### SPECIALISSUE

*Keny'!\_GazetteSupplementf!\_o.143(Natio'!fAssemblyBillsNo.27)*

##### REPUBLICOFKENYA

***KENYAGAZETTESUPPLEMENT***

### NATIONALASSEMBLYBILLS,2018

NAIROBI,19thNovember,2018

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THENUCLEARREGULATORYBILL,2018

ABillfor

ANACTofParliamenttoprovideforacomprehensiveframeworkfortheregulationofsafe,secureandpeacefulutilizationofatomicenergyandnucleartechnology;the·productionanduseofradiationsourcesandthemanagementofradioactivewaste;therepealoftheRadiationProtectionActandforconnectedpurposes.

ENACTEDbytheParliamentofKenyaasfollows-PARTI-PRELIMINARY

1. ThisActmaybecitedastheNuclearRegulatoryAct,2018.
2. InthisAct,unlessthecontextotherwiserequires

Shontitle.

Interpretation.

### "activities"meanstheproduction,use,importandexportofradiationsourcesforindustrial,researchandmedicalpurposes;thetransportationofradioactivematerial;thesiting,construction,commissioning,operation,anddecommissioningoffacilities;radioactivewastemanagementactivitiesandsiteremediation;

"applicant"meansapersonmakinganapplicationforanauthorizationunderthisAct;

"authorization"meansthegrantingbytheCommissionofawrittenpermissionforanauthorizedpersontoperformaspecifiedactivityandincludesalicence,permit,registrationandapproval;

"authorizedperson"meansaholder,whethernaturalorcorporate,ofavalidauthorizationforaspecifiedactivity;

"CabinetSecretary"meanstheCabinetSecretaryforthetimebeingresponsibleformattersrelatingtointeriorsecurity;

"carrier"meansanyperson,organizationorgovernment,undertakingthecarriageofradioactivematerialbyanymeansoftransportandincludesbothcarriersforhireorrewardandcarriersonownaccount;

"Commission"meanstheKenyaNuclearRegulatoryCommissionestablishedundersection5;

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### "consignment"meansanypackageorpackages,orloadofradioactivematerial,presentedbyaconsignorfortransport;

"consumerproduct"meansadeviceormanufactureditemintowhichradionuclides havebeendeliberatelyincorporatedorproducedbyactivation,orwhichgeneratesionizingradiation,andwhichcanbesoldandmadeavailable tomembers'of the public without special·surveillanceorregulatorycontr.olaftersale;

"containment"meansthemethodsorphysicalstructuresthatpreventthe.dispersionofradioactivesubstances;

"contamination"meansthepresenceofradioactivesubstancesinoronamaterialorthehumanbodyor otherplacewheretheyareundesirableorcouldbeharmfulortheprocessgivingrisetotheirpresenceinsuchplaces;

### "clearance"meanstheremovalofradioactivematerialorradioactiveobjectswithinauthorizedactivitiesfrom anyfurtherregulatorycontrolbytheCommission;

-

"clearancelevels"meansvaluesestablishedbytheCommissionandexpressedintermsof.activity

*I* concentrationsortotalactivity,atorbelowwhichsources

ofradiationmaybe releasedfromregulatorycontrolbytheCommission;

"decommissioning"meansallstepsleadingtothereleaseofafacility,otherthanadisposalfacility,fromregulatorycontrolotherthanconfirmingthedecommissionedstatusofafacilityandincludestheprocessesfordecontaminationanddismantling

"DirectorGeneral"meansthechiefexecutiveofficer

oftheCommissionappointedundersection9;

"discharges"meansplannedandcontrolled releasesintotheenvironment,asalegitimatepractice,withinthelimitsauthorizedbytheCommission,ofliquidorgaseousradioactivematerialthatoriginate&fromregulatednuclearfacilitiesduringnormaloperations

"disposal"meanstheemplacementofspentfuelorradioactivewasteinanappropriatefacilitywithouttheintentionofretrieval;

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##### "dose"meansameasureoftheradiationreceivedorabsorbedbyatarget;

"doselimit"meansthevalueoftheeffectivedoseortheequivalentdosetoindividualsfromcontrolledactivitiesthatmaynotbeexceeded;

"exemption"meansthedeterminationbytheCommissionthatasourceoractivjtyneednotbe·subjecttosomeorallaspectsofregulatorycontrolonthebasisthattheexposure(includingpotentialexposure)duetothesourceoractivityistoosmalltowarranttheapplicationofthoseaspectsorthatthisistheoptimumoptionforprotectionirrespectiveoftheactuallevelofthedosesorrisks;

"export"meansthephysicaltransfer,originatingfromanexportingState,intoanimportingState,ofnuclearorotherradioactivematerial,includingsources;

"exposure"meanstheactorconditionofbeingsubjecttoirradiation;

"facilities"means- .

1. nuclearfacilitiesoranyotherlocationthatthe

authorizedpersonhascontrolover; \

1. radiationsourcefacilities;
2. radioactivewastemanagementfacilitiesandanyotherpremiseswhereradioactivematerialisproduced,processed,used,handled,,storedordisposedof,onsuchascalethatconsiderationofprotectionofsafetyisrequired;
3. areactor,criticalfacility,aconversionplant,a·fabricatiqnplant,areprocessingplant,anisotope

separationplantoraseparatestorageinstallation;or ·

1. anylqcationwherenuclearmaterialsinamountgreaterthanoneeffectivekilogramiscustomarilyused;

"fissilematerial"meansuranium-233,uranium-235,plutonium-239,plutonium-241,oranycombinationoftheseradionuclideswiththeexceptionof-

1. naturaluraniumordepleteduraniumwhichisunirradiated;and

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1. naturaluranium ordepleteduranium.whichhasbeenirradiatedinthermalreactorsonly;

"Fund"meanstheDecommissioningFundestablishedundersection52;

"import"meansthephysicaltransfer,intoanimportingStateortoarecipienofanimportingState,originatingfromtheexportingState,ofnuclearorotherradioactivematerialincludingsources;

"incident"meansanyunintendedevent,includingoperatingerrors,equrpmentfailures,initiatingevents,accidentprecursors,near rpissesorothermishaps,orunauthorizedacts,maliciousornon-malicious,theconsequencesorpotentialconsequencesofwhicharenotnegligiblefromthepointofviewofprotectionorsafety;

"intervention"meansanyactionintendedtoreduceoravertexposureorthelikelihoodofexposuretosourceshicharenotpartofacontrolledpracticeorwhichareout

ofcontrolasa consequenceofanaccident;

"fonizingradiation"forthepurposesofradiationprotection,meansradiationcapableofproducingionpairsin.biologicalmaterials;

"inspection"meansasetofactivities-

1. carriedoutbytheInternationalAtomicEnergyAgencyinspectorsatafacilityoralocationtoverify·thatthenuclearmaterialsubjecttosafeguardsremainsinpeacefulnuclearactivitiesorisotherwiseadequatelyaccountedfor,orasmaybeprescribedbytheCommission;or
2. carriedoutbytheCommissionforthepurposesofverifyingcompliancewiththeprovisionsofthisAct;

"management"meanstheadministrativeandoperationalactivitiesthatareinvolvedinthemanufacture,supply,receipt,possession,storage,use,transfer,import,export,transport,maintenance,recyclingordisposalofradioactivesourcesandotherradioactivematerial;

"naturallyoccurringradioactivematerial"meansradioactivematerialcontainingnosignificantamountsofradionuclidesalteredfromnaturalsettings,orpresentin

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;rel.tiy ncrease ·ra.diation\exposures.andinsks..tothe

*pµ*-'.th.e,environment ·

:..no..:iodizin\_g:radiation":meansopticalradiation,

.frequency··radiation,:}ow.-frequenyelectricand

*mgnetic*fields,.ultrasonicradiationandanyotherradiation

,W:iib:$mi.laj":biologicaLeffets;

''flOtificati.on"means.a,documentsubmittedtothe

.ionhya'legal'persontonotifyanintentionto

.carcy.(}\_tit:an·activity.or.otheruse.of;asource;

"1,1ucleilfenergy"meansanyformof.energyreleased

*m*

;the..course.of:nuclear.fissionornuclearfusionorofany

otherJlUc).e:ar

transmutation;

.· ''.nu.clear:facility":meansanycivilianfacilitywhere

* 1. mariisproduced;·processed,used, handledor

c:l,of,. luding:a·nuclearinstallation,premises,nuclew:powerplant,·researchreactor,fuelfabricationplant,flstoragefacility,.enrichmentplant,reprocessing

{ili$y or any other facility determined by the

# ommissioo;

* + - learfuelcycle"means.alloperationsassociatedwtbeproductionofnuclearenergy,includingmining,ffl:illln,gproc.essingandenrichment.ofuraniumorthorium;

.alµreofnuclearfuel;.'operationofnuclearreactors;

1eptQieessingofspentfuel;decommissioning;andany

·vityforradioactivewastemanagementandanyresearch

.0£ V.d<>pmentactivity.relatedtoanyoftheforegoing;

"nµclearmatmal"·meansnuclearfuel,otherthan

,;11ral urium and·depleted uranium, capable of

mg ergybyaself-sustainedchainprocessof

·nflSSWµ.outsideanuclearreactor,eitheraloneorin

oqibinationwithsomeothermaterialand·radioactive

r.94s.orwaste; /

nucl or radiological emergency" means an

.e:nyinwhichthereis,orisperceivedtobe,ahazard

qtO..,.....,·

-(a).theenergyresultingfrom nuclearchainreaction ·orfrQ'IDthedecayoftheproductsofachain

# .r tion·;or

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##### (b)radiationexposure;

"nuclearpowerplant0meansanuclearpowerreactorandrelatedfacilities;

"nuclearscienceandtechnology" meansnuclearapplications,includinguseofnuclearenergy,forexclusivelypeacefulpurposes;

"optimize"meanstheprocessofdeterminingwhatlevelofprotectionandsafetymakesexposures,andtheprobabilityandmagnitudeofpotentialexposures,aslowasreasonablyachievable,asrequiredbytheInternationalCommissiononRadiologicalProtectionSystemofRadiologicalProtection,takingintoaccounteconomicandsocialfactors;

"orphansource"meansaradioactivesourcewhichisnotunderregulatorycontrol,eitherbecauseithasneverbeenunderregulatorycontrolorbecauseithasbeenabandoned,lost,misplaced,stolenortransferredwithoutproperauthorization;

"physicalprotection"meansmeasuresfortheprotectionofnuclearmaterialorauthorizedfacilities,

1. designedtoprevent unauthorizedaccessorremovaloffissilematerialorsabotagewithregardtosafeguards;

"radiation"meansandshallinclude,bothionizingand

non..ionizingradiation;

"radiation protection"meanstheprotectionof peoplefromtheeffectsofexposuretoradiation,andthemeansforachievingthis;

"radiationsource''meansaradiationgenerator,oraradioactive sourceorotherradioactive materialoutsidethenuclearfuelcyclesofresearchandpowerreactorsandincludesnaturallyoccumngradiation sources,orphansourcesandradioactivematerialexemptfromregulatorycontrol; ·

"radioactivematerial''meansmaterialdesignated•assuchbytheCommissionandsubjectto·regulatorycontrolbecauseofitsradioactivenature;

"radioactivewaste"means material,in whateverphysicalform,remainingfromactivitiesorinterventionsandforwhichnofurtheruseisforeseen-

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1. thatcontainsoriscontaminatedwithradioactive

.substancesand hasan activityoractivityconcentrationhighertµanthelevelsetforClearancefromregulatoryrequirements;and

1. exposure to which 1s not exduded underapplicableregulations;

"radioactivewastemanagement"meansallactivities,includingdecommissioningactivitiesthatrelatetothehandling,pre-treatment,treatment,conditioning,storage,ordisposalofradioactivewaste,excludingoff-sitetransportationandmayinvolvedischarges;

"radioactivewastemanagemen\_tfacility"meansafacilityanditsassociatedland,buildingsandequipmentinwhichradioactivewasteismanaged;

"researchreactor"meansanuclearreactorusedmainlyforgenerationandutilizationofneutronfluxandionizingradiationforresearchandotherpurposes,includingexperimentalfacilitiesassociatedwiththereactorandstorage,handlingandtreatmentfacilitiesforradioactivematerialsonthesamesitethataredirectlyrelatedtosafeoperationoftheresearchreactor;

"sabotage"meansanydeliberate actdirectedagainstanuclearfacilityornuclearmaterialinuse,storageortransport whichcoulddirectlyorindirectlyendangerthehealthandsafetyofW('.')rkers,thepublicortheenvironmentbyexposuretoradiationorreleaseofradioactivesubstances;

"safeguardsAgreement"meansanagreementbetweenKenyaandtheInternationalAtomicEnergyAgencyfortheapplicationofSafeguardsinconnectionwiththeTreatyontheNon-ProliferationofNuclearWeaponsandtheAdditionalProtocolasenteredintoforceonl8thSeptember,2009;

