Format for communications to the Aarhus Convention Compliance Committee

I. Information on correspondent submitting the communication

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II. Party concerned

Czech Republic

III. Length of the communication

Six **A4 pages**.

IV. Facts of the communication

- The decision for lifetime extension of the nuclear power plant Dukovany unit 1 was done without public participation and without a national or a transboundary Environmental Impact Assessment procedure. The current status in English can be seen at the operator`s website: https://www.cez.cz/en/power-plants-and-environment/nuclear-power-plants/dukovany/long-term-operation-of-the-dukovany-nuclear-power-plant/current-status.html

- Because of the missing Environmental Impact Assessment Plant Lifetime Extension Dukovany unit 1 I sent an information to the Espoo Implementation Committee (attached).

- A plant lifetime extension is either a modification of the original decision under the Aarhus Convention art. 6(1a) and therefore should be done under a public participation procedure – or, if it`s not seen as a modification - under the Aarhus Convention art. 6(10).

- Because there was no clear publication in Germany about the decision and the way that led to this decision of this lifetime extension and because there was no notification of Germany under the obligation of the Espoo Convention, I have heard about this case long after the Czech „obligation to appeal“- deadline of six weeks. Therefore the way to a court in Czech Republic wasn`t open for me anymore. I also don't have under art. 9(2) a right as a person to participate in legal procedures dealing with art. 6 because I´m not considered to have sufficient interest under Czech law.

- Therefore I want to complain about the non-compliance of this lifetime extension decision with art. 6(1a) or alternativ art 6(10).

V. Provisions of the Convention alleged to be in non-compliance

1. Aarhus Convention art. 6(1a)
   Each Party shall apply the provisions of this article with respect to decisions on whether to permit proposed activities listed in annex I;

2. Aarhus Convention art. 6(10)
   Each Party shall ensure that, when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 of this article are applied mutatis mutandis, and where appropriate.

VI. Nature of alleged non-compliance

The Espoo Convention Implementation Committee already decided that the lifetime extension of a nuclear power plant falls under the Espoo Convention. But a nuclear power plant also falls under the Aarhus Convention. To do no Environmental Impact Assessment procedure violates also the Aarhus Convention in art. 6(1a) (…proposed activities listed in annex I) or alternative art. 6(10) (…updates the operating conditions for an activity…).

Dukovany unit 1 is 31 years old and got lifetime extension. The other units 2 and 3 are 30 years old and unit 4 is 29 years old. All will get lifetime extension. The current status can be found on the CEZ website. Link see above.

The German public, which is possibly affected, doesn`t really know anything about this. In the source „World Nuclear“ can be found the following about the Dukovany reactors:

In 1978, construction commenced on the Dukovany plant – the first nuclear plant in what is now the Czech Republic. The four VVER-440 model V-213 reactors were designed by Russian organizations and Energoprojekt and built by Skoda Praha. These came in to commercial operation 1985-87 and have been upgraded since.

Operating Dukovany reactors

Reactor	*Model*	*Net MWe*	*First power*	***Licence to***
Dukovany 1	*VVER-440 V-213*	*468*	*1985*	*2025+*
Dukovany 2	*VVER-440 V-213*	*471*	*1986*	*2026*
Dukovany 3	*VVER-440 V-213*	*468*	*1986*	*2026*
Dukovany 4	*VVER-440 V-213*	*471*	*1987*	*2027*

CEZ a.s., which owns and operates both the Dukovany and Temelin plants, is almost 70% state-owned.

Plant uprates and lifetime extension

All four Dukovany units were uprated from 440 to 456 MWe gross over 2005-08 by replacing low-pressure turbines. This was the first part of a program to boost Dukovany's gross output by about 240 MWe by 2012. The 38 MWe uprates of units 3&4 brought their gross capacity to almost 500 MWe – from improved fuel, replacing the high-pressure turbine, refurbishing the generator, and I&C changes. Similar uprates of units 1&2 followed, all completed by the end of 2012.

