



**THE CHAIRMAN  
NATIONAL NUCLEAR REGULATOR**

Via e-mail: [koebergLTO@nnr.co.za](mailto:koebergLTO@nnr.co.za)

and

**ATTENTION: GINO MOONSAMY  
MANAGER COMMUNICATION AND STAKEHOLDER RELATIONS**

Via e-mail: [gmoonsamy@nnr.co.za](mailto:gmoonsamy@nnr.co.za)

Ons verw / Our ref  
R DU RANDT/cdt/JR8456

U verw / Your ref

Datum / Date  
30 JANUARY 2024

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**SUMMARY OF PROVISIONAL SUBMISSIONS TO THE NATIONAL NUCLEAR  
REGULATOR IN RESPECT OF THE APPLICATION FOR THE KOEBERG NUCLEAR  
POWER STATION LONG-TERM OPERATION LICENCE IN RESPECT OF THE PUBLIC  
PARTICIPATION PROCESS OF FEBRUARY 2024**

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**1. LOCUS STANDI AS AN INTERESTED PARTY:**

- 1.1 The submissions are made by Springfontein Estate (Pty) Limited, registration number: 1996/013713/07 represented by Mr. Francois Bekker as Director (hereinafter referred to as “intervener”, “neighbour” or “owner”)

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- 1.2 Springfontein Estate (Pty) Limited (“**Springfontein Estate**”) is a family related company and owner of the adjoining and neighbouring property to Koeberg Nuclear Power Station (“**KNPS**”) and owner of the Farm Groote Springfontein 1, Registration Division Cape RD, Western Cape Province, in extent 1205,1405 hectares (“**Groote Springfontein**” and/or “**the Farm**” and/or “**the property**”);
- 1.3 The farm vested in ownership of the late Mr. Bertie Louw, the grandfather of the present shareholders of Springfontein Estate;
- 1.4 Mr. Louw bequeathed the property to his 2 daughter, Luceel Beukes and Lochline Bekker during the early 60’s. In 1966 the property was expropriated by the Government in terms of the Group Areas Act 1966.
- 1.5 The two sisters claimed restitution of the property when the Abolition of Racially Based Land Measures Act 1989 was implemented in 1990 by the Government;
- 1.6 In terms of the Act and the Regulations the Van der Ross Commission was formed to investigate the possible restoration of all land expropriated in terms of the Abolition of Racially Based Land Measures Act;
- 1.7 In 1991, the Van der Ross Commission recommended the restoration of the farm to the two sisters and in 1992 the National Cabinet accepted the recommendation by the Van der Ross Commission that the property be restored to the previous owners Luceel Beukes and Lochline Bekker;
- 1.8 A purchase price/price for restoration had to be negotiated with the relevant Government Departments;

- 1.9 Due to the prohibition of Subdivision of Agricultural Land Act, Act 70 of 1970, the farm could not be restored to two owners and was transferred in 1998 to the company formed by the sisters, Springfontein Estates (Pty) Limited;
- 1.10 The family was involved with this piece of land since 1943;
- 1.11 During the period 1967 and 1998 when the property was managed by the Government and specifically by the Regional Services Council, it was never developed and never used;
- 1.12 Notwithstanding the negative impact of the Koeberg Nuclear Power Station adjoining the property, the Government consented to the operating licence and the erection of a nuclear power station in 1984.

2. **LAND USE OF THE PROPERTY:**

- 2.1 The property is zoned as farm land;
- 2.2 During the hearing of the Van der Ross Commission in the land restitution process, expert evidence was led at the Commission by Town Planners specialising in the Western Cape gave evidence that:
  - 2.2.1 There was nuclear outflow axles and limitations in respect of occupation of adjoining land due to the nuclear power station's international limitations on occupation of adjoining land;
  - 2.2.2 It was indicated that the operating licence would lapse in June 2024 in respect of Reactor 1 and November 2025 in respect of Reactor 2;

- 2.3 It was predicted and expert evidence was led that the Western Cape's townships would not evolve past Blouberg Strand in the next 25 (twenty-five) years from 1992, taking into consideration the limitations caused by nuclear safety security that the density will simply intensify in the Western Cape Flats as far as housing is concerned;
- 2.4 It was further submitted that the farm, (in excess of 1200 hectares) with a 6km see frontage was not suitable for economical agricultural purposes;
- 2.5 It was found that the land is excellently suitable for purposes of township establishment and residential areas taking into consideration, the location thereof with a 6km see frontage, the bordering by the West Coast N7 road and with water, sewage and electricity freely available in the area;
- 2.6 The Regional Services Council also planned and installed in the 80's, a sewage plant and the southern portion of the plant closes to the nuclear power plant and identified it as a suitable waste disposal and sewage area for the property development;
- 2.7 The land was even earmarked by the Regional Services Council for property development and they in fact commenced to install water pipelines from the Mamre Water Distribution Centre;
- 2.8 Springfontein Estate as the owner of the land therefore received transfer of the land subject to these limitations of property development caused by the operation of the Nuclear Power Plant. The Directors of the owner and family are experienced Property Developers and developed more than 60,000 (sixty thousand) residential houses in the past 30 (thirty) years. Some of them are Township Planners, others Developers and have substantial experience in township development;