"safety"meanstheprotectionofpeople,propertyandtheenvironmentagainstradiationrisks,andthesafetyoffacilitiesandactivitiesthatgiverisetoradiationrisks;

"security"meansthepreventionanddetectionof,andresponseto,theft,sabotage,unauthorizedaccess,illegaltransferorothermaliciousactsinvolvingnuclearorotherradioactivematerial,ortheirassociatedfacilities;

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##### "source"meansanythingthatmaycauserad\_iationexposurebyemittingionizingradiationorbyreleasingradioactivesubstancesormaterialandcanbetreatedasasingleentityforprotectionandsafetypurposes;

"sourcematerial"means-

1. uraniumcontainingthemixtureofisotopesoccurringinnature;
2. uraniumdepletedintheisotope235;
3. thoriumoranyoftheforegoingintheformofmetal,alloy,chemicalcompound,orconcentrate;and
4. anyothermaterialcontainingoneormoreoftheforegoinginsuchconcentrationasdeterminedbytheInternationalAtomicEnergyAgencyfromtimetotime;

"spentfuel"meansnuclearfuelthathasbeenirradiatedandpermanentlyremovedfroma reactorcore;

"spentfuelmanagement"meansallactivitiesthatrelatetothehandlingorstorageofspentfuel,excluding·off-sitetransportationandmayinvolvedischarges;

"spentfuelmanagementfacility"meansanyfacilityorinstallationtheprimarypurposeofwhichisspentfuelmanagement;

"storage"meanstheholdingofspentfuelorradioactivewasteinafacilitythatprovidesforitscontainmentwiththeintentionofretrieval;and

"transport"meansalloperationsandconditionsassociatedwithandinvolvedinthemovementofnuclearorotherradioactivematerialincludingthedesign,manufacture,maintenanceandrepairofpackaging,andthepreparation,consigning,loading,carriageincludingin­transitstorage,unloadingandreceiptatthefinaldestinationofloadsofsuchmaterialandpackages.

3.TheobjectsandpurposesofthisActareto-

1. regulatethesafe,secureand.peacefuldevelopment,production,possession,use,storage,transport,transfer,disposalorhandlingofnuclearandradioactivematerials, activitiesandfacilities

ObjectsandpurposesoftheAct.

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and.otherapparatusgene.ratingionizingradiation;and

1. protectpersons,propertyandtheenvironmentinrelation to nuclear and radioactive material,activitiesandfacilitiesandotherapparatusgenerating

ionizingradiation.

1. (I)ThisActshallapplytoanypersondealingwithnuclearorrndioactivematerial,activitiesorfacilitiesandotherapparatusgeneratingiodizingradiation.

(2)TheCommissionmay,subjecttotheprovisionsofthisAct,exemptanyactivity',facilityorsourcefromtheapplicationofthisAct.

# PARTII-KENYANUCLEARREGULATORYCOMMISSION

1. (I)ThereisherebyestablishedaCommissiontobeknownastheKenyaNuclearRegulatoryCommission.
2. TheCommissionshallbeabodycorporatewithperpetualsuccessionandacommonseal,andshall initscorporatenamebecapableof-
   1. suingandbeingsued;
   2. taking,purchasingorotherwiseacquiring,holding,chargingordisposingofmovableandimmovableproperty;
   3. borrowingmoneyandlendingmoney;
   4. enteringintocontracts;and
   5. perfonningallotheractsforthefurtheranceoftheprovisions.ofthisAct.

(3)ExceptasotherwiseprovidedinthisAct,theCommissionshallbeindependentintheperfonrtance

ofitsfunctionsanddutiesandexerciseofitspowersandshallnotbesubjecttothedirectionorcontrolofanypersonorauthority.

(4)TheheadquartersoftheCommissionshallbeinNairobiorsuchotherplaceastheCommissionmay,byresolution,determine.

6.TheobjectsandfunctionsoftheCommissionshalt

beto-

ApplicationoftheAct.

Establishmentofthe Commission.

FunctionsoftheCommission.

*TheNuclearRef?UlatoryBill,2018*

##### ensurethesafe,secureandpeacefuluseofnuclearscienceandtechnology;

1. providefortheprotectionofpersons,propertyandtheenvironment·againsttheharmfuleffectsofionizingradiationthroughtheestablishmentofasystemofregulatorycontrol;
2. exerciseregulatorycontrolover-
   1. sitting,designconstruction,operation,manufactureofcomponentpartsanddecommissioningoffacilities;
3. nuclearandradioactivematerialsandfacilities;and
4. anyotheractivitieswhichtheCommissionmayseektoexerciseregulatorycontrolover;
5. ensurecompliancewiththeconditionsofauthorizationthroughtheimplementationofasystemofinspectionsandenforcement;
6. co-ordinate thefulfillmentofnationalobligationsinrespectofnuclearsafety,securityandsafeguards;

(t)co-operatewithanyrelevantinternationalagencybyprovidinganyassistanceorinformationrequired;

1. establishappropriateawarenessmethodsandproceduresforinformingandconsultingthepublicandotherinterestedpartiesabouttheregulatoryprocessandthesafety,healthandenvironmentalaspectofregulatedactivitiesincluding incidents,accidentsandabnormaloccurrences;and
2. performanyotherfunctions inthefurtheranceoftheprovisionsofthisAct.
3. (1)TheCommissionshallhaveallthepowersnecessaryfortheexecutionofitsfunctionsunderthisActandanyotherwrittenlaw.
4. Withoutprejudicetothegeneralityofsubsection

(I),theCommissionshallhavepowersto-

* 1. control,superviseandadministerallassetsinsuchmannerandforsuchpurposeasbestpromotesthepurposeofitsestablishment;

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PowersoftheCommission.

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##### determinetheprovisionstobemadeforitscapitalandrecurrentexpenditureandforitsreserves;

* 1. receiveanygrants,gifts,donationsorendowmentsandmakelegitimatedisbursementstherefrom;
  2. levysuchfeesasitmaydeterminenecessary;
  3. enterintoassociationwithotherbodiesororganizationswithinoroutside·Kenyaasmaybedesirableorappropriateinfurtheranceof thepurposeforwhichitis established;

.(f) openbankaccountsforitsfunds;

1. investanyofitsfundsnotimmediatelyrequiredforitspurposesinthemannerprovidedundersection20;
2. holdinquiriesandgatheranyrelevantinformationincludingrequisitionofreports,records,documentsandanyinformationfromanysourceincludinganystateorganandtocompeltheproductionofsuchinformationwhereitconsiders

.necessary;and

1. undertakeanyotheractivitythatmaybenecessaryforthefulfillmentofanyofitsfunctionsunderthisAct.

q)TheCommissionshall,indischargingitsmandateunderthisAct,beguidedbythefollowingprinciples-

1. protectionofpersons,propertyandtheenvironment;
2. nationalsecurity;
3. independence;
4. responsibilityandaccountability;
5. transparency;
6. cooperation;and
7. neednot beboundbythestrictrulesofevidenC'e.
8. (1)TheCommissionshallconsistof-
9. anon-executiveChairpersonwhoshallbeappointedbythePresident;
10. thePrincipalSecretaryoftheMinistryresponsibleforInteriororhisrepresentative;

CompositionoftheCommission.

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1. thePrincipalSecretaryoftheNationalTreasuryorhisrepresentative;
2. thePrincipalSecretaryoftheMinistryresponsibleforEnergyorhisrepresentative;
3. thePrincipalSecretaryoftheMinistryresponsibleforHealthorhisrepresentati.ve;
4. thePrincipalSecretaryoftheMinistryresponsible

forEducationorhisrepresentative;

1. theAttorney-Generalor hisrepresentative;
2. theDirector-General,NationalIntelligenceService;
3. )arepresentativeoftheKenyaDefenceForces;

U)theCommissioner-General,KenyaRevenueAuthority;

1. sevenothercomm1ss10nersappointedbytheCabinetSecretarybyvirtueoftheirknowledgeandpossessionofaminimumoftenyearsexperienceinmattersrelatingtoengineering,law,radiationornuclearrelatedscience,environmentalorpublicsafety,orfinance;and
   1. theDirector-General,whoshallbean*ex-o.fficio*

memberoftheCommission.

(2)TheCommissionshallappointitsownsecretary.

9.(I)ThereshallbetheDirectorGeneralwhoshall Dinxtor-CicneraL

bethechiefexecutiveofficeroftheCommissionappointedbytheCommissionandwhotermsandconditionsofserviceshallbedeterminedbytheCommissionintheinstrument*o(*appointmentorotherwiseinwritingfromtimetotime.

1. Nopersonshallqualifyforappointmentunderthissectionunlesssuchperson-
2. hasatleastadegreeineither,physicalscience,engineering,law,socialsciencesoranyotherrelevantfield;and
3. hasatleasttenyearsexperienceatmanagementlevel

*TheNuclearRcgu/oturyBill,2018*

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1. TheDirectorGeneral 5hall.subject tothe.directionsoftheCommission.beresprinsibleforthedaytodaymanagementoftheaffairsandstaffoftheCommission.
2. TheCommissionmayappoint$0Chprofessionalandtechnicalstafff0rtheproperdischargeofthefunctionsoftheCommissionunderthisAct.onsuchtermsandcOnditiomofserviceastheCommissionmaydetermineontheadvice*of*theSa1ariesandRemunerationCommission.
3. TheconductandregulationofthebusinessoftheCommi"ionshallbeasprovidedintheSchedule,butsubject thereto,theCommissionshallregulateitsownprocedureandtheprocedureofanyofitscommitteestherwf.

12.TheCommissionshallpaytheChairpersonandits

CCJTMb:tolbusisandaffrsofdieCmmrissiov.

conunimonerssuchremuneration,feesorallowancesasitcum1rus1tio11£n..

maydetermineinconsultationwiththeCabinetSecretary.

1. Nomatterorthingdonebyamemberofthe Protecticnfr'!1

Commissionoranyofficer,employeeoragentofthe.persooarTD!rility.

Commissionshall,ifthematterorthingisdone*bonafide*forexecutingthefunctions,powersordutiesoftheCommission,renderthemember,officer,employeeoragentoranypersonactingbyhisdirectionspersonallyliabletoanyaction..claimordemandwhatS'()ever.

1. TheprovisionsforthisActshallnotrelievetheCommissionmtheliabilitytopaycompensationordamagestoanypersonforanyinjurytohim,hispropertyoranyofhisinterestscausedbytheexerciseofanypowerconferredbythisActorbythefailure,whetherwhollyorpartially.Ofanyworks.

15.(J)ThecommonsealoftheCommissionshallbekeptinsuchcustodyastheCommissionmaydirectandshallnotbeaffixedtoanyinstrumentordocumente,,;ceptasauthorizedbytheCommission.

1. Allinstrumentsordocumentsis.suedunderthecommonsealoftheCommissionshallbeauthenticatedunderthehandoftheDirector:-General.
2. Thecommon*seal*oftheCommission,whenaffJ.Udtoadocumentanddulyauthenticatedshallbejudiciallyandofficiallynoticedandunlessandunti1thecontraryisproved,anynecessaryorderorauthorizationbytheCommissionunderthissectionshaftbepresomedto
   * havebeendulygiven.

LiabilityofCommis!OOnfurda.m.

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### PARTID-FINANCIALPROVISIONS

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* 1. IJ10Die5a.Uoc.atedbyParliamentforthepuJPOSC'of

theCommission;

(b).suchmoniesorMsetsailmayaccrue*w*theCommissioninthecourseofexecciseofitspoweis.orintheperf0nnaoceofitsfunctioMunderdUsAct;and

(c)moniesfromothersourincludingloam.gram.,.

##### 0£dooatioMtoibeCommission.

(2)TheCommission.shallopenabankacrountforittifundsanditsbalaooe:satthecloseofeachfinancialyearma11notbepaidintotheeomo•idatooFundbutmanberetainedforthe ofdllsActinaccmdaocewithAdicle1n6(t)(a)and(b)ofdiec.omtirutioo..

17.TheFmancialyear*of*dieCommimooshallbethe F.manciit1¥eBr­

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periodoftwelvemonths'endingonlbedllrtiab.ofJameot'

everyyear.

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commencemmtofeadlfin;mcialyearthe ooshallamictobeprepared ofdie-reveooeandexpeoddureofsheCommi-ssionfurtlJatyear.

1. Theanma;alestim:atffliba!ImakiepnwKioo.foralltheesrimatMexpmd;tu,-eofthe for-fimmcialyearroncemodandinparticular.sla.Uftprovidefor
   1. thep.aymemofsabria. anoesandodla"

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(b}dJepaymentofpcmioos.gr.w.•ifnand'1ltba"

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(d)impkmrnt1tioD *ot.*-dire coauol

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(e)anyoda'apnn@finan;easmaybe f«die

CID)'lngoutofdieOl.i.i)td:i-fwn.L'i:JomofdheCommitiioomDlb"dnisAd..

