IMPLEMENTATION COMMITTEE

CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT

Ms. Maria do Carmo Figueira, First Vice-Chair
Telephone: + 351 21 472 82 00
Fax: +351 21 471 90 74
E-mail: carmo.figueira@apambiente.pt

Portuguese Environment Agency
Directorate for Environmental Assessments
Rua da Murgueira, 9/9A Zambujal, Ap. 7585
2610-124 Amadora, Portugal

Secretariat: Ms. Elena Santer, UNECE
Telephone: +41 (0)22 917 2090
E-mail: Elena.Santer@unece.org, eia.conv@unece.org

Palais des Nations
CH-1211 Geneva 10
Switzerland

Ref. Follow-up on decision VI/2 of the Meeting of the Parties
(EIA/IC/S/4 Ostrovets nuclear power plant)

20 April 2018

Dear Ms. Malkina,

I am writing to you on behalf of the Implementation Committee under the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) and its Protocol on Strategic Environmental Assessment (Kyiv, 2003) to inform the Government of Belarus about (a) the Committee's deliberations at its forty-first session (Geneva, 13 - 16 March 2018) concerning the follow-up by Belarus with decision VI/2 (paras. 48–64) regarding the Ostrovets nuclear power plant, including revising draft decision VII/2 (paras. 54–65), and (b) the steps that the Committee agreed to undertake to finalize the revision of the draft decision before forwarding the draft decision for consideration of the Meeting of the Parties at its 'intermediary' session (Geneva, 5-7 February 2019).

At its forty-first session, the Committee acknowledged the receipt of the annual reports of Belarus and Lithuania for 2017 with regard to the implementation of the recommendations of the Meeting of the Parties set out in decision VI/2. The Committee also appreciated the information provided by Belarus on 26 February 2018 in response to the Committee's questions of 10 January 2018 related to the selection and exclusion criteria used when assessing the suitability of the location for Ostrovets nuclear power plant, observing that the summary provided contained no new elements of information.

With reference to your letters referred to above, the Committee requested me to reiterate that the Committee had recognized the site-selection as the key issue for the matter. To this end, the Committee, in particular, recalled that Meeting of the Parties at its sixth session

Ms. Iya Malkina
First Deputy Minister of Natural Resources and Environmental Protection
Ministry of Natural Resources and Environmental Protection
Kolektornaya Str. 10
220048 Minsk
Belarus
E-mail: minproos@mail.belpak.by; icd@tut.by

Cc: nzdanevich@tut.by; mphilipyuk@tut.by; belarus.geneva@mfa.gov.by

(Geneva, June 2014) requested Belarus to take a final decision on the site selection, in full compliance with the Convention (ECE/MP.EIA/20.Add.1-ECE/MP.EIA/SEA.Add.1, para 51). The Committee also recalled that it was unable to reach its final conclusion on the matter without answers to questions of technical and scientific nature that the Committee had previously identified to help it clarify whether the EIA documentation constituted a sufficient substantive basis for Belarus to take its final decision to proceed with the implementation of the activity (ECE/MP.EIA/IC/2016/6, annex I, ECE/MP.EIA/2017/8, annex I, ECE/MP.EIA/IC/ad-hoc/2017/INF.6, paras 7-11, ECE/MP.EIA/IC/2017/6, paras 30-33).

As Belarus and Lithuania have seen over the last years, the Committee members have always positively considered all suggestions on how to approach the disagreement concerning compliance with the Convention in respect of the Ostrovets NPP. Accordingly, the Committee, simultaneously with sending the request to Belarus for a summary on a site selection criteria, agreed to refer its questions to the International Atomic Energy Agency as an independent and the most competent international body in the field of nuclear energy, but also further to a proposal made by the Government of Belarus in June 2017. In its responses to the Committee's questions, the International Atomic Energy Agency provided references to its relevant safety standards without elaborating how these standards were applied in case of Ostrovets nuclear power plant (Please see Annex I to this letter for a copy of the letter from Agency dated 27.02.2018). Consequently, the Committee regretted that its questions on the technical and scientific issues remained unanswered.

Having exhausted all the avenues for receiving external expert advice and considering the unprecedented circumstances related to the compliance matter, the Committee decided exceptionally to examine the documentation prepared by Belarus under the EIA procedure by itself and, as appropriate, seek the services of scientific experts and other technical advice or consult other relevant sources in accordance with its structure and functions. It invited the Committee members to examine by 30 June 2018 the EIA documentation.

To enable its further deliberations, the Committee also decided to invite Belarus to present answers to the technical and scientific questions for its consideration. On behalf of the Committee, I am now addressing you to:

(a) invite the Government of Belarus to provide answers to the Committee's scientific and technical questions annexed to this letter **by no later than 25 May 2018** through the secretariat;

(b) request the Government of Belarus for an authorization to make the expected responses to the Committee's questions along with letter from Belarus dated 26 February 2018 available for consideration of the technical and scientific experts that the Committee Members might consider consulting in accordance with its structure and functions when assessing the EIA documentation.

