



No.: 4690/2019

Slovenské elektrárne, a.s.
Units 3&4 of NPP Mochovce
935 39 Mochovce

DECISION No. 205/2019
To suspend Administrative Proceedings

The Nuclear Regulatory Authority of the Slovak Republic (hereinafter only as the “Authority“), as the competent administrative authority with material jurisdiction pursuant to Sections 5 and 46 of the Act No. 71/1967 Coll. on administrative proceedings (Code of Administrative Procedure) as amended (hereinafter only as the “Code of Administrative Procedure“), pursuant to Section 29 par. (1) of the Code of Administrative Procedure, and pursuant to Section 8 par. (7) of Act No. 541/2004 Coll. on peaceful uses of nuclear energy (Atomic Act) and on amendments to certain laws as amended (hereinafter only as the “Act“)

suspends

for Slovenské elektrárne, a. s., BIC: 358 29 052, with its registered office in Bratislava, Mlynské Nivy 47, 821 09 Bratislava 2, Plant of Units 3&4 of Mochovce NPP, 935 39 Mochovce, incorporated in the Commercial Register of the District Court Bratislava 1, record No: Sa 2904/B,

the administrative proceedings for the authorization for radioactive waste management and spent fuel management pursuant to Section 5 par. (3) (f) of the Act in the range of objects and facilities for Unit 4 operation, and in the range of objects and facilities common for Units 3&4 serving for operation of Unit 4 (hereinafter also as “Administrative Procedure No. 3.1“)

At the same time, it **calls on** Slovenské elektrárne, a.s., pursuant to Section 19 par. (3) of the Code of Administrative Procedure, and taking into account Section 3 par. (4) of the Code of Administrative Procedure to remedy within a period of no more than 2 years from the date

of receipt of this Decision, the deficiencies in the submission that Slovenské elektrárne, a. s. have not yet fulfilled the requirements of Section 6 par. (2) (e) of the Act and have not fully demonstrated that they have functional technological equipment for the required activity.

The Authority, referring to Section 6 par. (2) (e) of Act, **calls on** Slovenské elektrárne, a.s., to complement the filing in the Administrative Procedure No. 3.1 with Protocols on successfully completed tests on all facilities for radioactive waste management and spent fuel management for the operation of Unit 4, and in the range of facilities common for Units 3&4, and serving for operation of Unit 4, which can be performed under conditions of inactive testing or a summary document on the readiness of such equipment to perform the required activity. Completion of the documents in question is necessary according to Section 3 par. (5) of the Code of Administrative Procedure with reference to Section 6 par. (2) (e) of the Act, for reliable establishment of the state of affairs and issuing decision in the matter.

Administrative Procedure No. 3.1 will continue, pursuant to Section 29 par. (4) of the Code of Administrative Procedure, following additions to the filing with the protocols on the testing of equipment for radioactive waste management and spent nuclear fuel management for Unit 4 of MO3&4 or a summary document on the readiness of the facilities in question to perform the required activity, and also meeting the conditions for continuing the Administrative Procedure in the case of license for commissioning of a nuclear installation pursuant to Section 5 par. (3) (b) of the Act, within the range of objects and equipment for Unit 4 operation, and in the range of objects and facilities common for Units 3&4 serving for operation of Unit 4 (hereinafter only as the “Administrative Procedure No. 3.2”), which is also suspended by this Decision.

If, within a specified period the protocols in question or the summary document on the preparedness of facilities for radioactive waste management and spent nuclear fuel management, are not submitted and the conditions for continuation in Administrative Procedure No. 3.2, are not fulfilled, the Administrative Procedure No. 3.1 in accordance with Section 30 par. (1) (d) of the Code of Administrative Procedure and Section 8 par. (8) of the Act, will discontinue.