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1. TheannualestimatesshallbeapprovedbytheCommissionbeforethecommencementofthefinancialyeartowhichtheyrelateandshallbesubmittedtotheCabinetSecretaryforapproval..
2. NoexpenditureshallbeincurredforthepurposesoftheCommissionexceptinaccordancewiththeannualestimatesapprovedundersubsection(3),orpursuancetoanauthorizationoftheCommissiongivenwithpriorwrittenapprovaloftheCabinetSecretary.
3. (l)TheCommissionshallcausetobekeptallproperbooksandrecordsofaccountoftheincome,expenditure.assetsandliabilitiesoftheCommission.
4. Withinaperiodofthreemonthsafterthe endofafinancialyear,theCommissionshalfsubmit<totheAuditor-GeneraltheaccountsoftheCommissionforthatyearfr)°getherwith-
5. astatementofincomeandexpenditureduringtheyear;and
6. astatementoftheassetsandliabilitiesoftheCommissionasonthelastdayofthatye.ar.

AccountsandAudii.

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1. TheannualaccountsoftheCommissionshallbe No.J4of20J5.

prepared,audited,andreported·uponinaccordancewiththePublicAuditAct,2015.

1. TheCommissionmayinvestanyofitsfundsinsecurities,trustfundsorbankswhichtheNationalTreasurymayfromtimetotime;ap,proveforthatpurpose.

**PARTIV-REGULATORYCONTROL:**

.**NOTlFICATIONS,AUTHORIZATIONS,INSPECTIONSANDENFORCEMENT**

**21.**(1)ApersonwhointendstoengageinanyactivityshallsubmitanotificationtotheCommissionofhisintentiontocarryoutsuchactivity.

(2)TheCommissionshallprescribeby'regulationsanotificationregimeprescribingtheform,mannerandtimelimitswithinwhichthenotificationshallbemade.

Investmentoffunds.

Notifications.

**22.**(I)Apersonshallnotcarryoutanactivityunless Authorii.ation.

theactivityhasbeen-

(a)·specificallyauthorizedbytheCommission;or

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(b)exempted,whollyorpartiallyfromregulatorycontrol,bytheCommission.

1. Anapplicationforauthorizationunderthissectionshallbeintheprescribedform andmannerandshallincludeanyinformationanddocumentsasrequiredbytheCommission,including-
   1. adetaileddescriptionoftheactivity,nuclearor

.radioactivematerial,itsintendeduseand thefacilityinwhichitshallbe used;

* 1. adescriptionoftheradiationprotectionmeasuresofindividualsandforphysicalprotectionofthenuclearorradioactivematerialorfacility;
  2. aplanforthemanagementofradioactivewasteresultingfromtheuseofnuclearorradioactivematerial;and
  3. proofofpaymentofprescribedfees.

1. TheCpmmissionmayissue anauthorization
   1. onlyforactivitiesthatcanbeconductedinamannerthatadequatelyensurestheprotectionofpeople,propertyandtheenvironment;and
   2. uponsuchothertermsandconditionsasmaybeprescribed.
2. Apersonwhocontravenesthissectioncommitsanoffenceandisliableuponconvictiontoafinenotexceedingfive(5)millionshillingsoranimprisonmentforatermnotexceedingfive(5) yearsor toboth.
3. (1)TheCommissionmayestablishcategoriesofauthorizationforanyactivity foraspecifiedperiodandsubjecttothetermsandconditionsspecifiedintheauthorization.

(2) TheCommissionmayrequireanauthorizedpersontosubmitsuchreportsastheCommissionmayfromtimetotimerequest.

1. (1)AnauthorizationissuedunderthisActmaybesuspended,modified,orrevokedbytheCommissionintheeventof-
2. acontraventionofthisAct;
3. violationofthetermsandconditionsoftheauthorization;or

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Categoriesforauthori?.ation.

Suspension,revocationormodificationofanauthorization.

*Th(NudearRegulatoryBill,2018*

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# (c)anycircumstancewheretheCommissiondetennines.thatcontinuedactivityundertheau.thorizationwouldposearisktopeople,propertyortheenvironment.

(2)Aresponsibilityarisingoutofanauthorizationunderthis.AtshallnotbetransferredunlesswiththewrittenapprovaloftheCommission.

(3)Anauthorizationshallceasetobevalidwhenany

timelimitprescribedundertheprovisionsofthisActlapses

o.rthetennsandconditionsoftheauthorizationexpire.

25,Apersonauthorizedto.conductanactivityshall

.vetheprimacy·responsibilityforthesafeandsecureoonductoftheactivityandforensuringcompliancewiththis.ActandaUapplicable.regulations,

# 26..(l)Apersonaggdeve-0byadecisionoftheCommissionundeithisPartshallhavetherighttoapplytotheCommissionforareviewofthedecision,

·(2)Al,lapplicationfor·..eviewundersubsection(1)

# shallbe filedwithtCommis.sionwithinthirtydaysofCQJlimunicationQftoodecisionandshallstatethefactual,

legal,andproceduralgroundonwhichitisbased.

(3)TOOCommissionshaUwithinsitydayofreceiptofanappbc·atiooforreview,makt'findingandcommunicate-thesametolhea.uthod:iedperson.

1. Anapplictionforreviewunderthissectionshalloothavetheefft€>fs.us.pendingthedecisionbytheCoouruss.ioo.

(.5)Nngunderthiss.oo.tionstopsanapplicantfrom

# seekingaltemath:·i>means,e>frooressinacourtoflaw, ,

*rl..*(l)obj«tiYes.ufjnspectkmandnforcmntisto.IOOIUto.feompliwjththereqyirementofthhiAct,andthetermsandcooditjoos.uftlwauthoriiationh111uedbytheCo.mmiss.Wn.suchthat

* 1. fa('ihties ud aQttvititts meet th ncei>l!ry

# regulatory uh·mentsi

(b)relevantdocunts.ndinstrnlionstoAYthorimdpersonsarevalidandff'ooiric.Clmp,lidwithbytheauthoriiednoos,mploy\'orams:

Prim!U)'respongjbility forsafety.

Rij:blofreviewof

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*TheNuckarRegulatoryBill.2018*

##### (c)personsengagedinauthorizedactivitiespossess

**the**competencenecessaryfortheirfunctions;

**(d)**deficienciesanddeviationsfromauthorizationrequirementsareremediedwithoutunduedelay;and

(e)lessonslearntfromauthorizedactivitiesarecommunicatedtootherauthorizedpersons,theCommissionandanyotherrelevantpersons.

(2)TheCommissionshallestablishaplannedandsys,tematicinspectionprogrammeconsistingofroutineandreactiveinspectionsthatareannouncedandunannouncedtomonitorcompliancewiththisActandallapplicableregulations.

1. (l)TheCommissionshall,bynoticeintheGazetteappointpersonsofsuchqualificationsasmaybeprescribed,tobeinspectorsforthejurisdictionspecifiedinthenoticeofappointment.
2. Aninspectorappointedundersubsection(I)shall
   1. carryoutinspectionsoffacilitiesandactivitiessoasto-
      1. monitorcompliancewiththeprovisionsofthisActandallapplicableregulations;and
      2. compileandsubmitreportsofinspectiontotheCommission;and

(b)performsuch otherfunctionsastheCommissionmaydeemnecessary.

1. AninspectorappointedunderthisActmay-
2. enteranyfacilitywhichhehasreasontobelieveisnecessaryinordertoascertainwhetherthe

·provisionsofthisActarebeingcompliedwith;

1. beaccompaniedbyadulyauthorizedempfoyeeoftheCommission;
2. takeanyequipmentormaterialrequiredforanypurposeforwhichpowerofentryisbeingexercised;
3. carryoutsuchinspectionsandmakesuchrecordingasmaybenecessary;

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AppointmentoTinspectors.

Powersofinspectors.

962 *TheNuclearRegulatoryBill,2018*

##### interviewthelicenseeoranyofitsemployees;

(f)directthatanypartofthe facilitywhichhehaspowertoenter,oranythinginsuchfacility,beleftundisturbedforaslongasisreasonablynecessaryfor thepurposeofanyinspection;

1. takeappropriatesamples,articlesorsubstancesfoundinanyfacilitywhichhehaspowertoenter;and
2. requesttheproductionofanyrecordswhichmay

berequiredtobekeptunderthisAct.

30.(1)Whereaninspectordeterminesthatanactivityisbeingconductedinviolationof.theprovisionsofthisActorthattheactivityposesanimmediateriskofinjuryordamagetopersons,propertyortheenvironment,theinspectormay-

1. immediatelyorderthetemporarysuspensionoftheactivity;
2. ordertheauthorizedpersontoprohibitworkerswhodonotmeetapplicablerequirementsfromengagingintheactivity;
3. orderthatnuclearmaterial,radioactivematerialoranyotherapparatusgeneratingionizing radiationoriginatingfromasuspendedactivityorfacilitybesafelyandsecurelystored;and
4. takeanyotheractionasmaybeprescribedundertheprovisionsofthisAct.
5. Anorderissuedbyaninspectorundersubsection(1)shallcontinuetobeinforceunless- ·
   1. withdrawnbytheinspector;
   2. reversedormodifiedbytheCommission;or

,(c)modifidoralteredthroughanadministrativeorjudicialreview.

1. Aninspectorwhoundertakesanyenforcementactionspecifiedinsubsection(1)shallprepareareportindicatingthereasonsforhisactionandidentifyingtheevidentiarybasisforhisfindingsincludingmeasurements,testsamples, explanationsandanyotherrelevantinformation.

Enforcement.

*TheNuclearRe?,ulatoryBill,2018*

1. Thereportpreparedundersubsection(3)shallbemadeavailabletotheauthorizedpersonwhoshallhavetherighttosubmitexplanationsorobjectionswithinthetimespecifiedbytheCommission.
2. TheCommissionmayprescribethecircumstancesunderwhichthepriorapprovaloftheCommissionshallbeobtainedbyaninspectorpriortotakinganyoftheactionsspecifiedinsubsection(1).

31.(I)Uponreceiptofaninspectionreportundersection28,theCommissionshall-

1. wherethereportisaccompaniedbyobjections,reviewtheobjectionsandissuesuchordersasmaybenecessary;and
2. ensurethatrelevantmeasureshavebeentakenagainstthepersonscontraveningtheprovisionsoftheAct.
3. Thepersonsubjecttoenforcementactionshalltakenecessarymeasureto-
4. remedycomplianceasdirectedbytheCommissionorassoonaspracticallypossible;and
5. preventrecurrence.
6. TheCommissionmay,wherethecasepresentsanimmediatesafetyorsecurityhazardtopeople,propertyortheenvironment,requiretheauthorizedpersontosuspenditsactivitiesuntilthesituationhasbeenremedied.

**PARTV-RADIATIONPROTECTION**

1. (I)Alicenseeshall-
2. justifyeveryradiationpracticeandprovethatitsbenefitsoutweighthehealthdetrimentto.thepeopleandenvironment;
3. optimizetheradiationprotectionofpeopleandtheenvironmentinsuchawaythatexposures,areaslowasreasonablyachievable,takingintoaccounteconomicandsocialfactors;
4. putmechanismsinplacetoensuredoselimitsarenotexceededforpracticeswheresuchlimitsapply;and

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OversightrolebytheCommission.

Regulatorycontrolforradiation

protection.

964 *TheNuclearRegulatoryBill,tfJ/tJ*

# (d)ensure*the*protectionofpeoon8fromtheharmfuleffects*of*e.xposuretoioni.zingradiation.

##### (2) E%emptions from regulatory control unde1"

subsection(1)hallbebasedonthecriteriathat- ·

# (a}theradiittiottri1'kfor sissufficientlylowto

be*C1f*regulatorycmtcem;

# (b)thecottectiveradiofoiica:IimpactisufficientlyIthatregulatorycontrolisnotwarranted;and

(}theSO\ltceoractiYityfaconsideredtobeiuherently

§afofwithnolike1iho00ofcreatingsituationsthatottldreultinafailuretomeetthecriteriainparagraph!t(a)*'1t*(b),

33,(1)*An*authorization*of*anactivitybytheC()tntniskmunderthiAct·haJJbeubjecttotheradiationprotet:ticmrequirements.outinsubsection(2).

