

Koeberg Nuclear Power Station Public Safety Information Forum (PSIF) Constitution

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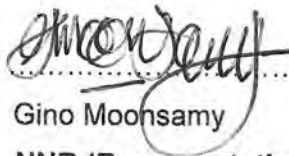
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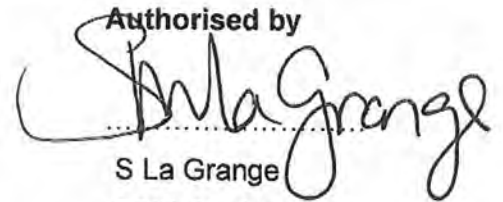


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This Document has been seen and accepted by the following persons or organisations:

- City of Cape Town (Disaster Management Representative)
- Eskom
- NNR
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This document has been discussed and accepted by the Public Safety Information Forum (PSIF) members.

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1. INTRODUCTION

We live in an age where access to information, particularly through the internet, continues to expand every day. Along with greater access to information, there is the increasing demand of the public for transparency, particularly in matters and decisions affecting their lives.

The public demands to know more about the operation of nuclear power stations and their activities in order to make nuclear safety activities more understandable and transparent.

Nuclear utilities and regulators around the world recognise the importance of openness and transparency to the success of their programmes to ensure public health and safety. All agree that good practice in transparency and being proactive with information helps to allay perceptions of secrecy and to instil public confidence and accountability. Integral to achieving this is the implementation of a Public Safety Information Forum (PSIF) to develop and maintain a strong link and feelings of trust with the general public living in the immediate vicinity of Koeberg Nuclear Power Station.

Transparency, however, often means different things to different people. It is therefore necessary to define which information should be shared with the public and that which is proprietary information.

Eskom considers that the health and safety of the general public and the protection of the environment is of paramount importance when managing its activities. Eskom is also committed to the principles in the King II report, especially principle 8.5, which states:

“Transparent and effective communication with stakeholders is essential for building and maintaining their trust and confidence.”

2. References, abbreviations and definitions

2.1 References

- [1] National Nuclear Regulator Act, 1999 (Act no.47 of 1999) and regulations under the Acts:
 - Government Gazette No. 299 (12 March 2004)
 - Government Gazette No. 968 (12 September 2008)
 - Government Gazette No. 962 (29 October 2010)
 - [2] Promotion of Access to Information Act 2000 (Act No. 2 of 2000)
 - [3] Constitution of the Republic of South Africa (Section 32) (Act No. 108 of 1996)
 - [4] Corporate and Commercial/King Report on Governance for South Africa – 2009
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2.2 Abbreviations

Abbreviation	Description
FEPZ	Formal Emergency Planning Zone (16 kilometre zone)
KNPS	Koeberg Nuclear Power Station
NNR	National Nuclear Regulator (SA)
RSRP	Regulations in terms of Section 26, read with Section 47 of the NNR Act on Safety Standards and Regulatory Practices
PSIF	Public Safety Information Forum
INES	International Nuclear Event Scale
SHEQ	Safety, Health, Environment and Quality
MO	Meeting Officials
OR	Organisation Representatives

2.3 Definitions

- **Nuclear Safety:** the achievement of safe operating conditions, prevention of nuclear accidents or mitigation of nuclear accident consequences, resulting in the protection of workers, the public and the environment against the potential harmful effects of ionizing radiation or radioactive material.
- **Radiation safety:** the protection of persons and the environment against the potential harmful effects of ionizing radiation or radioactive material.
- **Relevant Municipal Area:** any municipal area within which the formal emergency planning zone of a nuclear installation, as defined by the Regulator.
- **Formal Emergency Planning Zone (FEPZ):** the area within a 16km radius from the reference point, which in the case of Koeberg, is directly between Units 1 and 2.
- **Members of the Public:** members of the public living in the relevant municipal area but excluding employees of the holder of the relevant Nuclear Installation Licence.
- **General Public:** members of the public living outside the relevant municipal area i.e. outside of the 16km radius from Koeberg.

2.4 Definitions developed for this document

“**Members**” refers to “members of the public” i.e. people who are registered on the PSIF database and live within the 16km radius;

“**Friends**” refers to members of the public who attend the PSIF and are registered on the database as “friends” of the PSIF and who reside outside the 16km radius.

