other offices as it may deem necessary with the approval of the Board
17 for the proper performance of its functions under this Bill;

18 (c) notwithstanding the provisions of the Nigerian Minerals and
19 Mining Act or any other law, the Authority shall have power to regulate, as
20 appropriate, the exploration, mining and milling of radioactive ores and other
21 ores associated with the presence of radioactive substances;

22 (d) accredit radiation safety service providers and approve their
23 radiation protection training and other programmes;

24 (e) impose and review fines.

25 (f) prescribe exposure limits and constraints for the purpose of
26 limiting accidents and ensuring compliance;

27 (g) obtain information, documents and opinions from private and
28 public organizations or persons as may be necessary and appropriate for the
29 conduct of its functions;

30 (h) specify safety and security requirements for:

1 (i) short-term storage, for example by a user on its premises prior to
2 further management option, including the time limit for such short-term
3 storage;

4 (ii) safety and security requirements for reuse or recycling of
5 disused sources; and

6 (iii) long-term storage and disposal of disused sources.

7 (2) The Authority shall, subject to the approval of the Board, have
8 powers to enter into contracts or partnership with any international
9 organisation, national governmental body, company, firm or person, which
10 in its opinion shall facilitate the discharge of its functions.

11 (3) The Authority may make regulations with respect to civil
12 liability for nuclear damage, prompt payment of compensation to the
13 victims of nuclear accidents, establishment of Nuclear Damage Claims
14 Committee and related matters.

15 (4) The Authority shall, in furtherance of sections 8 and 9 of this
16 Bill, on its own, carry out investigations of practices, radiation facilities and
17 any other nuclear installations including, exploration, mining and milling of
18 radioactive ores to forestall any emergency or contingency.

19 PART IV - MANAGEMENT, STAFF AND STRUCTURE OF THE AUTHORITY

20 10.-(1) There shall be for the Authority, a Director-General, who
21 shall be the chief adviser to the Board.

Appointment
of the Director-
General

22 (2) There shall be appointed by the President of the Federal
23 Republic of Nigeria for the Authority, a Director-General who shall be the
24 Chief Executive of the Authority and be responsible for the day-to-day
25 administration of the affairs of the Authority.

26 (3) The Director-General shall be a person of proven integrity and
27 shall have not less than 12 years practical regulatory experience in the
28 application of nuclear energy and ionising radiation in science and
29 technology, nuclear safety and radiation protection.

Tenure of Office and Removal of the Director-General

1 11. -(1) The Director-General shall hold office:
 2 (a) for a term of five (5) years in the first instance and may be re-
 3 appointed for a further term of five (5) years; and
 4 (b) on such terms and conditions as may be specified in his letter of
 5 appointment.
 6 (2) Notwithstanding the provisions of subsection (1) of this section,
 7 the Director-General may:
 8 (a) resign his appointment by a notice in writing, addressed to the
 9 President through the Board; or
 10 (b) be removed by the President for inability to discharge the
 11 functions of his office (whether arising from infirmity of mind or body or any
 12 other cause) or for misconduct or corruption;
 13 provided that the removal of the Director-General shall not take effect without
 14 the approval of the Senate.

Other Staff of the Authority

15 12.-(1) The Authority may, subject to the approval of the Board,
 16 appoint such other staff as it may deem necessary and expedient for the proper
 17 and efficient performance of the functions of the Authority; and on such terms
 18 and conditions as may be determined by the Board.
 19 (2) Notwithstanding the provisions of subsection (1) of this section,
 20 employees of the Authority may also be appointed by way of transfer or
 21 secondment from any of the public services of the Federation or by contract.

Conditions of Service

22 13. Service in the Authority shall be subject to the provisions of the
 23 Pension Reform Act, Corporate Policy and Procedure Guide and such
 24 conditions of service as approved by the Board. Accordingly, officers and
 25 employees of the Authority shall be entitled to pensions, gratuities and other
 26 retirement benefits as are prescribed under the Pension Reform Act as
 27 approved by the board.

Structure of the Authority

28 14.-(1) There shall be established within the Authority, the following
 29 departments:
 30 (i) Department of Authorization and Enforcement;

- 1 (ii) Department of Nuclear Safety;
- 2 (iii) Department of Nuclear Security and Safeguards;
- 3 (iv) Department of Medical and Industrial Application Safety;
- 4 (v) Department of Waste, Transport and Environmental Safety;
- 5 (vi) Department of Finance and Account;
- 6 (vii) Department of Administration and Human Resources;
- 7 (viii) Department of Planning, Research and Statistics;
- 8 (ix) such other department as may be approved by the Board on the
- 9 recommendation of the Director-General

10 (2) Each department shall be headed by a General Manager who
11 shall be appointed by the Authority on the recommendation of the Director-
12 General or by way of promotion.

13 PART V - FINANCIAL PROVISIONS

14 15.- (1) There is established for the Authority fund in this Bill
15 referred to as ("the Fund") comprising:

Fund of the
Authority

- 16 (a) budgetary allocations from the Federal Government;
- 17 (b) gifts, testamentary dispositions or grants, provided that such
- 18 are not inconsistent with the objectives and functions of the Authority;
- 19 (c) all other financial assets that may, from time to time, be vested
- 20 in or accrue to the Authority in the course of performing its functions
- 21 pursuant to this Bill;
- 22 (d) monies borrowed and capital raised by the Authority under this
- 23 Bill or other enactments subject to the approval of the National Assembly;
- 24 and
- 25 (e) all such other sums as may be received by the Authority from
- 26 other sources provided that such are not inconsistent with the objectives and
- 27 functions of the Authority.

28 16.- (1) The Authority shall pay from the Fund established under
29 section 15 of this Bill-

Application
of the Fund

- 30 (a) the cost of administration of the Authority;

1 (b) allowances and benefits of members of the Board and for
2 reimbursing members of the Board or of any committee set up by the Board and
3 for such expenses as may be expressly authorised by the Board;

4 (c) the salaries, fees or other remuneration or allowances, and
5 pensions, and other benefits payable to the staff and other employees of the
6 Authority;

7 (d) for the development and maintenance of any property vested in or
8 owned by the Authority;

9 (e) for maintaining general financial reserves subject to general or
10 special directives that may be given in that behalf by the Board in accordance
11 with the provisions of this Bill; and

12 (f) for, or in connection with, all or any of its functions under this Bill.

13 (2) Any monies generated or collected by the Authority from the
14 sources listed in subsection (1) of section 15 which are in excess of its budget as
15 approved by the National Assembly shall be paid into the Consolidated
16 Revenue Fund of the Federation.

17 (3) The Authority shall set aside a minimum of 10% of its fund for
18 staff entitlements as specified in the Corporate Policy and Procedure Guide
19 subject to review by the Board, for the purpose of providing recognition for
20 long service to the Authority and such fund shall be invested in an interest-
21 yielding account subject to the recommendation of the National Pension
22 Authority.

Annual Estimates,
Accounts and
Audits

23 17.-(1) The Authority shall submit to the Board an estimate of its
24 expenditure and income (including payments to the Fund) for the next
25 succeeding year not later than 28th February each year.

26 (2) The Authority shall keep proper accounts in respect of each year
27 and proper records in relation to those accounts and shall cause its accounts to
28 be audited not later than three months after the end of each year by auditors
29 appointed from the list and in accordance with the guidelines supplied by the
30 Auditor-General of the Federation.

1 18. The Authority shall prepare and submit to the National
2 Assembly not later than 31st March in each year a report on the activities of
3 the Authority during the immediate preceding year, and shall include in the
4 report a copy of the audited accounts of the Authority for that year and of the
5 auditor's report.

Annual and
audited reports

6 PART VI - ESTABLISHMENT OF THE NATIONAL NUCLEAR SECURITY
7 COMMITTEE

8 19.-(1) There is established a National Nuclear Security
9 Committee (in this Bill referred to as "the Nuclear Security Committee")

Establishment
of the National
Nuclear Security
Committee

10 20.-(1) The Nuclear Security Committee shall consist of:

Composition of
the Nuclear Security
Committee

- 11 (a) the National Security Adviser as the Chairman;
- 12 (b) the Chief of Defence Staff as the Vice-Chairman;
- 13 (c) the Solicitor-General of the Federation;
- 14 (d) the Director-General of the National Intelligence Agency;
- 15 (e) the Director-General of the Department of State Service;
- 16 (f) the Inspector-General of the Nigerian Police Force;
- 17 (g) the Comptroller-General of the Nigerian Customs Service;
- 18 (h) the Comptroller-General of the Nigerian Immigration Service;
- 19 (i) the Commandant-General of the Nigerian Security and Civil
20 Defence Corps;
- 21 (j) the Corps Marshal of the Federal Road Safety Corp;
- 22 (k) the Director-General of the Authority;
- 23 (l) the Chief Executive Officer of the Nigerian Atomic Energy
24 Commission;
- 25 (m) a representative of each of the following:
- 26 (i) the Ministry of Foreign Affairs;
- 27 (ii) the National Emergency Management Agency; and
- 28 (iv) one (1) other person to be appointed from within the Authority
29 by the Director-General.

30 (2) The Nuclear Security Committee shall meet at least twice

1 yearly provided that an emergency meeting may be convened as needed.

2 (3) The quorum of the meeting of the Nuclear Security Committee is
3 six (6) members.

4 (4) The Chairman of the Nuclear Security Committee shall preside at
5 meetings and in the absence of the Chairman, the Vice-Chairman, and in the
6 absence of both, a member of the Committee elected by the members present
7 from among their number, shall preside.

8 (5) For the purpose of a meeting, a member may be represented by a
9 proxy, not below the rank of a Director or its equivalent.

10 (6) The Committee may request the presence of any person as it may
11 deem necessary

Functions of
the Nuclear
Security
Committee

12 21.-(1) The Nuclear Security Committee shall, in collaboration with
13 the Authority:

14 (a) consider issues referred to it by the Director-General or any other
15 member of the committee that may affect the security of the country, regarding
16 nuclear and radiological installations and radioactive materials;

17 (b) participate in conducting threat assessment to provide the basis for
18 determining physical protection measures; and

19 © define and develop a response strategy to nuclear security
20 incidences.

21 PART VII - NATIONAL RESEARCH INSTITUTE FOR NUCLEAR SAFETY AND
22 RADIATION PROTECTION

Establishment
of the National
Institute for
Nuclear Safety
and Radiation
Protection

23 22.-(1) The Authority shall establish a "National Institute for Nuclear
24 Safety and Radiation Protection (in this Bill referred to as "the Institute") either
25 independently or in collaboration with any University or other institution.

Appointment
of General
Manager and
Other Staff of
the Institute

26 23.-(1) The Authority shall, with the approval of the Board, appoint
27 for the Institute, a General Manager who shall be responsible to the Authority
28 for the administration of the Institute.

29 (2) The General Manager shall-

30 (a) be a holder of a qualification not less than a Doctorate degree in

1 the field of nuclear science or engineering, or radiation sciences with not
2 less than ten (10) years cognate experience; or

3 (b) possess practical experience of not less than ten (10) years in
4 research, administration, training, and the application of nuclear energy,
5 nuclear and radiation safety.

6 (3) The General Manager shall hold office-

7 (a) for a term of four (4) years in the first instance and may be
8 reappointed for a further term of four (4) years, subject to satisfactory
9 performance; and

10 (b) on such terms and conditions as may be specified in his letter of
11 appointment.

12 (4) The Institute may, with the approval of the Authority, appoint
13 such other employees and agents as it may deem necessary for the efficient
14 performance of its functions under this Bill

15 **24.-(1)** The General Manager may-

16 (a) resign his appointment by a notice in writing, addressed to the
17 Director-General of the Authority; or

18 (b) be removed by the Director-General upon approval of the
19 Board, for inability to discharge the functions of his office (whether arising
20 from infirmity of mind or body or any other cause) or for misconduct or
21 corruption.

