CHRISTIAN TEO & PARTNERS
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NUCLEAR MINERALS MINING – IS SAFETY & SECURITY NOW GUARANTEED?[1][2][3][4][5]

INTRODUCTION

The Government is moving ahead with the promotion of nuclear power as a form of "new energy" that Indonesia should be seeking to develop.

In late December 2022, a new government regulation was issued that provides for a host of measures intended to ensure the safety and security of so-called "nuclear minerals mining", something that encompasses the mining, processing and storage of radioactive minerals and associated products.

The new regulation is an important step in making the utilization of nuclear power, as part of the Indonesian energy mix, a reality.

International nuclear power industry observers and the Indonesian public may, however, take some convincing that the Government is really "up to the job" of ensuring the safety and security of the mining, processing and storage of radioactive minerals and associated products given its less than stellar "track record" in more traditional areas of mining such as metal minerals and coal as well as in connection with other high-risk activities.

In this article, the writer will review the new regulation on nuclear minerals mining and then address the issue of whether or not the new regulation is sufficient to overcome concerns about the safety and security of mining, processing and storage of radioactive minerals and associated products in Indonesia.

BACKGROUND

Indonesia has at least two uranium mines, Remaja-Hitam and Rirang-Tanah Merah, in West Kalimantan. It is also possible that there is uranium in West Papua. Indonesia's uranium resources have been estimated as being approximately 90,000 tonnes. Perhaps more importantly, Indonesia has approximately 150,000 tonnes of thorium, 95% of which thorium resources is found in the islands adjacent to the east coast of Sumatra. Thorium itself cannot be used in traditional nuclear reactors. However, if thorium is bombarded with neutrons it transmutes to uranium-233, being the fissile material of choice for advanced nuclear reactors.

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[5] An earlier version of this article appeared in the March - April 2023 issue of Coal Asia Magazine.

Article 16 of Law No. 10 of 1997 re Nuclear Power (as lastly amended by Law No. 11 of 2020 re Job Creation) ("**Nuclear Power Law**") stipulates that all activity involving the utilization of nuclear power must take the following matters into consideration: (i) the safety and security of workers, (ii) the welfare and health of local communities and (iii) the preservation of the environment, which matters are to be dealt with in a government regulation to be issued as an implementing regulation for Article 16 of the Nuclear Power Law.

The long-contemplated government regulation on worker, community and environmental safety, security and preservation, in the context of nuclear minerals mining, processing and storage activities, was finally issued on 12 December 2022 in the form of Government Regulation No. 52 of 2022 re Safety and Security of Nuclear Mining ("**GR 52/2022**").

The issuance of GR 52/2022 is to be understood in the context of the plenary session of the House of Representatives ("**DPR**"), held on 14 June 2022, during which the DPR approved a draft bill setting out the main provisions of a "New Energy and Renewable Energy Law" ("**Draft Energy Law**").

The draft Energy Law recognizes three categories of energy being (i) New Energy, (ii) Renewable Energy and (iii) Non-Renewable Energy.

One of the energy sources/resources covered by the category of New Energy is nuclear power.

Readers interested in knowing more about the Draft Energy Law and what it provides for in respect of nuclear power are referred to the writer's earlier article "*Draft Energy Law – Lacking Detail and a Possible Step Backwards*", Coal Asia Magazine, July – August 2022, Petromindo.

The catalyst for the Government's apparent growing interest in moving forward with nuclear energy/nuclear power is, undoubtedly, the availability of projections indicating that a nuclear power plant, utilizing molten salt fission technology, can produce **clean, reliable, CO2-free** electricity for as little as 3 U.S. cents per kilowatt-hour, assuming an efficient and evidence based regulatory environment. Given these generation cost projections, it is certainly understandable why the Government is interested in nuclear power, as a potential, cost effective answer to Indonesia's energy needs, so long as the associated risks of nuclear power can be minimized.

With the use of nuclear power in Indonesia coming ever closer to reality, the Government needs to move quickly to address the concerns that some international nuclear power industry observers, as well as no doubt many Indonesians, have about the potential health, safety and environmental risks that local nuclear power development could give rise to for Indonesian workers, communities and the environment.