# (2)'fheuuthorizedpersonhall-

(")fX'&anadequateundeJ'MandingofthefundumentaJprinc;ples*'1f*radiationprotection.ju8tification1optimizationandlimitation;

(b)UdgaUMepnecesaryfortheproteaionandafetyofworkers,patient&andthepublicbykeepingdmesbelowtherelevantthresholdandgf1MitingthataHreasonablestepsare·takentomtnimiudYerse dfecbonthepopulation.atpre&entandInthefuture; ·

(i;)p1attandimplementthet«hnicalandm-ganizatiooaJmeasuresnecessarytoensure"dgquateafoty,includingeffectivedefensesagilifigtradiologicalhazards

(d)ptepsmandimplementanappropriateemergency

vtam

(e)ett&urecmnp1iancewiththedoselimitsestablishedbytheCommisionandmonitortheradiationepo!nttgofworkers;

{f)fX'8e!"i:tdquatehumanandfinancialresourcesto

##### conducttheproposedactivityinamannerthat

@ttsufc8safetyandsecurity;

(g)*nm*modifytheconductofanyauthorizedactivity

##### ittamannerthatcouldaff«:ttheprotectionof

mioltprrequiT!'.

*TheNuckatRegulatoryBJJJ.2018 965*

wotktts.patients*and*thepublicortheenvironmentwithoutieclci.ngthewrittenapprovaloftheCommissionand

(h)provideuponrequestbytheCommission,allinfonnatiooconsideredt.obenecessarybytheCommission,

34(I)Noconsumerproductsshallbeofferedtothe

publicunbstheirusebymembersof thepublichasbeen

..jtKtiftedandeitherlheirusehasbeenexemptedorthei.rprovision*to*·thepublichasbeenauthorizedbytheCommission.

1. Uponreceiptofanapplicationforauthorization·undersubsection(l},theO:>mmissionshall-

# verifycompliancewiththeprovisionsofthisAct

andapplicabteregulations;

1. verifytheassesmentsandselectionparameterspresentedbytheapplicant;
2. determinewhethertheenduseoftheproductcan

beexempwi;and

1. ifnecestwy.authorizetheprovisiontothepublicoftheconsumerproductsubjecttospecificoonditiottsofauthoriz.ationorexempttheconsumerproduct,
2. Apersonwhoimportsconsumerproducts,asexemptproductsshallensuretheproductsarepackagedandlabelledinamannerasprescribedbytheCommission.
3. Apersonwhorontravenesthissectioncommitsanoffenceandisliableuponconvictiontoafinenot

exceedingfive(5)millionshillingsortoanimprisonmentforatermnotexce.edingfiveyears.ortoboth.

Consumerproducl6.

35..(t)Everyauthorizedpersonshallensurethatno Mediciill:ii."°'ure.

person.whethersymptomaticorasymptomatic.incurs·

medicalexposureunless-

1. theradiologicalprocedurehasbeenrequestedbyareferringmedicalpractitioner; ·
2. responsibility has·bec11assumed forensuring·protectionandsafety;and
3. theper5onsubjectt.otheeKposurehasbeeninformedoftheexpectedbenefitsandrisksandhasronserttedtotheexposure.

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1. Everyauthorizedpersonshall·ensurethatallpracticablemeasureshavebeentakentominimizethelikelihoodofunintendedoraccidentalmedicalexposure.
2. Whereunintendedoraccidentalradiationexposureoccurs,theauthorizedpersonshallimplementcorrectiveactionandreportto theCommission.
3. Apersonwhocontravenesthissectioncommitsanoffenceandisliableonconvictiontoafinenotexceedingonemillionshillingsortoimprisonmentforatermnotexceedingoneyearortoboth.
   1. **(l)**Whereanauthorizedperson·undertakesanactivitylikelytocausepublic exposuretoneighboringStates,theauthorizedpersonshallnotifytheCommissionoftheintendedactivity.
4. Uponreceiptofanotificationundersubsection(I),theCommissionshallnotifytheneighbouringStateoftheintendedactivity.
5. Anypersonwhocontravenessubsection(l)commitsanoffenceandis liableonconvictiontoafinenotexceedingtenmillionshillingsortoanimprisonmentforatermnotexceedingtenyearsortoboth.

#### PARTVI-SAFETYOFRADIATIONSOURCESANDFACILITIES

* 1. TheCommissionshall-

1. establishasystemofcontroloverradiationsourcestoensuretheyarcsafelymanagedandsecurelyprotectedduringandattheendoftheirusefullives;and
2. prescribeacategorizationofsourcesbasedonthepotentialinjurytopeopleandtheenvironment.
   1. Anauthorizedpersonshallbeartheprimaryresponsibilityforensuringthesafeandsecureuseofradiationsources.
   2. TheCommissionshall-
3. establishandmaintainanationalregisterofradiationsources;
4. establishthecategories.ofradiationsourcesrequiredtobeincludedinthenationalregister;and

Intendedradiologicalexposureswithtranshoundaryeffects.

..

Controlof

**radiationsources.**

Responsihilityfor

**radiationsources.**

:--lationalregisterforradiation**sources.**

*TheNuclearRegulatoryBill,2018*

##### ensureprotectionofinformationcontainedinthe

* + national registertoguarantee thesafetyandsecurityofthesesourcesasappropriate.

1. AnauthorizedpersonshallpromptlyreporttotheCommissionany-
2. lossofcontroloverradiationsources,oranyothersituation;or
3. incidentinconnectionwitharadiationsourcethatmayposea significantriskofradiologicalinjurytopersonsorsubstantialdamagetopropertyortheenvironment.
4. TheCommissionshall-
5. establishasystemforrecoveryandsafemanagementoforphansources;
6. beresponsibleforcoordinatingtheresponsetoradiologicalemergenciesasaresultoforphansources;
7. beartheprimaryresponsibilityofthesafetyoforphansourcesofwhichithasnotice;
8. establishprogrammesaimedatdetectingorphan.sourcesinplaceswheresuchsourcesaregenerally

.suspectedtobe;

1. drawupappropriateresponseplansandmeasuresforhandlingorphansources;and

(f)givespecializedtechnicaladviceandassistancetopersonsnotnormallyinvolvedinoperationssubjecttoradiationprotectionrequirementsandwhosuspectthepresenceofanorphansource.

1. (1)Subjecttotheprovisionsofanyotherwrittenlaw,theCommissionshalldeveloprequirementsandguidelinestobeadditionallymetbeforetheissuanceofminingandmillinglicenseinrelationtouranium,thoriumorotherradioactiveores.
2. Therequirementsundersubsection(1)shallbeinrespectof-
   1. explor.ation;
   2. removalfromsitefortestingandevaluation;

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Reportsonlossofaradiationsources.

Orphansources.

Miningandmilling licences.

968 *TheNuclearRegulatoryBill,2018*

1. excavationactivitiesatsite;
2. sittingandconstructionofthemine;

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1. operationofthemineandprocessingfacility;

(f)transport;

1. wastemanagement;and
2. decommissioningofthemine..

# PARTVII-SAFETYOFNUCLEARFACILITIESANDDECOMMISSIONING

43.(l)ApersonwhointendstocarryoutanactivityrelatedtoanuclearfacilityshallobtainanauthorizationfromtheCommission.

(2)Anauthorizationunderthissectionshallberequiredforthesiting,construction,operationanddecommissioningofanuclearfacility.

1. TheCommissionshallprescriberequirementsinconnectionwiththeauthorization,reviewandassessmentofanuclearfacility,includingtherequirementsfor-
   1. nuclearfacilitydesign;
   2. siting;
   3. construction;
   4. commissioning;
   5. operation;

(t)decommissioning;

(g)remediation;and

(h)suchotheractivityrelatingtoconstruction andoperation, asmaybenecessary.

1. Theauthorizationrequirementsprescribedundersubsection(3)shallmakeadistinctionbetween-
   1. nuclearpowerplants;
   2. researchreactors;and
   3. othernuclearfacilities.
2. Anapplicationforauthorizationunderthissectionshallbeinsuchformandmannerasmaybeprescribed.
3. TheCommissionshaJIensurethatthegeneralpublicisinformedandconsultedatappropriatesteps9uringtheauthorizationprocessofanuclearfacility.

Authorizationofnuclearfacilities.

*TheNtKlear RegulatoryBill.2018*

##### (7)Anypersonwhocontravenesthissectioncommitsanoffence andisliableonconvictiontoafinenotexceedingonemillionshillingsortoanimprisonmentforatermnotexceedingtwoyears,ortoboth.

1. Theauthorizedpersonshallbearthe primaryresponsibilityforensuringsafetyandsecurityofthefacility

andanactivitiesassociatedwithit.

1. (l)Apersonapplyingforasiteauthorizationforanuclearpowerplantshallprepareasiteevaluationreportinaccordancewithsubsection(2).
2. Thesiteevaluationreportshallcontain-
   1. thefrequencyandseverityofexternalnaturalandhuman induced eventsandphenomenathatcould·affectthesafetyofthefacility;
3. theforeseeableevolutionofnaturalandmanmadefactorsintheregionthatmayhaveabearingonsafetyforatimeperiodthatencompassestheprojectedlifetimeofthefacility;
4. thehazardsaswciatedwithexternaleventsthataretobeconsideredinthedesignofthefacility,includingthe·potentialcombinedeffectsofhydrological,hydrogeologicalandmeteorologicalconditions;
5. additionalmattersrelatingtosafetysuchasthestorageandtransportofnuclearmaterial;
6. thepossiblenon-radiologicalimpactofthefacility.duetochemicalorthermalreleases.andthepotentialforexplosionanddispersionofchemicalproducts;
7. thepotentialforinteractionsbetweennuclearandnon-nucleareffluents;· ·
8. thepotentialradiologicalimpactsinoperationalstatesandconditionsonpeopleintheregion.includingimpactsthatcouldleadtoemergencymeasuresorpotential impactsoutsidetheterritoryoftheRepublicofKenya;
9. totalnuclearcapacitytobeinstalledonthesite,withprovisionforre-evaluationofthesiteifthe.installedcapacityistobesignificantlyincreased

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Responsibilityforsafetyoffacilitiesandactivities.

Siteevaluation.

970 *TheNuclearRegulatoryBill,2018*

beyond thelevelassessedinaprevioussiteevaluation;and

1. suchothermattersasmaybeprescribed.

46.(1)Beforegrantingaconstructionauthorizationforanuclearpowerplant,theCommissionshallreviewandassess-

1. thecompetenceandcapabilityoftheapplicantorauthorizedpersontomeetrelevantauthorizationrequirementsduringconstructionandoperation;
2. thesiteevaluation,preparedpursuanttotheprovisionsofthisAct,toconfirmitsacceptability,andrelatedinformationneededforthedesignoftheproposedfacility;
3. thepotentialenvironmentalimpactoftheproposedfacility;
4. thebasicdesignftheproposedfacility,toconfirmthatitcanmeetrelevantsafety,securityandphysicalprotectionrequirements;
5. themanagementsystemsoftheapplicantorauthorizedperson;

(f}researchanddevelopmentplansrelatedtodemonstrationofthe acceptabilityofthedesign;and

(g)arrangementsfordecommissioningandmanagementofradioactivewasteincludingfinancialmechanismstherefor.

1. Duringconstruction,theCommissionshallreviewandassess-
2. thedevelopmentofthefacilitydesignthroughdocumentationsubmittedbytheauthorizedpersontodetermineitscontinuedacceptability;and
3. theprogressofresearchanddevelopmentactivitiesrelatedtodemonstrationoftheacceptabilityofthedesign.
4. Beforegrantinganoperationauthorizationforanuclearpowerplant,theCommissionshallreviewand·assess-

Authorizationforconstructionandoperations.

*TheNuclearRegulatoryBill,2018*

1. thecommissioningprogrammeand,ifneeded,establishascheduleforfurtherreviewandassessmentpriortooperation;
2. as-builtdesignandconstructionandmanufacturingqualityofthefacility;
3. resultsofnon-nuclearcommissioningtests;
4. limitsandconditionsforoperationduringcommissioning,withastagedapproach,ifnecessary;
5. provisionsforradiationprotection;
6. adequacyofoperatinginstructionsandprocedures,especiallythemainadministrativeprocedures,generaloperatingproceduresandemergencyoperatingprocedures;
7. recordingandreportingsystems;
8. arrangementsfortrainingandqualificationoffacilitypersonnel,includingstaffinglevelsandfitnessfordutyrequirements;

(i)managementsystemsforoperation;

U)emergencypreparednessprogramme;

1. accountingmeasuresfornuclearandradioactivematerial;
   1. adequacyofphysicalprotectionmeasures;

(m)arrangementsforperiodictesting,maintenance,inspectionandcontrolofmodificationsandsurveillance;

1. arrangementsfordecommissioningandmanagementofradioactivewaste;
2. resultsofcommissioningtests;and
3. limitsandconditionsforoperation.
4. Duringoperationofanuclearpowerreactor,theCommissionshallrequire-
5. thereviewand-assessmentofchangesinoperationallimitsandconditionsorofsignificantsafetyrelatedmodifications,tobeconductedpriortotheirauthorization;and ·

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1. periodicreviewsineverytenyearsorastheCommissionmayotherwisedirect,oftheoperator'scompliancewithrelevanttermsandconditionsrelatedtothefacility'ssafety·andphysicalprotection. ·

47.(l)Anauthorized personshallprepareinaccordancewithsubsection(2),atechnicalpreservationprogrammeforanyresearchreactorthatentersintoorcontinueinastateofextendedshutdown.

