

Nuclear Transparency Watch (NTW)

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To: The European Commissioner for Energy

Mr. Günther Oettinger
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DG Energy Nuclear Safety and Fuel Cycle

Mr. Massimo Garibba
e-mail: massimo.garibba@ec.europa.eu

Re: Radioactive waste export from Hungary to Russia

Brussels, March 24th 2013.

Dear Mr Garibba,

Thank you for your further letter of February 24th last referring to this matter.

It would appear that there is more information that has not yet been brought to the attention of DG-ENER and Commissioner Oettinger.

One of NTW's organisational members - Energiaklub, a Hungarian NGO - has received a letter from the Hungarian Atomic Energy Authority that suggests that a contract has been agreed between Paks NPP and a Russian company. The contract was seen, approved and signed by the Euratom Supply Agency. The date of the contract is not provided.

A copy of this letter is attached and the key points are translated immediately below. The numbering follows the numbering of the clauses in the original letter.

The contract between Paks NPP, a Russian company and Euratom is mentioned in point 7.

1. 'The damaged fuel is regarded as spent fuel, it is documented as spent fuel and all international agreements about spent fuel apply to the damaged fuel.'
2. The damaged fuel cases get new lids and in this form they will be taken to Russia. The old lids remain in Hungary and will be treated at the Paks NPP.
3. The treatment of the cases will not happen in Hungary as the fuel will be transported together with the cases.
4. Only Paks NPP can give information about the costs of transport
5. (Same as above)
6. The damaged fuel is sent to Russia for reprocessing. (Some general remarks about reprocessing are included here.)
7. According to the contract signed by Paks NPP, a Russian company (not named) and the Euratom Supply Agency, the radioactive waste from reprocessing will remain in Russia. This transportation will take place according to a Hungarian government decree about the conditions for the export of spent fuel to Russia (based on an international contract between Hungary and Russia).
8. When the remediation process was started it was not known what the final place of the spent fuel would be. The fuel had to be ready for interim storage in Hungary (a new, special module was built for that purpose) as well as for transport if needed. The 16th module built for the special storage can be used in the future for the storage of normal spent fuel.
9. The building of the 16th module required 402 million HUF (approx. €1.3 million) extra cost (compared to the cost of a normal module) which was covered by the Central Nuclear Financial Fund which is a state fund for radioactive waste storage and decommissioning'.

We would like to remind you that in this contract the return to Hungary of residual waste from potential reprocessing activities is not foreseen, nor of the initial fuel in case reprocessing will not take place. We also would like to stress that Russia has no operational final depository for high-level radioactive waste. Export of this spent fuel from Hungary to Russia therefore would breach article 4(2) and article 4(4) of Council Directive 2011/70/EURATOM (because of lack of a final disposal facility in Russia). Furthermore, the hand-over of ownership of the fuel would *de facto* remove the responsibility for the spent fuel and resulting waste from Hungary to Russia and therefore be in breach with article 4(1) of the said Directive.

Nuclear Transparency Watch thus respectfully requests that DG-ENER:

- Confirms the fact that plans for a shipment of spent fuels from the accident in Paks2 have been communicated to the Euratom Supply Agency which is under the supervision of the Commission and, if this is the case,
- Responds to our initial request concerning the legality of such a shipment and
- Clarifies whether the Commission has been in direct contact with the operator of Paks NPP (MVM Paks Atomerőmű), its mother company MVM and/or the Hungarian government to investigate this matter ? We would like to receive a copy of all documentation shared with the Commission about the future of the radioactive waste involved in the incident in Paks 2 in 2003 as well as copies of the correspondence between the Commission, the operator of the Paks NPP, its mother company and the government of Hungary in this case. We would like to receive this information in electronic form.

We look forward to your early reply and will keep you informed of all other relevant facts brought to NTW's attention.

You may consider this correspondence as non-confidential.

Yours sincerely,

Mrs Michèle Rivasi, Chair of Nuclear Transparency Watch (NTW)