At the beginning of 2009, CEZ commenced its Long-Term¬ Operation (LTO) project, the immediate focus of which is to extend the planned operating lifetime of the Dukovany reactors by 10 years. Unit 1 reached the end of its original 30 years operational lifetime at the end of 2015. The LTO project consists of some 230 sub--projects costing over CZK 14 billion (€560 million) from 2009 to 2015. Further extension to 60 years is under consideration. CEZ aims to extend the plant lifetime eventually to 60 years.2 Austria, whose border is 50 km away, has objected. CEZ is applying for ten-year licence extensions over 2015-17. Late in 2015 units 1-3 were shut down for checking. In March 2016 unit 1 was licensed for continued operation subject to ongoing reporting. More: http://www.world-nuclear.org/information-library/country-profiles/countries-a-f/czech-republic.aspx)
End of source.

Referring to the draft findings of the Espoo Convention Implementation Committee in the case „EIA/IC/CI/4 Ukraine NPP Rivne unit 1 and 2“ also the Czech Republic is in the case of Dukovany unit 1 (and later in the expected lifetime extension of the units 2,3 and 4) not taking the necessary legal, administrative or other measures to implement the provisions of the Espoo Convention with respect to the extension of lifetime of nuclear reactors, which is a proposed activity under art. 1(v) and listed in Appendix I, and is not in compliance with article 2, paragraph 2, of the Espoo Convention.

Also in the case of Dukovany unit 1 (and later in the expected lifetime extension of the units 2,3 and 4) a notification under art. 3 of the Espoo Convention is necessary. Czech Republic didn`t notify Germany as far as the public knows.

The Espoo Implementation Committee decided in the Rivne case, that “nuclear reactors” is an activity listed in Appendix I to the Espoo Convention and that “even a low likelihood of a [significant adverse transboundary] impact should trigger the obligation to notify affected Parties”, and that “notification is necessary unless a significant transboundary impact can be excluded” (decision IV/2, annex I, para. 54).

Therefore, also the Czech Republic could not exclude a significant adverse transboundary impact of this activity. The Czech Republic should have notified the possibly affected Parties – here Germany. By doing not so, the Czech Republic is not in compliance with article 3, of the Espoo Convention.

The Czech Republic did no preparation of an EIA documentation (art. 2, paras. 2 and 3).
By not ensuring that an EIA is undertaken, in accordance with the provisions of the Espoo Convention, prior to the decision for the extension of the original license, the Czech Republic is not in compliance with article 2, paragraph 3, in conjunction with article 2, paragraph 2.

The Czech Republic is also not in compliance article 6, paragraph 1, of the Espoo Convention.

And because of this, the Czech Republic is also not in compliance with the Aarhus Convention art. 6(1a) or alternative art 6(10).

Additionally information: All four units in Dukovany have NO second containment. Two reactors are in one reactor hall. There are quite a lot of serious problems known from Dukovany. Aging material will bring more problems. After an INES 7 case, be it a Design Basis Accident or a Beyond Design Basis Accident, large regions in Germany could be radioactive contaminated. The possible affected public needs information and participation.

In August 2016 I was able to visit the closed VVER 440/213 units in NPP Greifswald which are similar to the ones still operated in Dukovany. The new unit 5 in the German NPP was shutdown after its first operation days in 1989 because of a serious accident. After this, the nearly finished unit number 6 was also closed forever. See more under:
http://www.nuclearfiles.org/menu/key-issues/nuclear-weapons/issues/accidents/accidents-1980%27s-09.htm

Source Nuclear Files:
"993. 1989, 24th November - GREIFSWALD, GERMANY
On this date, Central Europe stood at the edge of a nuclear disaster comparable only to Chernobyl in 1986. Reports previously kept hidden by the GDR Authorities state that a near core meltdown occurred as a result of equipment failure. In order to test the emergency switch off system of the new fifth block of the reactor, three of the six cooling water pumps were switched off, at which point the fourth pump broke down and the reactor went out of control. When it was finally switched off manually, the staff discovered that ten fuel elements had been damaged - a local meltdown. The triggers to the missing automatic switch-off were, according to the official investigation commission, sticky contacts of relays which were sloppily constructed."
End of source Nuclear Files.

