

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

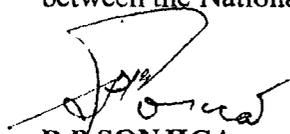
No. 759

18 July 2008

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

**CO-OPERATIVE AGREEMENTS CONCLUDED IN TERMS OF SECTIONS 6 (2) AND
PUBLISHED IN TERMS OF SECTION 6(4) OF THE NATIONAL NUCLEAR
REGULATOR ACT, 1999 (ACT NO. 47 OF 1999)**

Under section 6(4) of the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999), I, Buyelwa Sonjica, Minister of Minerals and Energy, hereby publish the co-operative agreement signed between the National Nuclear Regulator and Department of Environmental Affairs and Tourism.



B B SONJICA
MINISTER OF MINERALS AND ENERGY

**CO-OPERATIVE AGREEMENT IN RESPECT OF THE
MONITORING AND CONTROL OF RADIOACTIVE
MATERIAL OR EXPOSURE TO IONISING RADIATION**

**In terms of the provisions of section 6 of the National Nuclear Regulator Act
(Act No. 47 of 1999) and Regulation No. 709 of 24 May 2002**

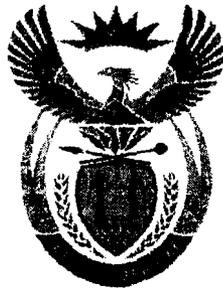
Between

**THE NATIONAL NUCLEAR
REGULATOR**



And

**THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND
TOURISM**



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**MEMORANDUM OF COOPERATIVE AGREEMENT IN RESPECT OF THE
MONITORING AND CONTROL OF RADIOACTIVE MATERIAL OR
EXPOSURE TO IONISING RADIATION**

In terms of the provisions of section 6 of the National Nuclear Regulator Act (Act No.47 of 1999) and Regulation No. 709 of 24 May 2002 between

The National Nuclear Regulator

and

The Department of Environmental Affairs and Tourism)

(Hereinafter referred to as the parties)

PREAMBLE

Whereas: The National Nuclear Regulator (hereinafter referred to as the NNR) has responsibilities in respect of the monitoring and control of radioactive material or exposure to ionising radiation in terms of the National Nuclear Regulator Act (Act no 47 of 1999);

And whereas: The Department of Environmental Affairs and Tourism (hereinafter referred to as DEAT) also has responsibilities with regard to the regulation environmental management associated with radiation hazards in terms of the National Environmental Management Act (Act no 107 of 1998) and the Environment Conservation Act (Act 73 of 1989);

And whereas: The parties acknowledge and respect each others autonomy and statutory responsibilities whilst recognizing the National Nuclear Regulator as the lead authority in the regulation of radiation hazards with a view to protecting persons, property and the environment against nuclear damage;

And whereas: The National Nuclear Regulator and the Department of Environmental Affairs and Tourism have concluded an agreement in terms of the requirements for co-operative governance as provided for in terms of the provision of section 6 of the National Nuclear Regulator Act, section 35 of the National Environmental Management Act and section 41 of the constitution of the Republic of South Africa

Now therefore the parties record the following-

SCOPE

This agreement provides for a working relationship with regards to issues Environmental impact between the Department of Environmental Affairs and Tourism and the National Nuclear Regulator with regard to:

- i. ensuring the effective monitoring and control of nuclear hazards;
- ii. co-ordinating the exercising of such functions;
- iii. minimizing the duplication of such functions and procedures regarding the exercise of such functions; and
- iv. promoting consistency in the exercise of such functions

ARTICLE ITime period for implementation of this agreement

The parties agree that this agreement must be implemented on the date of signature hereof.

ARTICLE IICo-ordination of functions with respect of the monitoring and control of radioactive material and exposure to ionising radiation

Specific Activity	Lead responsibility	Support responsibility	Mechanisms & procedures for co-operation
Develop legislation, safety standards and regulatory practices including conditions of authorisation (where applicable) and guidelines.	The NNR to develop according to the NNRA	The DEAT to provide input	The NNR must involve the DEAT to participate in the development process.
	The DEAT to develop according to the NEMA, ECA	The NNR to provide input on radiation matters	The DEAT must involve the NNR to participate in the development process.
Issue nuclear authorisations and authorization change request in terms of the NNRA	The NNR	The DEAT	The NNR must notify the DEAT in writing of authorisations and status
The issuing of Environmental Impact Assessment authorizations	The DEAT	The NNR	Through a mechanism and process as established by the