3. The Legislative Documentation (Verbatim)

The **National Nuclear Regulator Act, 1999 (Act No. 47 of 1999)** and addenda of **2004** and **2008** require that Koeberg Nuclear Power Station:

- Establishes a public safety information forum in order to inform the persons living in the relevant municipal area in respect of which an emergency plan has been established in terms of section 38(1) of the Act on nuclear safety and radiation safety matters (including emergency planning) related to the relevant nuclear installation;
- Provides a venue and facilities for meetings of the forum;
- Provides a secretariat to facilitate the proper functioning of the forum;
- Provides information to the forum, with due regard to Section 51 of the Act, on nuclear/radiation safety matters, including but not limited to nuclear incidents/accidents;
- Covers the costs related to the establishment and management of the forum.

4. Purpose

This document lays down and interprets the principles, requirements and responsibilities with respect to the Public Safety Information Forum. Although some of these principles, requirements, objectives and attributes may appear to duplicate those published in the Act, they have been repeated here to consolidate all relevant requirements.

This document *also* ensures compliance with the NNR Act, as well as Eskom's SHEQ policy which states:

“Eskom, as a state-owned enterprise, has a greater role to play in addition to supply of electricity. We support South Africa's growth and development aspirations, and therefore strive to consistently provide our stakeholders with confidence that our activities are managed sustainably, effectively, and efficiently for the benefit of the South African economy. In order to achieve this, we have adopted safety, health, environment, and quality (SHEQ) management as a business imperative for sustainable business performance and improvement.”

Even though the main focus of the PSIF is on nuclear safety and radiation safety, it can also be used as a forum to promote good radiological safety, occupational safety, environmental safety, and security consciousness, applying the same principles to other issues related to Koeberg.

4.1 Applicability

This document applies to the Koeberg PSIF and all meeting participants (also referred as friends).

5. Roles and responsibilities

5.1 Eskom

Eskom is responsible for the following activities:

- Providing a venue and facilities for meetings of the forum;
- Providing a secretariat to facilitate the proper functioning of the forum;
- Liaise with the chairman to include topics on the agenda for future PSIF meetings;
- Providing information in the form of presentations to the forum, with due regard to Section 51 of the Act, on nuclear/radiation safety matters at the request of the PSIF;
- Covering the costs related to the establishment and management of the forum;
- Arranging PSIF meetings at a minimum frequency of one meeting per 3-month period;
- Communicating the date, time and venue of meetings of the forum within the relevant municipal area not less than 14 days prior to each meeting by advertising in at least two newspapers circulating in the relevant municipal area;
- Keeping minutes of all meetings as a record, which must be distributed to all attendees to review for correctness and accepted at a subsequent meeting prior to transmission to any other interested parties;
- Inviting the NNR, the relevant municipal Disaster Management Centre, the relevant provincial Disaster Management Centre and relevant national government departments, as appropriate, to all meetings to facilitate the sharing of information;
- Keeping a database of the names and addresses of all members and friends who attended the forum;
- Ensuring the attendance of Eskom senior personnel at the meeting, in order to provide informed and accurate responses to any questions/issues that may be raised;
- Send notification of meetings to all members and friends no later than 14 days prior to each meeting;
- Facilitating presentations by other bodies (NNR, City of Cape Town, etc.) that are relevant to the PSIF on behalf of the PSIF

5.2 Chairperson/Deputy Chairperson responsibilities

All official PSIF meetings shall be chaired by a chairperson or deputy chairperson.

