



DECISION No. 156 / 2021

The Nuclear Regulatory Authority of the Slovak Republic (hereinafter only as the “ÚJD SR“), as a competent administrative authority pursuant to Sections 5 and 46 of Act No. 71/1967 Coll. on administrative procedure (Code of Administrative Procedure) as amended (hereinafter only as the “Code of Administrative Procedure“), pursuant to Section 4 par. 1 (d) of Act No. 541/2004 Coll. on the peaceful use of nuclear energy (Atomic Act) and on amendments to certain laws as amended (hereinafter referred to as the “Atomic Act“)

Hereby issues

for Slovenské elektrárne, a. s., BIC: 358 29 052, with its registered office at Mlynské Nivy 47, 821 09 Bratislava 2, with place of business: Mochovce Plant, Units 3&4 of Mochovce NPP, 935 39 Mochovce, incorporated in the Commercial Register of the District Court Bratislava 1, reg. number: Sa 2904/B (hereinafter only as “Slovenské elektrárne, a.s.”),

(A) Authorization for the management of radioactive waste and spent nuclear fuel pursuant to Section 5 par. 3 (f) of the Atomic Act within the scope of objects and facilities for the operation of Unit 3, and within the scope of buildings and facilities common to Units 3&4 used for operation of Unit 3, including the fresh fuel node, and the management of nuclear materials (fresh nuclear fuel) pursuant to Section 5 par. 3 (g) of the Atomic Act within the scope of buildings and facilities for the operation of Unit 3, and within the scope of buildings and facilities common to Units 3&4 used to operate Unit 3, excluding fresh fuel node (management of nuclear material in the scope of handling and storage of fresh fuel in a fresh fuel node, was authorized by ÚJD SR Decision No. 277/2018, which was confirmed by ÚJD SR Decision No. 140/2019 P)

and

(B) Permit for the commissioning of nuclear installation pursuant to Section 5 par. 3 (b) of the Atomic Act within the scope of buildings and facilities for operation of Unit 3, and within the scope of buildings and facilities common to Units 3&4 used to operate Unit 3, and approval for the physical start-up pursuant to Section 5 par. 2 (b) of the Atomic Act within the scope of buildings and facilities for operation of Unit 3, and in the scope of buildings and facilities common to Units 3&4 used for operation of Unit 3,

and pursuant to Section 121 par. 2 (e) and Section 83 of the Act No. 50/1976 Coll. on Spatial Planning and building regulations (Building Act), as amended (hereinafter referred to as the “Building Act”),

(C) Permit for Early Use of the Building

Nuclear Power Plant Mochovce WWER 4x440 MW, Project 3

Within the scope of buildings and facilities for operation of Unit 3, and within the scope of buildings and facilities common to Units 3&4 used for operation of Unit 3,

For the period up to the date of Final Building Approval.

The ÚJD SR, pursuant to Section 5 par. 5, and Section 8 par. 1 (c) of the Atomic Act binds the permit (B) for the commissioning of a nuclear installation within the range of buildings and facilities for operation of Unit 3, and within the range of buildings and facilities common to Units 3&4 used for operation of Unit 3 to meet the following conditions, the fulfilment of which will be ensured within the set deadline by the applicant – Slovenské elektrárne, a. s.

- B.1 Obligation to complete the tests “Activation and setting of neutron analysers of boric acid solution for Unit 3 of Mochovce NPP“ according to the applicable “Boromer control (calibration) methodology and EXCORE detector test by an external neutron source“ according to the program “Comprehensive EXCORE system test“ These facilities can only be tested after creating relevant technical and organizational conditions for Unit 3, on which the Public Health Authority of the Slovak Republic (hereinafter only as “ÚVZ SR”) issued its binding opinion No. OOPŽ/5413/2020. These technical and organizational conditions will be fulfilled by Slovenské elektrárne, a. s. in accordance with schedule for preparation of Unit 3 for commissioning within a reasonable time before loading the first fuel assembly into the reactor of Unit 3, and at the same time obligation to complete the tests according to programs P001 (Program of reactor tests and installation work and of reactor concrete shaft equipment), and 3P004 (Program of handling steel samples from reactor pressure vessel), the completion of which for technological reasons is included in the stage of preparation of reactor for fuel loading and also tests according to 3P142 program (“Primary Circuit Measurement Test Program“), the completion of which is bound to achieve boric acid concentration at shutdown in the primary circuit of Unit 3 before fuel loading into the reactor

And at the same time

The obligation to complete the tests of systems and facilities of the turbine hall and downstream equipment of the secondary circuit according to the list and in accordance with the schedule developed by Slovenské elektrárne, a. s. that is described in more detail in the report on the readiness of buildings and facilities for operation of Unit 3, and buildings and facilities common to Units 3&4 used to operate Unit 3, confirming the readiness of the said equipment for commissioning of Unit 3 for the stages of physical start-up and power testing (hereinafter only as the “Final Report of Unit 3”) according to Annex 1 part C (s) of the Atomic Act, and in accordance with Annex 4 part B (I) (A) par. 5 and par. 7 of the ÚJD SR Decree No. 430/2011 on Nuclear Safety Requirements as amended by Decree 103/2016 (hereinafter only as “Decree 430/2011”). The systems and equipment in question are currently in preservation mode, which protects them from corrosion attack, or additional modifications are being made to the system of Unit condensate treatment (hereinafter only as “BÚK“), in order to improve its operational characteristics. Slovenské elektrárne, a. s. will abolish the preservation mode of these facilities within a reasonable time before the first fuel assembly is loaded to the reactor of Unit 3, so as to allow sufficient time to complete the necessary tests and at the same time minimize the exposure time of these facilities to corrosion processes, and at the same time ensure, in accordance with the schedule,

completion of BÚK testing and related facilities and systems so that their tests are completed in full as at the start of the power commissioning of the Unit

And at the same time

Obligation to complete the tests of equipment under the program 3P146 “Program of chemical monitoring system tests“ after SW tuning.

