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

STATEMENT PROVIDING INFORMATION ON THE PROCEDURES AND REQUIREMENTS FOR SUSPENSION, MODIFICATION, RENEWAL, REVOCATION OR SURRENDER OF AUTHORISATIONS.

I, Ms Ditebogo Kgomo, Chief Executive Officer of the National Nuclear Regulator, with the approval of the Board of the National Nuclear Regulator, hereby, in terms of section 27(5) of the National Nuclear Regulator Act, 1999 (Act No. 47 of 1999), make publicly available a statement on the Procedures and Requirements for Suspension, Modification, Renewal, Revocation or Surrender of Authorisations.

Issued at Centurion on this 16th day of April 2026

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CHIEF EXECUTIVE OFFICER

1. PURPOSE:

(1) The purpose of this statement is to –

(a) make publicly available information on the procedures and requirements for the renewal, suspension, revocation, amendment of conditions of authorisations, or surrender of authorisation

(b) ensure that all actions taken by the National Nuclear Regulator (NNR) uphold nuclear and radiation safety, security, and environmental protection in accordance with national legislation, regulatory framework and international obligations.

2. AUTHORITY

(1) This statement is made in compliance with the provisions of Section 27(5) of the National Nuclear Regulator Act, Act No. 47 of 1999 (the Act), read with Sections 7, 21, 22, 23, 24, 26, 26A and 28 of the Act.

3. BACKGROUND

(1) The primary objective of the NNR is to provide for the protection of persons (workers and members of the public), property and the environment against the harmful effects of radiation associated with the authorised facilities and activities.

(2) The NNR achieves its primary objective through the granting and issuing of authorisations, amongst other things.

(3) The NNR issues the following types of authorisations –

(a) Nuclear Licence
(b) Nuclear Site Licence
(c) Nuclear Vessel Licence
(d) Certificate of Registration
(e) Certificate of Exemption
(f) Authorisation to Manufacture
(g) Certificates of Approval or Validation of Package Design (for transport containers and packages authorising the approved contents)

(2) Section 7 of the Act provides that the NNR may grant, amend (modify), refuse, suspend, or revoke authorisations subject to the provisions of the Act.

(3) Sections 21(9), 21(10), 22(5), and 24(4) of the Act provide the authority for renewal of authorisations.

(4) Section 23(2) of the Act provides for the inclusion of conditions necessary for –

(a) Protection of persons, property and the environment against nuclear damage.

(b) Rehabilitation of the site.

(5) Section 27(2) provides that an authorisation holder may surrender an authorisation, subject to the provisions of Section 27(3) of the Act.

(6) These measures are intended to –

(a) Uphold the principle of defence-in-depth,

(b) Maintain public confidence,

(c) Ensure that regulated facilities and activities remain within acceptable risk boundaries.

(d) Ensure that authorisation holders deliver on their responsibilities regarding –

(i) safety and security of the authorised facilities and activities.

(ii) Protection of workers, members of the public and the environment.

3.1. Principles Applicable to Renewal, Suspension, Modification or Revocation of Authorisations

(1) **Safety First:** Regulatory decisions must prioritise protection of persons (workers and members of the pubic), the environment, and property from radiological/nuclear hazards.

(2) **Proportionality**: Regulatory decisions must take due account of the risk or hazard posed.

(3) **Transparency**: Decisions must be documented, justified, and communicated to the applicant, authorisation holder and where relevant interested parties.

(4) **Due Process**: Applicants, authorisation holders and, in the case of renewals, interested parties, should be informed, and be allowed to respond, and/or appeal, as applicable, decisions of the NNR.

4. Renewal of Authorisations

4.1. General

(1) Authorisations issued by the NNR are valid for the period stipulated in the conditions of authorisation and may be renewed on application, before the prescribed time, in the prescribed form and manner.

(2) Applications for renewal of authorisation must be lodged with the CEO of the NNR within the required timeframes.

(3) Applications for renewal of authorisation must include submission of updated documentation pertaining to –

(a) Scope of authorised activities applied for.
(b) Safety case for the facility or activity including –
    (i) Management system documentation,
    (ii) Safety assessment, and associated safety programmes
    (iii) Radiation protection,
    (iv) Detail of radioactive discharges and associated controls.
    (v) Predisposal management of radioactive waste and used fuel as applicable
    (vi) Disposal of radioactive wastes.
    (vii) Decommissioning planning.
    (viii) Associated transport actions.
    (ix) Emergency preparedness arrangements,
(c) Safety upgrades implemented or to be implemented, where applicable.
(d) Financial standing and funding for –
    (i) Continued operations.
    (ii) Continued radioactive waste management.
    (iii) Decommissioning.
    (iv) Strict Nuclear Liability, where applicable.

