



energy

Department:
Energy
REPUBLIC OF SOUTH AFRICA

DE 10

Private Bag X 96, PRETORIA, 0001, 192 Visagie Street, C/o Visagie & Paul Kruger Street, Pretoria 0001
Tel: 012 406 7665 Email: zizamele.mbambo@energy.gov.za Ref. No.: 8/4/2/188

From: DDG: Nuclear

Enquiries: Mr Z Mbambo

Ms Karabo Mpho Letta Rajuili
M&G Centre for Investigative Journalism
6th Floor, 6 Pepper Street
CAPE TOWN
8001

Per e-mail to: rajuili.karabo@gmail.com

RESPONSE TO REQUEST FOR ACCESS TO RECORDS OF PUBLIC BODY IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO 2 OF 2000) (hereafter referred to as "the Act")


1. We refer to your request for access to information dated 14 July 2015 for the following records pertaining to reports and studies emanating from the recommendations of the Integrated Nuclear Infrastructure Review:
 - 1.1 **Any and all records relating to the contracting strategy for the new nuclear build programme.**
 - 1.2 **Any and all records relating to financing arrangements for the new nuclear build programme, including all studies completed and recommendations.**
 - 1.3 **Any and all records and or benchmark studies on regulatory independence and institutional arrangements.**
 - 1.4 **Any and all records related to South Africa's strategy to develop an integrated national Nuclear Fuel Cycle strategy, including Spent Fuel/ High Level Waste disposal.**

2. After careful consideration of your request; the nature of the records sought and the provisions of the Act, we hereby respond as follows:
 - 2.1. The record of the Contracting Strategy contains information to be used in the procurement process. The disclosure of such confidential information of the Department and the State will compromise the negotiations or prejudice the commercial competition as far as third parties are concerned as we are now almost about to embark on the procurement process. Therefore this record is protected from disclosure in terms of section 42(3)(b) read with section 36 (1) of the Act
 - 2.2. The records relating to financing arrangements for the new nuclear build programme contain information to be used in the procurement process. The disclosure of such confidential information of the Department and State will compromise the negotiations or prejudice the commercial competition as far as third parties are concerned as we are now almost into a procurement process. Thus, this record is protected from disclosure in terms of section 42(3)(b) read with section 36 (1) of the Act.
 - 2.3. The records and or benchmark studies on regulatory independence and institutional arrangements have not yet been approved; the disclosure is likely to expose the Department and the subject matter to a serious disadvantage. Once approved by the necessary oversight structures this will be made available to the Department for the purpose of assisting to formulate a policy or take a decision in the exercise of a power or performance of a duty conferred or imposed by law; and the premature disclosure thereof, could reasonably be expected to frustrate the success thereof. Therefore, access to this record is refused in terms of section 44(1) of the Act.
 - 2.4. The records related to South Africa's strategy to develop an integrated national Nuclear Fuel Cycle strategy, including Spent Fuel/ High Level Waste disposal contains information to be used in the procurement process. The disclosure of such confidential information of the Department and State will compromise the negotiations or prejudice the commercial competition as far as third parties are concerned as we are now almost into a procurement process. Thus, this record is protected from disclosure in terms of section 42(3)(b) read with section 36 (1) of the Act.

We confirm that the reports are classified. Thus, at this stage, the disclosure of the reports would be premature and, therefore, access is refused for the reasons indicated above.

You are hereby informed of your right to lodge an internal appeal in terms of section 74 of the Act against this decision. The internal appeal must be lodged in the prescribed form within 60 (sixty) days of receipt of this notice.

Yours faithfully,



MR ZIZAMELE MBAMBO
DEPUTY INFORMATION OFFICER
DATE: 2015-08-17