For the sake of transparency, Lithuania will also be invited to provide its views on the matter based on the same set of questions by that same deadline.

I would also like to take this opportunity to inform you that at its forty-first session, the Committee also reviewed and revised draft decision VII/2 (paras. 54–65) concerning the matter (see draft decision IS/1d), taking into account its deliberations at the ad hoc session

(Minsk, 12 June 2017), the discussions held during and in the margins of the seventh session of the Meeting of the Parties and the information provided by Belarus and Lithuania since the seventh session of the Meeting of the Parties. At the request of the Committee, draft MOP decision IS/1d will be forwarded by the secretariat as an informal document for information to the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment. The draft MOP decision will be made available at the end of April 2018 at the web-page of the seventh session of the Working Group (Geneva, 28-30 May 2018) following the link http://www.unece.org/index.php?id=47337).

Before transmitting draft decision IS/1d for consideration of the Meeting of the Parties at its intermediary session (Geneva, 5-7 February 2019), the Committee agreed to finalize draft decision IS/1d at its forty-second session further to the results of the examination of the EIA documentation and the analysis of information to be provided by Belarus and Lithuania.

In addition, I would like to inform the Government of Belarus that further to its reiterated request to make all correspondence on the ongoing deliberations of the compliance matter regarding the Ostrovets nuclear power plant promptly available to the two Parties concerned, the Committee decided that this procedure should be applied for all the related future correspondence from Belarus and Lithuania to the Committee, provided that both Parties agreed. The Government of Lithuania has provided its authorization to make the annual progress report of Lithuania for 2017 available to Belarus and to automatically forward all Lithuanian's further correspondence to the Committee also to Belarus, except if confidentiality is explicitly requested. It expressed its hope that the Government of Belarus would also positively respond to this transparent approach.

Finally, I would like to convey to your Government that further to the procedure established by the Committee at its fortieth session, the secretariat upon the receipt of the authorization from the Government of Lithuania had subsequently forwarded to Belarus its letter of 31 August 2017 on 12 December 2017. The non-governmental organizations so far have not responded to the letter and reminders sent by the secretariat requesting for an authorization to forward their joint information of 31st August 2018 to the Government of Belarus.

Please accept, First Deputy Minister Malkina, the assurances of my highest consideration.

Yours sincerely,

Maria do Carmo Figueira
First Vice-Chair, Implementation Committee,
Convention on Environmental Impact Assessment
in a Transboundary Context
Protocol on Strategic Environmental Assessment

Annex 1. Letter from the International Atomic Energy Agency
Annex 2. List of questions to be considered during a review of the environmental impact assessment documentation related to the Ostrovets nuclear power plant

IAEA

Atoms for Peace

الوكالة الدولية للطاقة الذرية
国际原子能机构
International Atomic Energy Agency
Agence internationale de l'énergie atomique
Международное агентство по атомной энергии
Organismo Internacional de Energía Atómica

Vienna International Centre, PO Box 100, 1400 Vienna, Austria
Phone: (+43 1) 2600 • Fax: (+43 1) 26007
Email: Official.Mail@iaea.org • Internet: http://www.iaea.org

In reply please refer to: N4.23.45 SWI (39116509)
Dial directly to extension: (+43 1) 2600-22046

Ms Olga Algayerova

Executive Secretary
United Nations Economic Commission for Europe (UNECE)
Palais des Nations
1211 GENEVA 10
SWITZERLAND

2018-02-27

Dear Ms Algayerova,

Thank you for your letter addressed to the IAEA Director General, Mr Yukiya Amano (Ref: 2018/OES/3/ENV) pursuant to the request of the Implementation Committee under the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and its Protocol on Strategic Environmental Assessment.

The International Atomic Energy Agency (IAEA) works to provide a strong and sustainable global nuclear safety framework for the protection of people, society and the environment and develops the IAEA safety standards that establish fundamental safety principles, requirements and measures to control the radiation exposure of people and the release of radioactive material to the environment. Member States use these standards in various ways, for example by reviewing their national frameworks against the relevant IAEA standards or by adopting them for use in national regulations in respect of their own activities.

In reference to the questions of the Implementation Committee, the IAEA is able to provide information in relation to the criteria and requirements mentioned in the first three questions: a list of the most relevant IAEA Safety Standards has been compiled and is attached to this letter.

The IAEA standards also provide the basis for the IAEA peer review and advisory services, which assist Member States, upon their request, in strengthening safety. In relation to your fourth question please refer to the report from the IAEA Site and External Events Design mission to Belarus, conducted in January 2017. The report is available here: https://www-ns.iaea.org/downloads/actionplan/SEED%20Mission%20Report%20Belarus.pdf.

I am pleased to inform you that an observer from the IAEA is available to attend the parts of the seventh meeting of the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment during which lifetime extension of nuclear power plants are discussed, to provide the Working Group with an overview of the IAEA's activities in this field.