Condition B.1 shall be fulfilled by Slovenské elektrárne, a. s. at the latest by the start of commissioning of Unit 3 except for the part that is explicitly stated that it must be fulfilled before the start of power testing and that is related to finishing the modification of BUK. Slovenské elektrárne, a. s. is required to document the fulfilment of condition B.1 by written evaluation of the progress of tests and meeting the success criteria, which shall be submitted to ÚJD SR in the format of an addendum to Final Report of Unit 3. Failure to meet the condition B.1 results in the disablement of the nuclear installation to start the stage of physical start-up or disablement to start the stage of power testing (in the part of the condition B.1, where it is explicitly stated that is related to BUK). Initiating the stage of physical start-up without meeting condition B.1 may be classified as administrative offence under Section 34 par. 2 or par. 3 of the Atomic Act.

Reasoning

The ÚJD SR, based on application of Slovenské elektrárne, a. s. dated 12 December 2016, ref. SE/2016/077759, registered by ÚJD SR under reg. No. 7604/2016 in file No. 3720-2016, initiated administrative proceedings on 12 December 2016 concerning the application for the issue of:

- permit for the management of RAW and SNF pursuant to Section 5 par. 3 (f) of the Atomic Act within the scope of buildings and facilities for operation of Unit 3, and within the scope of buildings and facilities common to Units 3&4 used to operate Unit 3, including the fresh fuel node (hereinafter referred to as “Administrative Proceedings No. 2.1“),
- permit for the commissioning of nuclear installation pursuant to Section 5 par. 3 (b) of the Atomic Act within the scope of buildings and facilities for operation of Unit 3, and in the scope of buildings and facilities common to Units 3&4 used to operate Unit 3 (hereinafter referred to as “Administrative Proceedings No. 2.2“),
- permit for early use of the building according to Section 83 of the Building Act, and under Section 5 par. 3, (b) of the Atomic Act, and Section 19 par. 3 of the Atomic Act, within the scope of buildings and facilities for operation of Unit 3, and in the scope of buildings and facilities common to Units 3&4 used to operate Unit 3 (hereinafter referred to as “Administrative Proceedings No. 2.3“),

In a letter dated 12 December 2016, ref. SE/2016/077759 Slovenské elektrárne, a. s. requested, in addition to issuing permits in administrative proceedings No. 2.1, 2.2 and 2.3, to issue additional permits:

- permit for the management of nuclear materials in the nuclear installation Nuclear Power Plant Mochovce, WWER 4x440 MW, Project 3, within the scope 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 referred to as “Administrative Proceedings No. 1.1“),
- permit for the commissioning of nuclear installation within the scope of handling and storage of fresh fuel in the fresh fuel node, room No. A407 pursuant to Section 5 par. 3 (b) of the Atomic Act (hereinafter referred to as “Administrative Proceedings No. 1.2“),
- permit for an early use of the building in accordance with Section 83 of the Building Act and pursuant to Section 5 par. 3 (b) and Section 19 par. 3 of the Atomic Act, parts of the building in the range of handling and storage of fresh nuclear fuel in the fresh fuel node (hereinafter referred to as “Administrative Proceedings No. 1.3“),
- permit for the management of RAW and SNF pursuant to Section 5 par. 3, (f) of the Atomic Act within the scope of buildings and facilities for the operation of Unit 4 and in the scope of

buildings and facilities common to Units 3&4 used to operate Unit 4 (hereinafter referred to as “Administrative Proceedings No. 3.1“),

- permit for the commissioning of nuclear installation pursuant to Section 5 par. 3, (b) of the Atomic Act within the scope of buildings and facilities for the operation of Unit 4 and in the scope of buildings and facilities common to Units 3&4 used for the operation of Unit 4 (hereinafter referred to as “Administrative Proceedings No. 3.2“),
- permit for an early use of the building in accordance with 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 scope of buildings and facilities for the operation of Unit 4, and in the scope of buildings and facilities common to Units 3&4 used for the operation of Unit 4 (hereinafter referred to as “Administrative Proceedings No. 3.3“).

The ÚJD SR informed all parties and other authorities concerned in writing of the opening of the above mentioned administrative proceedings.

The issue of permit in administrative proceedings Nos. 1.1, 1.2, 1.3, 3.1, 3.2 and 3.3 is not the subject of this Decision. Proceedings Nos. 1.1, 1.2 and 1.3 were closed by the issuing of second-instance decisions Nos. 139/2019 P and 140/2019 P of 6 May 2019, which became valid on 22 May 2019.

