

**DEPARTMENT OF MINERALS AND ENERGY
DEPARTEMENT VAN MINERALE EN ENERGIE**

No. 1047

25 July 2003

The Minister of Minerals and Energy hereby publishes the draft regulations on the development surrounding any nuclear installation to ensure the effective implementation of any nuclear emergency plan in accordance with the provisions of section 38(4), 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

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

**PHUMZILE MLAMBO-NGCUKA
MINISTER OF MINERALS AND ENERGY**

DRAFT REGULATION

No. 1054

25 July 2003

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

**REGULATIONS IN TERMS OF SECTION 38(4), READ WITH SECTION 47, OF THE
NATIONAL NUCLEAR REGULATOR ACT, 1999 (ACT NO. 47 OF 1999), ON THE
DEVELOPMENT SURROUNDING ANY NUCLEAR INSTALLATION TO ENSURE THE
EFFECTIVE IMPLEMENTATION OF ANY NUCLEAR EMERGENCY PLAN**

Under section 38(4), 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 relevant provincial and municipal authorities, 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.

Terms not defined in the Act

2. In these regulations—

- (i) “relevant provincial and/or municipal authorities” means any province and/or municipality with responsibilities for development and/or disaster management, as the case may be, in the area within which the formal emergency planning zone of a nuclear installation, as defined by the Regulator, falls.
- (ii) “disaster management infrastructure” means all infrastructure and services necessary for the implementation of an emergency plan, including but not limited to public communication, transport, personnel, mass care and medical care.

Specific requirements regarding development surrounding a nuclear installation

3. The Regulator shall lay down, where appropriate, specific requirements relating to the control and/or monitoring of development within the formal emergency planning zone surrounding a specific nuclear installation, after consultation with the relevant provincial and/or municipal authorities.

Responsibilities of relevant provincial and/or municipal authorities

4. The relevant provincial and/or municipal authorities must—

- (a) develop and implement processes, based on the requirements contemplated in section 3, including associated acceptance criteria, for the conduct of periodic assessment of —
 - (i) current and planned population distribution;
 - (ii) disaster management infrastructure; and
 - (iii) new development,to ensure that the emergency plan, as contemplated in section 38 of the Act, can be implemented effectively at all times;
- (b) document the processes contemplated in subsection 4(a) in procedures acceptable to the regulator; and
- (c) report to the Regulator on the implementation and the results of the monitoring processes at intervals acceptable to the Regulator.

Offence

5. Failure to comply with these regulations shall constitute an offence as contemplated in section 52(2) of the Act.