- The Chairperson and Deputy Chairperson, once appointed, must accept the appointment in writing and perform their duties without remuneration.
- The Chairperson/Deputy Chairperson is responsible for running the meeting in an orderly manner.
- The Chairperson is responsible for controlling the meeting and ensuring that issues which are relevant to Koeberg are discussed in the meeting.
- The Chairperson is responsible for ensuring that a quorum of members is present prior to the commencement of the meeting.
- The Chairperson must ensure that all individuals participating in the meeting are treated with dignity, honouring their contribution. There must be no tolerance of discrimination in any form.
- The Chairperson has a responsibility to remain impartial, and shall ensure that all participants have an opportunity to express their opinion.
- The Chairperson is responsible for ensuring that the meeting starts at the specified time. The meeting shall start irrespective of the number of attendees present and there should be no recap for latecomers.
- The Chairperson should ensure that the meeting follows to the agenda and also set a time for the meeting to end - the objective is to inform the public and answer questions without becoming a debating society. This entails ensuring that questioning remains relevant to the topics on the agenda and in line with the purpose of the PSIF.
- The Chairperson should ensure that only one speaker at a time has the floor, limit the number of speakers on a particular topic, and limit a speaker's time. This may also entail dealing with conflict in a rational, timely manner.
- The Chairperson may allocate allowable time for presentations and curtail or stop presentations if necessary.
- The Chairperson should request attendees to propose topics for presentation at future meetings.
- The Chairperson is responsible for ensuring all parties abide by the constitution, and may ask disorderly parties to leave the meeting.
- The Chairperson must be conversant with all aspects of the requirements of this constitution and the chairing of the meetings in general.

5.3 NNR responsibilities

The Chairperson and Deputy Chairperson are appointed by the NNR for a period of two years. During the last three months of tenure the Chairperson of the Board of Directors of the NNR must appoint another Chairperson and a Deputy Chairperson from nominees living in the relevant municipal area. An invitation for nominations should be published in at least two local newspapers. Only persons living in the relevant municipal area and persons registered with the forum is eligible for appointment. These appointments should be made to commence at the expiry date of the existing Chairperson and Deputy Chairperson in order to facilitate smooth transition.

The NNR should, whenever possible, be represented at the meeting in order to provide informed and accurate responses to any questions/issues that may arise.

6. Terms of reference of the PSIF

The scope of the PSIF is the sharing of information related to Koeberg Nuclear Power Station (KNPS). This will ensure that the public living in the vicinity of the nuclear power station are better informed. The forum will also serve to educate the public with respect to the controls implemented at and operation of KNPS.

The members of the forum will be entitled to ask questions and request presentations related to Koeberg's safety performance and any environmental concerns that they may have.

Eskom is not obliged to reveal information related to

- Commercial, financial or budgetary matters;
- Personal information about employees or personal information about a third party, including a deceased individual;
- Industrial Relations issues;
- As detailed in the Promotion of Information Act Part 3 section 4.

7. Code of conduct of PSIF meetings

7.1 Meetings

- As laid out in the NNR Act, there shall be a minimum of four meetings of the PSIF per calendar year.
 - Regular attendees who are unable to attend any meeting can relay their apologies to the Chair/Secretary prior to that meeting if they so wish.
 - Meeting dates are typically agreed a year in advance as Eskom publishes these dates in the Koeberg Emergency Plan Calendar.
 - Press notices of the meeting will include date, time and place of meeting and information on content of agenda and presentations.
 - Members can request additional meetings, if necessary, taking into account the availability of a venue, Meeting Officials (MO) and Organisation Representatives (OR) and the time to prepare for the meeting.
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7.2 Quorum

- A quorum consists of at least a chairperson, and a minimum of at least four other members of the public, but excluding MO and OR, Eskom employees and the general public.
- No business will be conducted at any meeting unless a quorum is present.
- If, after 10 minutes from the appointed start time for a meeting, a quorum is not constituted the Chairperson will adjourn the meeting. It will be recorded that owing to a lack of the necessary quorum, the meeting was disbanded.
- Members of the press, Eskom employees, and friends are entitled to attend PSIF meetings but will not be counted for the purposes of determining a quorum.

7.3 Chairperson and attendance

- As laid out in the 2008 amendment to the NNR Act of 1999, the Chairperson of the NNR Board of Directors must appoint a Chairperson and a Deputy Chairperson from persons living in the relevant municipal area.
 - The appointed individuals hold office until the next appointments are made.
 - Meetings of the Forum are to be chaired by the Chairperson/Deputy chairperson.
 - If the position of the Chairperson/Deputy chairperson is vacant, or for any reason they are unable to attend a scheduled meeting, the forum may be chaired by any other registered forum member nominated by the members attending the meeting.
 - The names of those present at each meeting, as well as those who have submitted an apology will be recorded and minutes produced of each meeting. Minutes will be taken that reflect the information that was shared; they are not intended to be a verbatim reflection of all statements, questions and answers.
 - The minutes of the previous meeting will be approved at the next meeting and before concluding the agenda discussed for the following meeting.
 - Whenever necessary, to ensure consensus of the forum participants, the chairperson can test agreement by voting. Consensus shall be decided by a majority of the members present and voting thereon. The numbers voting for and against any motion will be recorded in the minutes. In the case of an equality of votes, the presiding chairperson shall have a casting vote. Voting shall be normally conducted by a show of hands.
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7.4 Behaviour during meetings

