



Ms Vesna Kolar-Planinsic
Chair of Implementation Committee
Convention on EIA in a Transboundary Context
Ministry of Agriculture and the Environment
Directorate for Environment
Dunajska cesta 22
1000 Ljubljana
SLOVENIA

Vienna, 28.10.2013

Your Reference/Your File Number
Your letter dtd.

Our File Number

Official-in-charge/Ext.

14.10.2013

BMLFUW-
UW.1.4.2/0061-V/1/2013

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**Espoo, Implementation Committee,
NPP Hinkley Point C;
Austrian response to IC letter**

Dear Ms Kolar-Planinsic,

thank you for your letter of 14 October 2013 regarding the transboundary EIA procedure for the construction of a new nuclear power plant at Hinkley Point C in the United Kingdom. Austria responds as follows:

Ad question a):

Austria considers itself potentially affected by the proposed NPP at Hinkley Point C since significant environmental effects on Austria's territory cannot be deterministically excluded especially in the context of severe accidents. Hinkley Point C is situated about 1 018 km away from western Austria. In case of severe accidents, like early containment failure or a containment bypass, high releases of radionuclides are likely and may have impacts on Central Europe under certain weather conditions. Even if certain severe accidents may be of low probability the effects can be very heavy, long-lasting and irreversible.

In this context Austria would like to point out that from the interpretation and application of the Espoo Convention (Art. 1 para 6 (vii), Art. 2 para 1), several documents related to the Espoo Convention (UNECE Guidance on the Practical Application of the Espoo Convention, para 28, ECE/MP.EIA/8; Report on determining significance, CEP/WG.3/R.6 from 20 January 1995, see also Annexes I, II, III; Environmental Checklist, Appendix I; Part III "Specific methodological issues of EIA in a transboundary context of the UNECE Environmental Series number 6, ECE/CEP/9) and also from the opinion of the Implementation Committee (Decision IV/2, annex 1, para 54) it can be concluded that severe accidents or risks with low probability are covered by the Espoo Convention. Therefore, countries should be notified regarding nuclear installations which seem to have a low likelihood of significant transboundary impacts and conservative worst case scenarios which are especially relevant for transboundary impacts should be assessed in an EIA.



Austria explained in its request for notification according to Art. 3 Espoo Convention on 18 September 2012 that “ ... until now there is no convincing evidence that severe accidents with major releases of radionuclides can be excluded with certainty. This is also in the case for new nuclear reactor designs which are currently being assessed in the framework for the Generic Design Assessment (GDA), performed by ONR. Consequently, in case of certain beyond design based accidents Austria may be significantly affected by the impacts of the NPP.”

In the context of the transboundary procedure an expert statement was elaborated by external and independent experts. The expert statement analyzed the documents on an expert level and described the main problems related to likely transboundary impacts. The experts concluded that severe accidents with high releases of caesium-137 (>100 TBq) could not be excluded, although their calculated probability is below $1E-7/a$. Therefore, such accidents should be included in the EIA since their effects can be widespread and long-lasting. Consequently, the experts recommend to include a conservative worst case release scenario in the EIA, in particular because of its relevance for impacts at greater distance (expert statement, page 6 available at

<http://www.umweltbundesamt.at/fileadmin/site/publikationen/REP0413.pdf>).

Ad question b):

Austria has learned about the construction of a new nuclear power plant at Hinkley Point C due to a press release on 7 August 2012 regarding the Commission's views in accordance with Article 43 of the Euratom Treaty of 12 July 2012.

Therefore, Austria sent a request for notification according to Art. 3 Espoo Convention to the Espoo point of contact of the United Kingdom on 18 September 2012. The United Kingdom responded by letter dated 8 October 2012. The letter gave information on the application procedure including time frames and proposed how to proceed.

Austria was informed that the EDF Energy's application for development consent for a new nuclear power station at Hinkley Point C had been accepted for examination on 24 November 2011. The examination for Hinkley Point C began on 21 March 2012 and closed on 21 September 2012. When an application is accepted for examination, the Planning Inspectorate (responsible authority) makes a recommendation to the relevant Secretary of State, who issues the final decision within 3 months.