Pursuant to Section 29 par. (1) of the Code of Administrative Procedure, and pursuant to Section 8 par. (7) of the Act, the Authority

suspends

the administrative proceedings in the case of license for commissioning of nuclear installation pursuant to Section 5 par. (3) (b) in the range of objects and facilities for the operation of Unit 4, and in the range of objects and facilities common for Units 3&4, serving for operation of Unit 4 (Administrative Procedure No. 3.2)

At the same time, **calls on** Slovenské elektrárne, a.s., pursuant to Section 19 par. (3) Code of Administrative Procedure and taking into account Section 3 par. (4) of the Code of Administrative Procedure, to remedy within a period of no more than 2 years from the date of receipt of this Decision, the deficiencies in the filing that Slovenské elektrárne, a. s. have not yet fulfilled, the requirements of Section 6 par. (2) (e) of the Act, and have not fully demonstrated that they have functional technological equipment for the required activity.

The Authority, while referring to Section 6 par. (2) (e) of the Act, and Annex 1 par. C (s) of the Act, **calls on** Slovenské elektrárne, a.s. to complete the filing in the Administrative Procedure

No. 3.2 with evaluation of the results of tests of systems and equipment of Unit 4 of MO3&4, or systems and equipment common for Units 3&4, which are needed for operation of Units 4 of MO3&4. The evaluation thus submitted must confirm the complete preparedness of the equipment in question to start the phase part of inactive tests for Unit 4 of MO3&4 (cold hydraulic test of the primary circuit of Unit 4 of MO3&4). This assessment of the condition of systems and equipment of Unit 4, or systems and equipment common for Units 3&4 required to operate Unit 4 of MO3&4, must include a list of protocols on successfully completed tests that have been issued after the completion of each test of the equipment and systems in question.

Administrative Procedure No. 3.2, pursuant to Section 29 par. (4) of the Code of Administrative Procedure, will continue after removal of deficiencies in the submission in this administrative procedure – completing submission with evaluation of results of tests of systems and equipment of Unit 4 of MO3&4, or systems and equipment common for Units 3&4 that are required for the operation of Unit 4 of MO3&4, which will confirm full readiness of the equipment in question for starting phase part of inactive tests for Unit 4 of MO3&4 (cold hydraulic test of the primary circuit of Unit 4 of MO3&4).

If, within the set period, the deficiencies in the filing of the Administrative Procedure No. 3.2 are not remedied – i.e. if the submission is not completed with an evaluation of results of tests of systems and equipment of Unit 4 of MO3&4 or facilities and systems common for Units 3&4 that are required for operation of Unit 4 of MO3&4, which will confirm the full readiness of the equipment in question to start a phase of inactive tests for Unit 4 of MO3&4 (cold hydraulic test of the primary circuit of Unit 4 of MO3&4), the Administrative Procedure No. 3.2 in accordance with Section 30 par. (1) (d) of the Code of Administrative Procedure and pursuant to Section 8 par. (8) of the Act, will discontinue.

Reasoning

ÚJD SR, based on the application from Slovenske elektrárne, a.s. dated 12 December 2016 ref. No. SE/2016/077759, registered at the Authority under reg. No. 7604/2016 in file No. 3720-2016, on 12 December 2016, initiated administrative proceedings in the case of application by Slovenske elektrárne, a.s. (hereinafter also as “SE, a.s.”) to issue:

- Authorization for radioactive waste management and spent fuel management pursuant to Section 5 par. (3) (f) of the Atomic Act in the range of objects and facilities for the operation of Unit 4, and in the range of objects and facilities common for Units 3&4 serving for operation of Unit 4 (Administrative Procedure No. 3.1),
- License for commissioning of the nuclear installation pursuant to Section 5 par. (3) (b) of the Atomic Act in the range of objects and facilities for operation of Unit 4, and in the range of objects and facilities common for Units 3&4 serving for operation of Unit 4 (Administrative Procedure No. 3.2).