By letter reg. No. 608/2017 of 31 January 2017, the first-instance administrative authority requested the Chairperson of ÚJD SR as the administrative appellate authority in accordance with Section 58 par. 1 and Section 61 par. 2 of the Code of Administrative Procedure, following Section 49 par. 2 of the Code of Administrative Procedure, for an extension of the time limit for a decision in administrative proceedings Nos. 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.1 and 3.3, by 6 months. The first-instance administrative authority justified its request by a large scope of documentation to be assessed, and also by the large number of conformity checks to be carried out in order to confirm conformity of the actual workmanship of the equipment with the design, in order to fully comply with Section 46 of the Code of Administrative Procedure, which provides that the decision must be based on a reliably established state of affairs. The Chairperson of ÚJD SR complied with the request of the first instance administrative authority and extended the period for the decision by 6 months. The parties and other authorities concerned were informed of the extension of the time limit for the decision by ÚJD SR letters reg. No. 623/2017 of 1 February 2017, reg. No. 778/2017, 779/2017 and 780/2017 of 7 February 2017.

Documentation of administrative proceedings Nos. 2.1, 2.2 and 2.3 and other administrative proceedings related to the application of Slovenské elektrárne, a. s. to issue a permit for the commissioning of a nuclear installation (Administrative Proceedings Nos. 1.1, 1.2, 1.3, 3.1, 3.2 and 3.3) with sensitive information removed, as defined in Section 3 par. 16 and 17 of the Atomic Act, and in accordance with Section 8 par. 3 of the Atomic Act, was disclosed by ÚJD SR from 16 March 2017 until 30 June 2017 in rented premises in Mochovce.

After assessing the submitted documentation, ÚJD SR concluded that Slovenské elektrárne, a. s. has to complete its submission and interrupted the administrative proceedings Nos. 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2 and 3.3 by ÚJD SR Decision No. 334/2017 of 23 August 2017. At the same time called Slovenské elektrárne, a. s., pursuant to Section 19 par. 3 of the Code of Administrative Procedure, to remedy those deficiencies of the submissions identified in ÚJD SR Decision No. 334/2017.

The deficiencies of submission in administrative proceedings No. 2.1 were set out in Annex 1 to the letter of ÚJD SR reg. No. 5263/2017 of 22 August 2017 concerning the documentation for the administrative proceedings submitted (Document on ensuring RAW management, including its financial coverage, RAW and SNF Management Plan, Pre-Operational Safety Report of MO3&4 (hereinafter referred to as “PSR of MO3&4“), Certificates and mandates of Slovenské elektrárne, a. s.

for the performance of work activities for professionally qualified staff). By Decision No. 334/2017 on the stay of administrative proceedings, ÚJD SR set as a condition for the continuation in the administrative proceedings No. 2.1, to remedy the deficiencies in the given documentation no later than 15 February 2018. The deficiencies of submission in administrative proceedings No 2.2 were set out in Annex 2 to the letter of ÚJD SR reg. No. 5263/2017 of 22 August 2017 concerning the documentation for the administrative proceedings (Testing Programs for safety-related equipment determined by ÚJD SR, Commissioning Programs, Operating Procedures designated by ÚJD SR, PSR of MO3&4 and Probabilistic Safety Assessment – PSA). By Decision No. 334/2017 of 23 August 2017 on the stay of administrative proceedings, ÚJD SR provided as a condition for the continuation of administrative proceedings No. 2.2 to remedy deficiencies in the given documentation by 15 February 2018, and at the same time to remedy the deficiencies in the documentation of the administrative proceedings No. 2.1, also by 15 February 2018.

At the same time, by Decision No. 334/2017 of 23 August 2017, the ÚJD SR called Slovenské elektrárne, a. s. to complement the submission in the administrative proceedings No. 2.1 by protocols on successful testing of equipment for the management of RAW and SNF for Unit 3 operation, and within the scope of facilities common to Units 3&4, and used for operation of Unit 3, including the fresh fuel node, and a schedule for further tests of these facilities to be carried out before the start of commissioning of Unit 3. These protocols and schedule were requested by ÚJD SR to be submitted according to the current state of the tests as of the same date as the requested evaluation of testing Unit 3 equipment, or preliminary proof of readiness of systems and equipment of Unit 3 for commissioning (in administrative proceedings No. 2.2), at the latest by 12 months from the date of ÚJD SR Decision No. 334/2017.

ÚJD SR also called Slovenské elektrárne, a. s. to supplement the submission in administrative proceedings No. 2.2 with the following particulars:

- 1) evaluation of tests of Unit 3 systems and equipment or preliminary proof of readiness of Unit 3 systems and equipment for commissioning, confirming a high degree of its readiness for the start of stage part of inactive testing for Unit 3 (cold hydrotest of the primary circuit of Unit 3). ÚJD SR requirements for evaluation or submission of a preliminary proof on the readiness of Unit 3 systems and equipment were set out in Annex 3 to the ÚJD SR letter ref. 5263/2017 of 22 August 2017.
- 2) documents confirming compliance with the qualification requirement of staff of Slovenské elektrárne, a. s. for carrying out activities with direct impact on nuclear safety (selected staff of Slovenské elektrárne, a. s.) and with impact on nuclear safety (professionally qualified staff of Slovenské elektrárne, a. s.) for commissioning of Unit 3. The requirements of ÚJD SR to confirm compliance with the qualification requirements of staff of Slovenské elektrárne, a. s. were set out in Annex 3 of the letter of ÚJD SR ref. 5263/2017 of 22 August 2017.

ÚJD SR called Slovenské elektrárne, a. s. to complete the submission under points 1) and 2) no later than 12 months from the date of the decision on suspending administrative proceedings. The ÚJD SR specified in its Decision No. 334/2017 of 23 August 2017, as a condition for continuation of administrative proceedings No. 2.2, to also remedy the deficiencies in the documentation of the administrative proceedings No. 2.1 with the deadline of 15 February 2018. Deficiencies of submission in administrative proceedings Nos. 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2 and 3.3 were published on the website of ÚJD SR.