* 1. ThetechnicalpreservationprogrammeforreseMCh

reactorsshallinclude-

* + 1. arrangementsforensuringthatthereactorcoreremainssubcritical;
    2. proceduresandmeasurestodisconnect,dismandeandpreservethesystemsthataretobetakenootofoperationortemporarilydismantled;
    3. modificationsofthesafetyanalysisreportandthe

operationallimitsandconditions;

* + 1. arrangements fordealing with the fueland

radioactivewaste;

(e)regularsurveillanceandperiodicinspectiontestingandmaintenancetoensurethatthe.safetyperformanceofstructures,systemsand,componentsdoesnotdegrade;

1. revisedemergencyplanningarrangements;
2. staffingrequirementstoundertakethetasksnecessarytokeepthereactorinasafecooditiooandtomaintainknowledgeabouttheresearchreactor;and
3. arrangementsforthesecurityofthereactorandthefacility.
   1. TheCommissionshallensure·thesafemanagementofareactorthatis inextendedshutdownbuttheopera6ooofsuchfacilityshallnotbetheresponsibilityoftheCommission.
4. (l)TheCommissionshall-
5. establishrequirementsforthedecommissioningofnuclearfacilitieswhereradioactiveSOl.lnXSareproduced.usedorstoredinaccordancewithsubsection(2);

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*TheNudearRegulatoryBill,2018*

1. requiretheapplicantforariauthorizationto-
   1. constructandoperateanuclearfacilityto

-performabaselinesurveyofthesite,includingradiologicalconditions,priortoconstruction;and

* 1. develop'informationpriortoconstructionforcomparisonwiththeendstateafterdecommissioning;

1. ensure thatrelevantdocumentsandrecordspreparedbytheauthorizedpersonaremaintainedforaspecifiedperiodof time before,duringandafterdecommissioning;
2. establishcriteriafordeterminingwhenanuclearfacilityorpartofafacilitymust bepermanentlyshutdown;and
3. evaluatetheendstateofthefacility afterdecommissioningactivitieshavebeencompletedtoensurethatrelevantregulatoryrequirementshavebeenmet.
4. Therequirementsreferredtounder.subsection(I)
5. shallinclude-
   1. safetyandenvironmentalcriteria,includingconditionsontheendstateofdecommissioning;
   2. limitsandconditionsfortheremovalofregulatorycontrolsforfacilitiescontainingradionuclides;
   3. criteriafortheclearanceofradioactivematerialduringandfollowingdecommissioning;and
   4. suchotherrequirementsasmaybeprescribed.
6. AfacilityshallnotbereleasedbytheCommissionfromregulatorycontroluntiltheauthorizedpersonhasdemonstratedthattheendstateinthedecommissioningplanhasbeenreachedandthatanyotheradditionalregulatoryrequirementshavebeenmet.
7. (1)Atthedesignstageoffacilities,theapplicantforanauthorizationtoconstructandoperateafacilityshallprepareaninitialdecommissioningplanforapprovalbytheCommission.
8. Theplanpreparedunder subsection(1)shalIbecommensuratewiththetypeandstatusofthefacilityand

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Decommissioningplan.

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the hazards·that may be associated with itsdecommissioning.

1. TheCommissionshall-
   1. ensurethatthepublicandinterestedparriesareprovidedwithanopportunitytoreviewandcommentuponthe-decommissioningplanpriortoitsapproval;
   2. requiretheauthorizedpersontoprovideperiodicreviewsandupdatesofthedecommissioningplanandshallspecifythemaximumtimeintervalbetweensuchreviewsandupdates;
   3. wherespecificcircumstancesresultinsignificantchangestotheinitialdecommissioningplan,requiretheauthorizedperson,toreviseandupdatetheplantoreflectthesechangedcircumstancesandsubmitittotheCommissionforapprov:al;
   4. requirethat afinaldecomm'issioningplanbepreparedandsubmittedforapprovalpriortotheimplementationphaseofdecommissioningactivities;and
   5. ensurethataprogrammetoimplementandmonitorcompliancewithremainingregulatoryrequirementshasbeenestab,lishedforsiteswheredecommissioninghasbeencompletedbutwhereauthorizationsorrestrictionsonfutureuseofthesiteremain.

·(4)TheCommissionshall,uponcompletionofdecommissioning,ensurethatappropriaterecordsforconfirmationofthecompletionofdecommissioningactivitiesaremaintainedinaccordancewiththeapproveddecommissioningplanincludingtherecordsofthepremisesandofthedisposalofradioactivewasteandmaterial.

1. Anauthorizedpersonshall,inimplementingdecommissioningactivitiesatafacility,beresponsiblefor

(a)ensuringsafety,securityandenvironmentalprotection,includinganyactivitiesconductedbycontractorsorsubcontractors;

Dt:commisoningrt:sponsibilitics.

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##### preparingthesafetyandenvironmentalimpactassessmentsnecessary·forimplementationofthedecommissioningplan;

1. establishinga recordkeepingsystemofthekeyissuesandmodificationsduringthelifetimeofthefacilitythatmayhaveanimpactondecommissioning;
2. ensuringthatthebaselinesurveyofthesiteisperformedinaneffectiveandtimelymanner;
3. ensuringthatneworuntriedmethodsfordecommissioningarejustified,addressedandsubmittedforapprovalbytheCommission;

(f)informingtheCommissionwithintwomonthsofadecisiontopermanentlyshutdownafacilityandsubmittinganapplicationtodecommissionthefacility,togetherwithaproposedfinaldecommissioningplan,withintwoyearsofpermanentcessation·ofoperation;

1. inthecaseofdeferreddismantling,ensuring thatthefacilityhasbeenplacedandwillbemaintainedinasafeconfiguration andwillbeadequatelydecommissionedinthefuture;
2. establishingandmaintammgamanagementorganizationandpersonnelresourcestoensurethatdecommissioningcanbecompletedsafely,includingensuringthatresponsiblepersonspossessthenecessaryskills,expertiseandtrainingforsafedecommissioning;
3. establishingandmaintainingemergencyplanningarrangementscommensuratewiththeassociatedhazardsandrportingsignificantincidentstotheCommission;and

(j)ensuringthatadequatefinancialarrangementsaremadeforallstagesofthedecommissioningprocess.

1. (1)Anapplicantforanauthorization toconstructandoperateanuclearfacilityshallensurethatadequatefinancialresourceswillbeavailablewhenneededtocoverthecostsassociatedwithsafedecommissioning,includingmanagementoftheresultingwaste.

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Financesfor.decommissioning.

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(2) Theamountofthefinancialresourcestobemadeavailable fordecommissioningactivitieshall-·

1. becommensuratewithafacilityspecificcostestimate;
2. bechangedifthecostestimateincreasesordecreases;and
3. berevewedaspartofthe.periodicreviewofthe

decommissioningplan. · ·

### PARTVIII-DECOMMISSIONINGFUND.

1. ThereisestablishedafundtobeknownastheDecommissioningFund.
2. The Fundshallconsistof-
3. allmoneysappropriatedbyParliament,orpaidinto,orallocatedtotheFundundertheprovisionsofanyotherAct;
4. domesticandforeigngrants;and

(c}anypropertyoramountofmoneyreceivedoracquiredfromanyotherlegaJsources.

54.The Fund shall be administered by the

Commission.

55.ThefunctionsoftheFundshallbetocaterfor-

1. decommissioningundertheAct;and
2. themanagementofradioactivewasteandspent

,fuel.

1. (1)TheCabinetSecretary,inconsultationwiththeNationalTreasury,maymakeregulationson-
2. theadministrativeoperatfonsoftheFund;and
3. thefinancialrequirementsfordecommissioning.

(2)Regulationsmadeundersubsection(I)shallbelaidbeforeParliament

### PARTIX-EMERGENCYPREPAREDNESSANDRESPONSE

1. TheCommissioninliasonwiththenationalbodyorauthorityresppnsibleforrespondingtonationalemergenciesshall-

Establishmentof

theFund.

Souroesoffunds

fortheFund.

1. dm!nistrationQf.

theFund.

Functionsof the

Fund.

Othamatterstobeprescribed.

Roleofthe

Commission.

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##### definethecriteriaforclassificationofemergencies

(b)reviewandapproveemergencypreparednessand

responseplansdevelopedbythelicensee;and

##### {c)adviseandprovidetechnicalsupportonradiologicalemergenciesandnuclearaccidents.

58.TheCommissionshallnotauthorizeanyactivity,operation.facility.orpossessionoruseofasourceunlessanappropriateemecgencypreparednessandresponseplanhasbeendevelopedbytheapplicantandapprovedbytheCommission.

59.(1)Anon-siteandoff-siteemergencyplanshallbepreparedintheprescribedformandmannerforanyfacility,activity,orsourcethatcouldgiverisetoaneedforemergencyintervention.

1. Theemergencypreparednessandresponse-plans

shalltakeinto/account-

##### anassessmentofthe narure,likelihoodandpotentialmagnitudeofresultingdamage.includingthepopulationandterritoryatriskfromanaccident,maliciousactorincident;·and

* 1. theresultsofanyaccidentanalysesandanylessonslearnt fromtheexperienceorincidentsandaccidentsthathaveoccurred inconnectionwithsimilaractivities.

1. EmergencypreparednessandresponseplansshallbeperiodicallyreviewedasdirectedbytheCommission.

60.Theauthorizedpersonshall,intheeventofanuclearorradiologicalemergency.implementtheemergencypreparednessandresponseplanasapprovedbythe Commission.,

61.{l)IntheeventofanuclearorradiologicalemergencythatposesariskthatradioactivecontaminationeouldspreadbeyondtheboundariesoftheRepublicofKenya.theCommissionshallimmediatelynotifytheInternationalAtomicEnergyAgencyandtherelevantauthoritiesofanyState.whichisormaybephysicallyaffectedbyareleasethatcouldbeofaradiologicalnature.

(2)TheCommissionshallserveasthepointofcontactforprovidinganyinformationorassistanceregarding

Failurebyanappliamll'Odevdopaicaa:gaocy

plcpaiandTC!ipOmCplan.

Emergencypreparedness -andresponse.

lmplcmeatalionofemergencyprepmdacandrespoueplan.

Trans-boundaiynuclearorradiologicalemergency.

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nuclearorradiologicalemergenciesunderthetermsofrelevant·internationalinstruments.

1. Everyauthorizedpersonshallregularlyinformthepublicaboutthesignificantfactsofitsemergencypreparednessandresponseplan.

**PARTX-TRANSPORTATIONOFRADIOACTIVE**.

**MATERIAL**

1. (1)TheCommission shallmakeregulationsfortransportationofradioactivematerialinaccordancewithinternationalstandards. ·
2. Indevelopingtheregulationsundersubsection(1),theCommissionshalltakeintoaccounttheneedto-
   1. protectpersons,propertyandtheenvironment;
   2. meettheobligationsunderrelevantinternationalinstrumentsratifiedoraccededtobyKenya;
   3. support international cooperation inthesafe,cureandpeacefulusesofnuclearscienceand

technology;and

* 1. supportinternationaleffortstopreventtheproliferationofnuclearweapons,explosiveandradiologicaldispersaldevices.

1. (1)Apersonshallnot-
2. undertakethedesignofanypackagingorpackage;
3. operateor maintainanypackagingorpackage;or
4. transport,orcauseorpermittobetransported inany packagingorpackage,

anynuclearmaterialorradiationsource,otherwisethaninaccordancewiththeprovisionsofofthisAct.

(2)Apersonwhocontravenestheprovisionsofsubsection(1)commitsanoffenceandisliableonconviction,toafinenotexceedingfivemillionshillingsoranimprisonmentforatermnotexceedingfiveyearsortoboth.

1. WithoutprejudicetoanyotherprovisionunderthisAct,everycarrierofaconsignmentshallexercisereasonablecaretoensurethatinthecourseofthetransportofaconsignment,noinjurytohealthoranydamagetopropertyortotheenvironmentiscaused.

Informationtopublicaboutplan.

Transportofradioactivematerial.

Offencesrelatingtotransport.

Dutytoexercisereasonablecareb;ycacrier.

*TheNw/earRegulatoryBi//,2018*.

**66..**(1)Everycarriershallestablisharadiationprotectiontransportplanforapplication·duringtransportationofnuclearmaterialorradiationsources.