Slovenské elektrárne, a.s., in its letter ref. No. SE/2016/077759 of 12 December 2016 applied for, in addition to authorizations in the Administrative Procedures No. 3.1 and 3.2, to issue other authorizations:

- Authorization for handling nuclear materials in the nuclear installation of Nuclear Power Plant Mochovce, project 3, in the range of handling and storage of fresh nuclear fuel in the fresh fuel node, room No. A407 pursuant to Section 5 par. (3) (g) of the Atomic Act (hereinafter only as “Administrative Procedure No. 1.1“),

- License for commissioning of nuclear installation in the range of handling and storage of fresh nuclear fuel in the fresh fuel node, room No. A407 pursuant to Section 5 par. (3) (b) of the Atomic Act (hereinafter only as “Administrative Procedure No. 1.2“),
- Permits for early use of the MO3&4 project according to Section 83 of the Building Act, and pursuant to Section 5 par. (3) (b) and Section 19 par. (3) of the Atomic Act, part of the project in the scope of handling and storage of fresh nuclear fuel in the fresh fuel node (hereinafter only as “Administrative Procedure No. 1.3“),
- Authorization for radioactive waste management and spent fuel management pursuant to Section 5 par. (3) (f) of the Atomic Act, in the range of objects and facilities for operation of Unit 3, and in the range of objects and facilities common for Units 3&4 serving for operation of Unit 3, including the fresh fuel node (hereinafter only as “Administrative Procedure No. 2.1“),
- License for commissioning of nuclear installation pursuant to Section 5 par. (3) (b) of the Atomic Act, in the range of objects and facilities for the operation of Unit 3, and in the range of objects and facilities common for Units 3&4 serving for operation of Unit 3 (hereinafter only as “Administrative Procedure No. 2.2“),
- Permit for an early use of the structure pursuant to Section 83 of the Building Act, and pursuant to Section 5 par. (3) (b) of the Atomic Act, and Section 19 par. (3) of the Atomic Act, in the range of objects and facilities for the operation of Unit 3, and in the range of objects and facilities common for Units 3&4, serving for operation of Unit 3 (hereinafter only as “Administrative Procedure No. 2.3“),
- Permit for an early use of the structure pursuant to Section 83 of the Building Act, a pursuant to Section 5 par. (3) (b) of the Atomic Act and Section 19 par. (3) of the Atomic Act, in the range of objects and facilities for operation of Unit 4, and in the range of objects and facilities common for Units 3&4, serving for operation of Unit 4 (hereinafter only as “Administrative Procedure No. 3.3“).

The Nuclear Regulatory Authority of SR informed all parties about the commencement of these administrative procedures. All information on the course of Administrative Procedures No. 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2 and 3.3 is also available to the parties and the public at the Authority’s website.

Administrative Procedures No. 1.1, 1.2, 1.3, 2.1, 2.2, 2.3 and 3.3 are not subject of this Decision.

The first instance administrative authority asked the Chairperson of ÚJD SR as the appeals administrative body in accordance with Section 58 par. (1) of the Code of Administrative Procedure, and in relation to Section 61 par. (2) of the Code of Administrative Procedure, for the extension of the period for the decision in Administrative Procedures No. 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.1 and 3.3 by 6 months pursuant to Section 49 par. (2) of the Code of Administrative Procedure. The first instance administrative authority justified its request with a large scope of documentation to be evaluated, and also with a large number of conformity checks to be carried out to confirm the conformity of the real workmanship of equipment with the design in order to fully comply with Section 46 of the Code of Administrative Procedure (the decision must be based on reliable establishment of facts). The Authority’s Chairperson complied with the request of the first instance administrative body and extended the period for taking the decision by 6 months. The parties were informed about the extension of the period by letters of the Authority, reg. No. 623/2017 of 1 February 2017, reg. No. 778/2017, 779/2017 a 780/2017 of 7 February 2017, 158/2019 and 7058/2018 of 7 January 2019.