22 **25.-(1)** The Authority shall establish a Management Board for the
23 Institute which shall be chaired by the Director-General of the Authority.

24 (2) Other members of the Management Board referred to in subsection (1) of
25 this section, shall consist of-

26 (a) two General Managers of the Authority responsible for
27 radiation protection and nuclear safety;

28 (b) one member representing each host institution to the Institute;

29 (c) the General Manager of the Institute.

30 (3) Notwithstanding the provisions of subsection (2) of this

Removal of
General Manager

Management
Board of the
Institute

1 section, the Management Board may co-opt relevant stakeholder(s) or
2 expert(s) to attend its meetings but the person(s) so co-opted shall not have a
3 counting vote or be counted towards quorum.

Structure of the
Institute and
Annual Reports

4 26.-(1) The structure, staffing and other matters relating to the
5 Institute shall be as determined by the Institute and approved by the Authority.

6 (2) The Institute shall submit to the Authority for approval, such
7 programmes as are in line with its functions.

8 (3) The Institute shall, not later than the 31st day of January in each
9 year, submit to the Authority, an estimate of its income and expenditure for the
10 next succeeding year which estimate shall form an integral part of the budget
11 estimate of the Authority for that year.

Functions and
Powers of the
Institute

12 27.-(1) The Institute as a Technical Support Organisation (TSO) to the
13 Authority shall have the functions and powers to -

14 (a) carry out research on matters relating to radiation protection,
15 nuclear safety, security, safeguards and nuclear law;

16 (b) provide certified training programmes in radiation protection,
17 nuclear safety, security, safeguards and nuclear law;

18 (c) review safety assessments as a means of evaluating compliance
19 with safety requirements for all facilities and activities and to determine the
20 measures that need to be taken to ensure safety as may be directed by the
21 Director-General;

22 (d) operate standard laboratories for sampling, calibration and
23 analyses of radioactivity and radiation sources; and

24 (e) charge reasonable and commensurate fees for its services.

25 PART VIII - AUTHORISATION

Graded approach

26 28.-(1) The Authority shall apply the principle of graded approach in
27 granting authorisation.

Authorisation

28 29.-(1) No practice mentioned in this Bill shall be conducted or
29 undertaken unless so authorised or exempted by the Authority.

30 (2) Justified practices shall be authorised.

1 (3) Subject to the provisions of this Bill, the procedure and
2 requirements for authorisation shall be established through regulations
3 which shall-

4 (a) be made in respect to all activities and facilities;

5 (b) establish the instances when authorisation may be required and
6 the exemptions;

7 (c) be updated whenever it becomes necessary; and

8 (d) be available to the public free of charge.

9 (4) An application for authorisation shall be made in the manner
10 prescribed in the guideline for authorisation as may be issued from time to
11 time by the Authority under this Bill.

12 (5) Any person who intends to make an application for
13 authorisation to undertake any practice mentioned in this Bill, shall notify
14 the Authority of the intention through a letter addressed to the Director-
15 General and the applicant shall be required to furnish the Authority with
16 such information as the Authority may prescribe.

17 (6) An application for authorisation under this Bill shall be made to
18 the Authority specifying:

19 (a) the premises to which the application relates;

20 (b) the undertaking or the purposes of which those premises are
21 used;

22 (c) the description of the source of ionising radiation proposed to
23 be kept or used;

24 (d) the premises and the maximum quantity of radioactive material
25 or source of ionising radiation, the strength and the output of the source to be
26 kept or used there at any time;

27 (e) the manner in which the source of ionising radiation is proposed
28 to be used in the premises; and

29 (f) such other information as may be prescribed by the Authority.

30 (7) Upon receipt of an application under subsection (4) of this

1 section, the General Managers of the relevant Department or any other officer
2 directed by him shall inspect the premises to which the application relates and
3 carry out such other investigations as required in section 41(4) of this Act.

4 (8) The Authority may-

5 (a) where it is satisfied with the information submitted by the
6 applicant, grant the authorisation subject to such regulations, terms and
7 conditions as may be determined by the Authority from time to time; or

8 (b) refuse an application for authorisation, but shall state the reason(s)
9 for the refusal, in writing.

10 (9) Where an application is granted, the Authority shall-

11 (a) register the applicant in respect of those premises and in respect of
12 the keeping and use thereon of the radioactive material or source of ionising
13 radiation of the description to which the application relates; or

14 (b) Where the application relates to two or more sources of ionising
15 radiation; register the applicant in respect of the keeping and use thereon of
16 such one or more sources of ionising radiation as may be specified in the
17 registration.

18 (10) On authorising a source or practice under this section in respect
19 of any premises, the Authority shall furnish the registrant with a certificate
20 containing all particulars of the authorisation and shall send a copy of the
21 certificate to the relevant organs of government.

Restriction on
Transfer

22 30.-(1) No person shall assign, transfer or receive, either totally or
23 partially, any right or obligation specified in any licence under this Bill without
24 authorisation from the Authority

Validity of
Authorisation

25 31.-(1) Authorisation granted pursuant to an application shall be
26 valid for the period stipulated in the licence unless otherwise determined by the
27 Authority.

28 (2) Any application for renewal of a licence shall be submitted at least
29 three months before the expiration of the licence.

30 (3) Issuance or renewal of a licence may be granted in advance and

1 such licence shall take effect on the date of expiry of the current licence.

2 32-(1) The Authority shall make publicly available, information on
3 the procedures and requirements for suspension, modification, revocation
4 or relinquishment of authorisation

Invalidation
of Licence

5 (2) The Authority may revoke, cancel, invalidate or suspend a
6 licence granted by it where a licensee:

7 (a) has obtained it by making a fraudulent or incorrect statement;

8 (b) has failed to comply with the written directives of the
9 Authority;

10 (c) has violated or omitted to comply with the conditions of the
11 authorisation;

12 (d) has failed to comply with the provisions of this Bill or any order
13 issued for their implementation;

14 (e) is prevented from performing his duty as authorised as a result
15 of incapacity or for any other reason;

16 (f) has exposed the public or the environment to doses of ionising
17 radiation beyond dose limits or constraints without the written consent of
18 the Authority or has exposed the public or the environment to doses of
19 ionising radiation beyond dose limits or constraints prescribed by the
20 Authority; or

21 (g) for whatever reason, is no longer entitled to the authorisation.

22 33-(1) No person shall site, construct, operate, or decommission a
23 nuclear installation without a licence issued by the Authority in accordance
24 with this Bill and the regulations made thereunder.

Nuclear
Installations

25 (2) Upon receipt of an application under subsection (1) of this
26 section, the following procedure shall ensue:

27 (a) the applicant shall ensure that notice of the application is
28 published in 3 national dailies not more than 7 days after the submission of
29 the application, with an invitation to any person who is likely to be affected
30 by the granting of a nuclear installation licence pursuant to subsection (1) of

1 this section to make representation to the Authority on the health, safety and
2 environmental issues connected with the application within 30 days of the date
3 of publication of the application;

4 (b) The Head of the relevant department or any other officers directed
5 by him shall inspect the site to which the application relates and carry out such
6 other investigations as required in furtherance of this Bill;

7 (c) an applicant for a licence to site a nuclear facility shall perform a
8 baseline survey of the site, including environmental impact assessment and
9 evaluation of radiological conditions prior to construction so as to develop
10 information for comparison at any time during the operation of the facility and
11 during incident or end life or decommissioning; and

12 (d) at the design stage of a nuclear facility, the applicant for
13 authorisation to construct and operate a nuclear facility shall prepare
14 decommissioning plans for approval by the Authority.

15 (3) Pursuant to subsection (2) of this section, an applicant for
16 authorisation to construct and operate a nuclear installation shall-

17 (a) Demonstrate to the Authority that adequate financial resources are
18 available to cover the costs associated with safe decommissioning, including
19 the management of resulting waste; and

20 (b) Provide financial assurances as may be defined by the Authority
21 before initial operation of an installation is authorised.

22 (4) Financial requirements to ensure proper decommissioning shall
23 be reviewed and updated as required by the Authority.

24 (5) The Authority shall submit a copy of any authorisation granted
25 pursuant to subsection (1) of this section to-

26 (a) the relevant State that is likely to be affected by the activity, action
27 or step of the applicant; or

28 (b) such other persons and agencies that are likely to be affected as the
29 Authority may, from time to time, determine.

30 (6) The Authority may at any time during the construction of an

1 installation, request such information as it deems necessary to evaluate the
2 health, safety, security or environmental aspects of the construction and
3 future operation of the installation.

4 34.-(1) Any vessel that is propelled by nuclear power or which has
5 on board any nuclear material shall not-

Restriction on
Vessels propelled
by Nuclear Power

6 (a) anchor or sojourn in the territorial waters, Exclusive Economic
7 Zone, or other zone within the jurisdiction of Nigeria; or

8 (b) enter any port in Nigeria unless it possesses a nuclear vessel
9 license.

10 (2) Where a vessel referred to in subsection (1) anchors or sojourns
11 in the territorial waters, Exclusive Economic Zone, or other zone within the
12 jurisdiction of Nigeria, the operator of the vessel shall notify the Nigerian
13 Maritime Administration and Safety Agency or any other relevant
14 government agency that is propelled by nuclear power or has on board
15 nuclear material.

16 (3) The Nigerian Maritime Administration and Safety Agency or
17 any other relevant government agency shall in turn immediately notify the
18 Authority of the fact that a vessel is propelled by nuclear power or has on
19 board any nuclear material.

20 (4) In the event of an emergency landing in Nigeria, of an aircraft
21 which is propelled by nuclear power or which has on board any nuclear
22 material, the operator of the aircraft shall notify the Nigerian Civil Aviation
23 Authority that it is propelled by nuclear power or has on board nuclear
24 material.

25 (5) The Nigerian Civil Aviation Authority shall in turn immediately
26 notify the Authority of the fact that an aircraft is propelled by nuclear power
27 or has on board any nuclear material.

28 (6) The Authority shall have the power to inspect all vehicles,
29 vessels and aircrafts within the jurisdiction of Nigeria for nuclear or
30 radioactive material.

Consumer
Products

1 35.-(1) The production or supply to the public, of consumer products
2 capable of causing exposure to ionising radiation without the express
3 authorisation of the Authority is hereby prohibited:

4 Provided that where such authorisation is granted, it is the
5 responsibility of the operator to ensure that those to whom the consumer
6 products are being sold or supplied, are fully aware of the potential exposure to
7 ionising radiation and of the full consequences of it.

8 (2) The provisions of this section do not apply to consumer products
9 that are exempted.

10 (3) The Authority may issue a licence only where it is satisfied that the
11 use of the consumer products shall not result to an undue radiation exposure to
12 the users or to the environment.

13 (4) An applicant for a licence shall furnish detailed information on the
14 product, its intended use and the function to be served by the radionuclides and
15 such other information as may be specified by the Authority.

Mining and
Milling of
Radioactive
Ores

16 36.-(1) Activities involving mining or milling of ores containing
17 radioactive material are hereby prohibited except a licence to perform these
18 activities is issued by the Authority.

19 (2) The issuance of a licence for siting, construction, operation,
20 decommissioning of a mine, processing facility, exploration, excavation,
21 mining and milling of ores containing radioactive material, as well as the
22 transport and storage of the product of the mining and milling activities and
23 radioactive waste management shall be subject to the appropriate regulations
24 as may be laid down by the Authority.

25 (3) An applicant for a licence to conduct mining and milling of ores
26 containing radioactive material shall submit to the Authority for approval, all
27 plans, programmes and drawings related thereto, including radiation
28 protection of personnel, the public and the environment, radioactive waste
29 management, and decommissioning.

30 (4) The licence to be granted by the Authority shall be without

1 prejudice to the requirements contained in any applicable national laws on
2 mining.

3 37.-(1) The sources of ionising radiation shall be as categorised in Categorisation
of Sources
4 the Second Schedule of this Bill.