(4) Public consultation on the renewal application shall follow the processes prescribed for new applications.

(5) Incomplete or partially complete applications for renewal shall not be accepted by the NNR.

NB: The expiry of an authorisation at the end of the period of validity requires that the authorisation holder cease the conduct of the previously authorised activities; but does not represent an immediate cessation of the authorisation holder's responsibility for safety and security of the radioactive material on the site or associated with the facility or activity.

4.2. Procedural Requirements and Process

(1) An application for renewal of nuclear licence must be lodged with the regulator at least twenty-four (24) months prior to expiry.

(2) An application for renewal of nuclear vessel licence, certificate of registration or certificate of exemption must be submitted at least twelve (12) months prior to expiry.

(3) Applications for renewal of certificates of package design approval or validation of certificates of package design approval must be lodged at least three (3) months prior to expiry.

(4) Incomplete or partially complete applications for renewal shall not accepted by the NNR.

(5) The NNR shall direct the applicant to publish and serve a copy of the renewal application, consistent with the prescripts of Sections 21(5) and 22(3) as appropriate.

(6) In undertaking the review of an application for renewal, the NNR shall –

(a) Assess the documents as per paragraph 4.1(3).
(b) Assess the operational performance and safety culture, including addressing of past non-compliances, of the applicant if any.
(c) Verify compliance with current regulatory requirements and safety standards and identify if applicable safety improvements and upgrades are required for the period of renewal.
(d) Consider the representations made, pursuant to Sections 21(5) and 22(3) of the Act.

(7) With exception of a Certificate of Package Design Approval or Certificate of Validation of Package Design, granting or refusal of an application for renewal shall be subject to approval of the NNR Board.

(8) The NNR shall issue a formal notice of the decision to grant or refuse an application for renewal of authorisation.

(9) Where an application for renewal is refused, the notice shall include the reasons for the refusal and details regarding the authorisation holder's rights to appeal the decision of the NNR.

(10) Where an application for renewal is granted, the notice shall include –

(a) Confirmation of the effective date of renewal.
(b) Confirmation of the new expiry date or period of validity of the renewed authorisation.
(c) Conditions subject to which the renewal is granted, where applicable.
(d) Authorised copy of the renewed authorisation.

5. Suspension, Modification or Revocation of an Authorisation

5.1. General

(1) Regulatory decision regarding suspension, modification or revocation of an authorisations is undertaken when circumstances arise that could compromise nuclear or radiation safety, security, or environmental protection. Such circumstances include–

(a) An event of a violation of its conditions of authorisation.
(b) when the conditions under which it was authorised are no longer met.
(c) Any circumstance where the Regulator determines that continued activity under the authorisation would pose an unacceptable risk to the safety or security of persons, property and the environment.
(d) Non-compliance with legal or technical requirements.
(e) Significant safety concerns identified during inspections or incident investigations.
(f) Changes in operational scope or facility design requiring updated safety assessments.
(g) Evolving regulatory standards or international obligations.

5.2. Factors to be considered during Suspension, Modification or Revocation of an Authorisation

(1) Significance of safety breaches or imminent risk to health/environment.

(2) The actual and potential safety significance of the non-compliance or the offence and the complexity of the corrective action.

(3) Failure to comply with authorisation conditions or regulatory requirements.

(4) Whether there has been a wilful offence or a wilful non-compliance.

(5) Whether the non-compliance or offence is repeated.

(6) Adequacy of corrective actions after enforcement notices.

(7) Failure to complete agreed/accepted/approved corrective actions for identified non-compliances from reported events or findings of NNR inspections or investigations.

(8) Fraudulent or misleading information provided to the regulator.

(9) Whether the non-compliance or offence impacted the ability of the regulatory body to perform its regulatory function.

(10) Security threats or loss of control over radioactive material.

(11) Failure to pay prescribed authorisation fees.

(12) The authorisation holder's financial ability to operate the facility or conduct the activity in a safe manner.

(13) Past safety performance of the authorisation holder and the performance trend.

(14) Emerging safety issues.