- The behaviour of participants at a meeting is important for the success of the meeting. Many people lack the confidence to express themselves fully in a public meeting with other people, whereas some find it all too easy to dominate.
- Effective meetings can be achieved if all individuals are committed to some simple ground rules for behaviour before and during meetings.
- All people attending any meeting of the Koeberg PSIF (hereafter called participants) **must** agree to abide by the Code of Conduct for the PSIF and act in a manner that supports equal opportunities for all.

7.4.1 They must:

- Act appropriately and treat people and organisations with respect, never being derogatory in their speech or manner;
- Act in the interest of information sharing, and not seek to gain any advantage;
- Act in a way that is fair and unbiased;
- Allow everyone to participate without interruption or intimidation and treat everyone equally;
- Be open and honest about their actions and decisions, and provide reasons where appropriate;
- Be clear and honest about whether they are giving their personal view or the views of their organisation;
- Declare any private interests or interests of their organisation relevant to their involvement with the PSIF and seek to resolve any conflict in the public interest;

7.4.2 They must not:

- Act or speak in a way that may be perceived as bullying, abusive, discriminatory or derogatory;
 - Try to use the meeting for other agenda issues not related to the objectives of the meeting;
 - Prevent anyone getting information to which they are entitled;
 - Bring the PSIF into disrepute;
 - Attempt to dominate the meetings for their own purpose or the purpose of a group or organisation they are representing.
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7.5 Meeting participation

- All contributions should be addressed to the meeting via the Chairperson. All Participants are required to respect the ruling of the Chairperson or the meeting if the Chairperson has put an issue to the meeting.
- All Participants must accept that the time available for the PSIF meetings is finite. The Chairperson of the PSIF meeting is therefore empowered to set the time that a contributor is permitted to speak if this is necessary to support the conduct of business.
- Individual and personal disputes should not be allowed to affect conduct within the meeting but should be resolved outside of the meeting.
- In contributing to the meeting participants will ensure that comments they make do not amount to a personal attack on another individual and should avoid using heated, emotional and value-loaded language and behaviour.
- Participants must remember that PSIF involvement and co-operation means accepting and abiding by majority decisions. The PSIF operates on behalf of all of the people within the relevant municipal area and not for individuals.
- Meetings may occasionally receive information which is not in the public domain often relating to individuals, organisations or financial matters. It is the responsibility of each individual to ensure that this information is never misinterpreted. Individuals should not use confidential information for their personal advantage or the advantage or disadvantage of anyone known to them or to disadvantage or discredit the PSIF.

7.6 Breaches of the Code of Conduct during meetings

Any participant who does not comply with the Code of Conduct will be asked to leave the meeting by the Chairperson.

8. Functioning of the PSIF

The following is a list of issues, which should be considered for inclusion at a PSIF. This list is not finite and anything, that can affect the safe operation of Koeberg Nuclear Power Station, may be discussed at the forum.

The items for discussion should normally be as a result of issues that have occurred during the intervening period since the last meeting or items identified for discussion at the previous meeting.

Potential agenda items

- Nuclear safety items identified in the previous meeting for discussion;
 - A brief summary of the station performance in the last three months;
 - Issues or events which are considered as important to report;
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- Issues or events which constituted a challenge to the design barriers and may or may not have been reportable on the INES scale;
- Unusual results discovered as part of the radiological environmental surveillance programme;
- Partial activation of the emergency plan;
- Issues that were identified in the media and gave cause for concern;
- Modifications which have improved overall station safety;
- Findings by an external review organization or authority regarding issues that affect safety;
- International incidents that Koeberg Nuclear Power Station deemed as a learning experience and may need to be addressed by KNPS.