5 38.-(1) The Authority shall convene a public hearing on any Public Hearings
6 application to site a nuclear installation in any part of the Federation;
7 provided that notice of same shall be published in 3 national dailies not less
8 than 60 days before the public hearing.

9 (2) Pursuant to subsection (1) of this section, announcements shall
10 be made in 3 different radio stations in the proposed location of the facility.

11 (3) Where the Authority is of the opinion that further public hearing
12 or inquiry is necessary, it shall arrange for such hearing or inquiry to
13 consider health, safety, security or environmental issues, as may be
14 determined, from time to time.

15 (4) Notice is deemed to have been given in compliance with this
16 Bill once subsections (1) and (2) of this section have been complied with.

17 39.-(1) Without prejudice to the powers of the Authority under this Exemptions
18 Bill, the Authority may exempt from regulatory requirements, practices and
19 sources which comply with the exemption criteria established by the
20 Authority.

21 (2) The Authority shall not grant exemption for practices deemed
22 not to be justified.

23 40.-(1) No person shall use nuclear material or ionising radiation Limitations and
Conditions
24 sources for purposes other than those specified in the authorisation.

25 (2) Any registration under this section in respect of any premises
26 may be subject to such limitations or conditions as:

27 (a) including requirements for structural or other alterations in
28 respect of any apparatus, equipment or appliance, nuclear material,
29 radioactive substances or a source of ionising radiation from which
30 radioactive waste is likely to arise;

1 (b) requiring the person to whom the licence or registration relates, at
2 such times and in such manner as may be specified in the registration, to furnish
3 the Authority with information as to the removal of nuclear material,
4 radioactive sources or equipment generating ionising radiation from those
5 premises to any other premises;

6 (c) prohibiting nuclear material, prescribed and radioactive
7 substances or any source of ionising radiation from being sold or otherwise
8 supplied from those premises unless it or the container in which it is supplied
9 bears a label or other mark indicating that it is such a radiation source, or
10 nuclear material and describing the class or category to which it belongs, and in
11 either case complying with any requirements specified in the conditions in
12 relation to it; and

13 (d) any licence required for sources of ionising radiation, and
14 practices mentioned in this Bill may be limited to a specific radiation source or
15 in relation to the nature and purpose of the activity or the practice specified for a
16 given installation.

17 **PART IX - INSPECTIONS**

Appointments
and Powers of
Inspectors

18 **41.-(1)** The Authority shall designate inspectors who shall possess
19 required qualifications and training and shall issue them with appropriate
20 credentials indicating their legal status under this Bill.

21 (2) The Authority shall establish qualifications for inspectors and a
22 training programme to ensure required high level of competence for the
23 inspectors

24 (3) The Authority shall develop an inspection plan that includes
25 programmed and reactive inspection which may be announced or
26 unannounced.

27 (4) The inspectors shall inspect licensed or proposed nuclear or
28 radiological installations, practices, nuclear material and other ionising
29 radiation sources; and facilities of radiation safety service providers in the
30 country to monitor compliance with the requirements of this Bill, any

1 applicable regulations, and the terms and conditions of authorisation issued
2 under its authority.

3 (5) The Authority shall station inspectors at the site of an activity or
4 practice where this is determined to be necessary.

5 (6) An inspector appointed in furtherance of the provisions of
6 subsection (1) shall have the powers to-

7 (a) enter, without hindrance, at any time approved by the Authority,
8 any premises, vehicle, ship or aircraft to which this section applies, with
9 such equipment as the inspector requires for the performance of such duty as
10 specified under this Bill;

11 (b) inspect any plans, drawings, records, registers or documents
12 pertaining to-

13 (i) the siting, design, construction, testing, development,
14 commissioning, operation, decommissioning or abandonment of a facility
15 or an installation,

16 (ii) the health, safety, security or environmental aspects of any
17 activity covered by this Bill,

18 (iii) any matter relevant to the enforcement of this Bill;

19 (c) carry out tests and take samples, measurements and
20 photographs of any installation;

21 (d) direct the owner or operator of any vehicle, ship or aircraft to
22 provide such information relating to the vehicle, ship or aircraft as he may
23 require; and

24 (e) direct operators of nuclear power installations, research
25 reactors and other facilities to carry out emergency drills and stop unsafe
26 operation and practices.

27 42. The inspector shall submit a report of the inspection or Inspection Report
28 investigation to the Authority for necessary or appropriate action within

29

1 such period as may be determined by the Authority.

2 PART X - ENFORCEMENT POWERS

Enforcement
Team

3 43.-(1) there shall be constituted by the Authority, an Enforcement
4 Team which shall be responsible for the enforcement of this Bill.

5 (2) The members of the Enforcement Team shall comprise-

6 (a) Inspectors of the Authority;

7 (b) Legal officers; and

8 (c) Law enforcement and security personnel.

9 (3) Upon request by the Director-General, the Inspector-General of
10 Police or any other law enforcement or security agency shall second or deploy
11 to the Authority such number of officers as may from time to time be required
12 to supplement the Enforcement Team of the Authority.

13 (4) The Enforcement Team shall assist the Authority to-

14 (a) carry out investigation into any matter under this Bill;

15 (b) arrest any person that contravenes the provisions of this Bill;

16 (c) in furtherance of this Bill, with or without warrant, enter into and
17 search any premises in respect of which the Authority or the officer reasonably
18 suspects that an activity contrary to the provisions of this Bill is being or is
19 about to be carried on and assist in confiscating any material for such purpose
20 found there; and

21 (d) seal any facility involving the use or storage of nuclear material,
22 radioactive sources or ionising radiation sources without authorisation as
23 provided for under this Bill.

24 (5) Members of the Enforcement Team shall be specially trained and
25 certified on radiation protection and safety by the Authority for the purposes of
26 this Bill.

Enforcement
Measures

27 44.-(1) Where an authorised person or entity is found to be in
28 violation of this Bill, applicable regulations or the terms and conditions of the
29 authorisation, an inspector shall take the necessary enforcement actions
30 commensurate with the seriousness of the violation and shall within 24 hours

1 of taking such measures submit a report to his immediate superior officer.

2 (2) In all cases, the person or entity subject to enforcement action
3 shall, within the time stipulated by the Authority, take such remedial
4 measures as the Authority may prescribe.

5 (3) Where there is a violation that is of minor safety or security
6 concern, the Authority may issue a warning in writing and determine the
7 period of time during which remedial action must be taken.

8 (4) Where there is an immediate safety or security hazard to people
9 or the environment, the Authority may require the person or entity subject to
10 enforcement action to suspend its activities until the situation has been
11 corrected; in such cases, the Authority may also suspend, revoke or modify
12 the terms and conditions of the authorisation.

13 (5) Where there is persistent or grave violation of the terms and
14 conditions of an authorisation or in cases of significant release of radioactive
15 material into the environment, the Authority may revoke the authorisation
16 and require the authorised person to remedy any unsafe condition.

17 (6) Enforcement action may also include one or more of the
18 following:

19 (a) corrective actions including verbal instructions from inspectors,
20 imposition of additional regulatory requirements and conditions, and
21 written warnings;

22 (b) sanctions which may be administrative such as monetary fines
23 or administrative charges or criminal sanctions;

24 (c) an order for the authorised person or entity to prohibit workers
25 who do not meet the applicable requirements from engaging in the activity
26 or practice;

27 (d) confiscation of materials, sealing of premises and facilities or
28 closing down any authorised or unauthorised activities.

29 (7) Enforcement actions taken under this section shall remain in
30 force unless and until:

1 (a) withdrawn, reversed or modified by an action of the Authority; or

2 (b) altered through an administrative appeal or judicial review.

3 (8) The monetary fines shall be as specified in a list of penalties issued
4 from time to time by the Authority.

5 (9) All expenses incurred by the Authority in the process of
6 confiscation, sealing, seizure, closure and management as a result of non-
7 compliance shall be the responsibility of the violator of the Bill.

8 (10) Where an enforcement action is taken, any confiscated materials
9 shall be secured and managed by the Waste Management Organisation under
10 this Bill.

11 PART XI - REGULATIONS AND GUIDES

Regulations
and Guides

12 45.-(1) the Authority shall establish or adopt regulations and guides to
13 specify the principles, requirements and associated criteria upon which its
14 regulatory judgement, decisions and actions are based.

15 (2) the regulations and guides referred to in subsection (1) shall be
16 reviewed and revised as necessary to keep them updated and in accordance
17 with the relevant international safety standards, technical standards and
18 relevant experience gained.

19 (3) the Authority shall notify interested parties and the public of the
20 principles and associated criteria for safety established in its regulations and
21 guides and make all such regulations and guides free of charge and readily
22 available.

23 (4) the regulations and guides shall provide the framework for the
24 regulatory requirement and conditions to be incorporated into individual
25 authorisations or applications for authorisation and identify the criteria to be
26 used in accessing compliance.

27 (5) The regulations and guides shall be kept consistent and
28 comprehensive, and shall provide adequate coverage commensurate with
29 radiation risks associated with the facilities and activities, in accordance with a
30 graded approach.

1 46.-(1) The Authority shall, within its legal framework, establish
2 processes for the establishment, adoption, promotion or amendment of its
3 regulations and guides.

Procedure for
Establishment,
Adoption,
Promotion or
Amendment

4 (2) The processes referred to in subsection (1) shall take account
5 of:

6 (a) internationally agreed standard;

7 (b) feedback of relevant experiences;

8 (c) technological advances, research and development work;

9 (e) relevant operational lessons learned; and

10 (f) institutional knowledge.

11 PART XII - RADIATION PROTECTION AND CONTROL OF THE USE OF

12 IONISING RADIATION

13 47.-(1) The Authority shall, in the performance of its functions
14 under this Bill, ensure that:

Justification of
practices, dose
limitation and
optimisation

15 (a) no practice is adopted unless its introduction produces a
16 positive net benefit;

17 (b) the normal exposure of individuals shall be restricted so that
18 neither the total effective dose nor the total equivalent dose to relevant
19 organs or tissues caused by the possible combination of exposures, exceeds
20 established limits prescribed by the Authority;

21 (c) protection and safety shall be optimised in order that the
22 magnitude of individual doses, the number of people exposed and the
23 likelihood of incurring exposures are all kept as low as reasonably
24 achievable;

25 (d) only justified practices are authorised.

26 (2) The following practices are not justified:

27 (a) practices, except for justified practices involving medical
28 exposure, that result in an increase in activity, by the deliberate addition of
29 radioactive substances or by activation, in food, feed, beverages, cosmetics
30 or any other commodity or product intended for ingestion, inhalation or

1 percutaneous intake by, or application to, a person;

2 (b) practices involving the frivolous use of radiation or radioactive
3 substances in commodities or in consumer products such as toys and personal
4 jewellery or adornments, which result in an increase in activity, by the
5 deliberate addition of radioactive substances or by activation; and

6 (c) human imaging using radiation that is performed as a form of art or
7 for publicity purposes.

8 (3) The provisions of this section shall apply, in general, to all
9 activities and facilities involving radiation exposure.

Basic requirements
for medical
exposure

10 48.-(1) The Authority shall-

11 (a) require that health professionals with responsibilities for medical
12 exposures are specialised in the appropriate area and that they fulfill the
13 requirements for education, training and competence in the relevant specialty;
14 and

15 (b) ensure that the authorisation for medical exposures to be
16 performed at a particular medical radiation facility allows qualified personnel
17 (radiological medical practitioners, medical physicists, radiographers and any
18 other health professionals with specific duties in relation to the radiation
19 protection of patients) to assume the responsibilities specified in this Bill
20 where they:

21 (i) are specialised in the appropriate area;

22 (ii) meet the respective requirements for education, training and
23 competence in radiation protection, as may be prescribed by the Authority; and

24 (iii) are named in the registry maintained and updated by the relevant
25 professional bodies

Basic requirements
for Occupational
Exposure

26 49.-(1) The Authority shall establish and enforce requirements to
27 ensure that protection and safety is optimised and shall enforce compliance
28 with dose limits or established dose constraints for occupational exposure as
29 specified in the regulation.

