



energy

Department:
Energy
REPUBLIC OF SOUTH AFRICA

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MEDIA STATEMENT

Role clarification for State Owned Entities in the Nuclear Build Programme

Pretoria, 29 March 2012 – The Department of Energy wishes to clarify recent reports regarding the role of the South African Nuclear Energy Corporation (NECSA) and the National Nuclear Regulator (NNR) in the nuclear expansion programme.

To date the DoE has ensured that the two state entities have been involved in the development of the nuclear expansion programme in line with their respective mandates. To this end NECSA has developed of the Nuclear Fuel Cycle Strategy to support the Nuclear Power Programme. Since 2008 NECSA has conducted several pre-feasibility studies as mandated in the Nuclear Energy Policy of 2008. The studies are have been submitted to the Department, while regular quarterly and annual progress updates are reported to the Minister and Department of Energy, as required by the Public Finance Management Act.

The NNR and NECSA have been part of the government led Integrated Nuclear Infrastructure Review team since November 2010. This comprehensive infrastructure review process is being conducted in accordance with the International Atomic Energy Agency Milestones Approach (IAEA) (www-pub.iaea.org/MTCD/publications/PDF/Pub1358_web.pdf). The INIR involves a comprehensive evidence based assessment of the country's infrastructure readiness for nuclear power expansion. An outcome of this review includes an action plan that is meant to further enhance and inform the role of the SoE's (amongst others) in the nuclear build programme. The self-assessment is in its final stages and is scheduled for

completion by May 2012. Thereafter an independent assessment would be conducted by a team of experts from the IAEA by October 2012.

According to international regulatory requirements, and more especially since Fukushima, it is important for the National Nuclear Regulator to remain independent – a position that was reinforced in discussions between the Minister and Chairperson of the NNR Board. To quote the International Nuclear Safety Advisory Group (INSAG-17)

“in order to ensure independence in exercising these basic regulatory functions, there must be an effective separation between the functions of the regulatory body and those of any other body or organisation concerned with the promotion or utilisation of nuclear energy. The need for this separation of functions has long been acknowledged. Such a separation is included as an obligation for Parties to the Convention on Nuclear Safety and for Parties to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.”

South Africa is a party to both of these conventions, and intricate involvement of the regulator in aspects of the programme that do not pertain to nuclear safety, but that of development of nuclear power, would be a contradiction of these requirements.

The NNR is also obliged and encouraged to demonstrate its independence and has the right to raise any matters of health or safety risk to the Parliamentary Committee as stipulated in terms of Section 51 (4) (a) and (b) of the National Nuclear Regulator Act No. 47 of 1999. However, the Department is of the firm view that this was not the appropriate time as there is no safety case for a new nuclear power plant under review by the NNR. Nor is this foreseen during 2012/13. Thus, there is presently no safety risk emanating from regulatory practices for South Africa. If this was the case, the NNR would have informed the Minister so that appropriate remedial action could be taken.

The Regulator also has the right to consider any application based on its capacity, and any request to the contrary would be in violation of the NNR Act. The Department

understands that the risk of the NNR not being adequately capacitated to conduct a safety case assessment would result in a delayed NNR assessment and decision. It is paramount that the NNR make nuclear decisions with the objective of protection of people, property and the environment against nuclear damage; and not based on schedule requirements of a nuclear programme.

The NNR will be adequately and timeously capacitated to deal with matters of nuclear safety for licensing the nuclear power plants. These costs would be recovered from the license applicant, who has yet to be identified.

Nor is there any other role foreseen for NECSA beyond it's current mandated role during the current planning cycle.

The Department is of the view that it would be fruitless and wasteful to prematurely develop facilities and capacity at these institutions that would stand idle whilst fiscal resources could be used for other more urgent national needs.

Currently, the Department is working with the National Treasury to ensure that sustainable financial models for the NNR and NECSA are implemented in time. This will ensure that NECSA and the Regulator are well resourced to undertake their responsibilities in line with the national needs.

Statement Issued by the Department of Energy

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