2.9 Over the years, various applications were launched for re-zoning of the property, but the operation of a nuclear power plant within the 6km radius and adjacent to the property has always been a restriction on any form of property development;

2.10 The legitimate expectation and the evidence at the hearing of the Van der Ross Commission was to the effect that the nuclear power plant operating licence would lapse in June 2024 and November 2025 whereafter it would not be extended and the land is “proverbial sterilisation” would be cured, and it would be available for property development and public use.

3. **IMPACT ON OWNERSHIP AND RESTRICTIVE USE:**

3.1 This intended application for the extension of the long-term operation licence of KNPS for another 40 (forty) years will have the negative impact and the property will remain sterilised for property development for the duration of the extension of the long-term operation licence for another 20 years;

3.2 It therefore deprives the owners of their proprietary right to own property and to **use** the property which is in contradiction to the Bill of Rights in the Constitution of the Republic of South Africa in respect of the owner’s proprietary ownership;

3.3 The owner’s constitutional right is therefore effected and the property value is diminished and the property becomes un-usable for any purpose due to the extension of the licence;

- 3.4 The impact on the beneficial ownership of the land with the impediments caused by the extension of the licence for the owners of the land is therefore equates the principal of expropriation without compensation due to the loss of the beneficial ownership of the land;
- 3.5 If the Long-Term Operation Licence renewal is granted, it can only be granted subject to the condition that the owner of the adjoining land, Springfontein Estate (Pty) Limited, be compensated financially for the loss of the use and loss of development of the land.

4. **THE WESTERN CAPE PUBLIC INTEREST:**

- 4.1 It is common knowledge that the Western Cape presently and in the past few years experienced a vast influx and migration to the Western Cape;
- 4.2 The demand for housing became self-evident and the increase in property and residential prices are caused by the lack of available land for township development to create new and suitable townships and residential areas for housing;
- 4.3 Under the circumstances over the past 40 years, the KNPS has been a border prohibiting township establishment to the northern area and specifically north of Melkbos, of the Cape Town Metro due to the limitations caused by the KNPS being operated and the risk of nuclear spillage;
- 4.4 The negative impact thereof on the general economy of the Western Cape is obvious;

- 4.5 The Western Cape is predominantly, save for the metropole with all its economical activities, an essential agricultural sphere on international standards;
- 4.6 The available land for development is arable and valuable agricultural land and not available to be converted to townships development without a substantial loss of agricultural land;
- 4.7 The impact of the agricultural and its supply of employment opportunities for the general public is reduced by valuable farms being converted to townships;
- 4.8 The loss of food security, employment and the environmental impact thereof, is self-evident;
- 4.9 The KNPS is one of the most essential stumble blocks in the expansion of the Western Cape to the non-suitable agricultural land and areas north of Melkbos;
- 4.10 These areas within a radius of 20km surrounding the KNPS is not economical agricultural land;
- 4.11 It is again self-evident that it is the most suitable land for township development and residential areas. The infrastructure is already available and growth in that area is completely blocked and barricaded by the KNPS;
- 4.12 The extension of the nuclear power licence will cause the barricade to continue for the next 20 years and will cause a complete re-establishment of the entire Western Cape economy agricultural, employment, labour and essential elements of a quality life of living in the Cape region;

4.13 The extension of the licence limits the entire town planning options and spatial plan of the Cape Metropolitan with the restrictions caused by the operation of the KNPS as well as the beneficial use and ownership of the owners.

5. **IMPACTS AND RISKS OF THE POWER STATION:**

5.1 There are various negative impacts and risks caused by the KNPS;

5.2 There is a complete negative public perception of the operation of a nuclear power plant, the possible nuclear spillage in respect of leaks and the risk associated with nuclear leaks;

5.3 Eskom is the operator of the KNPS. It is submitted that the implementation and the ability of Eskom to operate such a plant safely is of a major concern. It is publicly known of the substantial billion rands of losses sustained by Eskom due to its inability to manage the power stations in the northern parts of the Republic inclusive of Medupi, Kusile and other power generating facilities and power stations;

5.4 The lifespan of the KNPS has never been intended to last for longer than 40 years since 1984;

5.5 It is only in recent, new developments that it was indicated that there might be some possibility, although subject to complete investigations and research that the licence may be extended and with major renovations to be concluded prior to such re-licencing;

5.6 In that regard, the following issues emanates that have already been publicly aired:



- The KNPS exist of 2 (two) reactors. The housing of the reactors is apparently effected by concrete buildings;
- The buildings must be scanned on a regular basis for cracks and deterioration of the concrete housing the reactors;
- The containment of the reactors is specifically of utmost importance.