30 (2) The Authority shall establish the responsibilities of employers and

1 licensees with regard to application of the requirements for occupational
2 exposure in planned exposure situations.

3 (3) Before authorisation of a new or modified practice, the
4 Authority shall require, as appropriate, and review supporting documents
5 from the responsible parties that state:

6 (a) design criteria and design features relating to the exposure and
7 potential exposure of workers in all operational states and in accident
8 conditions; and

9 (b) design criteria and design features of the appropriate systems
10 and programmes for monitoring of workers for occupational exposure in all
11 operational states and in accident conditions.

12 (4) The Authority shall establish and enforce requirements for the
13 monitoring and recording of occupational exposures in planned exposure
14 situations.

15 (5) The Authority shall ensure that employers, registrants and
16 licensees shall make special arrangements for:

17 (a) female workers, as necessary, for protection of the embryo or
18 fetus and breastfed infants; and

19 (b) protection and safety for persons under 18 years of age.

20 **50.**-(1) The Authority shall establish the responsibilities of relevant
21 parties that are specific to public exposure, establish and enforce
22 requirements for optimisation, and establish and enforce compliance with
23 dose limits for public exposure.

Basic requirements
for Public Exposure

24 (2) The Authority shall establish the responsibilities of licensees,
25 of suppliers, and of providers of consumer products in relation to the
26 application of requirements for public exposure in planned exposure
27 situations.

28 (3) The Authority shall establish and enforce requirements for the
29 optimisation of protection and safety for situations in which individuals are
30 or could be subject to public exposure.

1 (4) The Authority shall establish or approve constraints on dose and
2 constraints on risk to be used in the optimisation of protection and safety for
3 members of the public.

4 (5) When establishing or approving constraints in respect of a source
5 within a practice, the Authority shall take into account, as appropriate:

6 (a) the characteristics of the source and of the practice that are of
7 relevance for public exposure;

8 (b) good practice in the operation of similar sources;

9 (c) dose contributions from other authorised practices or from
10 possible future authorised practices, estimated at the design and planning
11 stage, so that the total dose to members of the public is not expected to exceed
12 the dose limit at any time after the start of operation of the source; and

13 (d) the views of interested parties.

14 (6) The Authority shall make and enforce compliance with
15 regulations and specify dose limits for public exposure.

16 (7) Prior to authorisation of a new or modified practice, the Authority
17 shall require the submission of, and shall review, the safety assessments and
18 other design related documents from the responsible parties that address the
19 optimisation of protection and safety, the design criteria and the design features
20 relating to the assessment of exposure and potential exposure of members of
21 the public.

22 (8) The Authority shall establish or approve operational limits and
23 conditions relating to public exposure, including authorised limits for
24 discharges.

25 (9) These operational limits and conditions to be established pursuant
26 to (8) above shall-

27 (a) be used by licensees as the criteria for demonstration of
28 compliance after the commencement of operation of a source;

29 (b) correspond to doses below the dose limits with account taken of
30 the results of optimisation of protection and safety;

1 (c) reflect good practice in the operation of similar facilities or
2 activities;

3 (d) allow for operational flexibility; and

4 (e) consider the result of the prospective assessment for
5 radiological environmental impacts undertaken in accordance with
6 requirements of the Authority

7 (10) When a source within a practice could cause public exposure
8 outside Nigeria or in areas beyond the jurisdiction or control of Nigeria, the
9 Authority shall-

10 (a) ensure that the assessment for radiological impacts includes
11 those impacts outside Nigeria or in areas beyond the jurisdiction or control
12 of Nigeria;

13 (b) to the extent possible, establish requirements for the control of
14 discharges;

15 (c) arrange with the affected foreign State the means for the
16 exchange of information and consultations, as appropriate.

17 (d) The Authority shall ensure that all relevant parties shall apply
18 the system of protection and safety to protect members of the public against
19 public exposure.

20 **51.-(1)** The authorised persons or organisations responsible for
21 facilities and activities that give rise to radiation risks shall have the prime
22 responsibility for protection and safety; other parties shall have specified
23 responsibilities for protection and safety.

24 (2) The authorised persons or organisations responsible for any
25 facility or activity that gives rise to radiation risks shall have the prime
26 responsibility for protection and safety, which cannot be delegated.

27 (3) The principal parties responsible for protection and safety are-

28 (a) licencees, or the person or organisation responsible for facilities
29 and activities for which notification only is required;

30 (b) employers, in relation to occupational exposure;

Basic obligations
for authorised
persons

1 (c) radiological medical practitioners, in relation to medical
2 exposure; or

3 (d) those persons or organisations designated to deal with emergency
4 exposure situations or existing exposure situations.

5 (4) Other parties who shall have specified responsibilities in relation
6 to protection and safety:

7 (a) Suppliers of sources, providers of equipment and software, and
8 providers of consumer products;

9 (b) Radiation protection officers;

10 (i) Referring medical practitioners;

11 (ii) Medical physicists;

12 (iii) Radiographers;

13 (iv) Qualified experts or any other party to whom a principal party has
14 assigned specific responsibilities;

15 (v) Workers other than workers listed in (a)-(f) in this paragraph; or

16 (vi) Ethics committees as may be provided in regulations made by the
17 Authority.

Obligation to
Report

18 52.-(1) Where a nuclear or radiological emergency occurs, any person
19 shall immediately report such incident or accident to the Authority.

20 (2) Where the occurrence of a nuclear or radiological emergency is so
21 reported to the Authority as mentioned in subsection (1) of this section, the
22 Authority shall-

23 (a) immediately investigate such emergency and its causes,
24 circumstances and effects;

25 (b) in such manner as it thinks fit, define particulars of the period
26 during which and the area within which, in its opinion, the risk of nuclear
27 damage connected with the incident or accident exceeds the safety standard
28 and regulatory practices made pursuant to this Bill;

29 (c) direct the operator in question to obtain the names, addresses and

1 identification features of all persons who were within that area during such
2 period;

3 (d) publish by notice in the Federal Gazette, two national
4 newspapers in circulation in that area, or such other means, including digital
5 media, the fact that a nuclear emergency has occurred during that period
6 within that area; and

7 (e) In the event of a nuclear or radiological emergency posing a risk
8 of radioactive contamination that could spread beyond the territorial
9 boundaries of Nigeria, the Authority shall immediately notify the
10 International Atomic Energy Agency, the Board and the relevant agencies of
11 any State that may be physically affected or to which the emergency could
12 be of radiological significance.

13 PART XIII - ORPHAN SOURCES

14 53.-(1) The Authority shall be responsible for-

15 (a) the search, recovery and ensuring proper control of orphan
16 sources; and

17 (b) the development of a national strategy for improving control
18 over vulnerable sources.

19 (2) The following steps shall be carried out in the development
20 phase of a national strategy for regaining control over orphan sources:

21 (a) listing the problems or potential issues identified in the
22 assessment phase;

23 (b) developing actions that will solve each problem, or where it is a
24 complex situation, identifying the first steps towards a solution to the
25 problem;

26 (c) prioritising these actions and presenting them in a format that is
27 suitable for review by decision makers; and

28 (d) identifying the various departments within the Authority and
29 Waste Management Organisation involved in and achieving agreement on
30 assignment of responsibilities.

Recovery of
orphan sources

1 (3) Upon discovery of orphan sources, the Authority shall transfer
2 such sources to a Waste Management Organisation to develop a national
3 strategy for taking control of orphan sources.

4 (4) Anyone who finds or encounters an orphan source shall
5 immediately report them to the Authority.

Practices not
covered by this
Bill

6 54.-(1) Where a practice involving exposure to radiation is not
7 covered by this Bill or any regulation made under the Bill, the person
8 concerned with the practice shall:

9 (a) consult with the Authority with a view to ensuring adequate
10 protection of life, health, property and the environment; and

11 (b) be under a duty to comply with any guidelines or directives as may
12 be issued, from time to time, by the Authority in respect of such practice.

13 (2) The Authority may, from time to time, modify or issue new
14 categories of sources and practices for the purposes of this Act or any
15 regulation made pursuant to the Bill.

16 PART XIV -DECOMMISSIONING

Requirements
for
Decommissioning

17 55. -(1) The Authority shall establish requirements for the
18 decommissioning of nuclear installations and high activity radiological facility
19 where high activity sources are used, including:

20 (a) remediation of the environment to its original state; and

21 (b) criteria for clearance from regulation following
22 decommissioning.

23 (2) An applicant for authorisation under this Bill shall include in its
24 application, a decommissioning plan which shall be submitted to the Authority
25 and updated as is required by the Authority.

Determination
for Shut-Down
and Release

26 56.-(1) The Authority shall establish criteria for determining when a
27 nuclear installation or part thereof should be permanently shut down.

28 (2) The Authority shall evaluate the end state of the installation after
29 decommissioning activities have been completed to ensure that relevant
30 regulatory requirements have been met.

1 (3) The installation shall not be released by the Authority from
2 regulatory control until the licensee has demonstrated that the end state in
3 the decommissioning plan has been reached and that any other additional
4 regulatory requirements have been met.

5 PART XV - NUCLEAR EMERGENCY PREPAREDNESS

6 57.-(1) The Authority shall ensure that every authorised party Emergency
Preparedness
and Response
7 makes adequate arrangements for emergency preparedness and response
8 which arrangement shall include clear assignment of the responsibility to
9 immediately notify the Authority of an emergency.

10 (2) In performing its functions under subsection (1), the Authority
11 shall have regard for the need to suspend authorisation for the purpose of
12 timely emergency response, if necessary.

13 (3) The Authority shall collaborate with other response agencies to
14 make preparations and arrangements for dealing with the consequences of
15 incidents in facilities and activities that affect or may potentially affect the
16 public or the environment including action to be taken during an emergency
17 and its aftermath.

18 (4) In all cases, the Authority shall ensure that measures which are
19 proportionate with the radiation risks are in place to adequately inform the
20 general public and persons who are affected for emergency preparedness
21 and response.

22 58.-(1) No authorisation to conduct an activity or practice, operate Emergency Plan
and Procedures
23 a facility, possess or use a source may be granted unless and until an
24 appropriate emergency preparedness and response plan has been developed
25 by the applicant and approved by the Authority.

26 (2) The Authority in collaboration with other competent national
27 agencies shall develop a National Emergency Plan and Procedures, which
28 shall be periodically tested and assessed for coping with any nuclear and
29 radiological emergencies.

30 (3) In preparing the National Emergency Plan and in the event of an

1 emergency, the Authority shall advise the Federal Government and Response
2 agencies, and shall provide expert services in accordance with its functions
3 under the Bill.

4 (4) The National Emergency Plan and Procedures for nuclear or
5 radiological emergencies shall include an allocation of responsibilities and
6 actions among relevant agencies.

7 (5) Every operator shall develop an emergency plan and procedure
8 which shall be periodically tested and assessed for coping with any nuclear and
9 radiological emergencies.

Loss of Control

10 59. Any person who manages a facility connected with radioactive or
11 nuclear material and other radiological installations shall, immediately, report
12 to the Authority any theft or loss of radioactive or nuclear material under his
13 possession or control.

Operator's
Intervention Plan

14 60.-(1) The Authority shall, for any activity capable of resulting in
15 accidental exposure of workers or members of the public to nuclear material or
16 ionising radiation sources, require the operator to establish an intervention plan
17 which shall deal with any foreseeable situation and organise emergency drills
18 for demonstrating the efficacy of the planned counter-measures.