The concerns about the potential health, safety and environmental risks, that Indonesian nuclear power development may give rise to, have been shown to be not without some justification. In February 2020, significant radioactive contamination was detected near a housing complex in Serpong, a satellite city of Jakarta, where radiation levels from dumped caesium-137 reached 680 millisieverts per hour or equivalent to the maximum radiation levels faced by workers responding to Japan's 2011 Fukushima nuclear disaster and when normal radiation levels are 0.03 mSv per hour (**2020 Serpong Incident**). Serpong is the site of the Research Centre for Science & Technology which operates a German 30 MW multipurpose reactor. Subsequent police investigation of the cause of the 2020 Serpong Incident resulted in the discovery of two depleted or empty uranium cylinders that had been discarded on a piece of vacant land close to the housing complex.

GR 52/2022 is part of the Government's endeavour to address the perceived, associated safety and security risks of local nuclear power development.

ANALYSIS AND DISCUSSION

1. Overview of GR 52/2022

GR 52/2022 is intended to provide the outline of a comprehensive regulatory framework for:

(a) **Nuclear Mining Safety**, which covers (i) safe mining of Radioactive Minerals, (ii) safe processing of Radioactive Associated Minerals and (iii) safe storage of Radioactive Associated Minerals;

(b) **Nuclear Mining Security**, which covers (i) ensuring that Radioactive Minerals and Radioactive Associated Minerals are only used for peaceful purposes and (ii) detecting and preventing the (A) illegal transfer of Radioactive Minerals and Radioactive Associated Minerals and (B) sabotage of Nuclear Minerals Mining facilities and activities; and

(c) **Nuclear Mining Safety and Security Management**, which involves putting in place a management system and an organizational structure that facilitates the achievement of Nuclear Mining Safety and Nuclear Mining Security, which management system includes (i) penalties for non-compliance and (ii) the conduct of inspections by the Nuclear Energy Regulatory Agency (**BAPETEN**).

Parties involved in the mining of Radioactive Minerals and/or in the processing and storage of Radioactive Associated Minerals have until 12 December 2023 to bring their activities into compliance with GR 52/2022.

2. Basic Concepts Underlying GR 52/2022

For the purposes of GR 52/2022:

(a) **Nuclear Minerals** are both Radioactive Minerals and Radioactive Associated Minerals;

(b) **Nuclear Minerals Mining** covers (i) Radioactive Minerals mining, (ii) processing of Radioactive Associated Minerals and (iii) storage of Radioactive Associated Minerals;

(c) **Nuclear Minerals Mining Accidents** are unplanned or unintentional events in connection with Nuclear Minerals Mining activity that result in death or injury to mining workers or the public or events that create potential radiation exposure and/or radiation contamination of the environment that exceeds the established limits;

(d) **Permit Holders** are nuclear business actors holding Nuclear Mining Business Permits issued by the Online Single Submission Agency (**OSS Agency**) and entitling them to undertake Nuclear Minerals Mining business activities;

(e) **Radiation Protection** comprises actions taken to protect humans and the environment from the negative effects of exposure to ionizing radiation;

(f) **Radioactive Minerals** are minerals that are the main product of certain mining activities and can be used as the basis for the manufacture of nuclear fuel; and

(g) **Radioactive Associated Minerals** are minerals with an activity concentration of at least 1Bq/g for any one of the radioactive elements in the uranium and thorium series or at least 10Bq/g for the element potassium produced as part of mineral and coal mining activities, oil & gas production and other industrial activities.

3. Some Key Provisions of GR 52/2022

3.1 **Nuclear Mining Safety – Safe Mining of Radioactive Minerals:** The safe mining of Radioactive Minerals includes and requires Permit Holders to be responsible for:

(a) occupational safety and health, public health, environmental health and environmental safety;

(b) safety of facilities and activities;

(c) Radiation Protection;

(d) environmental radioactivity control;

(e) Nuclear Minerals Mining Accident prevention; and

(f) radioactive waste management in connection with their mining activities in respect of Nuclear Minerals (Article 4(1) and Articles 8 to 32 of GR 52/2022).

With the objective of ensuring the safe mining of Radioactive Minerals, Permit Holders are obliged to carry out and document a safety analysis in order to ensure that their mining activities are carried out in a manner that takes account of the various elements of safe Nuclear Minerals Mining as outlined above (**Mining Safety Analysis**) (Article 8 (1) of GR 52/2022).

The most important part of the Mining Safety Analysis is an analysis or enquiry as to (i) the potential impact of natural events and man-made events on Radioactive Minerals mining safety, (ii) those characteristics of the mining area and its surroundings which are likely to affect the transfer of radioactive chemicals released during Radioactive Minerals mining activities in ways that will bring the radioactive chemicals into contact with human beings and the environment and (iii) population demographics and other characteristics of the mining area relevant to the evaluation of risks to members of the public (**Mine Area Analysis**) (Article 10(2) of GR 52/2022).

