

Our Ref: J27035

28 February 2011

Attention: Dominique Gilbert (Pelindaba Working Group)

Johannesburg

14 Eglin Road
Sunninghill 2191
PO Box 2700
Sunninghill 2128

Tel: +27 11 519 4600
Fax: +27 11 807 5670
Web: www.gibb.co.za

Dear Madam

ESKOM ENVIRONMENTAL IMPACT ASSESSMENT (EIA:12/12/20/944) FOR A PROPOSED NUCLEAR POWER STATION AND ASSOCIATED INFRASTRUCTURE: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT ASSESSMENT REPORT

Your correspondence to Ms. Ms Bongi Shinga of ACER (Africa) refers.

Arcus GIBB (GIBB) acknowledges receipt of the above-mentioned letter. We thank you for your valuable comments and your participation in the Eskom Nuclear Power Station Environmental Impact Assessment (EIA) process to date. Your questions and comments concerning the Nuclear-1 have been noted.

Responses to your comments / questions are as follows:

Your comment (1)

It is with deep regret that the Pelindaba Working Group hereby lodges strong objection to the prejudicial and apparently predetermined pro-nuclear bias reflected by ARCUS GIBB and its various consultants throughout this entire EIA process and documentation, in our view rendering the process fatally flawed.

Despite calls for objectivity in this process and voluminous reports submitted by I&APs to back such calls (or at least a sincere attempt at impartial investigation into credible facts and reports) a severe lack of independence and failure to meaningfully take into account public submissions has been produced in the EIA reports. This has no doubt been at an exorbitant expense which it is feared, will probably be carried by the taxpayer and thus have the ripple effect of being passed once again onto the consumer through increased electricity tariffs. The South African public have a right to know what this EIA has cost to date and who has paid for it when clearly so little asked for by the public has been addressed or even, for that matter, adheres to the principles contained in both NEMA and the country's Constitution.

Response (1)

Your comments are noted. GIBB were appointed by Eskom Holdings Limited (Eskom) (the Applicant) to act as independent Environmental Impact Assessment Practitioners. The payment of EAPs by the developers is acknowledged in the EIA Regulations. Section 17(1) of Government Notice R 385 of 2006 states that "Before applying for environmental authorisation of an activity, an Applicant must appoint an EAP at own cost to manage the application". Various conditions for independence of the EAPs are set in Sections 18 and 19 of the same Government Notice and relevant environmental authority is empowered to take action against EAPs found to be in transgression. The cost of the EIA is relative to the depth and number of specialist studies as well as one of the most extensive public participation processes which includes three sets of public meetings, an extensive number of written response and additional focus group meetings.

Your comment (2)

Interested and affected parties such as we have gone to great lengths to read through and study the thousands of pages of documentation in the various stages of this EIA process, and produced significant material and comment that clearly has had little or no consequence whatsoever. This is not in the future interests of the majority of South Africans as has been stated in numerous submissions already yet continues to be ignored or side-stepped.

Despite this country's far-reaching and progressive laws which aim to (1) protect our environment, (2) protect people's rights and (3) afford citizens the right to free and fair public participation process these appear to have been met by stubborn if not haughty resistance that should have no place in a democratic country.

ARCUS GIBB has indeed made a mockery of this country's laws and its citizens who in good faith have participated as I&APs. Your reports and "Responses" (as also contained in a letter to me dated 14 October 2009) over Human Health Risk and radiotoxic waste especially have been conveniently evaded in a deliberate ploy by "noting" comments and promoting the notion that there will be no "pronouncements" on "all issues relating to radiological safety" as these must be addressed through the National Nuclear Regulator's licensing process – this despite being presented with clear evidence over public distrust of the NNR. Such issues particularly ought to be a major consideration in determining the outcome of the EIA process.

Response (2)

Your comments are noted. As indicated repeatedly in public forums and in EIA documentation, the separation between the EIA process and the NNR licensing process is based on the legislative provisions of the relevant Acts, namely the National Environmental Management Act, 1998 and the National Nuclear Regulator Act, 1999, as well as the DEA / NNR co-operative agreement that governs the consideration of radiological issues in EIA processes.

Your comment (3)

It is doubtful whether ARCUS GIBB has even bothered to investigate the copious reference lists with which it has been provided, let alone consulted any of the experts put forward during the Scoping Process. Any peer review to be produced must accordingly be treated with utmost suspicion.

Response (3)

Your comments are noted however the reviewers responsible for the independent review of both the Environmental Impact Assessment as well as its associated specialists studies are recognised experts in their filed and GIBB is satisfied with their credibility, experience and qualifications.

Your comment (4)

Furthermore, there appears to be no legal basis for this EIA since the IRP2 and IEP process have not yet been finalised, conflicting energy policies by government and Eskom are being pursued, and there is as yet still no clarity on the type of reactor or its actual site regardless of any justification put forward by ARCUS GIBB. This, together with the wealth of internationally obtainable documentation on the economic, social and environmental failures and problems associated with ANY type of nuclear reactor available globally makes a charade of the findings presented in this EIA process.

Accordingly, the documentation contained in the relevant Draft Environmental Impact Assessment Report warrant no further comment or discussion and it is recommended that the entire process be scrapped and re-evaluated by independent practitioners and experts.

I trust you will record this submission in forthcoming documentation without prejudice.

Response (4)

Your comments are noted and your submission will be recorded with all other submissions received. The application for the Nuclear-1 Power Station is for the PWR technology similar to that of the existing Koeberg Nuclear Power Station which is the technology endorsed in the approved Nuclear Energy Policy. Consequently Nuclear energy has been identified to form part of the energy mix proposed for South Africa in terms of the Integrated Resource Plan. Although the process to introduce further nuclear power stations has changed (now being lead by Government through the IRP process), the various investigations, to prepare the sites for future nuclear power stations, are continuing. These activities include, amongst others, this environmental impact assessment for a proposed nuclear power station, several EIA's for other technologies and projects which are also not included in IRP 1 are also being undertaken. Meeting the growing demand for electricity requires Eskom and Independent Power Producers to prepare now in order to avoid continued shortages in the future.

Should you have any queries with respect to the above please do not hesitate to contact Arcus GIBB.

Yours faithfully
For Arcus GIBB (Pty) Ltd



Jaana-Maria Ball
Nuclear-1 EIA Manager