Slovenské elektrárne, a. s. continuously submitted documentation to ÚJD SR with remedied deficiencies. ÚJD SR continuously evaluated the elimination of deficiencies in the documentation. The removal of deficiencies in the documentation of administrative proceedings No. 2.1 and 2.2 has been confirmed in writing, as follows:

- In the document on ensuring RAW management, including its financial coverage by letter reg. No. 395/2018 of 22 January 2018,
- In the RAW and SNF management plan by letter reg. No. 766/2018 of 7 February 2018,

- in PSR MO3&4 by letter reg. No. 768/2018 of 13 February 2018,
- in the certificates and mandates of Slovenské elektrárne, a. s. for the performance of work activities for professionally qualified staff by letters reg. No. 100/2018 of 8 January 2018 and 396/2018 of 22 January 2018,
- in the programs of testing safety related equipment designated by ÚJD SR in letter reg. No. 767/2018 of 8 February 2018,
- in the commissioning programs, by letter reg. No. 769/2018 of 13 February 2018,
- in the operating procedures designated by ÚJD SR in letter reg. No. 771/2018 of 13 February 2018,
- in the Probabilistic Safety Assessment – PSA by letter reg. No. 896/2018 of 14 February 2018,
- in proof of ownership and organizational structure by letter reg. No. 396/2018 of 22 January 2018.

By the above mentioned letters, ÚJD SR confirmed that the deficiencies in the documentation of Slovenské elektrárne, a. s. in compliance with the requirement contained in the Decision to suspend administrative proceedings, were eliminated duly and on time (i. e. before 15 February 2018).

On 28 August 2018, Slovenské elektrárne, a. s. supplemented its submission concerning the application for permits pursuant to the operative part of the draft decision (administrative proceedings Nos. 2.1 and 2.2) and also in the administrative proceedings for Unit 4 (administrative proceedings Nos. 3.1 and 3.2). ÚJD SR carried out a preliminary evaluation of complemented submission in administrative proceedings Nos. 2.1, 2.2, 3.1 and 3.2, based on which ÚJD SR stated that Slovenské elektrárne, a. s. by complementing missing elements in submission of 28 August 2018, fulfilled all the conditions specified by ÚJD SR Decision No. 334/2017 of 23 August 2017 for the continuation of the proceedings in question.

Consequently, ÚJD SR by letters reg. Nos. 5913/2018, 5918/2018, 5021/2018 of 19 September 2018, and 6048/2018 of 26 September 2018, notified all parties in writing that the administrative proceedings Nos. 2.1, 2.2, 3.1 and 3.2 continue from 28 August 2018. At the same time, by these letters ÚJD SR informed the parties that the documentation for the decision in administrative proceedings Nos. 2.1, 2.2, 3.1 and 3.2 will be published on the website of ÚJD SR as a “basis for the decision on Units 3&4“ no later than 28 September 2018, and invited them to comment in writing on the documentation forming the basis for the decision no later than 28 October 2018. The ÚJD SR published the documentation for the decision on its website in accordance with the specified deadline. In the supporting documentation for the decision published on the website of ÚJD SR, the method of remedying the deficiencies in the documentation and the follow-up to the recommended conditions of the Ministry of Environment of the Slovak Republic (hereinafter only as “MoEnv SR“) mentioned in the Final Opinion (No. 395/2010-3.4/hp) of 28 April 2010 issued by MoEnv SR (hereinafter referred to as the “Final Opinion on EIA MO3&4“) pursuant to Act No. 24/2006 Coll. on environmental impact assessment and on amendments to certain laws as amended (hereinafter as “Act No. 24/2006 Coll.“) was published.

After fulfilling the conditions for the continuation of administrative proceedings Nos. 2.1, 2.2, 3.1 and 3.2, the ÚJD SR assessed the documentation of administrative proceedings Nos. 2.1 and 2.2 in the following scope:

- 1) Identification data pursuant to Section 6 par. 1 (b) of the Atomic Act.
 - Slovenské elektrárne, a. s.–submitted the relevant identification data required by Section 6 par. 1 (b) of the Atomic Act in a submission of 12 December 2016. In the supplemented submission of 22 June 2018 Slovenské elektrárne, a. s. confirmed that the above data remain unchanged compared to the data submitted on 12 December 2016. On 26 April 2021 an extract from the Register of Legal Entities, Entrepreneurs and Public Authorities was requested under Act No. 177/2018 Coll. on certain measures to reduce administrative burden through the use of public administration information systems and on amendments to certain