The documentation of the Administrative Procedures Nos. 3.1 and 3.2 and other Administrative Procedures, related to the application of SE, a.s. for license to commission nuclear installation MO3&4 (Administrative Procedures No. 1.1, 1.2, 1.3, 2.1, 2.2., 2.3 and 3.3) with removed sensitive information as defined by the then applicable provisions of the Atomic Act, and in accordance with Section 8 par. (3) of the Atomic Act, the Nuclear Regulatory Authority of SR made it available to the public from 16 March 2017 until 30 June 2017 in rented premises in Mochovce. The purpose of making the documentation of the administrative procedures public was to fulfil the requirement to ensure access of the parties to the proceedings and of the public to the documentation of administrative procedures for consulting the file pursuant to Section 23 of the Code of Administrative Procedure, with reference to Section 33 par. (2) of the Code of Administrative Procedure. The parties, who have taken the opportunity to consult the file, have made comments on the documentation, which are set out in the minutes from consulting file or they sent their comments in writing within the set deadline by 31 July 2017. The Authority has dealt with the substantive comments from the parties pursuant to Section 32 of the Code of Administrative Procedure and has incorporated them in the list of deficiencies in the submission. The parties were informed in writing by the Authority of the course of the procedure (initiation of the proceedings, extension of the period for the decision, making the documentation public for the purposes of consulting the file). The public has been continuously informed of the above facts at the Authority's website, by a notice on the Central Public Administration Portal and by public notices in the municipalities of Kalná nad Hronom and Nový Tekov.

Following a substantive assessment of the submitted documentation, the Authority concluded that the applicant must complete its submission, and the Administrative Procedures Nos. 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2 and 3.3 were suspended by the Authority's Decision No. 334/2017 of 23 August 2017. At the same time the Authority called the applicant, pursuant to Section 19 par. (3) of the Code of Administrative Procedure, taking into account Section 3 par. (4) of the Code of Administrative Procedure, to remedy the deficiencies of the submission as identified in the Decision No. 334/2017.

Deficiencies of the Administrative Procedure No. 3.1 have been listed in Annex 1 to the Authority's letter, reg. No. 5263/2017 of 22 August 2017, and related to the submitted documentation of administrative proceedings (Document on providing for the radioactive waste management including its financial coverage, Radioactive Waste Management and Spent Fuel Management Plan, Pre-Operational Safety Report for MO3&4, Certificates and authorizations of Slovenske elektrárne, a.s. for work performance for qualified employees). The Authority, with its Decision No. 334/2017 on suspending administrative procedures, has set as a condition for continuation in the Administrative Procedure No. 3.1 to remedy the deficiencies in the above documentation not later than 15 February 2018.

Deficiencies in the Administrative Procedure No. 3.2 were listed in Annex 1 to the Authority's letter reg. No. 5265/2017 of 23 August 2017. The Authority stated that Slovenské elektrárne must complete the submission with programs for testing the safety related equipment (namely the programs of phase tests 4P201 to 4P205), and programs of physical and energy start-up of Unit 4, with incorporated comments that the Authority made to the analogous documentation of Unit 3 of MO3&4.

At the same time, the Authority with its Decision No. 334/2017 called Slovenské elektrárne, a.s. to complete the submission in the Administrative Procedure No. 3.2 with evaluation of the status of tests of systems and facilities of Unit 4 of MO3&4, and a time

schedule for tests of systems of Unit 4 of MO3&4, which will be based on the above evaluation, at the latest within 12 months of delivery of the Decision No. 334/2017.

SE, a.s. gradually submitted to the Authority documentation with the deficiencies remedied. The Authority continuously assessed the removal of deficiencies in the documentation. Removed deficiencies in the documentation of the Administrative Procedures Nos. 2.1, 3.1 and 3.2 confirmed in writing as follows:

- the Document on securing radioactive waste management including its financial coverage, letter reg. No. 395/2018 of 22 January 2018,
- Radioactive Waste Management and Spent Fuel Management Plan, by letter reg. No. 766/2018 of 7 February 2018,
- the Pre-Operational Safety Report of MO3&4, reg. No. 768/2018 of 13 February 2018,
- Certificates and authorizations of Slovenske elektrárne, a.s. for work performance for qualified employees, letters reg. No. 100/2018 of 8 January 2018 and 396/2018 of 22 January 2018,
- Programs of testing safety related equipment of Unit 4 as designated by the Authority and Programs of commissioning Unit 4 of MO3&4 by letter reg. No. 765/2018 of 7 February 2018.