The results of the Mine Area Analysis then serve as the basis for the design and construction of the Radioactive Minerals mine (Article 11(3) of GR 52/2022).

In addition to general design requirements that apply to all Radioactive Minerals mines, there are separate specific design requirements that apply depending on whether the particular Radioactive Minerals mine will involve (i) surface mining, (ii) underground mining or (iii) on-site leaching (Article 11(4) and (5) and Articles 12 to 18 of GR 52/2022).

Having constructed/developed the Radioactive Minerals mine, the actual mining/production activities are to be carried out in accordance with a Radioactive Minerals mining program that is developed, implemented and updated, as necessary, by the relevant Permit Holder (Article 19 of GR 52/2022).

In order to ensure the continued safety of Radioactive Minerals mines once constructed/developed, Permit Holders are required to carry out ongoing maintenance, monitoring and inspection of the Radioactive Minerals mining facilities and equipment as well as mine decommissioning once Radioactive Minerals mining activity ends.

Radioactive Minerals mine decommissioning requires prior BAPETEN approval (Articles 19 to 23 of GR 52/2022).

Following the completion of Radioactive Minerals decommissioning, Permit Holders must apply to BAPETEN for a "*release statement*". Just what is the form and purpose of this "*release statement*" is not clear from GR 52/2022 but, most likely, it is intended to be a confirmation from BAPETEN that the relevant Permit Holder has discharged all its Nuclear Mineral Safety obligations. The legal significance or otherwise of these "release statements" is also not made clear in GR 52/2022. Presumably, however, this is something that will be dealt with in the contemplated implementing regulations to be issued by BAPETEN (Article 24 of GR 52/2022).

3.2 **Nuclear Mining Safety – Safe Processing of Radioactive Associated Minerals:** A safety analysis is also required to ensure that the processing of Radioactive Associated Minerals is carried out in a way that ensures the safe processing of Radioactive Associated Minerals by Permit Holders (**Processing Safety Analysis**) (Articles 34 and 35 of GR 52/2022).

It is not clear from GR 52/2022 whether the Processing Safety Analysis is a standalone exercise conducted independently and separately from the Mining Safety Analysis or, instead, the Processing Safety Analysis can be carried out in conjunction with the Mining Safety Analysis. However, some indication that the latter is the case may be seen in the fact that the Mine Area Analysis, initially undertaken as part of the Mining Safety Analysis, is also an important part of the Processing Safety Analysis (Article 36 of GR 52/2022).

The results of the Mine Area Analysis are intended to provide the basis for the design and construction of the Radioactive Associated Minerals processing facilities as well as for the subsequent processing activities in respect of Radioactive Associated Minerals (Articles 37 to 40 of GR 52/2022).

In order to ensure the continued safety of Radioactive Associated Minerals processing/ storage facilities and the processing activities carried out using these facilities once constructed, Permit Holders are required to carry out ongoing maintenance, monitoring and inspection of the Radioactive Associated Minerals processing facilities. This obligation extends to the equipment used in connection with these facilities as well as any necessary

modifications to these processing facilities and equipment (Articles 41 and 42 of GR 52/2022).

Any proposed modifications to Radioactive Associated Minerals processing facilities and equipment require prior approval from BAPETEN (Article 42(2) of GR 52/2022).

Radiation Protection, environmental radioactivity control, Nuclear Minerals Mining Accident prevention and radioactive waste management are ongoing obligations of Permit Holders in connection with their processing of Radioactive Associated Minerals (Articles 47 to 55 of GR 52/2022).

3.3 **Nuclear Mining Safety – Safe Storage of Radioactive Associated Minerals:** The storage of Radioactive Associated Minerals must be carried out (i) at a Radioactive Associated Minerals storage facility and (ii) in accordance with "*procedures for storage of Radioactive Associated Minerals*" (Article 43 of GR 52/2022). GR 52/2022 does not make clear who determines these "*procedures for storage of Radioactive Associated Minerals*". Is it individual Permit Holders or BAPETEN? Logically, however, it would seem that it should be BAPETEN which determines the procedures for storage of Radioactive Associated Minerals so as to ensure the use of consistent storage procedures by all Permit Holders.