19 (2) Where a nuclear or radiological incident or accident capable of
20 affecting the public occurs, the Authority shall direct the operator, to-

21 (a) immediately submit its emergency plan showing the roles and
22 responsibilities of the relevant stakeholders; and

23 (b) cover the costs for the establishment, implementation and
24 management of such emergency plan insofar as it relates to the relevant nuclear
25 installation or any action contemplated under this Bill

26 (3) The Authority, prior to issuing a licence shall assess that such
27 plans are effective and practicable for the protection of persons in case of any
28 nuclear or radiological emergency.

Implementation
of Emergency
Plans

29 61.-(1) Where a nuclear or radiological incident or accident occurs,
30 the operator shall implement the emergency plan as approved by the Authority.

1 62.-(1) The Authority shall-

Maintenance and
removal from
records

2 (a) keep and maintain records of the details of every nuclear
3 incident or accident;

4 (b) retain such records for at least 50 years from the date of the
5 incident or accident; and on the request of any person, upon a court order to
6 that effect, make such records available to such person provided that such a
7 person endorses a confidentiality statement

8 (2) Where in the opinion of the Authority, a risk of nuclear damage
9 arising from anything done, being done or purported to have been done, or
10 which has been or is present in any nuclear installation in respect of which a
11 nuclear installation licence is no longer in force, is within safety standards
12 made pursuant to this Bill, the Authority may expunge the particulars in
13 connection to it from the record.

14 PART XVI - TRANSPORTATION OF RADIOACTIVE MATERIAL

15 63.-(1) All authorised persons under this Bill have the primary
16 responsibility for the safety and security of nuclear and other radioactive
17 material and radioactive waste.

Requirements
for Transportation

18 (2) The Authority shall establish requirements for the safe and
19 secure transport of nuclear and other radioactive material and radioactive
20 waste.

21 (3) A consignor, carrier and consignee of radioactive material and
22 radioactive waste shall obtain a licence from the Authority and notify the
23 Authority well in advance and prior to the delivery, transport and receipt of
24 any such material.

25 (4) During transportation, the consignor or the carrier shall be
26 responsible for all damages to workers and the general public arising from
27 inaccurate, wrong or incomplete notification and information.

28 (5) Any nuclear and other radioactive material and radioactive
29 waste stored in transit shall be stored and handled in accordance with the
30 provisions of the appropriate regulations.

1 PART XVII - RADIOACTIVE WASTE AND SPENT FUEL MANAGEMENT

National Policy
and Strategic on
Radioactive Waste
and Spent Fuel
Management

2 64.-(1) The Authority shall develop a national policy for radioactive
3 waste and spent fuel management in collaboration with other relevant agencies
4 and bodies. Such policy shall be subject to the approval of the Federal
5 Executive Council.

6 (2) The Authority shall ensure the implementation of the policy in a
7 manner that reflects Nigeria's international commitment under the Joint
8 Convention on the Safety of Spent Fuel Management and on the Safety of
9 Radioactive Waste Management.

Control of
Radioactive Waste
and Spent Fuel
Management

10 65.-(1) No person or entity shall operate a radioactive waste or spent
11 fuel management facility without an authorisation issued by the Authority.

12 (2) The holder of an authorisation for any nuclear or radiological
13 installation shall prepare and submit to the Authority adequate plans and
14 procedure for the safe storage and management of radioactive waste or spent
15 fuel generated by his activities.

16 (3) The Authority shall ensure the continuous regulatory control of
17 radioactive waste and spent fuel management from generation to disposal.

18 (4) To ensure the safe and secure management of radioactive waste
19 and spent fuel in Nigeria, the Authority shall establish applicable safety and
20 security requirements and regulations for the protection of people and the
21 environment from adverse impacts of radioactive waste and spent fuel
22 management activities in accordance with the Joint Convention on the Safety
23 of Spent Fuel Management and on the Safety of Radioactive Waste
24 Management.

Responsibility
for Safety and
Security of
Radioactive
waste

25 66.-(1) The prime responsibility for ensuring the safety and security
26 of radioactive waste and spent fuel rests with the holder of the relevant
27 authorisation.

28 (2) The responsibility for ensuring the safety and security of
29 radioactive waste or spent fuel for which no licensee or entity can be
30 determined shall rest with the Authority.

1 PART XVIII - INSURANCE AND FINANCIAL RESPONSIBILITY

Insurance cover

2 72.-(1) every operator of a nuclear installation shall maintain an
3 insurance cover with a qualified insurer designated by the Minister of Finance
4 and accredited by the Authority or provide other financial guarantee adequate
5 to cover his civil liability for any nuclear damage imposed on him by this Bill to
6 not less than the equivalent in Naira of 300 million SDRs for any one nuclear
7 damage.

8 (2) Based upon the approval of the Authority, the liability of the
9 operator for any one nuclear damage may be limited to less than the equivalent
10 in Naira of 300 million SDRs, but not less than equivalent in Naira of 150
11 million SDRs, provided that the difference up to at least the equivalent in Naira
12 of 300 million SDRs shall be made available by the Federal Government via
13 appropriation by the National Assembly with a view to covering nuclear
14 damage under this Bill.

15 (3) The insurance cover referred to in subsections (1) and (2) of this
16 section, shall be made available for at least categories 1 and 2 radioactive
17 sources as provided for in the Second Schedule of this Bill.

Nuclear Damage
Compensation
Fund

18 73.-(1) Provision shall be made in the Appropriation Act for a nuclear
19 damage compensation fund which shall be held by the CBN and managed by
20 the Authority.

21 (2) Nuclear Damage Claims Fund from which it shall be granted not
22 less than the initial equivalent in Naira of 450 million SDRs, the financial
23 guarantee required to be made available by the Federal Government of Nigeria
24 with a view to covering nuclear damage, to the extent that the yield of insurance
25 or other financial security is inadequate to satisfy such claims pursuant to this
26 Bill.

27 (3) Where the Authority is satisfied that the total amount of claims of
28 compensation against an operator of a nuclear installation that is unpaid
29 exceeds the amount of security given by such operator under this Bill with
30 respect to such claims, the Authority shall-

1 (a) submit a report to the President of the Federal Republic of
2 Nigeria requesting for approval to pay from funds of the Nuclear Damage
3 Claims Fund appropriated by the National Assembly on the nuclear damage
4 in question, so as to render financial assistance to the operator to the amount
5 by which the claims exceed or are likely to exceed the financial security; and

6 (b) by notice published in the Federal Gazette, suspend the
7 obligation to pay the claims in respect of the nuclear damage until the
8 National Assembly has decided on the recommendation.

9 (3) The liability of a person who has provided or shall provide
10 financial security shall not be affected by any appropriation under
11 subsection (2) of this section.

12 74.-(1) For a ten - year period from the date of entry into force of
13 this Bill, upon approval of the Authority, the liability of the operator may be
14 limited to less than the equivalent in Naira of 100 million SDRs in respect of
15 a nuclear damage occurring within that period, provided that the difference
16 up to the equivalent in Naira of 200 million SDRs shall be made available by
17 the Federal Government via appropriation of the National Assembly, with a
18 view to covering nuclear damage under this Bill.

Limitation of
Liability

19 (2) Every operator of a nuclear installation shall maintain
20 insurance cover with a Federal Government of Nigeria approved insurer
21 acceptable to the Authority or provide other financial guarantees adequate to
22 cover his civil liability for any nuclear damage imposed on him by this Bill
23 to not less than the equivalent in Naira of 1 million SDRs for any one nuclear
24 damage

25 75. Interest and cost that may be awarded by a court in actions for
26 compensation of nuclear damage shall be payable in addition to the amounts
27 pursuant to this Bill.

Interest and Cost

28 76. Persons who have suffered nuclear damage may enforce their
29 rights to compensation by one single action, without having to bring
30 separate proceedings according to the origin of the funds provided for such

Enforcement
of rights

1 compensation.

Financial
Guarantees

2 77.-(1) The Federal Government shall enforce the payment of claims
3 against any operator liable for nuclear damage under this Bill.

4 (2) Where the yield of insurance or other financial guarantee
5 maintained by the operator under this Part falls short of satisfying such claims
6 referred to in subsection (1) the Federal Government shall make additional
7 provision in respect of such claims; provided that in no case shall the civil
8 liability of the Federal Government be less than the equivalent in Naira of 300
9 million SDRs

Responsibility
of operator

10 78. Radiological damage other than nuclear damage shall be dealt
11 with in accordance with relevant national tort laws.

Computation
of Period

12 79. Where a damage is caused by a nuclear or radiological incident or
13 accident arising from nuclear material or radioactive source which at the time
14 of the incident or accident was stolen, lost, jettisoned or abandoned, the period
15 established under this Bill shall be computed from the date of the incident or
16 accident, provided that the period shall in no case exceed twenty years from the
17 date of the theft, loss, jettison or abandonment.

Compensation
of Staff of the
Authority

18 80.-(1) Where a person who is employed in any capacity by or on
19 behalf of the Authority, while so performing services, suffers a personal injury
20 or contracts a disease attributable to ionising radiation from any radioactive
21 material or to the flammable, explosive, poisonous or special properties of
22 radioactive material, or to the ionising radiation produced by any apparatus and
23 in respect of which no liability can be established under this Bill, the Authority
24 shall:

25 (a) defray all reasonable expenses incurred by or on behalf of such
26 person in respect of any medical treatment including, but not limited to the
27 supply and maintenance of any artificial part of the body or other device,
28 necessitated by such injury or disease; and

29 (b) pay any compensation in respect of disablement or death caused
30 by such injury or disease.

1 (2) Nothing in this section shall preclude an employee of the
2 Authority from claiming any benefit other than the compensation under this
3 Bill.

4 PART XIX - LIABILITY FOR NUCLEAR DAMAGE

5 81.-(1) An operator shall be absolutely and exclusively liable for
6 injury or damage done to any person or property upon proof that such
7 damage has been caused by a nuclear or radiological incident or accident-

Absolute Liability
for Nuclear and
Radiological
Damages

8 (a) in a nuclear installation by anything being present or which is
9 done or by nuclear material, radioactive material or material contaminated
10 with radioactive activity which has been discharged or released in any form
11 from any regulated practice or activity; and

12 (b) by any nuclear material, radioactive material or material
13 contaminated with radioactivity, while in the possession of or under the
14 control of the operator during the conveyance from the nuclear or
15 radiological installations, to any other place in Nigeria or in the territorial
16 waters in Nigeria from or to any place outside Nigeria

17 (2) where liability under this Bill in respect of the same injury or
18 damage is incurred by two or more operators, the liability of the operators
19 shall, to the extent that the injury or damage attributable to a breach of duty
20 imposed on each by this Bill is not reasonably separable, be treated as joint
21 and several.

22 (3) where two or more operators are under a duty under this bill, the
23 respective liability of each of them shall be clearly defined in a contractual
24 document.

25 (4) in the case of transport of nuclear or radioactive material, the
26 consignor is liable for nuclear damage until the consignee has taken charge
27 of the material involved, unless the consignor and the consignee enter into a
28 contract to shift liability at another stage of transport.

29 82.-(1) An operator is not liable for injury or damage of any kind
30 described under this Bill where the nuclear or radiological incident resulting

Exceptions

1 in the injury or damage occurred as a direct result of an act of armed conflict in
2 the course of war, invasion or insurrection.

3 (2) An operator is not liable for injury or damage suffered by any
4 person where the nuclear or radiological incident results from the gross
5 negligence of the claimant or an intentional act of the claimant to cause harm.

6 (3) Where a nuclear or radiological incident or accident resulting in
7 any injury or damage described under this Bill occurred wholly or partly as a
8 result of an unlawful act or omission of any person done or omitted to be done
9 with intent to cause injury or damage, any right of recourse of an operator shall
10 be against that person.

Limitations of
the Right to
Compensation

11 83.-(1) Nothing in this Bill shall be construed as limiting or restricting
12 any right or obligation of any person arising under-

13 (a) any contract of insurance, including any insurance required in
14 furtherance of this Bill to be maintained by an operator;

15 (b) any scheme or systems of health or hospitalisation insurance,
16 employees' compensation or occupational disease compensation; or

17 (c) any survivorship or disability provision of or governing any
18 superannuation or pension fund or plan.

