

**Secretariat of the Espoo
Convention
Implementation Committee**

According to the results of consideration of the draft findings and recommendations of the Implementation Committee of the Espoo Convention (hereinafter - the Committee) within the frameworks of the activities concerned with the prolongation of the Rivne Nuclear Power Plant power blocks № 1 and № 2 operation period, we notify you that the major of the remarks and findings are unacceptable in accordance with the information set forth below.

The Parties agreed to follow the provisions of the Espoo Convention such as "commending the ongoing activities of States to ensure that, through their national, legal and administrative provisions and their national policies, environmental impact assessment are carried out" which is emphasized in the Preamble of the Convention.

Paragraph vi) of the Article of the Espoo Convention defines that "environmental impact assessment means a national procedure for evaluating the likely impact of the proposed activity on the environment".

Paragraph 7 of the Article 2 of the Espoo Convention specifies that "environmental impact will be undertaken at the project level of the proposed activity as a minimum requirement. To the extent appropriate the Parties will endeavor to apply the principles of environmental impact assessment to the policy, plans and programs".

Thus, the legislation of Ukraine does not stipulate developing of the project and, respectively, EIA during planning and performing the activity concerning the prolongation of the operation period of the power blocks at the Ukrainian nuclear power plants. Elaboration of EIS procedures is obligatory only in a case of the construction of the new nuclear facilities.

Therefore, neither provisions of the Espoo Convention nor Ukrainian legislation stipulate the elaboration of EIS during planning and performing the

activity concerning the prolongation period for the operation of the power blocks as obligation.

Herewith, the Report of the periodic safety assessment (RPSA) is developed in the frames of prolongation of the power blocks operation blocks in over project term according to the norms, rules and standards of the nuclear and radiological safety (requirements NR 306.2.099-2004 "General requirements of prolongation of the operation time in over project term according to the results of periodic safety reassessment"). This report includes Factor of Safety № 14 (FS-14) "Environmental impact of the NPP operation" which contains all information about environmental impact during NPP exploitation and foundation of enough of control measures and deficiency of considerable negative impact of NPP on the quality of air, water objects, soils, plants, etc.

Moreover, we are pleased to bring your attention for the inconsistency of the particular provisions of the draft report. Thus, paragraph 45 of the Draft Decision specifies that "significant adverse transboundary impact may be caused not only from the construction and first operation of a nuclear reactor, but also from the any subsequent reconsideration of the license". In the process of making any changes to a license in a part of the reactor operation any significant transboundary impact can't be caused. We also underlined that any project indicators of the NPP will not be changed, requirements for the indicators of its operation (including environmental impact indicators) won't get worse that is justified in the Report on the periodic reassessment of the security that in accordance to the Ukraine legislation shall pass an examination on nuclear and radioactive safety.

In the conclusions of the chapter "Environmental impact from the operational activity of the power block" of the Report on the periodic reassessment of the security of the power blocks №1 and №2 Rivne Nuclear Power Plant specify that indicators of the levels of radioactivity for the last decades is constant and has the tendency to the impact reduction. It allows to anticipate the minimum environmental impact from the operation of the blocks of Rivne Nuclear Power Plant in future, provided that the power blocks will be operated in accordance with the current legislation, maintaining of the technical systems and elements of the power block in accordance with the project requirements and the fulfillment of the environmental protection recommendations. That is why the conclusion on the absence of the negative impact from the operation of the power block at the time that exceed the project period is made.

Part one of the Article 8 of the Law of Ukraine "On the permission system in the field of nuclear energy use" of 11.01.2000 №1370-XIV demand the enterprise that operates the nuclear power plant to obtain a license for performing activity that is referred to the specified operational period of nuclear power plant. The operational period of the NPP shall consist of: construction and putting into operation the NPP, operation of the NPP and decommissioning of the NPP. The decision on extension of the operation of the power blocks at the Rivne NPP in the for period that exceeds the one indicated in the project made by the state supervisory authority of the nuclear and radioactive safety not by the way of issuing a new license, but by making amendments for the specified period of operation "operation" concerning the terms

and periods of operation indicated (without making amendments to the project characteristics and terms/restrictions of the operation).

It should also be admitted, that during the process of prolongation of the operation period for the power blocks Ukraine complies with the requirements of the other international documents, in particular, Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

Ukrainian Party shall reserve the right, provided for in paragraph 12 of the Annex to Decision III/2 to vote against adoption of the Conclusion at the Meeting of the Parties if the provision of Conclusion won't be changed in accordance to the remarks and propositions outlined in this letter.

Moreover, the Ukrainian Party is concerned about the disinclination of the Compliance Committee to consider examples provided by the Ukrainian Party concerning prolongation of the operation of the power plants in France and Great Britain. Consider that requirements concerning implementation of procedures covered by Espoo Convention regarding special kinds of activity at the NPP should be should not be applied to the all countries that ratified the Espoo convention on equal basis.

Minister

O. Proskuriakov