

ACT

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THE NUCLEAR SAFETY AND RADIATION PROTECTION ACT, 2012

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SIGNED this 19th day of July, 2012.

DR. ERNEST BAI KOROMA,
President.

No. 7



2012

Sierra Leone

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**THE NUCLEAR SAFETY AND RADIATION
PROTECTION ACT, 2012**

Short title.

Being an Act to provide for the establishment of the Nuclear Safety and Radiation Protection Authority to exercise regulatory and supervisory control for the beneficial and peaceful uses of radioactive substances and their applications, including licensing, inspection and enforcement throughout Sierra Leone; to provide adequate protection to the public, workers and the environment against the harmful effects of ionizing radiation; to provide for Sierra Leone to meet its obligations under relevant international treaties, in particular, the Treaty on Non-Proliferation of Nuclear Weapons and the Agreement between Sierra Leone and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in Connection with the Non-Proliferation Treaty; to provide for the establishment of the Radiation Protection Board as the governing body of the Authority and for other related matters

[

] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I—PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires-

“activity” means the design, manufacture, construction, import, maintenance, repair, transfer, decommissioning or possession of radiation sources for industrial, education, research, agriculture and medical purposes;

“atomic energy” means any type of energy emitted from radioisotopes, nuclear reaction, x-ray equipment or other radiation generators emitting ionizing radiation;

“Authority” means the Nuclear Safety and Radiation Protection Authority established by section 3;

“Board” means the Radiation Safety and Radiation Protection Board established by section 15;

“Chairman” means the Chairman of the Board appointed under subsection (2) of section 15;

“Chief Radiation Protection Officer” means the person appointed under section 24;

“Code of Practice” means a collection of instructions for the handling and use of nuclear materials, equipment and various sources of ionizing radiation formulated by the Board;

“contamination” means, in relation to a substance or article, the absorption and mixture or adhesion of radioactive material or radioactive waste so as to become radioactive;

“court” means the High Court of the Republic of Sierra Leone;

“Convention on the Physical Protection of Nuclear Material” (CPPNM) means the convention on Physical Protection Nuclear Material entered into force on 8th February, 1987;

“Design Basis Threat (DBT) means a set of adversary characteristics for which operators and state organisations together have protection responsibly and accordability;

“discharge” means planned and controlled release into the environment, as a legitimate practice, within limits authorized by the Authority, liquid or gaseous radioactive materials that originate from regulated nuclear facilities during normal operation;

“disposal” in relation to waste, includes its removal, deposit or destruction, discharge, whether into water or into the air, into a sewer or drain or otherwise, or burial, whether underground or otherwise;

“Executive-Secretary” means the Executive-Secretary of the Authority appointed under section 24;

“exemption” means any declaration -

- (a) by the Nuclear safety and Radiation Protection Authority that a source or practice need not be subject to some or all aspects of regulatory control on the basis that the exposure (including potential exposure) due to the source or practice is too small to warrant the application of those aspects; or

- (b) by the IAEA of certain nuclear material need not be subject to the application of safeguards;

"exemption level" means -

- (a) a quantity of radioactivity below 3.7 kilo Becquerel per gram;
- (b) a specific radioactivity below 74 Becquerel per gram;

"export" means the physical transfer into an exporting state or to a recipient of an importing state, originating from an exporting state, of nuclear and other radioactive materials, including sources;

"facility", means irradiation installations, mining and milling facilities, waste management facilities and any other place where radioactive materials are produced, processed, used, handled, stored or disposed of or where radiation generators are installed on such a scale that protection and safety is required;

"Government" means the Government of Sierra Leone;

"IAEA" means the International Atomic Energy Agency;

"import" means the physical transfer, into an importing state or to a recipient of an importing state, originating from an exporting state, of nuclear and other radioactive materials, including sources;

"intervention" means any action intended to reduce or avert exposure or the likelihood of exposure to sources which are not part of a controlled practice or which are out of control as a consequence of an accident;

"ionizing radiation" means gamma rays, x-rays or corpuscular radiation which is capable of producing ions directly or indirectly;

"irradiating device" means an apparatus capable of producing ionizing radiation;

"licence" means a licence issued by the Authority, on the basis of a safety assessment and accompanied by specific requirements and conditions to be complied with by the licensee under this Act;

"licensee" means a holder of a valid licence issued by the Authority under this Act;

"member" means a member of the Board;

"Minister" means the Minister responsible for energy;

"monitoring" means the measurement of dose or contamination for reasons related to the assessment or control of exposure to radiation or radioactive substances and the interpretation of the results;

"Non-ionizing radiation" means any type of electromagnetic radiation that does not carry enough energy per quantum to ionize atoms or molecules;

"nuclear material" for the purpose of the application of International Atomic Energy Agency safeguards, means any special fissionable material or source material as defined in the Safeguards Agreement between Sierra Leone and the International Atomic Energy Agency;

"N.P.T." means Non-Proliferation Treaty

"operator" means any organization or person that is authorized or responsible for nuclear radiation or radioactive waste, or transport safety, when undertaking activities or in relation to any nuclear facilities or sources of ionizing radiation, including private individuals, governmental bodies, consignees or carriers, licensees and hospitals;

"orphan source" means a radioactive substance which is not under regulatory control, either because it has never been under regulatory control or because it is abandoned, lost, misplaced, stolen or transferred without proper authorisation;

"practice" means an activity that introduces additional sources of exposure, or extends exposure to additional people, from the existing source, so as to increase the exposure or the likelihood of exposure or the number of people exposed;

"premises" includes any land, whether covered by building or not, any place underground and any land covered by water;

"Protection from Radiation Board" means the Protection from Radiation Board, including the Secretariat of the Board, established under section 2 and section 6 respectively, of the Protection from Radiation Act, 2001;

"public" means any person not designated as a radiation worker;

"radiation" means ionizing radiation;

"radiation protection" means the task of protecting radiation workers and the public from unnecessary exposure, by the accurate measurement of radiation and the design and use of methods to reduce radiation;

"Radiation Protection Officer" means a person who is technically competent in radiation protection matters relevant for a given type of practice who is designated by the Authority to oversee the application of the requirements of the standards;

"Radiation Safety Officer" means a person appointed as such under clause (ii) of subsection (2) of section 40;

"radioactive source" means radioactive material that is permanently sealed in a capsule or closely bonded in a solid form and which is not exempt from regulatory control and includes any radioactive material released through the breakage or leaking of such source but does not include nuclear material or material encapsulated for disposal;

"radiation worker" means a person whose work potentially exposes him to ionizing radiation above the exemption level that may cause risk or disability or disease as a result of exposure;

"radioactive material" means any material emitting ionizing radiation of sufficient intensity to entail significant risk of disability or disease as a result of exposure;

"radioactive substance" means a substance that contains one or more radionuclide of which the activity or the concentration cannot be disregarded as far as radiation protection is concerned;