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for construction and operation, where applicable, of nuclear installation in terms of the NEMA or ECA			DEAT and the NNR
Investigate accidents, incidents and other occurrences which impact on the public	The NNR	The DEAT	Joint investigations must be conducted
Conduct inspections and audits related to nuclear authorisations	The NNR	The DEAT	The NNR communicates the findings with the DEAT.
Conduct inspections and audits related to authorisations issued in terms of the NEMA and ECA	The DEAT	The NNR	The DEAT will communicate any radiation anomalies identify during their general inspections to the NNR for action
Review routine reports (Occupational Hygiene and Occupational Medicine)	The NNR	The DEAT	The NNR provides the DEAT with the results.
Conduct regulatory research and development	The NNR	The DEAT	The NNR would invite participation from the DEAT and elicit support from the DEAT process
Enforce legislation	The NNR	The DEAT	Offences and non-compliances must be communicated to both parties. The NNR take the necessary action after consultation between the parties, should the offence relate to the NNRA or where the offence relates to the NNRA and the NEMA and /ECA
	The DEAT	The NNR	Offences and non-compliances must be communicated to both parties. The DEAT take necessary actions after

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			consultation between the parties, should the offence relate only to NEMA/ECA
Granting of authorisations and regulation of radioactive waste	The DEAT in terms of NEMA	The NNR in terms of NNRA	Each party to develop with respect to its legislation and the involvement of the other.

ARTICLE III

Measures to resolve non-compliance with this agreement

In the event of either of the parties failing to comply with any provision of this agreement, every effort must be made to ensure compliance. Where the parties are unable to reach agreement on compliance after referral to the joint co-ordinating committee referred to in Article V, the details of such non-compliance must be referred to the Minister of Minerals and Energy for determination.

ARTICLE IV

Resolution of disputes in respect of the interpretation or application of this agreement

The parties agree that, in the event of any dispute relating to the interpretation or application of any provision contained in this agreement, every effort must be made to resolve such dispute between the parties. Where the parties are unable to resolve the dispute after referral to the joint co-ordinating committee, the details of such dispute must be referred to the Minister of Minerals and Energy for determination.

ARTICLE V

Mechanisms and procedures for co-operation between the parties

In order to implement the provisions of this agreement, the parties agree to the following:

- i. A joint co-ordinating committee must be established, and must be chaired by the Chief Executive Officer of the NNR.

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- ii. Membership of this committee must consist of an equal number of representatives from each party, and the Deputy Director General: Environmental Quality and Protection must head the DEAT representation.
- iii. The joint coordination committee must at least meet bi-annually.
- iv. The joint coordination committee is responsible for the establishment of working groups, where the need arises, to conduct the tasks identified by the committee to comply with this agreement.

ARTICLE VI

Safety standards

Regulation No. R388, 28 April 2006, GG No. 28755 (attached) on safety standards and regulatory practice contained in Regulation No R388 shall be applicable to all relevant provisions for the regulation, monitoring and control of radiation hazards falling within the respective responsibilities of the parties. Where the regulation R388 does not adequately address the safety standards relating to responsibilities of the E&N, the parties may agree that a recommendation be made to the Minister of Minerals and Energy to have the regulation amended accordingly.

Both parties agree to use the following guidelines or standards:

1. Regulation No. R388 on safety standards and regulatory practices.
2. Any other guidelines, standards, procedures, regulations etc that may be developed or promulgated from time to time in terms of each others' legislation.

ARTICLE VII

Co-ordination of monitoring and enforcement functions

The co-ordination of monitoring and enforcement functions shall be carried out as contemplated in Article II

ARTICLE VIII

Record of delegation

No delegations have been made in terms of section 238 of the Constitution.

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ARTICLE IXExpert assistance and support

As and when required, the parties agree to provide expert assistance to each other. The NNR would provide radiation expert assistance and support to the DEAT. The DEAT would provide expert assistance and support in respect of relevant Environmental Impact Assessment procedure to the NNR.

ARTICLE XSharing of relevant information

Relevant information must be shared by the quickest means of communication, and be supported in writing by the parties. Such means of communication include but are not restricted to:

- Telephone
- E-mail
- Fax
- Ordinary mail
- Working groups and
- Joint co-ordinating committee

ARTICLE XICo-ordination of responses to incidents/accidents

The co-ordination of responses to incidents/accidents shall be carried out as contemplated in Article II.

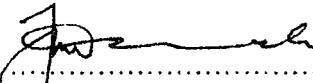
ARTICLE XIIAmendments to co-operative agreements

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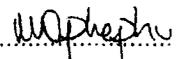
This agreement constitutes the entire agreement between the parties, and any amendment thereto must be reduced to writing after agreement by the joint co-ordinating committee and signed by both parties, before it becomes effective.

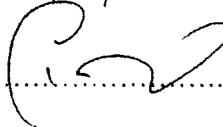
Thus done and signed at.....Centurion.....on this 06th day

of.....September.....2007.


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For NATIONAL NUCLEAR REGULATOR
Mr Maurice Magugumela
Chief Executive Officer

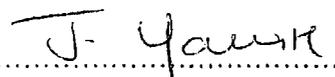
WITNESSES

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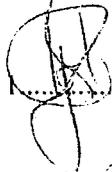
Thus done and signed at.....Pretoria.....on this 31st day

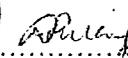
of.....August.....2007.


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For DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

J Yawitch
Deputy Director-General: Environmental Quality and Protection

WITNESSES

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