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10 December 2015

**Attention: Ms Milicent Solomons**  
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**Submission : Revised Draft Environmental Impact Assessment Report Version 2 for the Eskom Nuclear Power Station and Associated Infrastructure (Nuclear-1) - DEA Ref. no: 12/1/20/944 (version 2 of the RDEIA report ) for a proposed Nuclear Power Station and Associated Infrastructure**

The Southern African Faith Communities' Environment Institute (SAFCEI) hereby submits a written submission to DEA on the matter stated above.

SAFCEI believes that ethical governance is the cornerstone of democracy. We salute the many organisations and individuals who have provided substantive input into this EIA process. However, we are concerned that their inputs will not receive the consideration they deserve due to the manner in which the EIA process is being run by the EAP.

According to the 2006 EIA Regulations (in terms of Chapter 5 of NEMA), which are the regulations under which this version of the EIA is occurring<sup>1</sup>, section 18 refers to the need for Environmental Practitioners (EAPs) to act independently and without bias.

SAFCEI submits that the EAP has acted in a biased manner.

SAFCEI endorses the Legal Resources Centre (LRC) submission, made on behalf of Greenpeace and Earthlife Africa Jhb. We believe that that the LRC submission provides sufficient evidence to

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<sup>1</sup> Appendix G in the folder legal requirements

demonstrate bias and/or incompetence of the EAP. In addition, SAFCEI supports the submission of Koeberg Alert, which identifies a number of instances of shoddy work, all of which call into question the competence and independence of the consultants/EAP.

Some examples of this bias are provided in Appendix A (below).

SAFCEI believes that the EAP has contravened Section 18 of the 2006 EIA Regulations (particularly section 18a, b, c), and therefore requests the DEA to investigate the independence and competence of the EAP in line with Section 19 of the Regulations.

Thanking you in anticipation,



**Liziwe McDaid**  
*Programme Coordinator: Energy and Climate Change*  
Southern African Faith Communities' Environment Institute

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## Appendix A

EAP responded in a public meeting of 13 October 2015 that “all specialist studies be peer reviewed by other experts, which has happened. All studies were found to be adequate”<sup>2</sup>. However, the following extract from Koeberg Alert’s submission indicates otherwise. Peer Review social assessment: “The report as is is outdated and it would be a risk to the project to put it as is in the public domain<sup>3</sup>.”

The LRC submission points to a number of gaps in the EIA report, where failure to provide full information would bias the report, understating the potential risks:

25. Without quantitative description of what a worst-case scenario looks like, including an estimate of the number of cancer cases and fatalities among the local population, and a realistic estimate of economic costs, decision-makers will be unable to make a rationally informed choice about whether the purported benefits of the project outweigh its risk.

28. Version 2 of the RDEIA report identifies the following specialist study as providing a “worst case scenario” of potential impacts from a PWR Generation III nuclear power station - Beyond Design Accident Report (Appendix E33). However, this report, despite its title, does not contain an assessment of the radiological impacts of a severe (beyond-design basis) accident of the proposed nuclear facility.

SAFCEI also submits that the LRC submission provides evidence that the National Environmental Management Act, principle 2.3, section 2.4.a vii, as well as 2.4.b, have not been complied with.

A further illustration is given below of how the EAP showed bias during the public consultation process:

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<sup>2</sup> Kenilworth public meeting 13/10/2015 minutes.

<sup>3</sup> P.g. 6 of “Rev DEIR 2 App E 37 Peer Review Social Assessment.pdf”.

At the public meeting that took place in Kenilworth on 13<sup>th</sup> October 2015<sup>4</sup>, the participants attending the meeting took a vote of no confidence in the EIA consultants, alleging that they were biased and not independent. At that point in the meeting, many people had left. The vote result was 19 out of 20 eligible voters supporting the notion that the EAP/consultants were biased, one voting in favour of the consultants (and his vote was disallowed, as he worked for Eskom), and six abstaining, most of whom were Eskom employees. However, the minutes downplay the situation. They only record the vote as one comment in the appendix of comments made in the meeting. If the overwhelming majority of attendees supported a motion that the EAP is biased, should this not have been something to bring to the attention of the authorities in the main body of the minutes?

Further, the minutes misrepresent the situation. They record the vote as 19 out of 40 supporting the motion that the consultants are biased. This is a gross misrepresentation. The consultants have chosen deliberately to misrepresent the situation by claiming that the twenty or so people that had already left the meeting had voted in favour of the EAP. This is not true, and demonstrates an attempt to bias the vote results in favour of the consultant/EAP (in contrast with 18c of the regulations).

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<sup>4</sup> The minutes of this meeting were only circulated to IAPs on the 2<sup>nd</sup> December, seven weeks after the meeting and only eight days before the closing date for comments on the report.