

Our Ref: J27035

28 February 2011

Attention: Liz McDaid (The Green Connection)

**Johannesburg**

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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. Bongzi Shinga of ACER (Africa) refers.

Arcus GIBB acknowledges receipt of the above-mentioned letter. We thank you for your valuable comments and 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)**

**Introductory comments:**

The Green Connection believes in sustainable development and is strongly of the opinion that nuclear energy as an electricity generation option for South Africa would not be in the future interests of the majority of South Africans.

However, we believe that an objective, fair and unbiased environmental impact assessment (EIA) would enable all parties to make meaningful inputs and ultimately would enable government to make a reasoned decision.

Unfortunately, in our opinion, this EIA fails to provide such an objective assessment in accordance with the law.

**Response (1)**

Thank you for your comment, an independent peer review has been completed to evaluate the compliance of this process with relevant regulatory requirements. This will be available in the Revised Draft Environmental Impact Report.

**Your comment (2)**

**Consideration of alternatives:**

The need and desirability report claims that renewable energy cannot supply base-load. However, no references are provided to justify this. If this is an opinion of one of the consultants, then such a consultant would obviously need to be considered an expert in renewable energy. We believe that this statement must be removed from the report or corrected to reflect that there are a number of renewable options for meeting the energy needs of the country.

### **Response (2)**

The statements provided in the report are based on .....

### **Your comment (3)**

It is our contention that throughout the EIA process, the EAP has consistently failed to meaningfully address the issue of alternatives. This bias against renewable energy is carried through into the main report and has been proclaimed in public meetings. We assert that this contravenes section 18c of the regulations.

To clarify our concern: The White Paper on Energy of 1998 made a commitment to stakeholder consultation before taking policy decisions to go ahead with new nuclear power stations.

The White Paper on Renewable Energy was published in 2004 making a policy commitment to renewable energy.

The REFIT (renewable energy feed in tariff) was finalised by NERSA in 2009.

The Energy Efficiency strategy was published in 2005.

The National Energy Act of 2008 makes specific mention of energy efficiency and renewable energy with the establishment of the South African National Energy Development Institute.

We refer to the WESSA submission and the Earthlife Africa submission to the scoping phase, where issues referring to alternatives were raised.

### **Response (3)**

The technology alternatives are discussed in the Scoping report and Draft Environmental Impact Report. There are various processes which influence the future energy mix of South Africa including the Governments National Integrated Resource Plan 1 and 2. The Eskom Integrated Strategy for Electricity Planning and more recently the Integrated Resource Plan 1 which was a short term interim plan. The Department of Energy is currently involved in comprehensive process which includes extensive public involvement to develop the Integrated Resource Plan 2. All of the documents and policies referred to you above are being considered in the IRP 2 process. The EIA process is not to determine the preferred energy mix for South Africa, several EIA's are being completed by Eskom and various Independent Power Producers for all the technologies you refer to. The IRP, NERSA licensing, and other relevant documentation discussed in detail in the Scoping and DEIR influence which projects will eventually be developed.

### **Your comment (4)**

In response to ELA's stated concern about the policy commitment in the White Paper, namely that "Government will ensure that decisions to construct new nuclear power stations are taken within the context of an integrated energy policy planning process with due consideration given to all relevant legislation, and the process subject to structured participation and consultation with all stakeholders" (1998 White Paper on Energy); The response of the EAP was that "policy is not only reflected in formal policy documents; it is also articulated in speeches and other forms of communications". The EAP went on to refer to the Nuclear Energy policy of 2008.

However, in its assessment of the relevant policies regarding the alternatives to nuclear 1, no mention has been made of the White Paper on Renewable Energy, for example.

There have also been many " speeches and other forms of communications" regarding the government's commitment to renewable energy, and energy demand side interventions, including commitments to large scale roll out of solar water heaters.

Clearly, significant commitment to energy efficiency and demand side management would reduce the need for new power stations and the establishment of solar and wind power plants to meet the energy needs of the country, would reduce or remove the need for nuclear power. Such policy and implementation initiatives impact on the need for or desirability of building nuclear plants, yet this analysis does not seem to have found its way into the final draft EIR.

**Response (4)**

Please refer to response 3.

**Your comment (5)**

There is a further procedural issue with the manner in which government policies regarding nuclear energy have been interpreted.