SE, a.s. has remedied the deficiencies in the documentation in question within the deadline, which was in accordance with the requirement in the Authority's Decision No. 334/2017 on suspending administrative proceedings (i.e. before 15 February 2018). The Authority published the manner of remedying the deficiencies in the documentation in question on its website.

On 28 August 2018, SE, a.s. completed its submission in respect of an application for authorizations according to the operative part of this Decision, and also Administrative Procedures No. 2.1 and 2.2. The Authority carried out a preliminary assessment of the completed submission in the Administrative Procedures Nos. 2.1, 2.2, 3.1 and 3.2, based on which it stated that Slovenské elektrárne, a.s., by completing its filing of 28 August 2018 fulfilled all the conditions of the Authority's Decision No. 334/2017 for continuation of these proceedings.

Following that, the Authority with its letters reg. No. 5913/2018, 5918/2018, 5021/2018 of 19 September 2018 and 6048/2018 of 26 September 2018, informed all the parties to the proceedings in writing that the Administrative Procedures Nos. 2.1, 2.2, 3.1 and 3.2, continue from 28 August 2018.

The first instance administrative authority asked the Chairperson of ÚJD SR, as the appeals administrative body in accordance with Section 58 par. (1) of the Code of Administrative Procedure, in relation to Section 61 par. (2) of the Code of Administrative Procedure, to extend the period for the decision in Administrative Procedures 2.1, 2.2, 3.1 and 3.2 by 6 months pursuant to Section 49 par. (2) of the Code of Administrative Procedure. The first instance administrative authority justified its request with a large range of inspection activities to be carried out before the commencement of commissioning of Units 3&4 of MO3&4, in order to fully comply with Section 46 of the Code of Administrative Procedure (the decision must be based on a reliably ascertained state of affairs). The Chairperson of the Authority complied with the request of the first instance administrative body and extended the

period for the decision by 6 months. The parties were informed about the extension of the period by letters of the Authority reg. Nos. 157/2019, 158/2019 and 7058/2018 of 7 January 2019.

The Authority performed an unscheduled inspection No. 419/2019, which focused on the state of preparedness of facilities of Unit 4 of MO3&4 for commissioning, and on radioactive waste management and spent fuel management. Based on the above inspection and other documentation (in particular the list of conformity checks performed and the list of performed functional tests) states that the deficiencies in the submissions of individual administrative proceedings, which are stated in the operative part of the Decision, are caused by the current state of preparedness of systems and facilities of Unit 4 of MO3&4 for performance of the required tests and documenting their results. This documentation is not yet available to Slovenské elektrárne, a.s. for the above stated reason, but in the filing it identified that it will be delivered to the Authority gradually, in accordance with the progress of work and the achieved degree of preparedness of the nuclear installation for each test. By completing this documentation, Slovenské elektrárne, a.s. will confirm the appropriate preparedness of the equipment for a smooth continuation of work leading to commissioning of Unit 4 of MO3&4, and for the radioactive waste management and spent fuel management at Unit 4. The Authority has set a reasonable period to complete this documentation until submission.

In determining the scope of requirements for supplementing the filing, the Authority proceeded in accordance with the results of its inspections, and also in reasonable compliance with the conditions that it determined for continuation in the Administrative Procedures Nos. 2.1 and 2.2 for Unit 3 of MO3&4 in the Decision No. 334/2017. When setting the conditions for continuing in Administrative Procedure No. 3.1 in addition, it took into account the interdependence of Administrative Procedures Nos. 3.1 and 3.2 – if the condition for continuing the Administrative Procedure No. 3.2 was not fulfilled (authorization for commissioning of Unit 4), there is no reason for continuing in Administrative Procedure No. 3.1.