- laws (Act against red-tape), as amended by Act No. 221/2019 Coll. (hereinafter only as the “Act No. 177/2018 Coll.”), which verified the accuracy of the data in question. The requested extract from the Register of Legal Entities, Entrepreneurs and Public Authorities contains data in accordance with Section 6 par. 1 (b) of the Atomic Act.
- 2) Description of activity, for which permit is sought pursuant to Section 6 par. 1 (c) of the Atomic Act.
 - Slovenské elektrárne, a. s. clearly defined the activities, for which it applied for permits. These include the permit for the management of RAW and SNF pursuant to Section 5 par. 3 (f) of the Atomic Act in the scope of buildings and facilities for the operation of Unit 3 and in the scope of buildings and facilities common to Units 3&4 used for operation of Unit 3, including the fresh fuel node, the permit for the commissioning of nuclear installation pursuant to Section 5 par. 3 (b) of the Atomic Act in the scope of buildings and facilities to operate Unit 3, and in the scope of buildings and facilities common to Units 3&4 used for operation of Unit 3, and the permit for an early use of the building 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 scope of buildings and facilities for operation of Unit 3, and in the scope of buildings and facilities common to Units 3&4 used for operation of Unit 3. These activities were defined by Slovenské elektrárne, a. s. in its submission dated 12 December 2016. The data in question are in accordance with Section 6, par. 1 (c) of the Atomic Act.
 - 3) Data necessary to request an extract from the criminal record of a natural person, a legal entity and a person, who is a statutory body or member of a statutory body of a legal entity pursuant to Section 6 par. 2 (a) of the Atomic Act.
 - Slovenské elektrárne, a. s. submitted extracts from the Criminal Record of the General Prosecutor’s Office of the Slovak Republic of all members of the statutory body of the company, and an extract from the criminal record of the legal entity, Slovenské elektrárne, a. s. on 12 December 2016. All listings were without record. Updated extracts were submitted also in the supplemented submission of 22 June 2018. On 6 May 2021 an extract from the criminal record was requested for the legal entity – Slovenské elektrárne, a. s. and all members of the company’s statutory body pursuant to Act No. 177/2018 Coll. For foreign members of the Company’s statutory body, Slovenské elektrárne, a.s. submitted extracts from the criminal records of natural persons to ÚJD SR on 29 April 2021. Slovenské elektrárne, a.s. at the same time submitted affidavits of members of the statutory body on their legal capacity.
 - 4) Extract from the Commercial Register of companies pursuant to Section 6 par. 2 (b) of the Atomic Act by 31 August 2018.
 - Slovenské elektrárne, a. s. submitted an extract from the Commercial Register of the District Court Bratislava I as of 17 May 2018. On 26 April 2021 an extract from the Register of Legal Persons, Entrepreneurs and Public Authorities was requested pursuant to Act No. 177/2018 Coll., which verified the accuracy of the data in question.
 - 5) Proof of functional technical equipment of Slovenské elektrárne, a. s., for the required activity according to Section 6 par. 2 (e) of the Atomic Act.
 - Slovenské elektrárne, a. s. submitted to ÚJD SR documents confirming readiness for the management of RAW, SNF and nuclear materials and for commissioning of Unit 3. The results of the previous testing of systems and equipment needed for the management of RAW, SNF and nuclear materials, and for commissioning of Unit 3, are summarized in the document “Final Report on Unit 3“. This document demonstrates compliance with the requirements of Annex 4 part B (I) (A) par. 5, 7 and 9 of the Decree No. 430/2011 Coll. including proof of staff readiness. The latest revision of the Final Report for Unit 3 was submitted by Slovenské elektrárne, a. s. to the ÚJD SR inspectors at its premises in Mochovce for inspection purposes in May 2021 with letter of 03 May 2021, which was registered by ÚJD SR under reg. No. 3214/2021. Inspectors of ÚJD SR carried out an evaluation of the Final Report of Unit 3 during their inspection in Mochovce. The outcome of the evaluation is that the Final Report of Unit 3 demonstrates the readiness of systems and facilities for the management of RAW, SNF and nuclear materials and for commissioning of Unit 3. Part of the tests to be carried out before commissioning of the Unit, will be carried out in accordance with

- the technical or organizational conditions for its implementation at a later date, but before loading the first fuel assembly into the reactor of Unit 3. ÚJD SR reflected this fact into the conditions of the decision (Condition B.1), including the relevant explanation /reasoning.
- 6) Proof that Slovenské elektrárne, a. s., has permanent staff with the required qualification according to Section 6 par. 2 (e) of the Atomic Act, and proof of the number of permanent staff together with their qualification pursuant to Section 6 par. 2 (i) of the Atomic Act.
- Slovenské elektrárne, a. s. submitted part of the requested documents in the supplement of the submission from 28 August 2018. This documentation was not complete, as the training of specially qualified staff and professionally qualified staff was ongoing by that date. In November and December 2019 as well as in December 2020, ÚJD SR carried out inspection at Slovenské elektrárne, a. s. in MO3&4, focusing on staffing job positions having impact on nuclear safety in the departments of future operation, asset management and engineering support of future operation of Unit 3. During this inspection, Slovenské elektrárne, a. s. submitted documents proving the following:
 - All job positions of specially qualified staff under Section 24 par. 2 of the Atomic Act, who are necessary for the operation of Unit 3, are staffed by employees with completed training. These staff members have valid certificates of special professional competence pursuant to Section 8 of ÚJD SR Decree No. 52/2006 Coll. on professional competence as amended (hereinafter only as “Decree No. 52/2006 Coll.”), and authorization for performance of work activities pursuant to Section 10 of the Decree No. 52/2006.

The job positions of professionally qualified staff pursuant to Section 24 par. 1 of the Atomic Act in the departments of future operation, asset management and engineering support of the future operation of Slovenské elektrárne, a. s. for MO3&4, are staffed by employees to the extent necessary for operation of Unit 3. The number of vacancies does not exceed the normal values of turnover and filling of these posts is addressed by Slovenské elektrárne, a. s. on a continuous basis. These staff members have completed their training and have authorization for performance of work activities pursuant to Section 10 of the Decree No. 52/2006.

Slovenské elektrárne, a. s. proved the readiness of staff for the management of RAW, SNF and nuclear materials, and for commissioning of Unit 3 in the Final Report on Unit 3. In August 2020, the ÚJD SR inspectors carried out inspection that confirmed the readiness of the staff for the management of RAW, nuclear materials, SNF and commissioning of Unit 3.