Yours sincerely,

Juan Carlos Lentijo
Deputy Director General
Head of the Department of Nuclear Safety and Security

Attachment: List of IAEA Safety Standards related to the questions

ATTACHMENT

1. Criteria assigned for the area around a commercial nuclear power reactor for which the population density has to be assessed

The following IAEA Safety Standards contain requirements and recommendations related to the question:

- Site Evaluation for Nuclear Installations (NS-R-3 (Rev. 1)
  (http://www-pub.iaea.org/MTCD/publications/PDF/Pub1709web-84170892.pdf)
  (Population distribution around a nuclear power plant site is discussed, among others, in paragraphs 4.10-4.13)

- Dispersion of Radioactive Material in Air and Water and Consideration of Population Distribution in Site Evaluation for Nuclear Power Plants (NS-G-3.2)

2. Requirement to assess, prior to authorizing the construction of a commercial nuclear power reactor, the risks for contamination of rivers and groundwaters by radionuclides

The following IAEA Safety Standards contain requirements and recommendations related to the question:

- Radiation Protection and Safety of Radiation Sources: International Basic Safety Standards (GSR Part 3)
  (http://www-pub.iaea.org/MTCD/Publications/PDF/Pub1578_web-57265295.pdf)
  (Discharges of radioactive material are discussed, among others, in Requirement 31)

- Prospective Radiological Environmental Impact Assessment for Facilities and Activities, which is pending publication but is publicly available as DS427.
  (https://gnssn.iaea.org/RTWS/general/Shared%20Documents/Radiation%20Protection/CS%20on%20Radiotracers,%2020-24%20February%202017/DS427%20Radiological%20Environmental%20Impact%20Assessment%2016-11-23.pdf)

3. Requirement to assess the management of radioactive waste and spent fuel from a commercial nuclear power reactor prior to authorizing the construction of such reactor

The following IAEA Safety Standards contain principles, requirements and recommendations related to the question:

- Fundamental Safety Principles (SF 1)
  (http://wwwpub.iaea.org/MTCD/publications/PDF/Pub1273_web.pdf)
  (radioactive waste management is discussed, among others, in paragraph 3.29)

- Predisposal Management of Radioactive Waste (GSR Part 5)
  (http://www-pub.iaea.org/MTCD/publications/PDF/Pub1368_web.pdf)

- Classification of Radioactive Waste (GSG-1)
  (http://www-pub.iaea.org/MTCD/publications/PDF/Pub1419_web.pdf)

- Storage of Radioactive Waste (WS-G-6.1)
  (http://www-pub.iaea.org/MTCD/publications/PDF/Pub1254_web.pdf)

- Specific Safety Requirements for Disposal of Radioactive Waste (SSR-5)
  (http://www-pub.iaea.org/MTCD/publications/PDF/Pub1449_web.pdf)

Annex 2. List of questions to be considered during a review of the environmental impact assessment documentation related to the Ostrovets nuclear power plant

1. Following the findings of the Implementation Committee and decision VI/2 of the Meeting of the Parties of June 2014 — which requested Belarus, inter alia, to take a final decision on site selection for a nuclear power plant, to provide Lithuania with the final decision and to continue the transboundary EIA procedure on the basis of the EIA documentation — the two Parties concerned could not agree on the final character of the transboundary EIA. The Implementation Committee was asked to follow up on the implementation of decision VI/2, in order to support bilateral discussion between the two Parties. These discussions concluded in a list of disagreements, especially on what should have been taken into account in the final EIA decision.

2. Using the framework of the questions set out below, review the EIA documentation explain in detail how in conformity with decision VI/2, "due account has been taken of the outcome of the EIA documentation" before the final decision was taken (see decision VI/2, para. 51):

(a) What is the size, according to current international rules, recommendations, guidelines and other relevant guidance documents, of the area around the commercial nuclear power reactor for which the population density has to be assessed in order to take into account the radiological impact of a major accident and to prepare accordingly the emergency measures? Was it respected in the case of the Ostrovets nuclear power plant?

(b) According to current international rules, recommendations, guidelines and other relevant guidance documents, should the contamination of rivers and groundwater by radionuclides through direct discharge of contaminated water into the environment following a major accident or through the air be assessed before building a commercial nuclear power reactor? Was such an assessment undertaken in the case of the Ostrovets nuclear power plant?

(c) According to current international rules, recommendations, guidelines and other relevant guidance documents, should the management of radioactive waste and spent fuel from a commercial nuclear power reactor (near surface repository or deep geological disposal) be decided before building such a reactor? Was there any mention of the waste management policy in the EIA of the Ostrovets nuclear power plant? (

(d) What are the selection and exclusion criteria (for example, geological and seismo-tectonic structure of the site, seismic hazard assessment (probabilistic assessment), etc.) that a country has to apply, according to current international rules, recommendations, guidelines and other relevant guidance documents, when assessing the suitability of a nuclear power plant site? Were such criteria applied in the selection of the Ostrovets site in comparison with the other sites that were also examined and were the data provided in the EIA documentation sufficient to have an idea of the selection process?