19 (2) A person is barred from making a claim for compensation for
20 nuclear damage under this Bill, if the action to establish the claim is not brought
21 within:

22 (a) three years from the date on which the person suffering damage
23 had knowledge or ought reasonably to have had knowledge and of the operator
24 liable for the damage, but in any case not more than thirty (30) years after the
25 incident causing the damage:

26 (b) thirty (30) years from the date of the nuclear incident in the case of
27 loss of life or personal injury; or

28 (c) Ten (10) years from the date of the nuclear incident, in case of any
29 other form of nuclear damage.

30 (3) Any person who has suffered nuclear or radiological damage and

1 who has brought an action for compensation, may amend his claim to take
2 into account any aggravation of damage, even after the expiry of that period,
3 provided that judgment has not been entered by the competent Court.

4 PART XX - NUCLEAR SAFEGUARDS

5 84.-(1) In accordance with Nigeria's international obligations, the
6 Authority shall-

Implementation
of Nuclear
Safeguards Regime

7 (a) implement the Comprehensive Safeguards Agreement and the
8 Protocol Additional to the Safeguards Agreement signed between Nigeria
9 and the International Atomic Energy Agency on all sources or special
10 fissionable material in all peaceful nuclear activities within Nigeria for the
11 purpose of verifying that such material is not diverted to nuclear weapons or
12 other nuclear explosive devices;

13 (b) cooperate with the International Atomic Energy Agency to
14 facilitate the implementation of safeguards under the Safeguards Agreement
15 and the Additional Protocol;

16 (c) establish and maintain a State System of Accounting for and
17 Control of all nuclear material subject to safeguards;

18 (d) provide the International Atomic Energy Agency with
19 information concerning nuclear material subject to safeguards and the
20 features of installations relevant to safeguarding such material; and

21 (e) take all necessary steps to ensure that International Atomic
22 Energy Agency inspectors can effectively discharge their functions under
23 the Safeguards Agreement and Additional Protocol.

24 85. The Authority shall ensure effective conduct of safeguards in
25 Nigeria by establishing and implementing-

Nuclear
Safeguards
Measurements

26 (i) a measurement system;

27 (ii) a system for the evaluation of measurement accuracy;

28 (iii) procedures for reviewing measurement differences;

29 (iv) procedures for carrying out physical inventories;

30 (v) a system for evaluation of unmeasured inventories;

- 1 (vi) records and reports systems for all material balance areas; and
2 (vii) procedures for reporting to the International Atomic Energy
3 Agency (IAEA).

Prohibition on
Possession of
Nuclear Explosives

4 86. -(1) In accordance with Nigeria's commitment to the full
5 implementation of the African Nuclear Weapons Free Zone Treaty (Pelindaba
6 Treaty):

7 (a) no person shall receive from any transferor of nuclear weapons or
8 other nuclear explosive devices or control over such weapons or explosive
9 devices, directly or indirectly to manufacture or otherwise acquire nuclear
10 weapons or other nuclear explosive devices, or receive any assistance in the
11 manufacture of nuclear weapons or other nuclear explosive devices;

12 (b) no person shall provide any form of support to non-state actors to
13 develop, acquire, manufacture, possess, transport, transfer, use or threaten to
14 use nuclear weapons or explosive devices or radiological dispersal devices.

15 (c) persons intending to carry out research and development activities
16 related to the nuclear fuel cycle shall provide the Authority information on
17 these activities prior to the commencement, regardless of whether these
18 activities involve nuclear material; and

19 (d) any person performing activities subject to the Safeguards
20 Agreement and the Additional Protocol, shall submit to the Authority
21 information and data necessary for compliance with the undertaking by
22 Nigeria arising from such instruments.

23 PART XXI - IMPORT AND EXPORT CONTROL

Requirements
for Import and
Export

24 87.-(1) The Authority shall not issue any import licence under this Bill
25 except with the prior notification by the person exporting or the exporting
26 country of the category of radioactive sources or nuclear material to be
27 imported to the country.

28 (2) The Authority shall implement the provisions of the Code of
29 Conduct on the Safety and Security of Radioactive Sources and its associated
30 Guidance on the Import and Export of Radioactive Sources.

1 (3) The Authority shall establish an import and export
2 authorisation regime for all categories of sources, by requesting for consent,
3 evaluation of request, notification prior to shipment as a means of ensuring
4 safety and security as provided for in the regulations.

5 (4) The import of some categories of radioactive sources may only
6 be authorised where there is a contract with the supplier for the return of the
7 source to the country of origin at the end of its useful life.

8 **88.**-(1) The Authority shall-

9 (a) in collaboration with the Nigeria Customs Service and such
10 other relevant agencies and bodies, designate land, air and sea ports as entry
11 points through which radioactive sources, nuclear material and sources
12 emitting ionising radiation shall be imported into Nigeria;

13 (b) in collaboration with such other agencies and bodies, monitor
14 all land, air and sea ports designated as entry points for import, transit and
15 transshipment or export of radioactive sources, nuclear materials, devices
16 generating ionising radiation, equipment and technology; and

17 (c) take such steps as are necessary to monitor all scrap metal
18 dealers, steel recycling and rolling plants in the country including the import
19 and export of scrap metal.

20 **89.**-(1) The Authority shall establish and publish a national list of
21 controlled items, including nuclear material, pursuant to Nigeria's
22 international obligations:

23 (2) The import of some categories of radioactive sources may only
24 be authorised when there is a contract with the supplier for the return of the
25 source to its country of origin at the end of its useful life.

26 **PART XXII - NUCLEAR SECURITY AND NATIONAL CENTRE FOR**

27 **NUCLEAR SECURITY**

28 **90.**-(1) Any person authorised by the Authority for any nuclear
29 installation, radioactive waste management facility, practices or ionising
30 radiation sources shall have the prime responsibility for the safety and

Monitoring of
Import and Export

List of Controlled
Items

Prime
responsibility for
safety and security

1 security of the installation, facility, practice or source.

2 (2) Prior to commencing any activity, a licensee shall submit to the
3 Authority a plan to deal with cyber security threats and shall establish,
4 implement and maintain a cyber-security plan that shall include measures for
5 incident response and recovery from cyber attacks.

6 (3) Any person whose licence is revoked or invalidated or suspended
7 shall continue to have the prime responsibility for the safety and security of any
8 nuclear material and radiation sources under his custody.

9 (4) The Authority shall take appropriate measures necessary for
10 safety culture and for security culture with respect to radioactive sources in a
11 manner consistent with the provisions of the regulations and this Bill.

Requirements
for security and
physical protection

12 91.-(1) The Authority shall establish requirements for the physical
13 protection of nuclear installations, radiological facilities, nuclear materials and
14 radioactive sources, including:

15 (a) a categorisation of material based on an assessment of damage that
16 could result from theft or diversion of a certain type and quantity of material
17 from authorised uses or sabotage of a facility utilising that material;

18 (b) physical protection measures necessary for different categories of
19 radioactive material either in use, storage or transportation;

20 (c) a system of authorisation including licence conditions for physical
21 protection;

22 (d) a system of inspection and monitoring to verify compliance with
23 applicable physical protection requirements; and

24 (e) enforcement measures in case of non-compliance or violation of
25 applicable regulations or licence conditions.

Responsibility
of authorised
persons

26 92.-(1) A person authorised to conduct activities or practices utilising
27 nuclear material and other radioactive material and related facilities shall-

28 (a) primarily be responsible for ensuring the security and physical
29 protection of such materials pursuant to applicable regulations and licence
30 conditions;

1 (b) ensure that the implementation of safety and security
2 requirements satisfies both safety and security objectives;

3 (c) be responsible for managing the implementation of safety
4 requirements and security requirements by ensuring close cooperation
5 between safety managers and security managers, with the objective of
6 minimising risks; and

7 (d) ensure that safety and security measures are designed and
8 implemented in such a manner that they do not compromise each other and
9 also establish mechanisms to resolve potential conflicts and to manage
10 safety-security interfaces.

11 (2) No person shall engage in illicit trafficking of any nuclear
12 material or other radioactive material and related facilities.

13 **93.**-(1) No person shall demand radioactive or nuclear material or a
14 device by threat, or by use of force, or by any other form of intimidation.

Threat or Use
of Force

15 (2) No person shall receive, possess, transfer, alter, damage or
16 dispose of radioactive/nuclear material or possess a device with the intent to
17 cause death, serious bodily injury, substantial damage to property or to the
18 environment or which causes or is likely to cause death or serious injury to
19 any person or substantial damage to property or to the environment.

20 (3) No person shall use or damage a nuclear facility or interfere
21 with its operation, or commit any other act directed against a nuclear facility
22 in a manner which releases or risks the release of radioactive material.

23 (4) No person shall make a threat to-

24 (a) use nuclear material to cause death or serious injury to any
25 person or substantial property damage, or

26 (b) commit an offence described in subsection (4)(a) of this section
27 in order to compel a natural or legal person, international organisation or
28 Nigeria to do or to refrain from doing any act;

29 **94.**-(1) Where there has been a theft, threat of theft or loss of Duty to Report

1 nuclear material or other radioactive material from a facility, the licensee shall-

2 (a) notify the Authority immediately of the circumstances of the
3 incident;

4 (b) provide written information, including particulars, to the
5 Authority within 48 hours after the notification; and

6 (c) provide the Authority with any additional information as may be
7 requested

National Centre
for Nuclear
Safety

8 95.-(1) There shall be established a National Centre for Nuclear
9 Security.

10 (2) The functions of the National Centre for Nuclear Security shall
11 include:

12 (a) supporting and facilitating the systematic development of
13 sustainable human resources through the implementation of a tailored National
14 Nuclear Security Training Programme;

15 (b) ensuring and enhancing sustainability in national nuclear security
16 human resource development by cooperating with other national and
17 international institutions;

18 (c) ensuring that the Centre provides technical support services for
19 life cycle equipment management and scientific support for the prevention,
20 detection of and response to nuclear security events;

21 (d) collaborate with other national and international institutions with
22 similar objectives; and

23 (e) Carry out any other functions as may be determined by the Nuclear
24 Security Committee.

25 (3) The structure, designation and other matters relating to the Centre
26 shall be as determined by the National Nuclear Security Committee.

27 PART XXIII - APPEAL IN RESPECT OF LICENCE AND DISPUTE RESOLUTION

Appeal in respect
of license

28 96.-(1) Any person may appeal to the Authority against a decision
29 relating to a licence or to an application for a license or for renewal.

30 (2) Where such person is not satisfied with the decision of the

1 Authority, he may further appeal to the Board, giving reasons against such a
2 decision in writing.

3 (3) Provided that such an appeal shall not have the effect of
4 suspending the regulatory decision until the appeal is decided

5 97.-(1) The operators and persons subject to this Bill shall be bound Dispute resolution
6 by the provisions of the guidelines made under this Bill.

7 (2) The Authority shall have powers to resolve disputes between
8 persons who are subject to this Bill regarding any matter under this Bill or its
9 subsidiary legislation.

10 (3) A party shall not have recourse to litigation until he has
11 exhausted the dispute resolution mechanisms provided in this Bill or the
12 Guidelines under this Bill.

13 (4) The period spent on alternative dispute resolution under this
14 Bill shall not be counted in determining the limitation time under the
15 relevant Limitation Laws.