The Authority will continue individual administrative proceedings in accordance with Section 29 par. (4) of the Code of Administrative Procedure, if the party to the proceedings fully remedies all deficiencies of individual filings as specified in the operative part of this Decision within the specified period.

On the basis of the above, the Authority has decided as set out in the operative part of this Decision.

Guidance

According to Section 29 par. (3) of the Code of Administrative Procedure, no remonstrance can be filed against this Decision on suspension of the proceedings.

The Decision cannot be reviewed by a court.

Done in Trnava, 25 June 2019

Ing. Imrich Smrtník
Director, Nuclear Safety Department

Delivered by public notice

- 1) Slovenské elektrárne, a.s., Mlynské nivy 47, 821 09 Bratislava
- 2) Municipality of Nový Tekov, Mayor, Municipal Office Nový Tekov, 935 33 Nový Tekov
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- 4) Labour Inspectorate Nitra, Jelenecká 49, 950 38 Nitra
- 5) Ministry of Transport, Construction and Regional Development SR, Railway transport and railways section, Building Authority for Tracks, P.O.Box 100, Námestie Slobody 6, 810 05 Bratislava
- 6) Ministry of Environment SR, Environmental Assessment and Waste Management Section, Environmental Impacts Assessment, Nám. Ľ. Štúra 1, 812 35 Bratislava 1
- 7) Ministry of Interior of SR, Presidium of Fire and Rescue Corps, Drieňová 22, 826 86 Bratislava
- 8) Regional Headquarters of Fire and Rescue Corps in Nitra, Dolnočermánska 64, 949 11 Nitra
- 9) Ministry of Health SR, Limbová 2, P.O.BOX 52, 837 52 Bratislava 37
- 10) Public Health Authority of SR, Trnavská cesta 52, P.O.BOX 45, 826 45 Bratislava
- 11) Regional Office, Public Health Authority with its seat in Levice, Komenského 4, 934 38 Levice
- 12) Transport Authority, M. R. Štefánik Airport, 823 05 Bratislava
- 13) Ministry of Economy of SR, Mlynské nivy 44/a, 827 15 Bratislava 212
- 14) Slovak Environmental Agency, Tajovského 28, 975 90 Banská Bystrica
- 15) District Office Levice, Dept. of road transport and roads, Ľudovíta Štúra 53, 934 03 Levice
- 16) District Office Levice, Environmental dept., Dopravná 14, 934 03 Levice
- 17) District Office Nitra, Crisis Management dept., Štefánikova tr. 69, 949 01 Nitra
- 18) Slovenské elektrárne, a.s., Plant of Units 3&4 of NPP Mochovce, 935 39 Mochovce
- 19) Central Public Administration Portal of SR
- 20) District Office Nitra, Environmental dept., State Water Management, Štefánikova trieda 69, 949 01 Nitra
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- 27) Municipality of Tlmače, Nám. odbojárov 10, 935 21 Tlmače
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- 33) VLK EAST CARPATHIAN, Ul. Kpt. Nálepku 102, 069 01 Snina
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- 62) Eliška Dvorská, Department of EIA and Integrated Prevention, Ministry of the Environment, Vršovická 65, 100 10 Praha 10, Czech Republic
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- 64) Mr. Michael Henzler, Bayerisches Staatsministerium für Umwelt und Gesundheit, Rosenkavalierplatz 2, 81 925 München, Germany
- 65) Ms. Julia Paul, Federal Ministry for the Environment, Building, Nature Conservation and Nuclear Safety, Division G I 2, Stresemannstraße 128-130, 10117 Berlin, Germany
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- 68) Mr. Michal Koc, Deputy Director, Chairman's Office, National Atomic Energy Agency of the Republic of Poland, Bonifraterska 17, 00-203 Warszawa, Poland
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- 70) Ms. Ulrike Hartmann, Head of Unit "Energy", Department III.6 – Environmental Protection, Energy, Transport and Telecommunication, Federal Ministry for Europe, Integration and Foreign Affairs, Minoritenplatz 8, 1014 Vienna, Austria
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