In the event that stored Radioactive Associated Minerals are no longer required, Permit Holders must carry out "*permanent disposal*" of the no longer required Radioactive Associated Minerals (i) with prior approval from BAPETEN, (ii) in accordance with a plan for permanent disposal of Radioactive Associated Minerals and (iii) at a permanent disposal site that meets various requirements including being located "*far from community centres*" (Article 35(g) and Article 44(1) to (5) of GR 52/2022).

With prior approval from BAPETEN, Permit Holders may cooperate with other parties and/or regional governments, having the required capabilities and expertise, in carrying out the permanent disposal of Radioactive Associated Minerals (Article 44(6) to (8) of GR 52/2022).

It is not clear from GR 52/2022 whether or not the requirements for Radiation Protection, environmental radioactivity control, Nuclear Minerals Mining Accident prevention and radioactive waste management also apply to the storage of Radioactive Associated Minerals. To the extent, however, that Radioactive Associated Minerals storage facilities are, in fact, part of Radioactive Associated Minerals processing facilities, the storage of Radioactive Associated Minerals may well be subject to the same Radiation Protection, environmental radioactivity control, Nuclear Minerals Mining Accident prevention and radioactive waste management requirements that apply to the processing of Radioactive Associated Minerals.

3.4 **Nuclear Mining Security – Ensuring that Nuclear Minerals are only Used for Peaceful Purposes:** Permit Holders are required to "*Safe-guard*" Nuclear Minerals; that is, take all necessary actions to ensure that the Nuclear Minerals produced/processed by them are only used for peaceful purposes (Article 4(2)(a) and Article 62(1) of GR 52/2022).

As part of the process of Safe-guarding Nuclear Minerals, Permit Holders must establish, maintain and update, as necessary, a system for documenting and notifying the relevant authorities of Nuclear Minerals mining activities, including (i) notification of the general mining plan as well as mining research and development, (ii) notification of the location,

mining activity phases and quantity of Nuclear Minerals production, (iii) special equipment import notifications and (iv) recording and periodic reporting of Nuclear Minerals inventories (Article 62(2) of GR 52/2022).

More detailed procedures for the Safe-guarding of Nuclear Minerals are to be set out in implementing regulations issued by BAPETEN (Article 62(4) of GR 52/2022).

It is notable that the existing requirements for the Safe-guarding of Nuclear Minerals seem to be focused on mining activities rather than on the processing and storage of Nuclear Minerals. This is surprising given the risk of misuse of Nuclear Minerals for non-peaceful purposes is surely just as great at the processing and storage stage as it is at the mining stage.

3.5 **Nuclear Mining Security – Detecting & Preventing the Illegal Transfer of Nuclear Minerals/ Sabotaging of Nuclear Mining Activities and Facilities:** Permit Holders are required to detect and prevent the illegal transfer of Nuclear Minerals as well as the sabotaging of Nuclear Minerals Mining activities and facilities by ensuring adequate physical protection for Nuclear Minerals (Article 63(1) of GR 52/2022).

For the purpose of ensuring Nuclear Mining Security, Permit Holders are required to prepare, implement and update as necessary a physical protection plan that, at a minimum, includes (i) a study of vulnerable facilities including possible threat targets, (ii) organizational structures and physical protection officers, (iii) detection systems including control access, (iv) response systems including contingencies and communications systems and (v) evaluation of physical protection systems (**Physical Protection Plan)** (Article 63(2) and (3) of GR 52/2022).

Among other things, the Physical Protection Plan is to reflect the concept of "*multiple layers of defence*" (Article 63(4) of GR 52/2022).

Functional and maintenance testing of the individual components of the Physical Protection Plan is required to be undertaken periodically or whenever a "*nuclear safety incident*" occurs (Article 63 (5) and (6) of GR 52/2022). GR 52/2022 does not make clear whether or not a "*nuclear safety incident*" is the same as a Nuclear Minerals Mining Accident. It may well be the case, however, that a "*nuclear safety incident*" is something less serious than an actual Nuclear Minerals Mining Accident.

More detailed procedures, for the physical protection of Nuclear Minerals, are to be set out in implementing regulations issued by BAPETEN (Article 67(7) of GR 52/2022).

3.6 **Management of Nuclear Mining Safety and Nuclear Mining Security:** Permit Holders are required to put in place, periodically review and update as necessary a management system for the purpose of facilitating the achievement of Nuclear Mining Safety and Nuclear Mining Security (Article 70 of GR 52/2022).

In order to direct and oversee the management of Nuclear Mining Safety and Nuclear Mining Security, Permit Holders must (i) put in place an appropriate organizational structure and (ii) establish an "*independent*" safety assessment committee (Article 71 of GR 52/2022).

