

Our Ref:J31314
Your Reference: E-mailed dated 5 July 2013



7 October 2013

Dear Sirs

Thyspunt Alliance Management

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Dear Trudi Malan

**RE: ESKOM EIA CONCERNS FOR THE PROPOSED NUCLEAR-1 NUCLEAR
POWER STATION (NPS) AND ASSOCIATED INFRASTRUCTURE (DEA Ref. No:
12/12/20/944)**

We would hereby like to request the following:

Comment 1:

The date on which the Revised Draft EIR Version 1 was submitted to the Department of Environmental Affairs.

Response 1:

The Revised Draft EIR was submitted to the Department of Environmental Affairs (DEA) on 26 April 2011.

Comment 2:

An electronic copy of the exact document that was submitted to the Department of Environmental Affairs, together with any covering letters and attachments.

Response 2:

The document submitted to the Department of Environmental Affairs is exactly the same document that was provided for comment to interested and affected parties at public venues and on the GIBB and Eskom websites.



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Directors: R. Vries (Chairman), Y. Frizlar, B. Hendricks, M. Mayat
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Comment 3:

The review comments Gibb received from the Department of Environmental Affairs in January 2013, as indicated in your correspondences to I&AP's dated 19 June 2013, as well as any additional correspondence, documentation and notes of meetings relating thereto.

Response 3:

The review comments of the Department of Environmental Affairs, as well as GIBB's response thereto, will be included in the Revised Draft EIR Version 2 as they form part of the public record. However, some of the DEA comments are being reconsidered by the DEA after consultation with GIBB, since the DEA had missed some relevant facts in its compilation of its initial comments. It would therefore be premature to provide the DEA comments and GIBB's responses at this stage.

Comment 4:

Our understanding is that Gibb is currently in the process of making substantive changes as well as gathering additional information in order to produce a second version of the Revised EIR. We assume that this additional information would be used to re-evaluate the relative merits of the three sites under consideration. It is therefore reasonable to expect that once this new information is taken into account a site other than Thyspunt may emerge as the best practicable environmental option, and consequently as the option that would be recommended by Gibb in your capacity as the independent environmental practitioners conducting the EIA. (Please note that for the purpose of this letter "GIBB" also refers to the experts and entities engaged by Gibb to assist in the EIA process)

Response 4:

GIBB will objectively assess all new information produced in the course of the current work in terms of its implications for the Nuclear-1 EIA application.

Comment 5:

However on the basis of public statements made by representatives of Eskom it appears that Eskom is proceeding on the basis that Thyspunt is still the preferred site, even though the second version of the revised EIR has not been completed. These public statements are creating the very real perception that the applicant seeks to place pressure on the environmental assessment practitioner to write the EIR in a manner which favours the selection of the site preferred by the applicant.

Response 5:

Although the Revised Draft EIR identified Thyspunt as the preferred site for Nuclear-1 from an environmental perspective, GIBB confirms that the final decision in terms of the Environmental Authorisation lies with the Competent Authority (the Department of Environmental Affairs). GIBB, as the independent Environmental Assessment Practitioner, therefore distances itself from any statements made in the press or elsewhere regarding the preferred site. The Environmental Assessment Practitioner (EAP) is required to base his/her decision strictly on the merits of the project and the potential environmental impacts.

Comment 6:

In the light of these circumstances we would like to request your written confirmation that:

- 6.1 Gibb is conducting the EIA process with scrupulous independence and without being subjected to pressure from Eskom to influence the findings or recommendations contained in the EIAR or to recommend a particular site as the preferred option;
- 6.2 that the Revised EIR version 2 will consider all the alternatives sites for Nuclear-1, and will reassess their relative merits in the light of the additional information gathered in the process of preparing the second version of the revised draft EIR;
- 6.3 until such time as the new evaluation has been completed, Gibb is not in a position to identify which is the preferred option from an environmental and socio-economic perspective (i.e. the best practicable environmental option; and
- 6.4 you will write to your client (Eskom) advising them that in making any public pronouncements about which site they prefer, they must make it perfectly clear to the public that the EIA process has not yet been concluded and has not yet identified which option will be least harmful from an environmental and socio-economic perspective and accordingly Eskom's preference for the Thyspunt site is not based on the results of the EIA process

Response 6:

GIBB and the EAP are bound by the independence requirements of the EIA regulations and the National Environmental Management Act and need to be objective, impartial and independent at all times in considering all relevant information in the EIA process, including any amendments to the specialist studies currently being prepared. In this regard, any statements made in the press are irrelevant to GIBB's recommendation of a preferred site. GIBB, in its role as the Environmental Assessment Practitioners, does not base any of its decisions or recommendations on opinions expressed in the media. Eskom is aware that any public statements that it may make are subject to the findings of the EIA and the decision of the environmental competent authority, which has the power to authorise any of the site alternatives or to refuse to authorise the proposed development.

We note that you have sent this letter to the DEA as well. In this regard, we need to point out that the DEA is unable to respond directly to I&AP comments at this stage in the EIA process, since all I&AP queries are required to be responded to by the EAP. The DEA will only consider correspondence directly from interested and affected parties once the final EIR has been submitted to the DEA. Please be assured that all I&AP correspondence, including your letter, are included in the record of I&AP correspondence as an appendix to the EIR.

Yours faithfully



for GIBB (Pty) Ltd
Nuclear-1 EIA Manager