During my visit in the NPP Greifswald I was informed that the NPP Dukovany has bought spare parts from NPP Greifswald. One spare part was the reactor pressure vessel head of unit 6. It might have been needed in Dukovany to get lifetime extension for the four reactors. Nothing is known to the possible affected public about this. And the possible affected public has no chance to ask questions about this because no transboundary Environmental Impact Assessment procedure is done.

But also without this new information, there are other extremely worrying facts like the long-lasting welding-scam in all four units in NPP Dukovany.

Radio Praha wrote on 08.02.2016:
But the real eye opener in the interview was Daniel Beneš' revelation that the flawed safety checks have been going on for around a decade and that it has the appearances of a very sophisticated fraud. This is what he had to say: "I do not think it was slackness, it was a very sophisticated and deliberate fraud. If nearly all of the workers at this firm took part in a deliberate fraud, it is not slackness but a criminal act and that is how it must be treated."
The flawed safety checks are all the more embarrassing since Dukovany previously had once of the most reliable and consistent safety records of all nuclear reactors worldwide. The dent in its reputation could not come at a worse time with a probable 10 year operating extension on the oldest reactor now stalled by the Czech nuclear watchdog until ČEZ gets its paperwork and safety procedures back in order.

More in English in the following link:
http://www.radio.cz/en/section/business/flawed-safety-checks-at-czech-nuclear-plants-lasted-for-around-a-decade
End of source Radio Praha.

Personally I have to say, that I was in Prague at the 18 October 2015 at a meeting with the operator CEZ, the Czech Nuclear Safety Office SUJB and the German Federal Ministry of the Environment to discuss the problem of the welding 1-4-5 (File 15/2001/SUJB), which is directly at the reactor pressure vessel in the primary circuit of NPP Temelin unit 1. The Czech side denies any problems there.

What worries me most, is, that the Czech side didn´t tell us at this meeting about the welding-scam in the secundary circuit of Temelin unit 1&2 and in NPP Dukovany in the units 1,2,3 and 4. About the welding-scam in Dukovany I got knowledge the day before from a third side.

This all worries me deeply. It`s a multi-hazardous technology that is used in the four reactors of the NPP Dukovany and that will get, one unit after the other, lifetime extension for 10 years without any Environmental Impact Assessment procedure. Unit 1 already got it. Therefore I ask to have a transboundary Environmental Impact Assessment procedure for this one and for the other ones.

VII. Use of domestic remedies

Because there was no clear publication in Germany about the decision and the way that led to this decision of this lifetime extension and because there was no notification of Germany under the obligation of the Espoo Convention, I have heard about this case long after the Czech „obligation to appeal“- deadline of six weeks. Therefore the way to a court in Czech Republic wasn`t open for me anymore. I also don't have under art. 9(2) a right as a person to participate in legal procedures dealing with art. 6 because I´m not considered to have sufficient interest under Czech law.

VIII. Use of other international procedures

Information to the Espoo Implementation Committee on 09 August 2016 (attached)

IX. Confidentiality

None.

X. Supporting documentation (copies, not originals)

1. Information to the Espoo Implementation Committee (separately attached)

2. EIA/IC/CI/4 Ukraine - Information on matters considered by the Committee – can be downloaded here: **Relevant is “Letter to Ukraine (6.01.14) including the draft findings”** http://www.unece.org/environmental-policy/conventions/environmental-assessment/areas-of-work/review-of-compliance/committee-initiative/eiaicci4-ukraine.html

3. CEZ: Current status of lifetime extension Dukovany unit 1 (and on-coming lifetime extension Dukovany units 2,3,4 can be downloaded in English here: https://www.cez.cz/en/power-plants-and-environment/nuclear-power-plants/dukovany/long-term-operation-of-the-dukovany-nuclear-power-plant/current-status.html

XI. Signature

Marktredwitz. 17 August 2016

Brigitte Artmann

XII. Sending the communication

Send the communication by **e-mail and by registered post** to the following address:

Secretary to the Aarhus Convention Compliance Committee
United Nations Economic Commission for Europe
Environment Division
Palais des Nations
CH-1211 Geneva 10, Switzerland

E-mail: aarhus.compliance@unece.org

Clearly indicate:
"Communication to the Aarhus Convention Compliance Committee"