Perhaps most importantly, Permit Holders are made responsible for "*guaranteeing*" the Nuclear Mining Safety and Nuclear Mining Security of their Nuclear Minerals mining activities (Article 72 of GR 52/2022).

Just what "*guaranteeing*" Nuclear Mining Safety and Nuclear Mining Security really means is unclear although the Elucidation of GR 52/2022 indicates the intention is to make Permit Holders ultimately responsible for ensuring Nuclear Mining Safety and Nuclear Mining Security even though they may have "delegated"/contracted out some of their Nuclear Mining Safety and Nuclear Mining Security responsibilities to third parties. "Guarantee", however, is a "big word" for lawyers and, used in this context, "*guarantee*" is likely to make the legal advisers, of Permit Holders, distinctly nervous.

3.7 **Administrative Sanctions for Non-Compliance:** In the event that a Permit Holder fails to comply with its obligations in respect of Nuclear Mining Safety and Nuclear Mining Security, the OSS Agency may issue up to three warning letters over a maximum period of twenty days.

Should a Permit Holder still not comply with its Nuclear Mining Safety and Nuclear Mining Security obligations within a maximum of ten days after the third warning letter, the OSS Agency may suspend its Nuclear Mineral Mining Business Permit. During the suspension period, which may be for as long as three months, the Permit Holder is not allowed to carry out any relevant business activities but must, instead, concentrate all its efforts on rectifying the areas of non-compliance.

If a Permit Holder either (i) ignores the suspension of its Nuclear Mineral Mining Business Permit and continues to carry on its business activities or (ii) fails to rectify the areas of non-compliance during the suspension period, then the OSS Agency may revoke/terminate its Nuclear Mineral Mining Business Permit.

Administrative fines may also be imposed on former Permit Holders which do not carry out decommissioning following the revocation/termination of their Nuclear Mineral Mining Business Permits (Articles 56 to 61 and Articles 64 to 69 of GR 52/2022).

3.8 **Inspection of Nuclear Mineral Mining Activities:** BAPETEN has the right to carry out inspections of Nuclear Minerals Mining activities for the purpose of ensuring that Permit Holders comply with their Nuclear Mining Safety and Nuclear Mining Security obligations.

BAPETEN inspections may be carried out during any of (i) the period in which a party is applying for a Nuclear Mineral Mining Business Permit, (ii) the validity period of the Nuclear Mineral Mining Business Permit and (iii) following the expiry of the Nuclear Mineral Mining Business Permit until such time as the issuance of a "*release statement*", in respect of the former Permit Holder, is approved.

Inspections of Nuclear Minerals Mining activities are to be performed by nuclear safety inspectors and may be carried out (i) periodically, (ii) at any time and (iii) with or without prior notification.

Further provisions on inspections of Nuclear Minerals Mining activities are to be set out in implementing regulations issued by BAPETEN (Articles 85 to 88 of GR 52/2022).

4. Evaluation of GR 52/2022

4.1 **Nuclear Mining Safety:** The Government wants to ensure there is a regulatory regime in place for Nuclear Mining Safety that shows it understands the importance of Nuclear Mining Safety and otherwise addresses community concerns about the health, safety and environmental risks associated with a Nuclear Minerals Mining Accident. Given the provisions of GR 52/2022, dealing with Nuclear Mining Safety, are comprehensive and detailed, GR 52/2022 goes **some way** towards achieving these policy objectives. This is, of course, commendable.

The fundamental problem, however, with GR 52/2022 and what it provides for in terms of Nuclear Mining Safety is one of enforcement. No matter how comprehensive and detailed the Nuclear Mining Safety provisions are, they will only make a meaningful contribution to ensuring **actual** Nuclear Mining Safety to the extent that they are strictly enforced. Indonesia's track record on the enforcement of laws and regulations dealing with health, safety and the environment is **not** encouraging in terms of what it says about the likelihood of the Nuclear Mining Safety provisions of GR 52/2022 being strictly enforced.

