



NATIONAL NUCLEAR REGULATOR

For the protection of persons, property and the environment against nuclear damage.

Enquiries: Gino Moonsamy
Our Ref: 1/5/2/3
28 September 2021

Mariette Liefferink
Postnet Suite #113
Private Bag X153
Bryanston
2021

As per email received: mariette@pea.org.za

Dear Ms. Liefferink

RESPONSE TO REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO 2 OF 2000)

1. We refer to your correspondence dated 28 August 2021, in which you requested particulars of certain records of the National Nuclear Regulator (NNR), in terms of the Promotion of Access to Information Act ("PAIA").
2. In particular, you requested a written response by the NNR pursuant to the NNR's oral "feedback on the NNR's response to the FSE's questions raised in the previous webinar" (Item 5 of the Agenda of the NNR's Webinar, which was held on the 24th of February 2021 via MS Teams.
3. The request for a written response to FSE questions was considered and the NNR responds as follows;

Question1: The status of the NNR's compliance with the directives issued by the South African Human Rights Commission (SAHRC) and its findings pursuant to its 'National Hearing on the Underlying Socio-Economic Challenges of Mining Affected Communities.' The National Hearing was conducted in 2016.



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NNR Response: The NNR has developed two working draft documents aimed at addressing the SAHRC directive. The draft documents are titled: “A Collaborative Framework for Remediation” and a “ Proposed Funding Mechanism” respectively. The documents have not been finalised due to delays in the stakeholder consultation process brought about by the COVID-19 pandemic.

Question 2: What is the status of the NNR’s 2015 Position Paper on Remediation Criteria and Requirements and the NNR’s 2015 (PLN-SARA-15-012) Plan for Remediation of Contaminated Sites?

NNR Response: Plans without funds are not implementable. The focus now, is on identifying possible sources of funding for remediation and thereafter a remediation plan will be developed and implemented in collaboration with all relevant parties.

Question 3. What actions have the NNR taken to prohibit the use of dump and uraniferous waste material for building purposes?

NNR Response: It should be noted that not all such materials (waste rock, sand, etc) are significantly radioactive above background levels to the extent that it may require regulatory control by the NNR. The NNR considers this a matter for further investigation and will undertake relevant research at an appropriate time.

Question 4. In terms of the NNR’s Report, dated 2007, titled ‘Radiological Impacts of the Mining Activities to the Public in the Wonderfonteinspruit Catchment Area’, report TR-RRD-07-0006. What actions have been taken by the NNR to address these risks to the public?

NNR response: Refer to response in Question1

Question 5: The International Agency for Research on Cancer (IARC), an intergovernmental agency forming part of the WHO of the United Nations identified gaps and opportunities pertaining to the health effects in populations living around



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the uraniumiferous gold mine tailings in South Africa and contracted the Federation for a Sustainable Environment (FSE) to collect 1,600 human hair samples from mining affected communities within the West Rand gold fields.

Please advise what the progress is in conducting an epidemiological study in order to assess the health risks of mining affected communities within the Witwatersrand gold fields.

NNR Response: The relevant assessment of health risks of mining affected communities will be discussed during the NNR stakeholder consultation process with the relevant competent authorities.

Question 6 : The FSE cordially invites the NNR to a joint site inspection of Mintails' Operations.

NNR Response: This joint inspection was already conducted during December 2018, and the inspection report was sent to FSE.

Question 7: Please advise what actions the NNR has taken to protect the adjacent communities of Kagiso, the environment and properties from the exposure to the above-mentioned radiological risks.

NNR Response: Refer to response in Question 1

Question 8: Ref: Tudor Shaft Informal Settlement. Please advise the status of the NNR's compliance with the Court Interdict.

NNR Response: In response to compliance with the Court interdict, there were several collaborative efforts undertaken involving various parties. The status thereof is summarised as follows;

- Authorities had to conduct studies to determine whether the remediation of Tudor Shaft is feasible and what protective measures would be required during the course of remediation. The studies were successfully completed.



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The studies identified issues of concern and provided guidelines on how the remediation activities could proceed safely.

- The Steering Committee chaired by the NNR continued to hold meetings at Mogale City in an effort to source funding and support for the remediation of Tudor Shaft site in compliance with applicable legislation. To date, all the available options were found to be inadequate by the Steering Committee and therefore relevant activities could not be implemented.
- DRD Gold /Thumadui offered to remove tailings material from the Tudor Shaft site, but did not include the rehabilitation of the site. The Steering Committee therefore considered this as an undesirable situation since members of the public could start occupying an unrehabilitated site. Further efforts were made to source alternative funding for the site rehabilitation. Unfortunately, the efforts made to source funding did not yield any successful results. At this stage, the successful remediation and rehabilitation of the Tudor Shaft informal settlement is totally dependent on funding.

Question 9: The Robinson Lake is at the time of writing unremediated, without fences or access control or warning signs and during rain events used by the children of neighbouring communities for recreational (swimming) purposes. What actions have the NNR taken to protect the public, property and the environment in this regard?

NNR Response: The NNR plans to direct the relevant parties to erect and maintain warning signs at the affected sites.

Question 9.1: In terms of the WRC Report No 1214/1/06 'An assessment of sources, pathways, mechanisms and risks of current and potential future pollution of water and sediments in gold-mining areas of the Wonderfonteinspruit catchment', WRC 7 Report No 1214/1/06 by Wade, P., Winde, F., Coetzee, H. (2004)



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What actions have the NNR taken to protect the public, property and the environment in this regard?

NNR Response: Refer to response in Question1

Additional Questions and Comments:

How many court actions and enforcements were instituted by the NNR for non-compliances with the NNR Act?

NNR Response: Information on court actions and enforcements from all NNR regulated facilities are reported in the NNR's Annual Reports. Please refer to the NNR Annual Reports for details. To view reports visit: <https://nnr.co.za/nnr-library/nnr-annual-performance-reports/>

4. You are entitled to lodge an internal appeal against the decision of the NNR in relation to this request. Any such internal appeal must be lodged within 60 days of receipt of this letter, with the information officer of the NNR. Your appeal document must identify the subject of the internal appeal and state the reasons for the internal appeal, and may include any other relevant information known to the appellant.

Please contact the writer if you have any further queries in regard to this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read "T Moonsamy".

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T Moonsamy (Gino)
Deputy Information Officer
National Nuclear Regulator