General Director
National Atomic Energy Authority

Benedek Jávor
MEP

Dear Member of Parliament:

In connection with your questions contained in the letter dated on 19th of September and received in my office on 24th of September, about the transportation to the Russian Federation of the fuel rods that were damaged in the 2003 incident of the Paks Nuclear Power Plant, I inform you of the followings:

1. The fuel rods that were damaged during the troubleshooting of the 2003 incident were placed into 68 hermetically sealed boxes, which, **from a nuclear safety perspective, are still qualified as spent fuel.**

2. The Hungarian Atomic Energy Authority (OAH) under the file reference OAH-2014-0079/2014 examined and authorized the compliance with the 2006/117/Euratom Council Directive (further on referred to as the Directive) in accordance with the 34/2009 (II.20.) Gov. Directive about the procedure of the transportation of spent fuel beyond country-borders. In order to be in compliance with the *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management* (from here on: Joint Convention), the Directive establishes strict requirements regarding the format and content of the authorization. During the authorization procedure OAH estimated the international agreement ratified by the Russian Federation to be the compliance with the criteria laid out in the §2 of Article 16 of the Directive together with the following supplementary information in its possession:

   a) We requested a written statement from the competent authority of the Russian Federation on compliance with the criteria (administrative and technical requirements) laid out in §1/c of Article 16 of the Directive, in accordance with the 34/2009 (II.20.) Gov. Directive, with a reference to Article 27 of the Joint Convention, which includes the Russian Federation as a party. The competent Russian authority gave its consent to the transportation, thus stating that the administrative and technical conditions laid out in the Directive are given in both the country of destination and in the Mayak Fuel-Processing Facility (Federal State Unitary Enterprise "Mayak" Production Association - FSUE "Mayak" PA), the final disposal facility of the transport.

   b) The USA, the Russian Federation and the International Atomic Energy Agency within the framework of the Global Threat Reduction Initiative Program leading the so-called Russian Fuel Repatriation have reviewed the processing technology in the Mayak fuel processing facilities and the technology of the final disposal of high-activation waste have all been renewed and as a consequence, it became possible to transport highly enriched spent fuel of research reactors from several countries to the Russian Federation. This is recited in section 15 of the preamble and §3/b of Article 2 of the 2011/70/EURATOM Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

c) Upon the request of the Russian Federation, the International Atomic Energy Agency (IAEA) conducted a so-called IRRS (Integrated Regulatory Review Service) mission in 2009 for the examination of the Russian regulatory and supervisory bodies. The delegation of 10 expert members from Bulgaria, Canada, the Czech Republic, Cuba, Finland, Slovakia, Ukraine, England, the United States and the IAEA came up with numerous proposals and recommendations for the development of the regulatory and supervisory bodies. In 2013, following the restructuring of the system, the IAEA once again conducted an IRRS mission to examine the results achieved. In the latter report improvements are noted namely, amongst others, the legislative background substantiating nuclear safety and especially the changes in federal law on the use of nuclear energy, as well as the adoption of the new federal law on the management of radioactive waste.

(http://www.iaea.org/newscenter/pressreleases/2013/prn201325.html)

d) During the last edition of the triennial a conference (14.05.2012) organized by the International Atomic Energy Agency on the supervision of Joint Convention, the participating countries report on the national situations; including the Russian Federation as well. Not once has it occurred as a result of such a supervisory conference that the existing administrative and technical conditions do not meet the requirements of the Joint Convention.

e) A representative of the OAH visited the Oyzorsk, Mayak fuel refinery facility in the between 14-17 June 2010 gaining insight on the reprocessing technology and the environmental stress/safety situation of the Mayak fuel processing facility and its vicinity. As a result of the visit, it was established that Mayak was competent and prepared to host and process the damaged fuel cells.

3. The purpose of the transportation is the temporary storage and non-military reprocessing of the spent fuel on the territory of the Russian Federation and the temporary storage and final disposal of the radioactive waste produced during the reprocessing. This was observed by the OAH based on the followings:

a) The purpose of the transportation to the Russian Federation is the temporary storage and non-military reprocessing of the spent fuel on the territory of the Russian Federation, and the temporary storage and final disposal of the radioactive waste produced during the reprocessing, which is based on a contract made on 30.12.2009 between MVM Paksi Atomerőmű Zrt. and the Russian Moscow, FCJARB FGUP about the transportation, reprocessing and final disposal of spent fuel; the contract (from here on: Contract) was countersigned by the Euratom Supply Agency in April, 2010.

b) The fact of reprocessing is reinforced by the End-User Certificate attached to the request for exportation sent to the OAH during the export authorization procedure in accordance with the 13/2011. (II.22) Gov. Directive about the authorization of the foreign trade of dual-use items and with the 144/2011. (VII.27) Gov. Directive about the regulation of international trade of nuclear and dual-use nuclear items; in this Certificate the final disposal facility

declared that the purpose of the transportation was "technical storage and reprocessing."

c) With regard to non-military use, the competent authority of the Russian Federation in a written response to OAH's request based on the 144/2011. (VII.27) Gov. directive, confirmed:

(i) that the packaged damaged spend fuel cells will be transported to Mayak PA as the final disposal facility, which falls under the jurisdiction of the Russian Federation;

(ii) that no nuclear weapon or nuclear explosives will be manufactured, nor will it be used for any other military purpose

(iii) that the level of its physical protection will not be lower than what is defined by the IAEA's recommendations and in case of re-exportation the principles laid down in the IAEA's INFCIRC/254/Rev.9/Part 1. Document will be respected.

4. The exact schedule of the reprocessing is unknown to us. **In compliance with the Contract, all products produced during the non-military reprocessing in the future will remain on the territory of the Russian Federation; the temporary storage and final disposal of radioactive waste is the obligation of the Russian party.**

5. The purpose of the transportation is not final disposal, but it is the purpose described in detail under section 3.

6. The purpose of the transportation, in accordance with my previously given answer to question 5, is not final disposal. **The ownership of the transported fuel as well as the rights and obligations relating to them are transferred to the Russian party, authorized by the Euratom Supply Agency. My answer to question 4 includes that all products produced during the non-military reprocessing in the future will remain on the territory of the Russian Federation; the temporary storage and final disposal of radioactive waste is the obligation of the Russian party**.

Budapest, October 10th, 2014.

Regards,

Gyula Fichtinger