1. Thetransportplanshall-
   1. takeintoaccountthenatureandextentofthemeasurestobetakeninrespectofthelikelihoodandmagnitudeofradiationexposuresorenvironmentalconamination;and
   2. adoptastructuredandsystematicapproachincludingconsiderationoftheinterfacesbetweenthemodeoftransportandotheractivities.
2. Anypersonwhocontravenesthissectioncommitsanoffenceandshallisliableonconvictiontoafinenotexceedingfivemillionshillingsortoanimprisonmentforatermnotexceedingfiveyears,ortoboth.

**67.**(1)Intheevent ofanaccidentorincidentduringthetransportofanuclearmaterialorradiationsource.acarriershallapplyitsradiationprotectiontransportplanasapprovedbytheCommission.

(2)Emergencyresponseproceduresshalltakeintoaccounttheformationofotherdangeroussubstancesthatmayresultfromthereactionbetweenthecontentsofaconsignmentandtheenvironmentintheeventofanaccident.

1. Everycarriershallensurethat-.
2. duringtransporteveryconsignment issegregatedfromanyotherdangerousgoods;and
3. radioactiveandfissileproperties,explosiveness,flammability,pyrophoricity,chemicaltoxicityandcorrosivenessaretakenintoaccountinthepacking,labeling,marking,placarding,storageandtransportofa packagein.orderto becompliantwiththeprovisionsofthisActoranyotherwrittenlawrelatingtodangerousgoodsineach*o(*theStatesthroughorintowhichtheconsignmentistransported.

**PARTXl-:EXPORTANDIMPORTCONTROLS**

1. (1)TheprovisionsofthisPartshallbeappliedtoensurecontrolsovertheexportandimportofnuclear

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Radiationprotectiontransportplan.

Emergencyresponseintransportation.

Segregationofmaterial.

Controlleditems.

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materiais,nuclearrelatedequipmentandtechnologyallofwhichshallbereferredtoascontrolleditemsforthepurposes..ofthisPart.

(2)TheCommissionshallestablishalistofcontrolleditemssubjecttoexportorimportcontrolsandinaccordance*with*internationalobligationsandcommitmentsoftheRepublicofKenya.

70.(l)Apersonshallnotexportacontrolieditem

withoutpriorlicensebythe Commission.

(2)Thefollowingcriteriashallbeappliedingrantingalicenseforexportofacontrolleditem-

1. thereceivingStatehasdisclosedtheuseofandmadeabindingcommitmenttousethecontrolleditemforpeacefulusesonly
2. levelsofphysicalprotectionofthecootrolleditemis consistentwiththosesetforthintheConventiononthePhysicalProt.ectionofNuclearterials;
3. InternationalAtomicEnergyAgencySafeguardsshallbeapplicableinrelationtotheoontrolleditem;
4. transfersofpreviouslyexportedcontrolleditemstoathirdStatearesubjecttothepriorapprovalbytheCommission;and

##### (e)anyreprocessingofthecontrolleditemissubject

totheapprovalbytheCorn.mission.

71.ApersonshallnotimportacQntroUeditemunless

the- .

1. rontroHeditemisnototherwiseprohibitedunder

thisActand

1. designatedrecipientofthecontrolleditemisholderofavalidauthorizationissuedbytheCori:unis.sioo.

72.Anypersonwho-

.(a)receives,possess.uses,transfers,transports.disposesorispersesanuclearmaterialorradiationsourceandwhichcaufieSorislikelyto

causedeathorserious·injurytoanyper.son*oc*

damagetopropertyorenvironmentor

Exportlicensing

*ail.eria..*

*TheNuclearRef<ulotoryBilf.2018*

(b)carries,sends,ormovesnuclearmaterialorradiationsource,intooroutofKenya,

WithoutlawfulauthorityorcontrarytotheprescribedmanneT,commitsanoffenceanpisliableonconvictiontoanimprisonmentforatermnotexceedingtenyearswithout

### anoptionofafine.. .

**PART**XII-RADIOACTIVEWASTEANDSPENT

FUELMANAGEMENT

73.(I)ThisActshallapplytothemanagementofanyradioactive wasteand spentfuelresultingfromcivilianapplicationsintheRepubticofKenya,butshaHnotapply

* + towastethatcontainsonlynaturatlyoccurringradioactivematerial,unlessitisdeclareda.5radioaetivewasteforthepurposesofthisActbytheCommission.

1. Thefollowingprinciplesshallbeappliedatan

stagesinthemanagementofradioactivewaste-

* 1. thatpeople,property·andtheenvironmentareadequatelyprotectedagainstradiologicalandotht4hazards:
  2. generationofradioactivewasteiskepttotheminimumpracticable.

Cc)interdependenceamongthedifferentstepsofradioactivewasteandspentfuelmanagementistakenintoaccount;

1. protectivemeasuresforradioaetivewasteandspentfuelmanagementintheRepublicofKenyaareimplementedinamannerthatreflectsinternationallyrecognizedcriteria,standardsandguidanc;
2. biological,chemicalandotherhazardsthatmaybeassociatedwithradioactivewasteandspentfuelmanagementareadequatelyaddressed
3. criticalityandremovalofresidualheatgeneratedduringradioactivewasteandspentfuefmanagementareadequatelyaddressed;
4. actionsimposingreasonablypredictableimpactsonfuturegenerationsgreatertha,nthosepermitted'forthecurrentgeneration.areav.oided;and

**(b)**appropriatefundingarrangementsareinplac.

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Scopeand 'principlesofradioactivewasteand!<penffueImanagement.

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**74.**(I)Theprimaryresponsibilityforensuringthesafetyandsecurityofradioactivewasteandspentfuelinaradioactivewasteorspentfuelmanagementinsideoroutsideafacilitythroughoutitsliferestswiththeholderoftherelevantauthorization.

(2)Everyauthorizedpersonshallberesponsibleforthesafemanagementofradioactivewastegeneratedbytheactivitiesforwhichtheauthorizationisissuedandshalltakeallnecessarymeasurestoensurethat-

1. generationoftheactivityandvolumeofradioactivewastearekepttotheminimumpracticablelevelbysuitabledesign,operationanddecommissioningofitsfacilities;
2. radioactivewasteismanagedbyappropriateclassification,segregation,treatment,conditioning,storageordisposal,andmaintainingrecordsofsuchactivities;
3. managementofradioactivewaste1snotunnecessarilydelayed;and
4. informationsoughtbytheCommission1sfurnishedasrequested.

75.TheCommissionshallestablishaclassificationofradioactivewastetoensureasafeandsecuremanagementofradioactivewasteinKenya.

**76.**(I)Everyauthorizedpersonshallsubmitawas.temanagementplantotheCommissionforapproval .

1. .Awastemanagementplanshallprovidefortheappropriatemanagementofradioactivewasteand·shallinclude-
2. anoutlineoftheprocessesgeneratingwaste,andadescriptionofthewastegenerated;
3. adescriptionoftheenvironmentinto\hichthewastewillbedischargedordisposed,includingthe·baselineradiologicalcharacteristics;
4. adescriptionoftheproposedsystemforwastemanagementincludingthefacilitiesandproceduresinvolvedinthehandling,transportation,treatment,storageordisposalofradioactivewaste;

Responsibilityforrauioa.:tive\\'asteanuspentfuel

**ma1wgcrnent.**

Cla"ifi.:ationof

**ra<lioactivwaste**

Waste

managementplan.

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1. prediction of environmental concentrations ofradionuclideandradiationdosestopeoplefrom'the proposed waste management practices,including demonstration of adherence to theradiationprotectionrequirementsunderthisAct;
2. aprogram formonitoringtheconcentrationofra<lionuclidesintheenvironmentandassessmentofradiationdosestomembersofthepublicarisingfromthewastemanagementpractices;

(f)emergency plans fordealing with.accidentalreleases,orcircumstanceswhichmightleadto,uncontrolledreleasesofradioactivewaste,totheenvironment;

1. ascheduleforreportingontheoperationandresultsofmonitoringandassessmentsrequiredbythisplan;
2. aplanfordecommissioningtheoperationandtheassociatedwastemanagementfacilitiesandremediationofthesite;and
3. asystemofperiodicassessmentandreviewoftheadequacyandeffectivenessofproceduresinstitutedundertheplantoensurecurrencyandtotakeaccountofpotentialimprovementsconsistentwithbestpracticabletechnology.
4. Forthepurposesofthissection "radioactivewaste"includesspentfuel.

77.(I)Apersonshallnot store,manage,transferordisposeofradioactivewastewithoutanauthorizationfromtheCommission.

1. Anapplicationforanauthorizationtostore,manage,transferordisposeofradioactivewasteshallbeintheprescribedformandmanner.
2. Everyauthorizedpersonshalltakeappropriateme<J.surestokeepgenerationofradioactivewasteanditsenvironmentalimpacttotheminimumpracticable!.
3. Anypersonwhocontravenessubsection(1)commitsanoffence,andisliableuponconvictiontoafinenotexceedingfivemillion shillingsortoanimprisonmentforatermnotexceedingfiveyears,ortoboth.·

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Offencesrelatingtoradioactivewasteandspentfuel.

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78.(l)Anauthorizedpersonshallensurethat-

(a)radioactivewasteiscollected.segregated.charn.cterized.andpackagedatthepointoforigininaecordancewiththeclassificationandpackagingsystemestabTishedunderthisAct;

(1:>)theselectedradioactivewastepackagesarecompatiblewithplannedstorageordisposaloptiioos.andalsomeettheprescribedradioactivewasteacceptancecriteria;and-

(c).the·wastepackagesaredesignedandproducedsothatradionudides-areconfinedunderbothnormalandaccidentconditions.

* 1. Inserectingaconditioningprocess,anauthorizedpersonshallensmethatsafetywillbeimprovedfromtheureofamatrixmaterialandcompatibilityoftherad.ioacti'1ewastewithtlreselectedmaterialsandprocesses.

79.(l)An authorized person shall ensure thatradiooctive wastt- from authorized activities *is*OOt

·dischargedtotheenvironmentunless-

1. suchdischargeiswithinthelimitsspecifiedintheautOOrization·andiscarriedoutinacontrolledmannerusinganthorizedmethods;or
2. *the*activitydischargedisconfirmedtobebelow

clearancefevef.

{2)Anauthorized person.duringtheoperational

stages<>fanynuclearmaterialunderhisresponsibility.shaH

##### a)keepradioactivedischargesbelowtheauthorized

limitsas.*is*reasonablyachievable;

(b)'monitorandrecordthedischargesofradionuclideswithsufficientdetailandaccuracytodemonstratecompliancewiththeauthorizeddischargelimitsand topennitestimationoftheexposureofthecriticalgroup;

1. reportdischargestotheCommissionatintezyalsasspecifiedbytheCommissionandasmaybedeterminedfromtimetotime;and

(d}reportassoonaspracticallypossibletotheCommissionofanydischargesexceedingtheauthorizedlimits.

Coflel:tic1t,scpegaholliandcbaracteriutionofradl03':tivewa..m.

.Dil!chaFgeof

radioactivewa..qre.

*TheNuclearRegulatoryBill,2018*

* 1. Everyauthorizedpersonshallensurethatnon­radiologicalhazardsofthereleasedradioactivewastecomplywiththerequirementsofanyotherwrittenlawconcerningthosehazar-ds.
  2. Everyauthorizedpersonshallensureradioactivewasteis storedinsuchawayastoprotectpersons,propertyandtheenvironment.

1. Anapplicantforanauthorizationforaradioactivewasteandspentfuelmanagementfacilityshall- ·
2. meetsafetyrequirementsfortheprotectionofpersons,propertyandtheenvironmentbyappropriateplanningforthesiting,design,construction,operationandmaintenanceoftherespectivefacility,includingprovisionsforeventualretrievalofthewaste;
3. designthefacility-
   1. onthebasisofassumedconditionsforitsnormaloperationandassumedincidentsoraccidents;
   2. forthelikelyperiodofstorage,withthepotential fordegradationbeingtakenintoaccount;
   3. insuchawaythatthewastecanberetrievedwheneverrequired;
   4. sothatitisadequatelyventilatedtoexhaustanyg!IBgeneratedinnormalconditionsorunderanticipatedaccidentsconditions;

(v)'sothatmeasurestoprevent,detectandcontrolfiresareincorporatedasrequired;and

(vi)sothatradiologicalmonitoringandvisualinspectionisreadilypossible.

1. RadioactivewasteandspentfuelgeneratedoutsidetheterritoryofKenyashallnotbeimportedintoKenyaforanypurpose.
2. (I)RadioactivewasteandspentfuelgeneratedwithintheRepublicofKenyamaybeexportedonlyuponauthorizationbytheCommission.
3. Radioactivewasteandspentfuelshallnotbeauthorizedforexporttoadestinationsouthoflatitude60degreesforstorageordisposal.