(15) Cooperation and disclosure by the authorisation holder.

5.3. Procedural Requirements and Process

Notice of Intention to suspend, modify or revoke an authorisation

(16) Upon identification of the non-compliance by the authorisation holder, the NNR shall issue a written notice to the authorisation holder informing of the –

(a) non-compliance or safety concern,

(b) potential and actual consequences thereof,
(c) the intended regulatory action to be taken,
(d) period during which the authorisation holder may respond and make representations on the intended regulatory action.

NB: In cases where there is an immediate threat to health, safety, security, or the environment, there may be no period allowed for representations prior to the regulatory decision being taken.

Representations on the intended regulatory decision

(17) The authorisation holder may submit written representations within the period allowed in the regulatory notice of intent to suspend, modify or revoke an authorisation.

(18) The NNR shall objectively consider the representations made and may request a meeting(s) with the authorisation holder prior to making a decision on the matter.

Regulatory decision on suspension, modification or revocation of an authorisation

(19) The NNR shall issue a formal notice of the decision to suspend, modify or revoke an authorisation, to the authorisation holder.

(20) The notice of suspension, modification or revocation of an authorisation shall include –

(a) Details of the non-compliance or safety concerns;
(b) Regulatory decision to suspend, modify or revoke the authorisation;
(c) The effective date of the regulatory decision;
(d) Actions required of the authorisation holder;
(e) Details regarding the authorisation holder's rights to appeal the decision of the NNR.

NB: Institution of appeal by the authorisation holder does not result in the regulatory decision being put on hold/suspended.

6. Surrender of authorisation

6.1. General

(21) An application for surrender is an indication that the authorisation holder no longer wishes to continue with the authorised facility or activity and desires to be relieved of their responsibility with respect to the facility or activity.

(22) Prior to being relieved of responsibility, the authorisation holder shall demonstrate to the NNR that –

(a) All sources (radioactive material) associated with the facility or activity have been appropriately accounted for and removed from the site.
(b) All decommissioning of the facility has been completed.
(c) All required site remediation and rehabilitation have been completed.
(d) All radioactive waste arising from the facility or activity (including waste from decommissioning and site remediation/rehabilitation) has been safely manged or disposed.
(e) Where the requirements of (a) through (c) above have not been completed, legal liability for these actions have been assumed by a new entity that has been authorised by the NNR.

(23) The authorisation holder remains responsible for safety and liable for any associated costs, until the end of the period of responsibility as determined by the NNR.

6.2. Procedural Requirements and Process

(24) An authorisation holder must make written application, in the prescribed format, for surrender of an authorisation issued by the NNR.

(25) The application for surrender must include all documentation confirming that the authorisation holder has satisfied all requirements related to –

(a) Decommissioning of the site and associated facilities.
(b) Rehabilitation or remediation of the site.
(c) Safe removal of all radioactive material (including radioactive waste) from the site.
(d) Demonstration that the residual radioactivity on the site or in the facility does not pose a risk of nuclear damage.

(26) Where the requirements of paragraph (25) have not been fully satisfied, what arrangements the authorisation holder has made to transfer these obligations to another entity.

(27) Incomplete or partially complete applications for surrender shall not be processed by the NNR.

(28) The NNR shall review the application for surrender and the supporting documents to verify that all obligations and responsibilities have been successfully fulfilled.

(29) In this regard the NNR may, in addition to the review of the submitted documentation, conduct independent verification and inspection activities.

(30) The applicant for surrender remains liable for annual authorisation fees until the NNR has issued a notice granting approval for surrender of the authorisation.

(31) In the case of a certificate of exemption the work undertaken by the NNR shall continue to be charged at the published hourly rate during the surrender process.

(32) The authorisation holder shall not be relieved of responsibility unless –

(a) All obligations as per paragraph (25) have been successfully concluded and verified by the NNR or

(b) A new entity has applied for authorisation over the facility or activity and has been granted an authorisation for the facility or activity.

(33) The granting or refusal of the surrender of an authorisation is subject to approval by the NNR Board.

(34) The NNR may require public consultation related to an application for surrender of an authorisation.

(35) The NNR shall issue a formal notice to the applicant confirming the granting or refusal of the application for surrender.

(36) Where an application for surrender is refused, the notice shall include –

(a) The reasons for the refusal.

(b) Further actions required of the authorisation holder.

(c) Details regarding the authorisation holder’s rights to appeal the decision of the NNR.