The update of the Final Report of Unit 3 was submitted by Slovenské elektrárne, a.s. to ÚJD SR inspectors in April 2021 at its premises in Mochovce for inspection purposes. After reviewing the document, ÚJD SR states that the Final Report of Unit 3 confirms staff readiness of Slovenské elektrárne, a.s. for commissioning of Unit 3, in accordance with Section 6, par. 2 (e) of the Atomic Act.
- 7) Proof of ensuring RAW management, including its financial coverage pursuant to Section 6 par. 2 (f) of the Atomic Act.
- Slovenské elektrárne, a. s. submitted a document on the provision of RAW management, including its financial coverage in the submission dated 12 December 2016. ÚJD SR requested complementing certain data (listed in the list of deficiencies of submission in Annex 1 to letter reg. No. 5263/2017). Subsequently, Slovenské elektrárne, a. s. supplemented the required data by letter No. SE/2017/065026 dated 13 November 2017. ÚJD SR carried out inspection No. 230/2017, which resulted in confirmation of the completeness and correctness of the completed data. ÚJD SR confirmed the removal of the deficiencies of the submission by letter reg. No. 395/2018 of 22 January 2018.
- 8) Proof of ownership and organizational structure of the applicant – Slovenské elektrárne, a. s. pursuant to Section 6 par. 2 (g) of the Atomic Act.
- Slovenské elektrárne, a. s. submitted extract from the Commercial Register of the District Court Bratislava I of 17 May 2018 and organizational structure and systemization of MO3&4 and Unit B4000 by letter ref. SE/2017/062611 dated 2 November 2017. On 6 May 2021 an extract from the Register of Legal Entities, Entrepreneurs and Public Authorities was requested pursuant to Act No. 177/2018 Coll.

- Systemization of MO3&4 and Unit B4000 was checked by ÚJD SR inspection held in November – December 2019. The result of the ÚJD SR inspection was that the submitted systemization to the required extent documents the organizational structure of the applicant in accordance with Section 6 par. 2 (g) of the Atomic Act. Part of the inspection was submitting systemization in the departments of future operation, asset management and engineering support of future operation for Unit 3.
 - Systemization of the departments of operation, asset management and engineering support is part of the Final Report of Unit 3, which was submitted to the ÚJD SR inspectors in May 2021 in the premises of Slovenské elektrárne, a.s. in Mochovce. The result of the ÚJD SR inspection is that the Final Report of Unit 3 documents, to the required extent, the organizational structure of the applicant in accordance with Section 6 par.2 (g) of the Atomic Act.
- 9) Documentation required for the application for commissioning pursuant to Section 6 par. 2 (h) of the Atomic Act, Annex 1 part C:
- a) Limits and Conditions for safe operation – approved by ÚJD SR Decision No. 88/2018 of 24 April 2018. Changes in the operating procedure: Limits and Conditions, related to the incorporation of a permit for the release of radioactive materials, arising from the operation of Units 1, 2 and 3 of the Nuclear Power Plants Mochovce from administrative control by discharging them into the environment (No. OZPŽ/4603/2019 of 15 October 2019) and minor editing of the text, approved by ÚJD SR by Decision 205/2020 of 17 July 2020. Changes in the operating procedure - Justification of the Limits and Conditions for Units 3&4 were approved by the ÚJD SR Decision No. 72/2021 of 26 February 2021.
 - b) List of safety-related equipment divided into safety classes – approved by ÚJD SR Decision No. 495/2016 of 19 September 2016. At this stage, ÚJD SR agrees to the submitted document. The document will be updated based on the results of commissioning of Unit 3 .
 - c) Programs of testing of safety-related equipment determined by ÚJD SR – testing programs for safety-related equipment determined by ÚJD SR were submitted by Slovenské elektrárne, a. s. for Unit 3 as part of the submission of 12 December 2016. ÚJD SR made comments on the programs in question, which it classified as deficiencies of the submission. For the removal of these deficiencies it determined a deadline by Decision No. 334/2017 of 23 August 2017 to suspend administrative proceedings, by no later than 15 February 2018. Slovenské elektrárne, a. s. continuously submitted documentation to the ÚJD SR with remedied deficiencies. ÚJD SR confirmed the removal of deficiencies in the submission by letter reg. No. 767/2018 dated 8 February 2018. Slovenské elektrárne, a. s. submitted to ÚJD SR programs for the testing of safety-related equipment determined by ÚJD SR for Unit 4 with incorporated comments of ÚJD SR on analogous programs for Unit 3. ÚJD SR accepted submission of these programs by letter reg. No. 765/2018 of 7 February 2018. After incorporating the ÚJD SR comments, the testing programs are in accordance with the requirements of Annex 4, Part B Section I (G) par. 1 of Decree No. 430/2011 and Section 15 of Decree 58/2006, laying down details on the scope, content and method of preparation of documentation of nuclear installations necessary for individual decisions, as amended (hereinafter referred to as “Decree 58/2006”).
 - d) Program of commissioning of a nuclear installation broken down into stages – The Program of Commissioning of Nuclear Installation broken down into stages, was submitted by Slovenské elektrárne, a. s. for Unit 3 as part of the submission of 12 December 2016. ÚJD SR had comments on the program and related physical start-up and power testing programs, which it classified as deficiencies of submission and set a deadline to remedy the deficiencies of the submission by Decision No. 334/2017 of 23 August 2017 to suspend administrative proceedings by 15 February 2018 at the latest. Slovenské elektrárne, a. s. submitted gradually to the ÚJD SR documentation with remedied deficiencies. ÚJD SR confirmed removal of deficiencies of submission by letter reg. No. 769/2018 of 13 February 2018. ÚJD SR reviewed the program of commissioning of a nuclear installation divided into stages in proceedings concluded by Decision No. 298/2018, which was confirmed by the appeal decision No.139/2019P. Slovenské elektrárne, a. s. submitted to the ÚJD SR a commissioning