16 PART XXIV - LEGAL PROCEEDINGS

17 98. No suit shall be commenced against the Authority, a member Pre-action notice
18 of the Board, the Director-General or any officer or employee of the
19 Authority in their official capacity unless one month notice of intention to
20 commence the suit has been served upon the Authority by the intending
21 plaintiff or his agent; and the notice shall clearly and explicitly state the
22 cause of action, the particulars of the claim, the name and address of the
23 intending plaintiff and the relief which he claims

24 99. The Authority shall have power to prosecute offences under Power to
prosecute
25 this Bill

26 100. Any sum of money which by the judgment of any court has Defrayment
of Judgment sum
27 been awarded against the Authority shall, subject to any direction given by
28 the court, where no notice of appeal against the judgment has been given, be
29 paid from the Fund of the Authority

Indemnity of
staff

1 **101.** A member of the Board, the Director-General or any officer or
2 employee of the Authority shall be indemnified out of the assets of the
3 Authority against any liability incurred by him in defending any proceeding,
4 whether civil or criminal, where the proceeding is brought against him in his
5 capacity as a member of the Board, Director-General, officer or other
6 employee of the Authority.

7 **PART XXV - JURISDICTION**

Competent court

8 **102.** The Federal High Court shall have exclusive jurisdiction over
9 all claims on nuclear materials, nuclear or radiological incidents or accident, or
10 for civil or criminal liability relating to these matters.

Non-
discrimination

11 **103.** In the event of nuclear or radiological incident or accident
12 affecting victims of States other than the incident state, there shall be no
13 discriminatory treatment based on nationality, domicile or place of residence in
14 the payment of compensation.

15 **PART XXVI - OFFENCES AND PENALTIES**

Offences and
Penalties

16 **104.**-(1) Any person who contravenes any of the provisions of this
17 Bill, or does not comply with a limitation or condition subject to which he is
18 authorised under this Bill is guilty of an offence and liable on conviction to
19 imprisonment for not less than 1 year or a fine of not less than N1,000,000 or to
20 such fine and imprisonment.

21 (2) Any person who undertakes any practice or services involving
22 nuclear material and/or radiation sources on any premises in Nigeria without
23 due authorisation commits an offence and shall-

24 (a) in the case of an individual, be liable on conviction to
25 imprisonment for a term of not less than 2 years or an option of fine of not less
26 than N2,000,000 or to both such fine and imprisonment;

27 (b) in the case of a body corporate, be liable on conviction to a fine of
28 not less than N10,000,000 and

29 (c) any offending Director or officer of the body corporate shall on
30 conviction be liable to imprisonment for a term of not less than 2 years.

1 (3) Any person who imports or exports any radioactive source
2 without a licence from the Authority, commits an offence and shall-

3 (a) in the case of an individual, be liable on conviction to
4 imprisonment for a term of not less than 2 years or an option of fine of not
5 less than N2,000,000 or to both such fine and imprisonment;

6 (b) in the case of a body corporate, be liable on conviction to a fine
7 of not less than N10,000,000 and

8 (c) any offending Director or officer of the body corporate shall on
9 conviction be liable to imprisonment for a term of not less than 2 years or an
10 option of fine of not less than N2,000,000 or to both such fine and
11 imprisonment.

12 (4) Any operator of a radiological facility under this Bill, who fails
13 to take measures to secure any radioactive source in such manner as to result
14 in unauthorised access, theft or loss of control of such sources, commits an
15 offence and shall-

16 (a) in the case of an individual, be liable on conviction to
17 imprisonment for a term of not less than 2 years or a fine of not less than
18 N3,000,000 or to both such fine and imprisonment;

19 (b) in the case of a body corporate, be liable on conviction to a fine
20 of not less than N10,000,000; and

21 (c) any offending Director or officer of the body corporate shall
22 each on conviction be liable to imprisonment for a term of not less than 2
23 years or an option of fine of not less than N3,000,000 or to both such fine and
24 imprisonment.

25 (5) Any person who imports or exports any nuclear material or
26 proscribed substances without a licence from the Authority, commits an
27 offence and shall-

28 (a) in the case of an individual, be liable on conviction to
29 imprisonment for a term of not less than 5 years or an option of fine of not
30 less than N5,000,000 or to both such fine and imprisonment;

1 (b) in the case of a body corporate, be liable on conviction to a fine of
2 not less than N20,000,000 and

3 (c) The offending Director or officer of the body corporate shall on
4 conviction be liable to imprisonment for a term of not less than 5 years or an
5 option of fine of not less than N5,000,000 or to both such fine and
6 imprisonment

7 (6) Any operator of nuclear installation under this Bill, who fails to
8 take measures to secure any nuclear material in such manner as to result in
9 unauthorised access, theft or loss of control of such materials or sources,
10 commits an offence and shall-

11 (a) in the case of an individual, be liable on conviction to
12 imprisonment for a term of not less than 5 years or a fine of not less than
13 N10,000,000 or to both such fine and imprisonment; or

14 (b) in the case of a body corporate, be liable on conviction to a fine of
15 not less than N50,000,000; and

16 (c) any offending Director or officer of the body corporate shall on
17 conviction be liable to imprisonment for a term of not less than 5 years or a fine
18 of not less than N10,000,000 or to both such fine and imprisonment.

19 (7) Any person who carries out any activity referred to in this Bill and
20 at the end of the activity abandoned, decommissioned or rehabilitated the
21 installations thereof without a licence issued by the Authority commits an
22 offence and shall:

23 (a) in the case of an individual, be liable on conviction to
24 imprisonment for a term of not less than 5 years or a fine of not less than
25 N5,000,000 or to both such fine and imprisonment; or

26 (b) in the case of a body corporate, be liable on conviction to a fine of
27 not less than N25,000,000 and

28 (c) any offending Director or officer of the body corporate shall on
29 conviction be liable to imprisonment for a term of not less than 5 years or a fine
30 of not less than N5,000,000 or to both such fine and imprisonment.

1 (8) Any person who contravenes the provisions of section 87 of this
2 Bill commits an illicit trafficking offence and shall be liable on conviction:

3 (a) in the case of an individual, to imprisonment for a term of not
4 less than 5 years or a fine of not less than N5,000,000 or to both such fine and
5 imprisonment;

6 (b) in the case of a body corporate, to a fine of not less than
7 N25,000,000; and

8 (c) any offending Director or officer of the body corporate shall on
9 conviction be liable to imprisonment for a term of not less than 5 years or a
10 fine of not less than N5,000,000 or to both such fine and imprisonment.

11 (9) Any person who, by any electronic means, compromises the
12 security of any nuclear or other high activity installations commits an
13 offence and shall be liable on conviction to a term of imprisonment for 5
14 years.

15 (10) A consignor, consignee, transporter and/or freight forwarder
16 (by air, land or sea) of nuclear material, radioactive material or wastes that
17 breaches the provisions of section 63 of this Bill commits an offence and
18 shall be liable financially or otherwise for all incidents or accidents during
19 transportation or storage in transit of the nuclear material, radioactive
20 sources and/or wastes.

21 (11) Any person who contravenes the nuclear non-proliferation
22 status of Nigeria commits an offence and shall be liable on conviction to a
23 term of imprisonment of not less than 25 years. In the case of a body
24 corporate, to a fine of not less than N100,000,000.

25 (12) Any person who sabotages the safety or security of any
26 nuclear installation, nuclear material or other radioactive material in use,
27 storage or transportation or who sabotages any detection equipment such
28 that the act endangers or is likely to endanger national security or poses
29 danger to health or the environment, commits an offence and shall-

30 (a) in the case of an individual, be liable on conviction to a term of

1 imprisonment of not less than 25 years without an option of fine; or

2 (b) in the case of a body corporate, the offending Director or officer of
3 the body corporate shall be liable on conviction to a term of imprisonment of
4 not less than 25 years without an option of fine.

5 (13) Any person who receives, uses, possesses, transfers, alters,
6 disposes or who obtains by theft, robbery or fraudulent means, any radioactive
7 or nuclear material with the intent to cause-

8 (a) death or serious bodily injury,

9 (b) substantial damage to property or to the environment; or

10 (c) which causes or is likely to cause death or serious injury to any
11 person or substantial damage to property, facility or the environment commits
12 an offence and shall be liable on conviction to life imprisonment.

13 (14) Any person who demands radioactive or nuclear material or a
14 device by threat of grievous harm or by use of force, or by any other form of
15 intimidation commits an offence and is liable on conviction to life
16 imprisonment.

17 (15) Any person who participates in the financing, planning
18 preparation or perpetration of nuclear terrorist acts or in supporting terrorist act
19 commits an offence and is liable to life imprisonment.

20 (16) Any person who, having had his licence revoked or invalidated or
21 suspended, pursuant to section 44, fails to maintain primary responsibility for
22 the safety and security of any nuclear material and radiation sources under his
23 custody commits an offence and shall-

24 (a) in the case of an individual, to a term of imprisonment for 5 years
25 or a fine of not less than N5,000,000 or both such fine and imprisonment; or

26 (b) in the case of a body corporate, to a fine of not less than
27 N25,000,000; and

28 (c) any offending Director or officer of the body corporate shall on
29 conviction be liable to imprisonment for 10 years or a fine of not less than
30 N5,000,000 or to or to both such fine and imprisonment.

1 (17) The fine payable under this Bill shall be reviewed every Five
2 (5) years by the Authority and the reviewed fines shall take effect from the
3 date of publication in the Federal Gazette.

4 (18) in all cases, the courts, in imposing any punishment under this
5 Bill shall be guided by the sentencing guideline provided in the
6 Administration of Criminal Justice Act, 2015.

7 **105.-(1)** In furtherance to provisions of section 41 of this Bill, no
8 person shall-

Obstruction and/
or False Declaration
to Inspector

9 (a) knowingly make a false or misleading statement to an
10 inspector; or

11 (b) deliberately obstruct or hinder or attempt to obstruct or hinder
12 an inspector from carrying out his functions under this Bill.

13 (2) Where an inspector from the Authority identifies himself to an
14 operator, the operator shall immediately allow the inspector access to the
15 facility.

16 (3) It shall be an offence punishable under the Bill for an operator to
17 obstruct, delay, deny or hinder an inspector from performing his duties
18 under the Bill.

19 **106.-(1)** Upon entry into force of this Bill, its provisions shall be
20 applied to pending applications for authorisation.

Savings and
transition

21 (2) All authorisations granted under The Nuclear Safety and
22 Radiation Protection Act No.19 of 1995 shall be considered to have been
23 granted under this law, until such time as such authorisation has been
24 reissued, renewed, suspended, revoked or otherwise modified by the
25 Authority pursuant to applicable laws and regulations.