If we take the nuclear policy of 2008, it interprets the 1998 White Paper's commitment to consultation with stakeholders over the future of new power stations as being able to take place within an EIA process. However, during the EIA for nuclear 1 it has been clearly articulated by the consultants that the EIA cannot make any policy decisions as it is based at a project level.

If the EIA cannot make a policy decision, then the assertion in the nuclear policy is wrong! If that is the case, then the requirements of the White Paper on Energy have not been met. This vacuum or contradiction in policies needs to be articulated in the EIA and the implications assessed, particularly in the needs and desirability section. This has not been done, and, in our opinion, failure to do so, would then contravene section 32.2 f.

“(f) a description of the need and desirability of the proposed activity and identified potential alternatives to the proposed activity, including advantages and disadvantages that the proposed activity or alternatives may have on the environment and the community that may be affected by the activity;”

The needs and desirability section creates the assumption that there is a policy commitment to nuclear energy but as outlined above, they have failed to consider other relevant policies and have failed to point out the inherent contradictions in existing policies and strategies; and accordingly failed to consider the need and desirability of alternatives such as renewable energy.

**Response (5)**

Your comments are noted. The EIA process endeavours to take cognisance of all policies and guideline documents related to the application (refer to Chapter 6 of the EIR), in this instance the National Environmental Management Act, 1998 and its amendments as well as the National Energy Act, 2008 and the Integrated Resource Plan, 2009. Although the National Energy Act makes specific mention of energy efficiency and renewable energy with the establishment of the South African National Energy Development Institute, the exact need and mix of renewable energy vs. nuclear energy will only be established with the completion of the Integrated Resource Plan 2 in late 2010.

In terms of any contradictions between previous policies, such as the 1998 White Paper and current legislation, such as the National Energy Act, the EIA may mention the discrepancies but must in all instances adhere to the most current legislation.

The IRP process includes the participation of public. You can register on the site at [www.....](http://www.....)

**Your comment (6)**

The EAP has failed to provide “a description of any assumptions, uncertainties and gaps in knowledge”(section 32.a.l) w.r.t. various aspects of the nuclear power station. We refer to the Koeberg Alert Alliance submission for substantive information.

In addition, at the public meeting held at the Vineyard Hotel on 19 April 2010, Mr Tony Stott admitted that there is no generation 3 nuclear power plant operating commercially anywhere in the world! In assessing such technology this would appear to be a fundamental uncertainty that should be included in the EIA report. Despite some assiduous searching of the draft EIA report, no mention can be found of this.

(Unfortunately, the minutes of this public meeting were not made available prior to the closing date for submissions. We would therefore request an additional opportunity to respond to the issues raised at that meeting, once the minutes become available).

#### **Response (6)**

Your comments are noted. A description of assumptions, uncertainties and gaps in knowledge is provided in Chapter 9 of the Draft EIR. The minutes of the meetings were made available to registered I&APs and are available on the Eskom and Arcus GIBB websites.. A 14-day comment period was provided for comment on the minutes, after their distribution and comment received will be used for their finalisation.

#### **Your comment (7)**

##### **Conclusion:**

Based on our understanding and reading of the various reports, it is our contention that the EIA consultants have contravened sections 18c of the regulations. “perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;”

We submit that the submission from Koeberg Alert Alliance illustrates this and would therefore urge the authorities to take the necessary steps outlined in section 19 regarding the disqualification of EAPs.

We maintain that the EIR is fatally flawed and ask that the EAP be removed and the EIR handed over to another consultant to review. Such a review should take into account the public comments received during the entire EIA process, ensuring that public input to date has been meaningfully addressed.

A second reviewed EIA report should then be released for public comment, prior to the finalisation of the EIR.

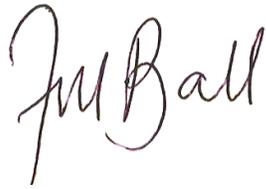
We offer this commentary in support of meaningful public participation in respect of decisions that affect the environment, as mandatory under the National Environmental Management Act (NEMA).

#### **Response (7)**

Your comments are noted. The EIA Process and the Draft EIR has been reviewed by respected and experienced EIA process reviewers. The review report will be included in the Revised Draft EIR. The revised EIR reflects the changes proposed by the reviewers and members of the public. The Revised Draft Environmental Impact Report will be made available for public review.

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

A handwritten signature in black ink that reads "JMBall". The letters are cursive and fluidly connected.

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Jaana-Maria Ball  
Nuclear-1 EIA Manager