## 6. **SAFETY CASE PLAN:**

6.1 To consider, substantial documentation and specifically revision of the **Safety Case Plan** is essential from time to time. The Safety Case Plan for long-term operation of the KNPS Revision 3 – document number: 331618, alternative reference EZB1013, the un-edited version, has not been made publicly available. It was redacted in substantial format to the extent that it is meaningless. Notwithstanding requests by the intervener, Springfontein Estate since February 2023, the un-redacted version has to date not been made available;

6.2 The rights are reserved to amplify the submissions in respect of the safety case after proper disclosure of all relevant factors;

## 7. **SEISMIC STUDY:**

The Seismic Study was planned to be finished in early 2024. The Seismic Study is now due to be completed in June 2025. The licence can never be extended, or consent granted for the extension of the licence period unless the Seismic Study has been updated and made available for public participation. The application must be postponed for the Seismic Study to be completed.

8. **GROUND WATER TESTS:**

- 8.1 The latest available data in respect of ground water tests seems to be completely outdated and have been compiled in 2010. There is therefore no evidence in respect of the test of water quality and especially the influence of radiation and nuclear effects on the water quality in the area;
- 8.2 It is a general fact that a substantial portion of the subregion of the Western Cape Metropolitan's water originates from sources directly adjacent to the KNPS. The water sources are situated at Witsand Acquirer, Atlantis Acquirer, Mamre Water Reticulation Systems and Duynefontein;
- 8.3 The licence can never be extended without proper water quality tests of the KNPS influence over the past 40 years to be concluded and the safety of the water resources for human consumption.

9. **REACTOR LEAK TESTS:**

- 9.1 A leak test of the two reactors has not been effected recently. The next leak test is only due in 2025. The renewal of the licence cannot be considered before the next leak test has been finalised and the results being made publicly available;
- 9.2 The leak test is of such more importance based on the crack detected in one of the containment vessels of the reactors.

## 10. **NUCLEAR WASTE DISPOSAL:**

10.1 The licence is salient about the proper nuclear waste disposal processes and programmes in the past and intended in the future. Vast international criticism has been expressed in respect of the functionality of the conduct and the waste disposal of the KNPS nuclear waste. It has not been properly conveyed or disclosed for public opinion in respect thereof;

10.2 International Atomic Energy Agency conducted an inspection on the site and made 14 (fourteen) recommendations in respect of the KNPS;

These recommendations are the following:

10.2.1 Management of the LTO programme is not effective to timely complete all actions to prepare for LTO;

10.2.2 The safety analysis report (SAR) has not been adequately updated for LTO and ageing management;

10.2.3 Completeness and consistency of scope setting of SSC's for ageing management and LTO are not ensured;

10.2.4 The plant programmes are not comprehensively reviewed and implement for LTO;

10.2.5 Information used for age management review (AMR) of mechanical SSC's is not consistently managed and documented;

- 10.2.6 Ageing management programmes (AMP's) for mechanical SSC's are not completed;
- 10.2.7 The plant has not completely implemented a comprehensive cable ageing management programme;
- 10.2.8 The plant has not revalidated environmental qualification for some SSC's for LTO;
- 10.2.9 Electromagnetic compatibility has not been completely assessed;
- 10.2.10 The plant has not revalidated environmental qualification of qualified cables for LTO;
- 10.2.11 A proactive approach to technical obsolescence management is not fully implemented;
- 10.2.12 The plant has not comprehensively revalidated the TLAA's for concrete structures;
- 10.2.13 Containment structure monitoring system is not fully functional;
- 10.2.14 Ageing management programmes for civil structures are not fully developed and implemented.

10.3 The application for the extension of the licence lacks particularity to deal with these recommendations by the operator, Eskom, alternatively the implementation plan thereof has never been made available publicly for consideration.

