From: "Khulu Phasiwe" <phasiwk@eskom.co.za>
To: "Chris Yelland" <chris.yelland@ee.co.za>
CC: "Media Desk" <MediaDesk@eskom.co.za>

Subject: RE: Koeberg steam generator replacement project

Date: 12 January 2016 09:18 AM

Hi Chris

Eskom will appeal against the Supreme Court of Appeal judgment to the Constitutional Court. The grounds of appeal will be set out in the appeal papers, which our legal team is currently working on. As a result, it would not only be premature but also inappropriate for Eskom to respond to the balance of your questions at this stage.

Regards Khulu Phasiwe Eskom Media Desk

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From: Chris Yelland [mailto:chris.yelland@ee.co.za]

Sent: 08 January 2016 10:55 AM

To: Khulu Phasiwe

Subject: Koeberg steam generator replacement project

Dear Khulu

We are completing an article on the Areva / Eskom steam generator replacement contract that was ordered by the SCA to be suspended and sent back to Eskom for reissue of the tender.

In this regard, please can Eskom comment / respond to / answer the following questions:

- 1. After the SCA judgement, Eskom indicated it was considering the judgement, and may request leave to appeal to the Constitutional Court. Are there any comments by Eskom now after studying the SCA judgement, and will Eskom be applying to for leave to appeal to the Constitutional Court, and if so, on what grounds?
- 2. In the meantime, and since the SCA judgement, has the Eskom / Areva Koeberg steam generator replacement project been suspended, and how long could it take for Eskom to begin the process again, and put in place a new contract properly, as ordered by the SCA?
- 3. What was the contractual completion date of the Eskom / Areva Koeberg steam generator replacement project? If the project has now been suspended, is Areva able to claim any penalties for suspending work and/or late completion of the project caused by Eskom's erroneous actions detailed in the judgement, and what are the cost limits of such penalties to Areva in the contract?
- 4. How long and to what date could the Koeberg steam generator replacement project be delayed by the outcome of the SCA judgement?
- 5. Could there be any safety issues arising from delays in the Koeberg steam generator replacement project and continued operation of the Koeberg reactors, given the urgency and criticality cited in placing the contract with Areva in the first place, where a float in Areva's project plan was indicated as a deciding factor?
- 6. What is the risk of the National Nuclear Regulator of SA shutting down Koeberg due to safety concerns resulting from delays in the steam generator replacement project, and could this impact on security of supply and load shedding in SA?

You very soonest comments / response / answers to the above questions would be appreciated by our deadline of 5 pm Tue 12 March 2015 (please confirm).

Regards Chris Yelland Managing director EE Publishers

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