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8001

Date:
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Enquiries:
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Dear Sir

REQUEST FOR ACCESS TO ESKOM INFORMATION: REFERENCE PAIA 10238

Your application to be afforded access to information of a public body, in particular Eskom Holdings Limited ("Eskom"), in terms of Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), received by Eskom on the 24th October 2011 refers. In your application you requested access to information relating to the emergency procedures for Koeberg Power Station. We are pleased to response to your request as follows:

1) The most current and approved emergency plan pertaining to the Koeberg Power Station as is required by section 38 of the National Nuclear Regulator Act of 1999.

As communicated in our correspondence to Michelle Desai on 02 June 2010, the emergency and evacuation plan as well as the disaster management policy for Koeberg Power Station is under the ownership of the City of Cape Town. We refer you back to section 38(1)(a) of the National Nuclear Act.

38. (1) Where the possibility exists that a nuclear accident affecting the public may occur, the Regulator must direct the relevant holder of a nuclear authorisation, other than a holder of a certificate of exemption, to—
- (a) enter into an agreement with the relevant municipalities and provincial authorities to establish an emergency plan within a period determined by the Regulator;

Under your previous PAIA request, our ref PAIA 10125, we did communicate your request to the City of Cape Town.

We have now reconsidered all the issues and our decision on providing you access to the emergency plans remains the same as for PAIA 10125, that is, to **not** provide you access to the emergency and evacuation plans. Once again, our grounds for refusal are from section 38 of PAIA, mandatory protection of safety of individuals, and the protection of property- in particular, sections 38 (b) (i) (aa), 38 (b) (ii) (bb) and 38 (b) (ii) (cc). We

believe that the disclosure of this information could potentially endanger the life or physical safety of individuals. If emergency and evacuation plans fall into the wrong hands, it is possible that someone acting out of malice could take detrimental steps during an emergency. Such steps could possibly circumvent the effective implementation of the plan and lead to possible danger to both persons and property.

This information is also protected under section 44 (2) (a) of PAIA, operations of public bodies, as we believe that its disclosure could reasonably be expected to jeopardise the effectiveness of a testing procedure used by a public body.

In order to provide you with the reassurance that we have effective plans in place, we once again extend an invite to yourself to, at your convenience, visit us at Koeberg Power Station where we will present to you the fundamentals of these plans.

And

2) All records evidencing the date(s) and any terms upon which the aforesaid emergency plan was approved by the NNR pursuant to section 38(1)(c) of the National Nuclear Regulator Act of 1999

Please refer to Annexure 1- the letter from the NNR (K18855.1N) wherein it states that the NNR gives Eskom approval of the Integrated Koeberg Nuclear Emergency Plan subject to the following:

- (i) Resolution of the NNR review comments and surveillance findings/observations contained in letter k18855N must be captured in an action plan to be submitted to the NNR
- (ii) Any other outstanding issues and comments either from the regulatory emergency exercise or existing reviews shall be followed up by Eskom, and KAA-811 (Rev 1) must be updated accordingly after the NNR emergency exercise.

Eskom submitted the requested action plan to the NNR in fulfilment of condition (i) above- please refer to Annexure 2, the cover letter from Eskom to NNR under which the plan was submitted. As referred to therein, the NNR review comments and surveillance findings were discussed and resolved at the regular Emergency Plan Single Process Contact meetings held between Eskom and the NNR.

You are also referred to Annexure 3- the letter from the NNR (K20191N) confirming that the action items arising from the 2010 Emergency testing have been adequately addressed by Eskom.

We trust that you find the above to be in order. If you have any further queries, please do not hesitate to contact me.

Yours faithfully



Eddie Laubscher
National Deputy Information Officer
Eskom Holdings SOC Limited