program broken down to stages for Unit 4 with incorporated comments on analogous program for Unit 3. ÚJD SR accepted submission of these programs by letter reg. No. 765/2018 of 7 February 2018. Slovenské elektrárne, a. s. submitted a new revision of the document - by letter ref. SE/2019/050644 dated 18 September 2019, Program for Commissioning Unit 3 broken down into stages (rev. 04). Compared to the previous revision of the document in question, revision 04 includes pre-operational tests for the power testing stage of Unit 3. ÚJD SR assessed the document and stated compliance with the requirements of Annex 4 part B (I) (A) (8) and G (1) of the Decree No. 430/2011 and Section 15 of the ÚJD SR Decree No. 58/2006. ÚJD SR approved the above- mentioned change to the program of commissioning the nuclear installation MO3&4 by a separate Decision No. 478/2019 of 18 December 2019. By letter ref. SE/2019/067197 of 6 December 2019 Slovenské elektrárne, a. s. submitted to ÚJD SR changes in individual programs of physical start-up and power testing of Unit 3. These changes resulted from the evaluation of the course of inactive tests of equipment and systems that are needed at the stage of commissioning of Unit 3. ÚJD SR reviewed the changes in the programs of physical start-up and power testing and found deficiencies in them. By letter reg. No. 1915/2020 of 12 March 2020, UJ SR requested Slovenské elektrárne, a. s. to remedy those deficiencies. Slovenské elektrárne, a. s. sent a letter ref. SE/2020/029357 of 04 June 2020 with programs of physical start-up and power testing without deficiencies identified by ÚJD SR. ÚJD SR reviewed remedied programs of physical start-up and power testing, based on which it stated compliance with the requirements of Annex 4 part B (I) (A) par. 8 and G par. 1 of the Decree No. 430/2011 and Section 15 of the Decree No. 58/2006. ÚJD SR confirmed this fact in letter reg. No. 5772/2020 of 21 August 2020 sent to Slovenské elektrárne, a. s. Slovenské elektrárne, a. s. submitted by letter ref. SE/2020/061995 dated 10 December 2020 to ÚJD SR new revision of the program 3F002 "Reactor core loading program of NPP Mochovce Unit 3". ÚJD SR evaluated the new revision of the program 3F002 and based on this evaluation it states that changes in the program are in compliance with Annex 4 Part B (I) (A) (8) and G (1) of the Decree No. 430/2011 and Section 15 of the ÚJD SR Decree No. 58/2006. ÚJD SR confirmed this by the letter ref. 153/2020 dated 14 January 2021 that was send to Slovenské elektrárne, a. s. The commissioning program divided into stages with all the above-mentioned changes incorporated was approved by ÚJD SR by Decision No. 148/2021.

- e) Program of operational inspections of safety-related equipment – ÚJD SR approved the program of operational inspections by its Decision No. 264/2020 of 22 September 2020.
- f) Documentation of the applicant's quality management system – approved by ÚJD SR Decision No. 60 of 18 February 2021 (Management System Manual of SE, a. s.) and No. 208/2019 of 8 July 2019 (Staged quality assurance program of MO3&4 for the construction and commissioning).
- g) The operating procedures identified by ÚJD SR – submitted by Slovenské elektrárne, a. s. for Units 3&4 as part of the submission dated 12 December 2016. ÚJD SR had comments on these procedures, which it classified as deficiencies of the filing. In order to remedy the deficiencies of the submission, it determined a deadline by its Decision No. 334/2017 to suspend administrative proceedings, by 15 February 2018 at the latest. Slovenské elektrárne, a. s. gradually submitted documentation to ÚJD SR with removed deficiencies. ÚJD SR confirmed removal of deficiencies of the submission by letter reg. No. 771/2018 of 13 February 2018. The operating procedures specified by ÚJD SR, after deficiencies remedied, are in compliance with Section 18 of the Decree No. 58/2006. Slovenské elektrárne, a. s. submitted to ÚJD SR by the letter ref. SE/2020/061697 dated 9 December 2020 new revision of operating procedures "Neutron-Physics Core Parameters of Unit 3, 1st Fuel Load" (1st edition, revision 6), procedure "Nuclear Safety Rules for Fuel Handling" (2nd edition, revision 1) and the procedure "Refueling Program and Physical Start-up" (1st edition, revision 3). ÚJD SR evaluated changes in the above stated procedures, based on what it states that changes in the procedures are in compliance with Annex 4 Part B (I) (A) (8) and G (1) of the Decree No. 430/2011 and Section 15 of the ÚJD SR Decree No. 58/2006. ÚJD SR

confirmed this by the letter ref. 153/2020 dated 14 January 2021 that was send to Slovenské elektrárne, a. s.

