

Notification under the Nuclear Energy Act (*Kernenergiewet*)

Definitive licence for 'Extension of provisional period of operation of Borssele Nuclear Power Plant'

From 21 March 2013 until 2 May 2013, the definitive licence for the 'Extension of the provisional period of operation of Borssele nuclear power plant' is available for public inspection. During this consultation period, interested parties who have previously submitted their views can appeal against the licence.

Background to the licence

N.V. Elektriciteits-Produktie­maatschappij Zuid-Nederland (NV EPZ) has been operating a nuclear power station in Borssele (abbreviated to KCB) with a capacity of 512 MWe since 1973. For this activity, NV EPZ is licensed under the Nuclear Energy Act. The licence is valid for an indefinite period. At the time of the original design and construction of the KCB, it was assumed that it would have a provisional period of operation of 40 years, in other words until 2014.

This provisional period of operation was also taken as the point of departure for the design of the KCB in several analyses of relevance within the framework of nuclear safety and evidence provided in the safety report. As a result of the Borssele Nuclear Energy Plant Covenant (*Convenant Kerncentrale Borssele*), the period of operation of the KCB was set at a maximum of 60 years, i.e. until 31 December 2033.

This is also stipulated in the Nuclear Energy Act. In order to make use of the licence under the Nuclear Energy Act after 2013, NV EPZ must demonstrate that the continuation of operations until 2034 is possible within the relevant technical parameters. In the licence application under the Nuclear Energy Act, NV EPZ provided justification for this. As a result of this justification for extending the provisional period of operation to 2034, an amendment to the safety report and a change to the licence under the Nuclear Energy Act are required. NV EPZ requested this in its licence application.

Continued operation for a longer period than originally foreseen is also referred to in the case of nuclear power plants by the term 'Long Term Operation' (LTO) or *verlengde ontwerpbedrijfsduur* in Dutch. The Minister of Economic Affairs has the authority to decide on the licence application for the 'Extension of the provisional period of operation of Borssele nuclear power plant'.

This notification relates to the definitive licence under the Nuclear Energy Act.

Procedure

Before the licence application was submitted by NV EPZ, the Competent Authorities made an assessment of whether the intended activity should be subject to a compulsory Environmental Impact Assessment. It was concluded that this is not the case since this does not concern an extension to or modification of the design/layout, but rather the formalisation of amendments to the safety report associated with the licence, which cannot be expected to have any further environmental consequences. On 19 September 2012, the licence application for the 'Extension of the provisional period of operation of Borssele nuclear power plant' was received from NV EPZ. For the processing of the licence application, the uniform public preparation procedure was followed in accordance with Chapter 3.4 of the General Administrative Law Act (*Algemene wet bestuursrecht*).

In the light of the application, a preliminary licence was issued on 24 October 2012 and the requested change was agreed to. During the period from 25 October 2012 until 5 December 2012, an opportunity was given to present views on the preliminary licence. In connection with the preliminary licence, an information evening was organised in Heinkenszand on 7 November 2012, where there was an opportunity to put questions and submit views. In the period up to 5 December 2012, 638 views were received, including two petitions with 3,088 signatories. Many of the 638 views are identical. Barring duplications, a total of 54 unique views were received. In accordance with Article 19.3 (2) and (3), of the Environmental Management Act of the Netherlands (*Wet milieubeheer*), a second version was submitted of some of the reports associated with the application, in which the Government Information (Public Access) Act (*Wet openbaarheid van bestuur*, Wob) was invoked and some information omitted. This information concerns confidential business information and security data. In addition, it could also undermine state security. Personal information was also omitted in accordance with Article 10 (1) (d) of the Wob.

Definitive licence

The Minister of Economic Affairs granted the definitive licence in a ruling dated 18 March 2013. NV EPZ was notified about the licence on 18 March 2013. In the licence, the requested extension to the provisional period of operation of the KCB was approved subject to conditions. The views submitted in the light of the preliminary licence resulted in any amendment to the definitive licence compared to the preliminary version. The justification for the licence ruling was clarified further on a number of points without any amendments to the subject of the licence or the licence conditions being made. In addition to the requested change, *ex officio* amendments were made to a number of licence conditions. The licence is granted pursuant to Articles 15 (b) and 19 (1) of the Nuclear Energy Act.

Where can you inspect the licence?

The licence and the other documentation are available for inspection from Thursday, 21 March 2013 until Thursday, 2 May 2013 at the following locations: – Ministry of EL&I Service Centre, Bezuidenhoutseweg 73, The Hague.

The Service Centre is open from Monday to Friday from 09.00 to 13.00. Means of identification must be shown in order to enter the Ministry.

– Borssele Town Hall, Stenevate 10, Heinkenszand. The Town Hall is open from Monday to Friday from 08.30 to 12.30. The licence and other documents are also available at www.rijksoverheid.nl/vergunningaanvragen-kernenergiewet.

How can you appeal against the licence?

Interested parties have until 02 May 2013 to lodge an appeal with the Administrative Law Division of the Council of State.

You can be designated as an interested party if you are directly affected by the ruling and have previously submitted a view on the subject or cannot reasonably be reproached for not having submitted a view on it. The licence will take effect after the appeal period has elapsed, unless a request is made before that date for an interim measure to be taken. The notice of appeal must include reasons and be accompanied by the name, date and the address of the submitter. The notice of appeal must be addressed to the Administrative Law Division of the Council of State (*Afdeling bestuursrechtspraak van de Raad van State*), Postbus 20019, 2500 EA 's-Gravenhage.

The request for an interim measure to be taken must be addressed to the Chair of the Administrative Law Division of the Council of State. Court registry fees are charged for handling an appeal or a request for an interim measure. Information about the procedure and the court registry fees can be obtained from the Council of State (Tel. +31 (0)70 - 426 44 26).

Where can you find further information?

If you have any further questions about the documents or the procedure after consulting the website, please contact the Nuclear Energy Act Licences Consultation Desk ('*Inspraakpunt Kernenergie-wetvergunningen*') by telephone on +31 (0)70 - 379 89 80 or by e-mail: Postbus.AanvraagEPZ@minez.nl, quoting '*Verlenging ontwerpbedrijfsduur KCB*'.