

13 January 2022

Attention: The Chairperson  
Mr Thapelo Moshudi  
National Nuclear Regulator

Email:

And to: Manager: Communications and  
Stakeholder Relations  
Mr Gino Moonsamy  
National Nuclear Regulator

Email:

Dear Sir,

**INQUIRY INTO THE EXTENSION OF THE KOEBERG NUCLEAR POWER STATION / NISL:  
THYSPUNT**

**OUR REF: EN2011-026**

**YOUR REF: UNKNOWN**

1. We refer to the above and more specifically your letter dated 16 November 2021 (“your letter”).
2. It is our understanding that in 2019 the National Nuclear Regulator (“NNR”) issued interim regulatory guidance specifications for nuclear regulatory requirements for extending the operational life of the Koeberg Nuclear Power Station. In accordance with the regulatory guidance document, RG-0027, section 5.3.2 states that Eskom should formally notify the NNR no later than 48 months in advance of the expiration of the existing licence variation of its intention to pursue Long Term Operation (“LTO”).
3. In order to allow adequate time for regulatory reviews, resolution of comments, engagement with stakeholders as required, as well as regulatory governance processes, the application should be received by the NNR 42 months prior to the expiration of the licence.

**ORGANISATION UNDOING TAX ABUSE NPC**

Reg No.: 2012/064213/08

**Directors:** WL Duvenage (CEO), Adv. S Fick,

**Non-Executive Directors:** W Modisapodi (Chair), P Majazi, LJJ Pauwen, T Pillay Van Graan, Dr H Volmink

**CONTACTS:** 087 170 0639 • info@outa.co.za • www.outa.co.za

4. In your letter dated 9 September 2021, the NNR confirmed receipt of an application, but did not specify a date. However, in your letter of 16 November 2021, the NNR confirmed that it has yet to receive the safety case which should accompany the application, and only expects to receive it by “*mid 2022*”. In this regard, we kindly request that you clarify as exactly how the absence of a safety case, considering that Eskom plans to commence replacement of the steam generators in February 2022, will affect the overall timeline as prescribed by RG-0027.
5. Furthermore, we now understand that Eskom’s safety case has now been received and is currently under review by the NNR. Kindly indicate as to when the outcome thereof will be made available for public consumption.
6. In order for Eskom to obtain an extension (variation in the existing licence), the NNR is required to conduct a public participation process, which has not yet commenced. We are unaware of when the NNR anticipates commencing such process. Kindly advise.
7. We contend that it is clearly within the public interest for the NNR to provide evidence that the proposed Eskom life extension project should meet the highest international standards. It is unclear whether the NNR will follow the Nuclear regulatory Commission’s License Renewal Rule (NEI95-10) or the International Atomic Energy Agency’s (“IAEA”) Safety Aspects of Long-Term Operation (“SALTO”), or any other applicable regulatory instrument (i.e. French ASN). We kindly request clarity in this regard.
8. As the NNR has the objective to address all environmental and safety concerns, it is reasonable to assume that some form of integrated implementation plan be carried out. Such technical issues might include concrete structures, water ingress, instrumentation upgrades, with the condition of the reactor pressure vessel and containment building crucial to assess. The management of the plant, the capabilities of its staff would assumedly form part of the assessment, as well as the external environment which would relate to population, transport systems, evacuation potential in a worst-case scenario. We kindly request that you provide the details of these technical requirements that the NNR has requested that Koeberg comply with as part of its application for extension.

**RECENT OPERATIONAL QUERIES:**

9. According to the stakeholder update dated 10 November 2021, Koeberg underwent a nuclear industry Peer Review in August 2021. Kindly indicate when such results will be published for public consumption.
10. In September 2021, it was reported that Koeberg is at risk of losing capable staff. This risk has since proliferated. If in fact this risk was identified by the by the Peer Review, kindly furnish us with the relevant recommendations that followed and when such recommendations will be implemented.
11. In September, at the Public Safety Information Forum (“PSIF”), Koeberg revealed that the Unit 1 shut down had been the result of a faulty relay. Kindly share the terms of reference for the relevant investigation and the timeframes for its completion. Furthermore, kindly elaborate on the appropriate mechanisms in place to prevent a repeat of the problem while the investigation is underway.
12. Our understanding of the refurbishment necessary for the extension of life of Koeberg is that a switchgear is an essential part of such refurbishment. Kindly confirm whether the relay has been replaced as part of the switchgear replacement.

**EMERGENCY PREPAREDNESS:**

13. According to the NNR document RD-014 (Emergency Preparedness and Response Requirements for Nuclear Installations), “...*the nuclear authorization holder must ensure that the plan defines on-site responsibilities and takes account of off-site responsibilities and provides for the implementation of appropriate protective actions.*” And “...*the nuclear authorization holder must ensure that a document control/quality assurance process is in place to establish, maintain, review and update emergency plans and procedures at a frequency to be agreed with the regulator.*” And that “...*the nuclear authorisation holder must demonstrate the ability to implement protection actions at the levels shown in Appendix II.*”

14. In addition, NNR document, RD-0034 on Quality and Safety Management Requirements for Nuclear Installations, as per paragraph 121, refers to auditing and review of overall safety performance of the organisation which must provide an independent assessment of the effectiveness of the safety management system and identify opportunities for improvement.
15. Furthermore, it is highlighted that: ‘...*the nuclear authorization holder must conduct an exercise under the direction of the Regulator as and when required*’. And that “*plans and procedures must be updated in the light of experience gained in the exercises, other compliance assurance activities and the experience gained at other facilities*”.
16. The NNR RD–0024 (as per section 7.2) refers to the number of people who might be exposed during an accident. Kindly indicate when exactly the latest risk assessment was completed as well as the results that followed.
17. Furthermore, and in relation to paragraphs 13 to 16 above, we kindly request that you illustrate how such results were incorporated into the quality and safety requirements.
18. In the PSIF September meeting, there was reference to Koeberg’s regular emergency exercise with the NNR regulatory exercise taking place every two years.
19. During September 2021, OUTA’s representative attending the PSIF requested the report of the last emergency exercise and was referred to the previous minutes. We kindly request that you furnish us with the NNR report as referred to relating to the latest emergency exercise. In addition, we request that you provide clarity on which regular emergency exercises are carried out by Koeberg and the NNR; the date of the last exercises, at which intervals such exercises take place; and the time frame on when independent assessment(s) were carried out; the results thereof as well as the anticipated time frame for subsequent assessments.

**NUCLEAR INSTALLATION SITE LICENCE: THYSPUNT**

20. In your letter to OUTA dated 16 November 2021, you requested clarification on our statement relating to those who were excluded from the public participation process. In the formal hearing processes, the NNR panel stated that they had received a number of applications from various organisations/members of the public but had opted to not give everyone an opportunity to present. Our request was thus made in relation to the process and decisions where the NNR resolved to exclude certain members of the public is in reference to this statement. In this regard, we kindly request a formal response on this aspect, including all minutes and/or records of decisions taken in relation thereto.

**CONCLUSION:**

21. Given the significance of this matter, we kindly invite you to meet with us in order to provide us with clarity on the various issues as highlighted in this letter. In this regard, kindly provide us with a suitable time, date and platform for purposes of such meeting.
22. We trust that you find the above in order and look forward to a response hereto by no later than the end of this month - January 2022.

Yours Sincerely,



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**Wayne Duvenage**  
**Chief Executive Officer**  
**OUTA – Organisation Undoing Tax Abuse**  
**Email:**