



## RESPONSE TO MEDIA ARTICLE

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12 July 2012

Business Day Opinions & Analysis

Dear Ms Janet Parker

### **Response to article in Business Day**

### **Inaccurate and misleading comments about the National Nuclear Regulator (NNR) and nuclear safety in South Africa!**

As a Nuclear Regulator, it was disappointing to note how an article contained in the Business Day of 10 July 2012 entitled : “An accident waiting to happen”, distorted the true status of nuclear safety in South Africa despite the national competent authority (National Nuclear Regulator NNR) confirming nuclear safety assurance to all stakeholders. Notably, the NNR was not contacted for a comment prior to the publishing of this one-sided article. The NNR now seeks to present a factual response to the unfounded assertions made in that article.

The following incorrect and misleading statements about the NNR and nuclear safety were made:

#### **“Questions about the competence of the NNR”**

Before pronouncing responsibly on the competence of the NNR it is necessary to understand the roles of the entities regulated with regards to safety as well as the objects/functions of the NNR. The primary objective of the NNR is to provide for the protection of persons, property and the environment against nuclear damage through the establishment and enforcement of nuclear safety and security standards and regulatory frameworks. The operator (nuclear installation or facility) bears the primary responsibility for the safe operation of the nuclear power plant as well as to ensure adequate measures of nuclear security. The NNR has the responsibility for



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independently assuring that regulated entities are operated safely and in accordance with the requirements contained in the NNR Act of 1999.

Any security breach therefore should not reflect on the competence or otherwise of the NNR, particularly in a country like South Africa where crime levels are elevated and where the primary responsibility for ensuring adequate measures for nuclear security rest with the nuclear installation itself and not with the NNR. The issue of competence or otherwise of the Regulator needs to be tested against the adequacy of the response by the Regulator to any possible breach or violation of security standards. Nothing suggests in the incident under question that the Regulator was tardy or failed to exercise its regulatory authority in an effective manner consistent with the legislative responsibility.

### **“regulator is incompetent or it lacks the authority to fulfill its mandate”**

As cited in the article this is not the 1<sup>st</sup> time that the NNR has appeared in the spotlight recently. This is correct, and the reason for being in this spotlight is that as part of its compliance assurance procedure the NNR without ‘fear or favour’ issued regulatory directives to Necsa and Koeberg for transgressions with the conditions of authorisations.

The NNR and the status of nuclear safety in South Africa is subject to international peer review. This is done through mechanisms of the International Atomic Energy Agency (IAEA) such as the Conventions of Nuclear Safety and the Joint Convention for Radioactive Waste Management and Spent Fuel Management. For this reason the NNR compiles South Africa’s national reports which are peer reviewed internationally. The reports and results of the information are reviewed by global experts and are available to the global public. The status of nuclear safety as reflected in these reports confirms that the mandate of the NNR is carried out effectively.



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**“the lack of real consequences stemming from these two incidents is indicative of a far-too-cosy relationship between the national regulator and Necsca”**

This is a perception and is not true. The regulator can confirm that it is committed to the principle of “Safety First, Safety Always!” and regards non-compliance to its regulatory requirements or conditions of authorisation as a very serious matter and will deal with such matters in a manner which is commensurate to the nature of the transgression.

The NNR continues to discharge its regulatory responsibility without fear, favour or prejudice as is evident from its regulatory directives issued to the nuclear operators. The NNR has not hesitated from imposing stringent requirements including directing the operators to cease the operations until adequate safety measures were put in place.

Accordingly, the NNR refutes the notion that it has somewhat been lax in discharging its regulatory responsibility and wishes to assure the South African public that there are robust measures in place to assure nuclear safety and security. Incidents, particularly of criminality cannot be entirely prevented but the security defense layers that are part of our nuclear security approach far significantly reduce the risk of access to nuclear and radioactive material in the nuclear installations.

Yours sincerely

Adv. Boyce Mkhize

CEO: NNR

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### **The National Nuclear Regulator (NNR)**

The National Nuclear Regulator (NNR) is a public entity which is established and governed in terms of Section 3 of the National Nuclear Regulator Act, (Act No 47 of 1999) to provide for the protection of persons, property and the environment against nuclear damage through the establishment of safety standards and regulatory practices. The NNR is responsible for granting nuclear authorisations and exercising regulatory control related to safety over the siting, design, construction, operation, manufacture of component parts, and the decontamination, decommissioning and closure of nuclear installations; and vessels propelled by nuclear power or having radioactive material on board which is capable of causing nuclear damage.

The facilities and actions regulated by the NNR are diverse and includes the operation of nuclear power reactors, research reactors, nuclear technology applications, radioactive waste management, mining and processing of radioactive ores, users of small quantities of radioactive material, transport of radioactive materials, vessels propelled by nuclear power or having radioactive material on board and to any other actions capable of causing nuclear damage to which the National Nuclear Regulator Act applies. Facilities and actions currently under NNR regulatory control includes; safety over the Koeberg nuclear power station, the Pelindaba research and production facilities, the Vaalputs nuclear waste repository and the mining and processing of uranium and other radioactive ores.

### **For more information contact;**

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