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GOVERNMENT NOTICE

DEPARTMENT OF MINERALS AND ENERGY

No. 581

7 May 2004

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 2004/5, shall be—

- (a) Category 1: R2.4 billion to be provided in such currency, which is acceptable to the Board of the National Nuclear Regulator. Where the financial security has been provided in a foreign currency and the exchange rate has resulted in the required level of financial security being devalued more than 15%, the holder of the nuclear installation licence must report it to the regulator within 10 days.
- (b) Category 2: R120 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) an insurance policy 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 consequences 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.