26 PART XXVII - MISCELLANEOUS

27 **107.** In this Bill-

Interpretation

28 "accident" means any unintended event, including operating errors,
29 equipment failures and other mishaps, the consequences or potential
30 consequences of which are not negligible from the point of view of

1. protection or safety;
- 2 "activities and facilities" is a general term encompassing nuclear facilities,
- 3 uses of all sources of ionising radiation, all radioactive waste management
- 4 activities, transport of radioactive material and any other practice or
- 5 circumstances in which people may be exposed to radiation from naturally
- 6 occurring or artificial sources;
- 7 "authorisation" means permission granted in a document by the Authority to a
- 8 legal person who has submitted an application to carry out a practice or any
- 9 other action described in the Bill or regulations made thereunder. The
- 10 authorisation can take the form of a registration or a licence;
- 11 "authorised officer" includes qualified persons employed or engaged by the
- 12 Authority to carry out any function under this Bill;
- 13 "clearance" means the removal of radioactive material or radioactive objects
- 14 within authorised practices from any further control by the Authority;
- 15 "code of conduct" means International Atomic Energy Agency Code of
- 16 Conduct on the Safety and Security of Radioactive Sources
- 17 (IAEA/CODEOC/2004);
- 18 "Authority" means the Nigerian Nuclear Regulatory Authority established
- 19 under section 2 of this Bill;
- 20 "contamination" means the presence of radioactive substances in or on a
- 21 material or the human body or other place where they are undesirable or could
- 22 be harmful;
- 23 "decommissioning" means all steps leading to the release of a facility, other
- 24 than a disposal facility, from regulatory control other than confirming the
- 25 decommissioned status of a facility. These steps include the processes of
- 26 decontamination and dismantling;
- 27 "disposal" means the emplacement of spent fuel or radioactive waste in an
- 28 appropriate facility without the intention of retrieval;
- 29 "emergency plan" means a set of procedures to be implemented in the event of
- 30 an accident;

1 "IAEA" means the International Atomic Energy Agency;

2 "IAEA GSR Part 3" refers to the Radiation Protection and Safety of
3 Radiation Sources: International Basic Safety Standards: General Safety
4 Requirements Part 3 No. GSR Part 3;

5 "exclusion" means exposures that are not amenable to regulatory control
6 such as those from natural sources like cosmic rays;

7 "exemption" means the determination by the Authority that a source or
8 practice need not be subject to some or all aspects of regulatory control on
9 the basis that the exposure (including internal exposure) due to the source or
10 practice is too small to warrant the application of those aspects or that it is the
11 optimum option for protection irrespective of the actual level of the doses or
12 risks;

13 "facilities and activities" means nuclear facilities, uses of all sources of
14 ionising radiation, all radioactive waste management activities, transport of
15 radioactive material and any other practice or circumstances in which
16 people may be exposed to radiation from naturally occurring or artificial
17 sources;

18 "Graded approach" means for a system of control, such as a regulatory
19 system or a safety system, a process or method in which the stringency of the
20 control measures and conditions to be applied is commensurate, to the
21 extent practicable, with the likelihood and possible consequences of, and the
22 level of risk associated with, a loss of control;

23 "incident" means any unintended event, including operating errors,
24 equipment failures, initiating events, accident precursors, near misses or
25 other mishaps, or unauthorised act, malicious or non-malicious, the
26 consequences or potential consequences of which are not negligible from
27 the point of view of protection or safety;

28 "Licence" means a legal document issued by the Authority granting
29 authorisation to perform specified activities related to a facility or activity;

30 "Licensee" means the holder of a current licence granted by the Authority

1 for an activity or practice who has recognised rights and duties for the activity
2 or practice, particularly in relation to safety and security;

3 "medical exposure" means exposure incurred by patients for the purposes of
4 medical or dental diagnosis or treatment; by carers and comforters; and by
5 volunteers subject to exposure as part of a programme of biomedical research.

6 "meeting" includes video conference meeting;

7 "notification" means a document submitted to the Authority by a legal person
8 to notify an intention to carry out a practice involving nuclear and/or
9 radioactive material;

10 "nuclear accident" means any accident involving facilities or activities from
11 which a release of radioactive material occurs or is likely to occur and which
12 has resulted or may result in an international transboundary release that could
13 be of radiological safety significance for another State;

14 "nuclear damage" means-

15 (a) loss of life or personal injury;

16 (b) loss of or damage to property; and each of the following to the
17 extent determined by the law of the competent court;;

18 (c) economic loss arising from loss or damage referred to in sub-
19 paragraph (a) or (b) of this paragraph, insofar as not included in those
20 paragraphs, if incurred by a person entitled to claim in respect of such loss or
21 damage;

22 (d) the costs of measures of reinstatement of impaired environment,
23 unless such impairment is insignificant, if such measures are actually taken or
24 to be taken, and insofar as not included in sub-paragraph (b) of this paragraph;

25 (e) loss of income deriving from an economic interest in any use or
26 enjoyment of the environment, incurred as a result of a significant impairment
27 of that environment, and insofar as not included in sub-paragraph (b) of this
28 paragraph;

29 (f) the costs of preventive measures, and further loss or damage
30 caused by such measures; and

1 (g) any other economic loss, other than any caused by the
2 impairment of the environment, if permitted by the general law on civil
3 liability of the competent court, in the case of sub-paragraphs (a) to (e) and
4 (f) of this paragraph, to the extent that the loss or damage arises out of or
5 results from ionising radiation emitted by any source of radiation inside a
6 nuclear installation, or emitted from nuclear fuel or radioactive products or
7 waste in, or of nuclear material coming from, originating in, or sent to, a
8 nuclear installation, whether so arising from the radioactive properties of
9 such matter, or from a combination of radioactive properties with toxic,
10 explosive or other hazardous properties of such matter;

11 "nuclear fuel" means fissionable nuclear material in the form of fabricated
12 elements for loading into the reactor core of a civil nuclear power plant or
13 research reactor;

14 "nuclear fuel cycle" means all operations associated with the production of
15 nuclear energy, including mining, milling, processing and enrichment of
16 uranium or thorium; manufacture of nuclear fuel; operation of nuclear
17 reactors; reprocessing of nuclear fuel; decommissioning; and any activity
18 for radioactive waste management and any research and development
19 activity related to any of the foregoing;

20 "nuclear incident" means any occurrence or series of occurrences having the
21 same origin which causes nuclear damage or, but only with respect to
22 preventive measures, creates a grave and imminent threat of causing such
23 damage;

24 "nuclear installation" means a nuclear fuel fabrication plant, research
25 reactor (including subcritical and critical assemblies), nuclear power plant,
26 spent fuel storage facility, enrichment plant or reprocessing facility;

27 "nuclear material" means Plutonium except that with isotopic concentration
28 exceeding 80% in plutonium-238; uranium-233; uranium enriched in the
29 isotope 235 or 233; uranium containing the mixture of isotopes as occurring
30 in nature other than in the form of ore or ore residue; any material containing

- 1 one or more of the foregoing;
- 2 "nuclear material capable of causing nuclear damage" see "nuclear material",
- 3 "nuclear damage"
- 4 "nuclear reactor" means any structure containing nuclear fuel in such an
- 5 arrangement that a self-sustaining chain process of nuclear fission can occur
- 6 therein without an additional source of neutrons;
- 7 "nuclear safety" means the achievement of proper operating conditions,
- 8 prevention of accident and mitigation of accident consequences; resulting in
- 9 protection of workers, the public and the environment from undue radiation
- 10 risks;
- 11 "nuclear security" means the prevention and detection of, and response to,
- 12 criminal or intentional unauthorised act involving nuclear material, other
- 13 radioactive material, associated facilities or associated activities;
- 14 "operator" means any organisation or person applying for authorisation or
- 15 authorized and/or responsible for safety when undertaking activities or in
- 16 relation to any nuclear facilities or sources of ionising radiation;
- 17 "orphan source" means a radioactive source that is not under regulatory
- 18 control, either because it has never been under regulatory control or because it
- 19 has been abandoned, lost, misplaced, stolen or otherwise transferred without
- 20 proper authorization;
- 21 "practice" means any human activity that introduces additional sources of
- 22 exposure or exposure pathways or extends exposure to additional people or
- 23 modifies the network of exposure pathways from existing sources, so as to
- 24 increase the exposure or the likelihood of exposure of people or the number of
- 25 people exposed;
- 26 "premises" includes any land whether covered by a building or not and includes
- 27 any underground and any land covered by water;
- 28 "President" means the President of the Federal Republic of Nigeria;
- 29 "providers of consumer products" includes the designers, manufacturers,
- 30 producers, constructors, installers, distributors, sellers, and importers and

1 exporters of consumer products;

2 "radiation source" means a radiation generator, or a radioactive source or
3 other radioactive material outside the nuclear fuel cycles of research and
4 power reactors;

5 "radioactive material" means a material designated in this Act and by the
6 Authority as being subject to regulatory control because of its radioactivity;

7 "radioactive source" means radioactive materials that is permanently sealed
8 in a capsule or closely bonded, in a solid form and which is not exempt from
9 the Authority's control; it also means any radioactive material released if the
10 radioactive source is leaking or broken, but does not mean material
11 encapsulated for disposal, or nuclear material within the nuclear fuel cycles
12 of research reactors;

13 "radioactive waste management" means All administrative and operational
14 activities involved in the handling, pretreatment, treatment, conditioning,
15 transport, storage and disposal of radioactive waste;

16 "radioactivity" means the phenomenon whereby atoms undergo
17 spontaneous random disintegration, usually accompanied by the emission
18 of radiation;

19 "radiological installation" means installations other than nuclear
20 installations;

21 "registration" means a form of authorisation for practices of low or moderate
22 risk whereby the legal person responsible for the practice has, as
23 appropriate, prepared and submitted a safety assessment of the facilities and
24 equipment to the Authority. The practice or use is authorised with conditions
25 or limitations as appropriate;

26 "regulations" means a collection of instructions for the handling and use of
27 nuclear materials, equipment and various sources of ionising radiation
28 formulated by the Authority;

29 "reprocessing" means a process or operation, the purpose of which is to
30 extract radioactive isotopes from spent fuel for further use;

- 1 "sabotage" means any deliberate act directed against a nuclear facility or
2 nuclear material in use, storage or transport which could directly or indirectly
3 endangers the health and safety of personnel, the public and the environment
4 by exposure to radiation or release of radioactive substances;
- 5 "safety culture" means the assembly of characteristics and attitudes in
6 organisations and individuals which establishes that, as an overriding priority,
7 protection and safety issues receive the attention warranted by their
8 significance;
- 9 "safety requirement" means the generally applicable requirements to be
10 fulfilled in safety assessment for facilities and activities, as published in the
11 IAEA Safety Standards for protecting people and the environment: Safety
12 Assessment for Facilities and Activities General Safety Requirements No.
13 GSR Part 4 (Rev.1);
- 14 "security culture" means characteristics and attitudes in organisations and of
15 individuals which establish that security issues receive the attention warranted
16 by their significance;
- 17 "source of ionising radiation" means any source of radiation, for the purposes
18 of radiation protection, capable of producing ion pairs in biological material(s)
- 19 "special fissionable material" means plutonium-239; Uranium-233; Uranium
20 enriched in the isotope 235 or 233; any material containing one or more of the
21 foregoing, and such other fissionable material as determined by the IAEA. The
22 term "special fissionable material" does not include source material;
- 23 "source" Anything that may cause radiation exposure - such as by emitting
24 ionising radiation or by releasing radioactive substances or radioactive
25 material - and can be treated as a single entity for purposes of protection and
26 safety;
- 27 "source material" means Uranium containing the mixture of isotopes occurring
28 in nature; Uranium depleted in the isotopes 235; Thorium; any of the foregoing
29 in the form of metal alloy, chemical compound or concentrate; any of other
30 material containing one or more of the foregoing in such concentration as the

1 IAEA may determine;
2 "SDR" refers to Special Drawing Right which is the unit of account defined
3 by the International Monetary Fund and used by it for its own operations and
4 transactions;

5 "strong background" refers to the characteristic of being well-informed,
6 knowledgeable, scholarly or erudite as well as having up to a decade worth
7 of experience in a field, and being regarded as an authority within that field;

8 "threat assessment" means the process of analysing systematically the
9 hazards associated with facilities, activities or sources within or beyond the
10 borders of Nigeria in order to identify:

11 (a) those events and the associated areas for which protective
12 actions may be required within Nigeria;

13 (b) the actions that would be effective in mitigating the
14 consequences of such events;

15 "waste" include:

16 (a) substance which constitute scrap material or an effluent or other
17 unwanted surplus substance arising from the application or any process and
18 also includes any substance or article which is required to be disposed of as
19 being broken, worn out, contaminated or otherwise spoilt;

20 (b) any substance or article which in the course of carrying on any
21 process provided for in this Act is discharged, discarded or otherwise dealt
22 with as if it were waste shall for the purposes of this Act be presumed to be
23 waste unless the contrary.

24 "WMO" means - Waste Management Organisation

25 108. This Bill may be cited as the Nuclear Safety and Radiation Short title
26 Protection Act, 1995 (Repeal and Re-Enactment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Nuclear Safety and Radiation Protection Act No. 19 of 1995, and Re-Enact the Safety and Radiation Bill, 2019 by re-establishing the Nigerian Nuclear Regulatory Authority in order to provide for Nuclear Security and Safeguards.