



MEDIA RELEASE

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FOR IMMEDIATE RELEASE

Setting the Record Straight - The National Nuclear Regulator's (NNR) Readiness for the New Nuclear Build

The mandate of the National Nuclear Regulator (NNR) is to provide for the protection of persons (the public and workers), property and the environment against nuclear damage through the establishment of safety standards and regulatory frameworks suitable for South Africans. As a technical and scientific competent authority for nuclear safety regulation, the NNR provides oversight and assurance that activities related to the peaceful use of nuclear energy in South Africa are carried out in a safe manner and in accordance with international principles and best practices.

Recently, the NNR has noticed several inaccurate and misleading articles pertaining to the regulator being published in the news media by the DA political party spokesperson on Energy. The NNR would like to make the public aware that these articles are grossly inaccurate and should by no means be taken seriously.

It is against this background that the NNR is compelled to provide the public with the correct information pertaining to its regulatory functions and responsibilities. South Africa's nuclear sector has an excellent nuclear safety track record as evidenced by Koeberg's safe operations for more than 30 years which is largely due to the stringent and effective regulation of the nuclear industry by the NNR.

In an opinion piece published in the Cape Argus on 02 June 2015, the DA political party spokesperson on Energy stated that the NNR has significant challenges and it is generally accepted the NNR is toothless and incompetent.

It is seemingly evident that the DA political party spokesperson on Energy is not aware that 12% of the NNR's technical staff hold PhDs, 45% of them hold Masters degrees and 23% hold Honours degrees in various science and engineering fields. This means a total of 80% of the NNR technical staff hold postgraduate degrees, possibly putting the regulator at the



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top notch in this country's state-owned entities in terms of the concentration of skills. That cannot be the sign of a weak and low-skilled organization.

“Our experts are highly acclaimed in the field of nuclear and radiation safety and security world-wide. To assert the NNR's expertise in the regulation of transport of radioactive materials, the NNR's Transport Safety expert was appointed as Chairman of the International Atomic Energy Agency's Transport Safety Standards Committee for the term 2014 to 2017, thus attesting to the immense skills and experience our staff members possess. Furthermore, the NNR's Chief Inspector Nuclear Security serves on the IAEA Nuclear Security Advisory committee, a panel of less than 12 experts chosen world-wide due to their skills and experience in the field, to advise the IAEA Director-General on matters related to Nuclear Security.

Additionally, our staff members have been invited to participate in various IAEA expert missions all over the world, for example, just last month, one of our experts participated in the IAEA's Integrated Regulatory Review Service (IRRS) to Finland. The IAEA has since requested approval from the NNR for the same staff member to be part of the IRRS mission to Japan in January 2016. In March this year, the CEO of the NNR was invited by the IAEA to chair an *International Experts Meeting on Strengthening Research and Development Effectiveness in the Light of the Accident at the Fukushima Daiichi Nuclear Power Plant.*” stated NNR CEO, Dr Mzubanzi Bismark Tyobeka.

An article appearing on the online media on Monday 05th July 2015, criticises the manner with which the procurement process is being rolled out by the South African government, and makes certain assertions to the effect that “all bids should be thoroughly evaluated by a country's national nuclear regulator before the actual procurement begins. This evaluation should consider various factors including the technology offered and its safety, the applicability to that country, and the cost. The regulator then ought to make recommendations to the Energy Department.” Once again the DA political party spokesperson on Energy attributes this to “international best practice as per the International Atomic Energy Agency (IAEA)”.

This incorrect statement portrays a misunderstanding of the NNR's mandate and its work, IAEA standards and international best practice. In it shows complete ignorance particularly



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regarding the doctrine of regulatory independence which advocates for the separation of promotional and regulatory aspects of nuclear power. In view of this the NNR would like to challenge the DA political party spokesperson on Energy to produce any reference from the IAEA which points to regulatory involvement in bid evaluation as best practice as cited in the article.

“To set the record straight the NNR does not get involved in the procurement process or bid evaluation process for New Build. In terms of Section 7 (1) (g) of the NNR Act 47 of 1999, one of the functions of the Regulator is to advise the Minister on matters associated with any action or condition which (i) is capable of causing nuclear damage; (ii) the Minister refers to the Regulator; and (iii) which the Regulator thinks necessary to advise the Minister on.

Clearly, our purview in the spirit of the Act remains nuclear safety and security. We therefore cannot be expected to advise the Minister on the cost of technology etc. There are other organs of State that are qualified to carry out that task” said Dr Tyobeka.

Whilst we maintain that the actual procurement itself is a responsibility of the Department of Energy, the NNR has always been available to the Department and the Minister to provide advice for the process, strictly in matters pertaining to nuclear safety and security regulation. Our role is to advise government regarding the licensibility and nuclear safety requirements, to ensure that whichever technology they decide on, when the time comes, it must have been tested against our requirements. Whilst we acknowledge the role played by Members of Parliament and politicians in safeguarding the interests of the voters and those of their supporters, in particular to ensure transparency in the nuclear new build procurement process, it would help if this was done in an informed manner. As a public entity, our doors are always open for Public representatives such as the DA political party spokesperson in Energy and others to engage us with a view of getting information that does not mislead the public.

“For the record, as an independent regulatory authority, we remain committed to carrying out our mandate of providing for the protection of persons, property and the environment against any harmful effects of radiation. The NNR maintains a steady track record which shows that we have on many occasions suspended activities, shut down facilities that were operating unsafely and that we are continuously strengthening our regulatory framework by among



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other things developing a system of fines which deals harshly with repeat offenders. That is a role which we will continue to carry out without fear or favour.” emphasised Dr Tyobeka

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“For the protection of persons, property & the environment against nuclear damage”