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Authorizationtooperatearadioactivewasteandspentfuelmanagementfacility.

Radioactivewasteimports.

Radioactivewasteexports.

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1. TheCommissionshallapplythefollowingcriteriaindeterminingexportauthorizationforradioactivewasteandspentfuel,whether-
2. theimportingStatehasbeennotifiedofthetransferofradioactivewasteandspentfuelpriortoitsreceiptandhas consentedtosuchtransfer;
3. movementoftheintendedexportedmaterialshallbeconductedinconformitywithrelevantinternationalobligationsinallStatesthroughwhichthematerialwilltransit;and
4. theimportingStatepossessestheregulatoryinfrastructureandtechnicalcapacitynecessarytomanagetheexportedradioactive wasteandspentfuel.
5. Ifanauthorizedexportofradioactivewasteorspentfuelcannotbe.completedincompliancewiththeprovisions ofthisAct,theradioactive wasteorspentfuelshallbere-importedintotheKenyaunlessalternativesafeandsecurearrangementscanbemade.

**PARTXIII-SAFEGUARDS**

1. (I)Alltht(NuclearmaterialinKenyashallbeusedexclusivelyforpeacefulpurposesandinaccordancewiththisAct.
2. Nodirectorindirectcontrolofnuclearweaponsanoothernuclearrelatedexplosivedevices,themanufactureorotherwiseacquisitionofsuchweaponsordevicesandtheseekingofassistanceinthemanufactureofnuclearweaponsorothernuclearrelatedexplosivedevices,shallbeallowedinKenya.
3. Anypersonwhocontravenestheprovisionsofsubsections(**1)**or(2)commitsanoffence,andisliableuponconvictiontoafinenotexceedingtenmillionshillingsortoan imprisonmentforatermnotexceedingtwentyyearsortoboth.
4. (I)TheCommissionshall-
5. ensuretheimplementationoftheobligationsofKenyaaris.ingfromratifiedinternationaltreatiesandconventions;
6. collectandprovidetotheapplicableinternationalentityinformation requiredtofullyimplementKenya'sinternationalandnationalobligations;

Peacefuluses.

•

Applicationofsafeguards.

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1. facilitate,entryinto,accesswithintheRepublicofKenyaandoffernecessarysupport todesignatedinspectorsoftheapplicableinternationalentity;and
2. ensureallagenciesoftheGovernmentofKenyaandauthorizedpersonscooperatefullywiththeapplicableinternationalandnationalentitiesinapplicationofsafeguardmeasures.

(2)TheCommissionshallcooperatewiththeInternationalAtomicEnergyAgencyintheimplementationofthesafeguardsunderthisPart.

1. (I)AnInspectoroftheCommissionandadesignatedinspectorofthe,applicableinternational·entityshallhaveaccesstoanyfacility·orlocationasprovidedforunderthesafeguardsregimewithaviewofconductingverificationactivities.

(2)AnypersonperformingactivitiessubjecttothesafeguardsregimeshallallowtheCommission anddesignatedinspectorsoftheapplicableinternationalentitytocarryoutanymeasurestheyconsidernecessaryforachievingcompliancewithsafeguardmeasures.

1. The Commission shall be responsible forapprovingthedesignationtoKenyaofinspectorsproposed·bytheapplicableinternationalentity.
2. TheCommissionshallmakeregulationstoensuretheeffectiveimplementationofsafeguardsinKenyabyestablishingandimplementing-
3. asystemforthemeasurementofnuclearmaterial;
4. asystemfortheevaluationofmeasurementaccuracy;
5. proceduresforreviewingmeasurementdifferences;
6. proceduresforcarryingoutphysicalinventories;
7. asystemforevaluationofunmeasuredinventories;

(f)asystemofrecordsandreportsfortrackingnuclearmaterialinventoriesandflows;

1. proceduresforensuringthataccountingproceduresandarrangementsarebeingoperatedcorrect!y;and

Safeguardinspections.

Designation ofinspectors.

Statesystem ofaccountingforandcontrolofnuc!carmaterial.

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1. proceduresofreportingtotheapplicableinternationalentity.
2. Anypersonintendingtocarryoutresearchanddevelopmentactivitiesrelatedtothenuclearfuelcycle,shallpriortocommencement,providetotheCommissioninformationanddatanecessaryforcompliancesubjecttotheSafeguardsAgreementoranyprotocalthereton.

# **PART**XIV-NUCLEARSECURITYANDPHYSICALPROTECTION

1. (I).TheCommissionshallcoordinatethreatassessmenttobedonebythenationalsecurityinstitutions.

(2)Everyauthorizedpersonshallensuresecuritymeasuresareputinplaceinaccordancewiththethreatidentifiedundersubsection(l).

90.(I)Anauthorizedpersonisprimarilyresponsibleforensuringthephysicalprotectionofnuclearmaterial,radioactivematerialandrelatedfacilitiesunderitscontrol.

1. Wheretherehasbeentheft,threatoftheftorlossofnuclearmaterial,anauthorizedpersoshall-
2. notifytheCommissionwithoutdelayoftheincidentandcircumstancesthereof
3. provideawrittenreport,includingparticulars,totheCommissionassoonaspracticableaftergivingnotice;and
4. providetheCommissionwithanyadditionalinformationasmayberequested.
5. TheCommissionshallissueguidelinestoonprotectionfromattemptedoractualunauthorizedaccessoforillicittraffickingofnuclearandradioactivematerialsorsabotageoftheirassociatedfacilities.

**91.**(1)Intheeventofanunlawfultakingorthreatofunlawfultakingofnuclearmaterial,theCommissionshalltakeappropriatestepsassoonaspossibletoinformotherStatesthatmaybeaffectedofthecircumstancesoftheincidentandtherelevantinternationalentity.

1. TheCommissionshallbetheleadauthorityresponsibleforcoordinatingrecoveryandresponseintheeventofanytheftorunlawfultakingofnuclearmaterial.

Informationrcyuirementsforresearchanddevelopmentactivitiesrelated

to thenuclearfuelcycle.

Threatassessmentprocessc11.

Primaryresponsibilityforphysical

protection-.

Internationalcooperationanduietance.

*TheNuclearRegulatoryBill.2018*

1. Intheeventofanunlawfultakingofnuclearmaterial,theCommissionshallberesponsiblefordeterminingthenecessarycoordination,cooperationandassistancearrangements intherecoveryanJprotectionofsuchmaterialsasagreedwithanyStateorinternationalorganizationthatsorequests.

(4)TheCommissionshallprovideinformationonincidentsinvolvingunlawfultakingofnuclearmaterial,equipmentand.technologytotheapplicableinternationalentity.

1. (1)Apersonshallnotinterferewith.remove,alter.damage, orrenderineffectiveanysecuritymeasuresstipulatedtosecurenuclearorradioactivematerialexceptfor lawfulremoval,transportortechnicalservice.

(2)Anypersonwhocontravenestheprovisionsofsubsection(1),commitsanoffence.

1. (l)AnyinformatiortissuedtoorsoughtbytheCommissionunderthisActisconfidentialandshallnotbediscJosedunlesswiththewrittenauthorityoftheCommission.

(2)Anauthorizedpersonshallnotdiscloseanyinformationthatisprejudicialtosecurityofanuclearfacilityor nuclearmaterialunlesswiththewrittenauthorityoftheCommission.

1. Nopersonshalluseinformationrelatingtothesecurityofanuclearfacilityormaterialforanunlawfulpurposeortofurtheranunlawfulpurposeorintnt.
2. Apersonwhocontravenestheprovisionsofthissectioncommitsanoffence,andisliableuponconvictiontoafinenotexceedingfivemillionshillingsortoanimprisonmentforatermnotexceedingfiveyearsortoboth.
3. Aperson whousesordamagesanuclearfacility,orinterferesinwhatevermannerwithitsoperationwiththeintenttocausedeathorbodilyharm,damagetopropertyorenvironmentbycompellingapersontodoorrefrainfromdoinganactcommitsanoffenceandisliableuponconviction,toafinenotexceedingtenmillionshillingsortoanimprisonmentforatermnotexceedfogtwentyyearsortoboth.

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Restrictions.

Protectionofconfidentialinformation.

Offencesrelatingtunudearfacilities.

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#### PARTXV-MISCELLANEOUSPROVISIONS

1. Anemployeror principalshallbeliableforanoffencecommittedbyanemployeeoragentunderthisAct,unlesstheemployerorprincipalprovesthattheemployeewasnotactingoninstructionorauthority.
2. WhereacontraventionofanyoftheprovisionsofthisActismadeforwhichnofineorpenalty isexpresslystated,thepersonsodefaultings.hall,onconviction,beliabletoafinenotexceedingonemillionshillingsortoanimprisonmentfora termnotexceedingtwelvemonthsortoboth.
3. TheDirectorPublicProsecutionsmay,onthe·requestoftheCommission,gazettemyofficeroftheCommission,tobeapublicprosecutorforthepurposesof·prosecutingoffencesunderthisAct.
4. (1)TheCommissionshall,inconsultationwiththeCabinetSecretary,makeregulationsforthebettercarryingoutoftheobjectsofthisAct.
   1. Withoutprejudicetothegeneralityofsubsection

(I),suchregulationsmaybemadeinrespectof-

* + 1. thedevelopment,productionanduseofnuclearenergy;
    2. mining,production,refinement,conversion,enrichment,processing,reprocessing,possession,import,export,use,packaging,transport,management,storage,ordisposalofanuclearsubstance;
    3. design,inspectionduringproductionorinstallation,production,possession,storage,import,export,use,decommissioning,ordisposalofprescribedequipment;
    4. production,possession,transfer,storage,import,export,use,disclosureorrestrictionofdisclosureofprescribedinformation; ·
    5. applicationsforanauthorizationunderthisAct;

(f)design,sitting,construction,installation,operation, maintenance, modification,decommissioning,abandonmentordisposalofanuclearfacilityorpartofanuclearfacility;

Offencesbyemployeesandagents.

Qeneralpenalty.

Appointmentofprosecutors.

Regulations.

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##### protectionofpersons,propertyandtheenvironment,fromanyrisksassociatedwiththefacilitiesandactivitjescarriedoutunderthisAct;

1. non-ionizingradiationexposure
2. dosesofradiation,including-
   1. )establishing·classes·ofpersonsandprescribing,in·respectofeachclass,theradiationdoselimitstowhichmembersofthatclassmaybeexposed;
   2. prescribingthecircumstancesunderwhichanyorallmembersofaclassofpersonsmaybeexposedtoadoseof radiationexceedinganyofthelimitsprescribedforthatclassofpersons;and
   3. establishingmeasuresforprotectionofpersonsfromexposuretoradiation;
3. protectionofnuclearenergyworlts,includingprescribing-
   1. dutiesthatmaybeperformedbyapersonemployedinnuclearfacilityorotherplaceinwhichanuclearsubstanceisproduced,used,possessed,packaged,transported,storedordisposedofandthemannerandcircumstancesinwhichtheperson'stermsand.conditionsofemploymentmaybevaried;

.(ii)theinformationthatapersonsoemployedisrequiredtoprovidetotheiremployerortoadosimetryserviceproviderin·order tomeasureormonitorthedoseofradiationtowhichthepersonisexposed;

1. medicalexaminationsortestsandthecircumstancesunderwhichtheyaretobeconductedonpersonssoemployed;and
2. measuresthatmustbeundertakenbyemployetsofpersonssoemployedandlicenseesofsuchanuclearfacility;
3. prescribingthefeesthatmaybechargedbytheCommission,oninformation;productsandservicesorfortheprogra.mmesthatit.establishesandmaintains;

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##### prescribingthe.feespayableforvariousauthorizations;

(m)qualificationsfor,andthetrainingandexaminationof,inspectorsandotherpersonsauthorizedunderthisAct;

1. measurestoensurethemaintenanceofnationalsecurityandcompliancewithKenya'sinternationalobligationsinthedevelopment,productionanduseofnuclearenergyandtheproduction,use,possession,packaging,transport,storageanddisposalofnuclearsubstances,prescribedequipmentandprescribedinfonnation;
2. measures to implement Kenya's international

·obligationsregardingthedevelopment,productionanduseofnuclearenergy,includingprescribingthemannerinwhichtheconditionsunderwhichaccesstoanuclearfacility,nuclearsubstanceorpresribedinfonnationshallbegrantedtoprescribedpersons;

1. establishingrequirementstobecompliedwithbyanypersonwhopossesses,uses,packages,transport,'storesordisposesofanuclearsubstanceorprescribedequipmentorwholocates,designs,constructs,installs, operates.maintains,modifies,decommissionsorabandonsanuclearfacilityornuclear-poweredvehicle;
2. theformofcertificatesofinspectorsanddesignatedofficers;
3. theprocedureforcertificationsanddecertificationofprescribedequipment;
4. establishingclassesofnuclearfacilities;
5. theprovisionofanyradiationprotectionservices;
6. radioactivitylevelsinfoodstuffandconsumerproducts;
7. licensingprocessforexportorimportofcontrolleditems.includingend-usercontrols;

(w)theformof noticesrequiredbythisActandthemannerinwhichtheyaretobegiven;

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1. theexemptionofanyactivity,persons,classofpersonsorquantityofnuclearsubstance,temporarilyorpermanently,fromtheapplicationofthisActortheregulationsthereunder;and
2. prescribeanythingthat isrequiredtobeprescribedbythisAct andgenerallyanyothermatternecessaryforcarryingoutthepurposesofthisAct.