As Austria understood, the EIA was carried out during the examination phase since the development consent order application includes the environmental statement. Nevertheless the whole procedure is very complex, difficult to understand on the bases of the information provided by the United Kingdom. Therefore, Austria also asked in its notification request for information regarding the public participation which was not provided in the response.

Due to the information which Austria collected in the internet several public participation steps seem to have been carried out by the applicant before the application was accepted by the authority, whether these steps are of relevance for the EIA, eg. scope of the environmental report, could not be verified. Although according to the consultation report which was prepared by the applicant and was part of the development consent order application the EDF Energy sought views on the scope of the environmental impact assessment.

The United Kingdom listed in the letter several websites where documents and further information could be found. Furthermore, Austria was invited to participate and to raise its

concerns under the Espoo Convention by providing comments to the relevant Secretary of State. As mentioned above the Secretary of State has to reach a decision on whether to grant or refuse a consent on the bases of a report and a recommendation given by the inspector who conducted the examination.

Austria responded in its letter dated 19 October 2012 and requested a complete list of documents since the information on the given websites was very complex and it was unclear which documents were relevant for the EIA. In this letter Austria again asked for detailed information regarding the public participation so that the Austrian public would have the same rights as the public in the United Kingdom according to Art. 2 para 6 Espoo Convention. Austria also stated that it reserved its right to participate until the documentation requested was received and examined.

The United Kingdom sent a CD with documents which arrived on 27 December 2012. Regarding the public participation Austria was referred to a report prepared by the applicant on consultation matters. As mentioned above the report was part of the development consent order application and seemed to describe the steps taken by the applicant before the application was submitted. Austria received hardly any information regarding the public participation during the examination phase (including the pre-examination phase). In this letter Austria was informed that a decision on development consent was expected on or before 21 December 2012.

Austria informed the United Kingdom on 11 January 2013 that it would participate in the EIA procedure after having assessed the documents and that it already had initiated the public participation procedure. Due to the time constraints and lack of information regarding the public participation procedure Austria decided to carry out the procedure according to the Austrian EIA Act between the 21 January and 1 March 2013 and informed the United Kingdom that it would send all the comments received including an expert statement until 15 March 2013 at the latest. In addition Austria reminded the United Kingdom of the relevant provisions in the Espoo Convention regarding public participation, stating that the public participation procedure has to be carried out before development consent is granted and that the outcome of the transboundary procedure including comments have to be taken into consideration in the final decision.

The United Kingdom responded on 17 January 2013 and informed Austria that the Secretary of State had received the report and recommendation in respect of the application for consent for the proposed Hinkley Point C NPP on 19 December 2012. Therefore, the Secretary of State had to make his decision until 19 March 2013. The United Kingdom asked to send all the comments until 5 March 2013.

In a telephone call initiated by the United Kingdom on 21 January 2013 Austria explained that the public participation procedure had already started and could not be changed any more but Austria agreed to send the expert statement in English until 5 March 2013.

On 5 March 2013 Austria sent the expert statement and 10 comments of the public and provinces received so far and asked for their consideration in the development consent procedure and final decision. Austria also requested the final decision along with the reasons and considerations on which it was based according to Art. 6 Espoo Convention.

Due to the time constraints Austria did not ask for consultations according to Art. 5 Espoo Convention. The expert statement contains the main issues described from an expert view and encloses conclusions with recommendations.

On 19 March 2013 the United Kingdom informed Austria on the decision of 19 March 2013 by the Secretary of State on the application for development consent for the Hinkley Point C new nuclear power station and sent a link where the decision was available.

Regarding the Austrian claim in the expert statement that severe accidents with high releases of caesium-137 (>100 TBq) should have been included in the environmental impact assessment the Secretary of State argues in his decision of 19 March 2013 that “in his view such accidents are so unlikely to occur that it would not be reasonable to “scope in“ such an issue for environmental impact assessment purposes.“

The Austrian Espoo Point of Contact informed the Austrian EIA authorities on the adopted decision on 27 March 2013. The EIA authorities were requested to publish the decision for 4 weeks.

Yours sincerely,

On behalf of the Minister:
Dr Ursula Platzter-Schneider

Electronically signed.

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