11. **AIR QUALITY TESTS:**

11.1 The air quality tests have never been published or made available for public comments;

11.2 History proved that with the nuclear accidents of which 24 (twenty-four) were major accidents and 171 (one hundred and seventy-one) world-wide occurred during the years. The leakage was mostly identified due to air pollution and detected by air quality tests hundreds of kilometres away from the point of the leakage;

11.3 For instance, the Chernobyl leakage was not disclosed by the operators operating it. The leakage was firstly made public by Scientists from Sweden detecting it in air pollution tests due to the concealment thereof by the relevant authorities;

11.4 Under the circumstances, the air quality tests and measurements on a regular basis is essential. Notwithstanding substantial requests by the intervener since February 2023, none of these tests or test results have been made available to the intervener.

12. **UNREASONABLE PROCESS:**

12.1 The process in respect of the application as far as an owner of a substantial neighbouring property is concerned, is highly irregular and unreasonable;

- 12.2 The intervener commenced with enquiries made an registration as an effected party in February 2023;
- 12.3 The NNR refused to attend to the requests and refused to submit any documents or refused to even communicate with the intervener in respect of public communications;
- 12.4 It alleges, in terms of its letter of the 13<sup>th</sup> of February 2023 that the NNR is not compelled to give any documentation or notify any effected party of these issues. It is denied;
- 12.5 The ineffective and unreasonable process as far as the intervener is concerned, has been highlighted in a letter to the NNR on the 24<sup>th</sup> of January 2024 setting out the facts of the unreasonable process;
- 12.6 The unreasonable process is extenuating further the negative impact when cognisance is taken to all the relevant incomplete processes and incomplete reports to be obtained in respect of air quality measurement, water contamination measurement, seismic measurement, ground water measurement, disposal of nuclear waste and suitability of the operator, Eskom of its ability to manage the plant. The compliance with the recommendations by the IAEA and the process of implementation thereof is essential.

13. **ALTERNATIVE POWER GENERATING OPPORTUNITIES:**

- 13.1 To the best of the knowledge of the intervener, the KNPS at peak production produces approximately 3.5% of the demand of electricity in the entire Republic of South Africa and 50% of the Cape Metropolitan;

- 13.2 That is on the presumption that two reactors are working at full capacity;
- 13.3 For the past few years, one of the reactors was always under repair or maintenance;
- 13.4 Under the circumstances for the past few years, the contribution of the KNPS to the national grid of electricity, has been approximately 1.7% of the entire South Africa's demand for electricity. Its contribution to the supply of electricity into the national network of 1.7% of the demand, is negligible in comparison with other alternative options to be considered;
- 13.5 In terms of public announcements by the Western Cape Provincial Government and the Cape Town Metropolitan, it has been announced that Cape Town is making provision and planning its own power generation plants and that it will be off the national Eskom grid within the short future;
- 13.6 Under those circumstances, there is no imperative and essential need for the nuclear power station of KNPS to be renovated at exorbitant costs for such a small contribution that it would render to the national supply and generation of electricity;
- 13.7 It is also not essential to retain the plant at its present location within 30km's from the Cape Metropole.

14. **HEADS OF SUBMISSIONS TO BE SUPPLIED FOR PUBLIC COMMENTS AT THE PUBLIC HEARINGS OF THE NNR'S PUBLIC PARTICIPATION PROCESS:**

**REFERENCE FRAMEWORK FOR TECHNICAL IMPOSSIBILITIES:**

14.1 The submissions are backed by thousands of pages of documentation. In essence a summary of submissions and a report of the technical impossibilities of renovating the nuclear power station at Koeberg, is in a report by Dr. Tristen Taylor of Rosa Luxemburg Stiftung Southern Africa under the name "Koeberg's Dangerous Lifetime Extension";

14.2 The intervener aligns itself completely with the content of the report and a copy of the report is attached hereto as **Annexure "A"**.

15. **RELIEF SOUGHT:**

15.1 The intervener therefore submits that under vast amount of objections and principles laid down, that the NNR should decline the application for the extension of the KNPS operating licence at its existing location, and that on the lapsing of the licence in June 2024 and November 2025, the reactors must be switched off and cease operations, save for protection and anti-contamination measurements in respect of compliance with the National Environmental Management Act and the Nuclear Power Act;

15.2 Alternatively, to 1 above and if the application for extension of the Long-Term Operation Licence of Koeberg Nuclear Power Station is granted, it must be granted conditionally that the operator (Eskom), compensates the intervener, Springfontein Estate (Pty) Limited for its losses and damage caused by the restrictive use of the land and the development of the land;



15.3 Further in the alternative, the application process will be postponed, pending finalisation and submission of the following reports:

15.3.1 Seismic Report;

15.3.2 Safety Case Report;

15.3.3 Underground Water tests;

15.3.4 Air Quality Report;

15.3.5 Nuclear Waste Disposal Plan;

15.3.6 An Environmental Impact Assessment.

Yours faithfully,

**TIM DUTOIT & CO INC**

per:

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