**PARTXVI-TRANSITIONALPROVISIONS**

1. (1)TheRadiationProtectionAct,isrepealed.
2. Notwithstandingtheprovisionsofsubsection(1)
   1. inasfarasapplicable,thecontractualobligationsexistingpursuanttotheRadiationProtectionActshallbepreserved;
   2. anysubsidiarylegislationissuedbeforethecommencementofthisActshall,inasfarasisnotinconsistentthisAct,remaininforceuntilrepealedorrevokedbysubsidiarylegislationundertheprovisionsofthisActandshall,forallpurposes,bedeemed tohavebeenmadeunderthisAct;
   3. alicenceissuedbytheformerRadiationProtectionBoardshallbedeemed acorrespondinglicenceissuedunderthisActforitsunexpiredduration;
   4. membersoftheformerRadiation ProtectionBoardandtheChiefRadiationProtectionOfficershallcontinuetoserveintheCommissioninthecorrespondingpositionsasCommissionersandDirectorGeneralrespectivelyuntiltheexpiryoftheirunexpiredterm.
3. TheKenyaNuclearRegulatoryCommissionestablishedundersection5ofthisAct,shallbethesuccessorto theRadiationProtectionBoardestablishedbytheRadiationProtectionActandsubjecttothisAct,allrights,duties,obligations,assetsandliabilitiesoftheRadiationProtectionBoardexistingatthecommencementofthisActshallbeautomaticallyandfullytransferredtotheKenyaNuclearRegulatoryCommission.

RepealofCap.243.

Cap243

CommissiontobesuccessorofRadiationProtectionBoard.

Cap.243

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### (1)Apersonwho,immediatelybeforethecommencementofthisAct,wasanemployeeoftheGovernmentandwhowasservingattheformerRadiationProtectionBoardshall,uponthecommencementofthisAct,bedeemedtobeanemployeeoftheCommission.

(2)Despitesubsection(1),alltheemployeesoftheGovernmentwhowere servingattheformerRadiationProtection BoardshalluponthecommencementofthisActbegivenanoptiontoelecttoserveintheCommissionorberedeployedinthePublicServicewithinaperiodofoneyear.

TransferofStaff.

### (1)Inadditiontothestaffappointedundersection10,apublicofficermaybesecondedtotheCommissionfromanyotherpublicbody,upontherequestbytheCommissionasmaybenecessaryfortheperformanceofthefunctionsoftheCommission.

(2)ApublicofficersecondedtotheCommissionshall,duringtheperiodofsecondment,bedeemedtobeanofficeroftheCommissionandshallbesubjectonlytothedirectionandcontroloftheCommission.

Secondmentof

Staff.

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SCHEDULE (s.11)

### PROVISIONSASTOTHECONDUCTOFBUSINESSANDAFFAIRSOFTHECOMMISSION

1. (1)TheChairpersonoracommissioneroftheCommissionotherthan*ex-officio*commissionersshall,subjectto theprovisionsofthisSchedule,holdofficeforaperiodoffouryears,onsuchtermsandconditionsasmaybespecifiedintheinstrumentofappointment,butshallbeeligibleforre-appointmentforonefurtherterm.

(2)ThecommissionersoftheCommission shallbeappointedatdifferenttimessothattherespectiveexpirydatesofthecommissioners'termsofofficeshallfallatdifferenttimes.

1. (1)Nopersonshallbeappointedorshall,asacommissioneroftheCommissionifsuchpersonis-
2. amemberofparliamentoracountyassembly;or
3. apersonwhoholdsanyofficeorposition,inapoliticalparty.
4. (1)Acommissionerotherthanan*ex-officio*

### commissionermay-

1. atanytimeresignfromofficebynoticeinwritingtotheCabinetSecretary;
2. beremovedfromofficebytheCabinetSecretaryonrecommendationoftheCommissionifthecommissioner-
   1. hasbeenabsentfromthreeconsecutivemeetingsoftheCommissionwithoutitspermission;
   2. isadjudgedbankruptorentersintoacompositionorschemeofarrangementwithhiscreditors;
   3. isconvictedofacorruptionoreconomiccrimeorothercriminaloffenceinvolvingdishonesty,fraudormoralturpitudeoranyothercriminaloffenceunderanylawpunishablewithimprisonmentthatamountstoafelonyundertheLawsofKenya;

Tenureofoffice.

Disqualification

ofcommissioners.

Vacationofoffice.

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##### (iv)isofunsoundmindorisincapacitatedbyprolongedphysicalormentalillnessforaperiodexceedingsixmonths;or

(c)isotherwiseunableorunfittodischargehisfunctions.

1. (l)TheCommissionshallmeetatleastonceineverythreemonths.
2. Notwithstandingsubparagraph(1),theChairpersonmay,anduponrequisitioninwritingbyatleastfivecommissioners,conveneaspecialmeetingoftheCommissionatanytimeforthetransactionofthebusinessoftheCommission.
3. UnlessthreequartersofthetotalcommissionersoftheCommissionotherwiseagree,atleastfourteendays'writtennoticeofeverymeetingoftheCommissionshallbegiventoeverycommissioneroftheCommission.
4. TheChairpersonshallpresideateverymeetingoftheCommissionandinhisabsence,thecommissionerspresentshallelectoneoftheirnumber,fromamongthecommissionersappointedunderthesection8,topresideandthepersonsoelectedshallhaveallthepowersofthechairpersonwithrespecttothatmeetingandthebusinesstransactedthereat.
5. Unlessaunanimousdecisionisreached,adecisiononanymatterbeforetheCommissionshallbebyamajorityofthevotesofthecommissionerspresentandvoting,andincaseofanequalityofvotes,theChairpersonorthepersonpresidingshallhaveacastingvote.
6. Subjecttosubparagraph(4),noproceedingsoftheCommissionshallbeinvalidbyreasononlyofavacancyamongthecommissionersthereof.
7. NothinginthisparagraphshallpreventtheChairpersonfromauthorizingacommissionertouselivetelephoneconferencingorotherappropriatecommunicationormultimediafacilitiestoparticipateinanymeetingoftheCommissionwhere, priortothemeeting,thecommissioner,bynotificationtotheChairperson,hasrequestedforsuchauthorization.
8. (l)TheCommissionmayestablishsuchcommitteesasitmaydeemappropriatetoperformsuchfunctionsandresponsibilitiesasitmaydetermine.

Meetings.

Committce5ofthe

Commi55ion.

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##### TheCommissionshallappointtheChairpersonofacommittee establishedundersubparagraph(1)fromamongstitscommissioners.

1. TheCommissionmaywhereitdeemsappropriate,co-optanypersontoattendthedeliberationsofanyofitscommittees.
2. Alldecisionsbythecommitteesappointedundersubparagraph(I)shallberatifiedbytheCommission.
3. (1)ThesecretarytotheCommissionshallbe

responsibletotheChiefExecutiveOfficerfor-

1. arranging the business of the Commission'smeetings;
2. keeping records of the proceedings of theCommission;
3. performingsuchotherdutiesastheCommissionmaydirect.

(2)TheCommissionmayintheabsenceofthesecretaryappointanycommissioneroftheCommissionorstaffoftheCorporationtotemporarilyperformthefunctionsofthesecretaryundersubparagraph(I).

1. (I)Acommissionerwhohasaninterestinanycontract,orothermatterpresentatameetingshallatthemeetingandassoonasreasonablypracticableafterthecommencement,disclosethefactthereofandshallnottakepartintheconsiderationordiscussionof,orvoteon,anyquestionswithrespecttothecontractorothermatter,orbecountedinthequorumofthemeetingduringconsiderationofthematter.
2. Adisclosureofinterestmadeundersubparagraph(I)shallberecordedintheminutesofthemeetingatwhichitismade.
3. Acommissionerof theCommissionwhocontravenessubparagraph(1)commitsanoffenceandisliabletoafinenotexceedingtwohundredthousandshillings.

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SecretarytotheCommission.

Disclosureofinterest.

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##### 8.Anycontractorinstrumentwhich,ifenteredintoorexecutedbyapersonnotbeinga bodycorporate,wouldnotrequiretobeundersealmaybeenteredintoorexecutedonbehalfoftheCommissionbyanypersongenerallyorspeciallyauthorizedbytheCommissionforthatpurpose.

Contractsandinstruments.

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##### MEMORANDUMOFOBJECTSANDREASONS

TheprincipalobjectofthisBillistorepealtheRadiationProtectionAct(Cap.243)andprovideforacomprehensiveregulatoryframework,forradiationandnuclearsafety,nuclearsecurityandsafeguardstocontrolradiationsources,nuclearmaterialsandassociatedwaste.TheBillaimstoprotectthepeople,propertyandtheenvironmentfromtheharmfuleffectsofexposuretoradiationandtoprovidefornuclearsafetyandnon­proliferationinaccordancewithnationalandinternationalobligations.

PartIoftheBilldealswith preliminarymatters.Clause3setsouttheobjectandpurposeoftheBillwhichshallbetoregulatesafe,secureandpeacefuldevelopment,production,possession,use,storage,disposal,transportorhandlingofnuclearandradioactivematerialsandotheractivitiesgeneratingionizingradiation.

PartIIoftheBilldealswiththeestablishmentoftheKenyaNuclearRegulatoryCommissionasanindependentandautonomousbody,domiciledinaneutraladministrativeGovernmentMinistry,fromtheuserMinistries,inlinewithKenya'sdevelopmentagenda.

PartIDoftheBilldealswiththefinancialprovisionsinrelationtotheCommissionincludingthefundsoftheCommission,thefinancialestimates andtheaccountsandauditofthebooks of accountoftheCommission.

PartIVoftheBillgivesindetail,themannerinwhichthecommissionshallexerciseregulatorycontrolincludingnotifications,authorizationsandinspections.

PartVoftheBillprovidestheframeworkfortheradiationprotectionandrelatedmedicalandintendedradiologicalexposureswithtrans­boundaryeffects,amongothers.

PartVIoftheBilldealswiththesafetyofradiationsourcesandfacilities.

PartVIIoftheBillprovidesfortheauthorizationsofnuclearfacilitiesandthesafetyofnuclearfacilitiesanddecommissioning.

PartVIIIoftheBillestablishestheDecommissioningFundwhoseprimaryobjectiveistocaterfordecommissioningandthemanagementofradioactivewasteandspentfuel.

PartIXoftheBilldealswithemergencypreparednessandresponsesintheeventofradiologicalemergenciesandnuclearaccidents.

PartXdealswiththetransportationofradioactivematerialinlinewiththebestpractice, topreventtheproliferationofnuclearweapons,explosivesandradiologicaldispersaldevices.

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PartXIoftheBilladdressestheissueofillicittrafficking.

##### PartXIIoftheBilldealswiththedischargeofradioactivewasteandspentfuelmanagementandtherelatedoffences.

PartXIIIoftheBilldealswiththeregimeofsafeguardsandsafeguardinspections,incomplianceofKenya'sinternationalobligations.

PartXIVoftheBilldelvesonnuclearsecurityandphysicalprotection.

PartXVoftheBilldealswithmiscellaneousmatters.Clause98givestheCommission,powerstomakeregulations, inconsultationwiththeCabinetsecretary,forbettercarryingoutoftheobjectsoftheAct.

PartXVIoftheBilldealswiththerepealoftheRadiationProtectionAct(Cap.243)andthesavingandtransitionalprovisionsinrespectoftherepealedAct.

TheScheduledealswiththeprovisionsastotheconductofbusinessandaffairsoftheCommission.

Statementonthedelegationoflegislativepowersandlimitationoffundamentalrightsandfreedoms.

TheBilldoesnotcontainanyprovisionslimitinganyfundamentalrightsandfreedoms.

StatementonhowtheBillconcersCountygovernments

TheBilldoesnotaffectthefunctionsofCountygovernmentsassetoutintheFourthScheduletotheConstitutionandisthereforenotaBillconcerningcounties.

StatementthattheBillisamoneyBillwithinthemeaningofArticle114oftheConstitution

TheenactmentofthisBillshalloccasion additionalexpenditureofpublicfunds.

DatedthelstNovember,2018.

ADENDUALE,

*LeaderoftheMajorityParty.*