



MEDIA RELEASE

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06 March 2015

FOR IMMEDIATE RELEASE

Irresponsible and reckless Journalism - NNRs Response to an irresponsible and misleading article appearing in the Mail and Guardian (M&G).

As a national competent authority for regulating nuclear safety in South Africa, it was extremely disappointing to note how an article appeared on 06 March 2015 in the Mail and Guardian entitled: "Jobs for pals at state nuclear firm" failed to represent the truth and was filled with gross inaccuracies and malicious intent. Mail and Guardian has published the views of a whistle blower instead of seeking the truth and verifying information with the relevant parties.

NNR CEO Dr Mzibanzi Bismark Tyobeka expressed his deep disappointment with the Mail and Guardian and offers the following statement in response to the grossly irresponsible article. As far as I am concerned the appointment of Mrs Tyobeka as HR Junior Business Partner (not HR Officer as falsely claimed) at Necsa was based on merit and conducted in line with Necsa HR processes.

The Junior HR Business Partner position is a support function, which does not in any way contribute to issues of nuclear regulation and safety, so, immediately, conflict of interest does not arise. But to respond to the issue of my wife deriving economic benefit from NECSA and therefore putting me in a difficult situation when tough decisions have to be taken, my response is as follows; -

The NNR regulatory framework is not a one man show as the M&G would like the public to believe. There are adequate checks and balances to ensure that the decisions taken are transparent and based on sound technical basis. If for example, NECSA would commit certain transgressions that violate their conditions of licence, it is not the CEO that decides immediately to take action. There are NNR Inspectors who are fully empowered by the NNR



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Act, (in particular Section 41 of the NNR Act 47 of 1999) to take appropriate action to enforce compliance, without even consulting with the CEO. The role of the CEO only comes into the picture when such a decision is being appealed by the operator, NECSA in this case. During the appeal process, the Act enjoins the NNR CEO to listen to both sides of the story, more importantly, looking at the technical merits of the case. Furthermore, the appeal process does not end with the CEO, it goes on to the NNR Board, the Minister of Energy and finally to the High Court as the final arbiter. So, to portray the CEO of the NNR as having unfettered unilateral powers to shut down an operator is simply fallacious. Based on this explanation, I still maintain that no conflict of interest arises due to my wife's appointment at NECSA because there are processes in place to ensure adequate safeguards to the system, and , neither do I think my job would be compromised in any manner. Any such conflict of interest should be proven, and what M&G did to illustrate it was to simply give a very uninformed hypothetical scenario certainly without even taking some time to familiarise themselves with our regulatory processes, and most importantly, the provisions of the NNR Act.

I can go a step further and say that I have a brother who works for NECSA in a management position since 1992. Does this mean I should not have accepted the position of CEO of NNR because my brother works there? The nuclear industry in South Africa is small, and if the M&G logic holds, then we would be excluding people like myself from contributing towards the advancement of nuclear technology and nuclear safety in the country. We all have a democratic right to choose where we want to work, and that cannot be simply taken away because of some imaginary conflict of interest, merely aimed at selling more newspapers.

Finally, I would like to emphasise that I take my position as head of the National Nuclear Regulator very seriously and I believe that the regulator has a very important role to play in making sure that people, property and the environment are adequately protected from harmful effects of nuclear and radiation practices.

I believe that my international experience and reputation in the nuclear field puts me in a position to be able to distinguish what is a conflict of interest and what it is not, especially when it comes to nuclear safety. I view the one-sided story of the M&G together with its so-



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called whistle-blowers with contempt and can only conclude that indeed a massive smear campaign is playing itself out here, most likely with the sole intention of tarnishing the image of those who are viewed as playing a role in South Africa's nuclear new build plans. The regulator's role in the new build must be understood as nothing more than ensuring that all is done by the book, according to our safety requirements and standards and that, we will continue to do without fear of favour, smear campaigns or not!!

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