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GOVERNMENT NOTICE

DEPARTMENT OF MINERALS AND ENERGY

No. 1171

8 August 2003

The Minister of Minerals and Energy hereby publishes the draft regulations on the categorisation of the various nuclear installations in the Republic, the level of financial security to be provided by holders of nuclear installation licences in respect of each of those categories and the manner in which that financial security is to be provided in accordance with the provisions of sections 29(1) and 29(2), read with section 47, of the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999), for comment.

All interested parties are invited to comment in writing on the said draft regulations and to direct the comments to: The Director-General, Department of Minerals and Energy, Private Bag X59, PRETORIA, 0001, for attention: Dr S de Waal: Director: Nuclear Safety, Fax No (012) 317 9539 or e-mail: sdw@mepta.pwv.gov.za

The comments must reach the Department of Minerals and Energy within 30 days of the date of publication of this notice.

PHUMZILE MLAMBO-NGCUKA
MINISTER OF MINERALS AND ENERGY

DRAFT REGULATIONS

NATIONAL NUCLEAR REGULATOR ACT, 1999 (ACT NO. 47 OF 1999)

REGULATIONS IN TERMS OF SECTIONS 29(1) AND 29(2), READ WITH SECTION 47, OF THE NATIONAL NUCLEAR REGULATOR ACT, 1999 (ACT NO. 47 OF 1999), ON THE CATEGORISATION OF THE VARIOUS NUCLEAR INSTALLATIONS IN THE REPUBLIC, THE LEVEL OF FINANCIAL SECURITY TO BE PROVIDED BY HOLDERS OF NUCLEAR INSTALLATION LICENCES IN RESPECT OF EACH OF THOSE CATEGORIES AND THE MANNER IN WHICH THAT FINANCIAL SECURITY IS TO BE PROVIDED

Under sections 29(1) and 29(2), read with section 47, of the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999), I Phumzile Mlambo-Ngcuka, Minister of Minerals and Energy, on the recommendation of the Board of Directors of the National Nuclear Regulator and in consultation with the Minister of Finance, hereby make the regulations in the Schedule.

PHUMZILE MLAMBO-NGCUKA
MINISTER OF MINERALS AND ENERGY

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned.

Categorisation of nuclear installations

2. The various nuclear installations in the Republic of South Africa are categorised as follows, based on the potential consequences of a nuclear accident—

- (a) Category 1: Koeberg Nuclear Power Station.
- (b) Category 2: Safari-1 Research Reactor.
- (c) Category 3: Vaalputs National Radioactive Waste Disposal Facility and the following installations at Pelindaba: BEVA, Building P-2500 (ELPROD), Building 2700 (UCHEM), C-Building, D-Building, Decontamination Facilities, Foundry YG Building, Hot Cell Complex, HEU Vault, J-Building, MLIS-X4 Pilot Plant, P-2400 Volume Reduction Facility, Thabana Pipe Store, Thabana Radioactive Waste Facility, UMET, U-1-Plant, XB-Building and Z-1-Plant.

Level of financial security to be provided

3. The level of financial security to be provided by holders of nuclear installation licences in respect of each of the categories as determined in section 2 hereof, for the financial year 2003/4, shall be—

- (a) Category 1: R3.7 billion to be provided in such currency, which is acceptable to the Board of the National Nuclear Regulator
- (b) Category 2: R185 million
- (c) Category 3: R1 million

Manner in which financial security is to be provided

4. Financial security must be provided by way of—

- (1) insurance guarantee issued by a duly registered insurance company acceptable to the Board; or
- (2) a monetary guarantee issued by a duly registered bank acceptable to the Board.

Financial security in respect of more than one nuclear installation licence

5. The holder of more than one nuclear installation licence must provide a single financial security for nuclear damage at the level of the nuclear installation in the category with the highest potential consequence of a nuclear accident.

Basis for determining the level of financial security

6. The basis for determining the level of financial security is available for perusal from the Chief Executive Officer, National Nuclear Regulator, P O Box 7106, Centurion, 0046; telephone 012-674 7100.