

Your ref:

Our ref: AP/SAFCEI-ELAJHB

To: Dr. Mzubanzi Tyobeka
Chief Executive Officer
National Nuclear Regulator
PO Box 7106
Centurion
0046

By email c/o: moeletsi@nnr.co.za

22 October 2021

Dear Dr. Tyobeka

Re: Koeberg Nuclear Power Station – Extension of Life

We refer to the above matter, wherein we are instructed by the Southern African Faith Communities' Environment Institute (SAFCEI) and Earthlife Africa – Johannesburg (ELA-JHB).

On 26 October 2020, the National Nuclear Regulator (NNR) released a media statement indicating that Eskom had notified the NNR in July 2020 of its intention to extend the lifespan of the Koeberg nuclear power station for another 20 years, and that it would 'formally apply to the NNR for Long term Operations early in 2021'.

Our clients were concerned to read media reports published in August 2021, which indicated that Eskom had hired US firm 'Jacobs Engineering Group to upgrade Koeberg as part of R20 billion plan to keep the nuclear power station operational until 2045'.¹ This report created uncertainty regarding whether or not Eskom had already submitted a nuclear installation license application in respect of the proposed long term operation of the Koeberg nuclear power station, as well as uncertainty regarding whether or not Eskom had already been granted a nuclear installation license in respect authorising its long term operation of the Koeberg nuclear power station.

We note that the NNR has since been reported in the press as having confirmed that Eskom has applied to the NNR to extend the lifespan of the Koeberg nuclear power station, but that permission has not yet been granted by the NNR.²

To our clients' knowledge, no such application has been published in the *Gazette* or other media, and to date interested and affected parties have not been afforded an opportunity to comment on or make representations in respect of any application by Eskom to extend the

¹ <https://www.businessinsider.co.za/koeberg-power-station-long-life-project-hires-us-engineers-2021-8>

² [SA National Nuclear Regulator neglects radioactive mine... \(dailymaverick.co.za\)](https://www.dailymaverick.co.za/news/2021/10/21/sa-national-nuclear-regulator-neglects-radioactive-mine-.../)

life of the Koeberg nuclear power station. Extending the life of a 40 year old nuclear power station by an additional 20 years raises significant safety, environmental and socio-economic concerns, and it is our clients' intention to exercise their rights to make representations regarding any application by Eskom seeking authorisation for the long term operation of the Koeberg nuclear power station.

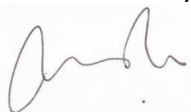
Based on our understanding of the NNR regulatory process prescribed in the *Regulations on the Long Term Operation of Nuclear Installations*,³ any licensee wishing to operate a nuclear installation beyond an established timeframe defined in its nuclear installation license shall lodge a nuclear installation license application with the Chief Executive Officer (CEO) of the NNR in terms of section 21(1) of the National Nuclear Regulator Act, 1999 (NNR Act).⁴ It is our further understanding that in terms of the NNR Act, the CEO is in turn required to direct Eskom to (among other things) publish a copy of the application in the *Gazette* and in two newspapers circulating in the area of every municipality affected by the application, and that interested and affected parties will be afforded an opportunity to make representations regarding the nuclear installation license application.

In light of the above, we have been instructed to request (as we hereby do) clarity on the following issues:

1. Please confirm whether or not Eskom has submitted a nuclear installation license application to the NNR in respect of its proposed long term operation of the Koeberg nuclear power station;
2. If an application has been made, please advise us of the date when the application was submitted to the NNR;
3. Please advise whether (and if so when) any such application was published in the *Gazette*, alternatively when the application will be published in the *Gazette*?
4. In the event that the NNR's understanding of the required NNR regulatory authorisation process relating to the proposed long term operation of the Koeberg nuclear power station is different to our understanding (in particular in respect of public notification and the opportunity to make representations), please advise what the NNR's understanding of the process is;
5. Regarding the media report that Eskom hired US firm Jacobs Engineering Group to upgrade Koeberg as part of a R20 billion plan to keep the nuclear power station operational until 2045, we would be grateful if you could clarify whether or not this upgrade has been approved by the NNR, and if so request a copy of any such approval/s.

We look forward to hearing from you at your earliest convenience.

Yours sincerely



Adrian Leonard Pole

³ GN 266 of 26 March 2021.

⁴ Regulation 3.