In addition to the 2020 Serpong Incident referred to in the Background, the March 2023 catastrophic fuel storage blaze at Pertamina's North Jakarta Plumpang depot (**2023 Plumpang Incident**)_should be a cause for major concern. Resulting in the deaths of at least 19 members of the surrounding community, the 2023 Plumpang Incident provides an all too relevant and timely example of the poor enforcement of health, safety and environment regulations in Indonesia. There are various existing Indonesian health, safety and environment regulations that are potentially relevant to the operation of a high-risk facility such as a fuel depot and which it is reasonable to suppose were not being strictly enforced in the case of Pertamina's North Jakarta Plumpang depot given the subsequent sacking of a Pertamina director over the incident. The 2023 Plumpang Incident is, in fact, only the latest incident involving high risk Pertamina facilities which have been the subject of other health, safety and environmental accidents including a serious 2018 oil spill in Balikpapan, East Kalimantan. If the state oil company is not sufficiently diligent with respect to the enforcement of health, safety and environment regulations relevant to high-risk fuel depots and other facilities, is it reasonable to assume that BAPETEN will be any more diligent when it comes to enforcing the provisions of GR 52/2022 dealing with Nuclear Mining Safety, no matter how comprehensive and detailed those provisions may be?

The unfortunate prevalence of serious natural disasters in Indonesia, whether it be earthquakes, mudslides, tsunamis or volcanic eruptions, makes ensuring Nuclear Mining Safety and otherwise avoiding Nuclear Minerals Mining Accidents a particularly challenging and difficult task for the Government.

The usefulness of the Nuclear Mining Safety provisions of GR 52/2022, in preventing future Nuclear Minerals Mining Accidents, is also very much dependent upon there being enough nuclear safety inspectors, with sufficient technical knowledge and expertise, to be able to effectively monitor compliance with the Nuclear Mining Safety provisions of GR 52/2022. This seems inherently unlikely to be the case.

The failure of a Permit Holder to comply with its Nuclear Mining Safety obligations self-evidently represents a huge potential risk to the health and safety of local communities as well as to the environment. Allowing a Permit Holder up to thirty days to bring itself into

compliance could easily result in a catastrophic Nuclear Minerals Mining Accident happening in the meantime. As such, it is surprising and unsatisfactory that GR 52/2022 does not provide for the automatic and immediate suspension of the non-compliant Permit Holder's Nuclear Mineral Mining Business Permit once any material non-compliance with its Nuclear Mining Safety obligations is established.

4.2 **Nuclear Mining Security:** GR 52/2022 only sets out some very basic provisions with regard to the two aspects of Nuclear Mining Security, being "Safeguarding" and physical protection. As the detailed procedures, intended to ensure Nuclear Mining Security, will only follow in one or more implementing regulations that are yet to be issued by BAPETEN, it is really too early to assess and evaluate the Nuclear Mining Security provisions of GR 52/2022. Nevertheless, the observations made in 4.1 above, with respect to the Nuclear Mining Safety provisions of GR 52/2022, are almost certainly equally applicable to the Nuclear Mining Security provisions of GR 52/2022.

The well-documented presence of various "home grown" and international terrorist organizations in Indonesia, as well as the ongoing violent independence movements in various parts of Indonesia, mean that the effectiveness or otherwise of Indonesia's regulation of Nuclear Mining Security should be of high concern to all Indonesians as well as to the international community.

SUMMARY & CONCLUSIONS

GR 52/2022 represents a commendable first effort, on the part of the Government, to put in place a comprehensive regulatory regime for ensuring Nuclear Mining Safety and Nuclear Mining Security.

Unfortunately, however, it is questionable whether GR 52/2022 will do much, in practice, to prevent the occurrence of Nuclear Minerals Mining Accidents or the misuse of Nuclear Minerals for non-peaceful purposes. Enforcement is, almost always, the "weak link" in every Indonesian regulatory regime, especially regulatory regimes related to the exploitation of Indonesia's minerals and other natural resources.

Given the obvious enforcement issues with GR 52/2022, it is improbable that the issuance of GR 52/2022 will, by itself, be sufficient to overcome the well-founded concerns of many Indonesians, as well as of the international community, about the potentially serious safety and security issues that allowing the mining, processing and storage of Nuclear Minerals in Indonesia gives rise to. Much more needs to be done by the Government, particularly in terms of making sure that BAPETEN is adequately resourced and staffed, as well as independent and transparent, before these concerns can hope to be alleviated in any meaningful way. Put simply, the Government suffers from a serious "credibility" problem, in terms of the enforcement of health, safety and environmental protection regulations generally, that will not be easy to overcome in the case of the proposed mining, processing and storage of Nuclear Minerals in Indonesia.

There are also various, as yet, unclear aspects of the regulatory regime contemplated by GR 52/2022 that make the definitive evaluation of that regulatory regime's likely effectiveness impossible at this stage and without the benefit of the contemplated numerous implementing regulations to be issued by BAPETEN.

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