- h) On-site Emergency Plan – approved by ÚJD SR Decision No. 16/2020 of 14 January 2020. The On-site Emergency Plan shall enter into force on the date of final permit for the commissioning of nuclear installation MO3&4. Until the start of commissioning of MO3&4, the Preliminary On-site Emergency Plan, approved by ÚJD SR Decision No. 401/2019 of 12 November 2019, is in force.
- i) PSR of MO3&4 – was submitted by Slovenské elektrárne, a. s. as part of the submission of 12 December 2016. ÚJD SR had comments on PSR of MO3&4, which it classified as deficiencies of the submission and determined the deadline for remedying those deficiencies by its Decision No. 334/2017 of 23 August 2017 to suspend the administrative proceedings, as 15 February 2018 at the latest. Slovenské elektrárne, a. s. submitted the PSR of MO3&4 documentation to ÚJD SR with removed deficiencies by letter ref. SE/2017/065735 of 15 November 2017. ÚJD SR confirmed removal of deficiencies in the submission by letter reg. No. 768/2018 of 13 February 2018. Slovenské elektrárne, a. s. submitted to ÚJD SR with a letter ref. SE/2019/059184 of 30 October 2019, the new revision of some documents, which are part of the PSR of MO3&4. ÚJD SR reviewed the changes in the latest revision of PSR of MO3&4 compared to the revision of the document in question, which was submitted to ÚJD SR by letter No. SE/2017/065735 of 15 November 2017. Changes made to the PSR of MO3&4 meet the conditions required by Section 19 of the Decree No. 58/2006, and the addition to the submission meets the requirements of Section 9 par. 3 of the ÚJD SR Decree No. 431/2011 on the Quality Management System, as amended by the Decree No. 104/2016 (hereinafter only as the “Decree No. 431/2011“). The reason for the changes in PSR of MO3&4 is the incorporation of the results of inactive tests into the PSR of MO3&4. ÚJD SR confirmed this fact to Slovenské elektrárne, a. s., by letter reg. No.7140/2020 of 30 October 2020. After incorporating the changes, PSR of MO3&4 is in full compliance with the requirements of Section 19 of Decree No. 58/2006.
- j) Probabilistic safety assessment of operation for nuclear installations with a nuclear reactor for the shutdown reactor and for low power levels, as well as for full power of the reactor (hereinafter only as “PSA“) – was submitted by Slovenské elektrárne a. s. as part of the submission of 12 December 2016. ÚJD SR had comments on the PSA, which it classified as deficiencies of the submission. For the removal of deficiencies it specified a deadline by ÚJD SR Decision No. 334/2017 of 23 August 2017 to suspend administrative proceedings. Slovenské elektrárne, a. s. gradually submitted documentation to ÚJD SR with removed deficiencies and ÚJD SR confirmed partial elimination of deficiencies in the submission by letter reg. No. 896/2018 of 14 February 2018. ÚJD SR requested the addition to a probabilistic safety assessment of extreme climatic conditions and earthquakes. Slovenské elektrárne, a. s. submitted to ÚJD SR the requested extension of PSA by letter ref. SE/2019/062019 of 12 November 2019. ÚJD SR reviewed submitted supporting documentation, based on which it stated their compliance with the requirements of Section 20 of the Decree No. 58/2006 and safety guides of ÚJD SR, Requirements for the development of a PSA (BNS I.4.2/2017).
- k) Physical Protection Plan, including a contract with the Police Force pursuant to Section 7 par. 5 and Section 26 par. 10 of the Atomic Act. ÚJD SR Decision No. 154/2018 of 24 May 2018 approved the document “Physical Protection Plan of MO3&4 UČP/fresh fuel node“, 1st edition, revision 0. ÚJD SR Decision No. 280/2018 of 10 October 2018 approved a change in the document “Physical Protection Plan of MO3&4 UČP“, 1st edition, revision 0, within the scope of the document sent “Physical Protection Plan of MO3&4 UČP“, 1st edition, revision 1. ÚJD SR Decision No. 134/2019 of 13 May 2019 approved change in the document “Physical Protection Plan of MO3&4 UČP“, 1st edition, revision 0, and a change approved by ÚJD SR within the scope of the document sent “Physical Protection Plan of MO3&4 UČP“, 1st edition, revision 2. ÚJD SR Decision No. 39/2020 of 30 January 2020 approved a change in the physical protection plan of MO3&4 UČP within the scope of the document “Physical Protection Plan of MO3&4 UČP“, 1st edition, revision 3. ÚJD SR decision no. 328/2020 of 2

December 2020 approved changes in physical protection plan for MO3&4 UČP in the extent of the submitted document “Physical Protection Plan for MO3&4 UČP” 1st edition, revision 4. ÚJD SR Decision No. 260/2018 of 14 September 2018 approved the “Physical Protection Plan of SE-MO3&4“, 1st edition, revision 0. ÚJD SR Decision No. 281/2018 of 10 October 2018 approved a change to the document “Physical Protection Plan of SE-MO3&4“, 1st edition, revision 0, within the scope of the document sent “Physical Protection Plan of SE-MO3&4“, 1st edition, revision 1, and Decision No. 133/2019 of 13 May 2019 approved change to the document “Physical Protection Plan of SE-MO3&4“, 1st edition, revision 0, and its change approved by ÚJD SR within the scope of document sent “Physical Protection Plan of SE-MO3&4“, 1st edition, revision 2. ÚJD SR Decision no. 178/2020 of 6 June 2019 approved changes in physical protection plan for MO3&4 in extend of the submitted document “Physical Protection Plan for SE-MO3&4” 1st edition, revision 3. ÚJD SR Decision no. 329/2020 of 2 December 2020 approved changes in physical protection plan for MO3&4 in the extent of submitted document “Physical Protection Plan for SE-MO3&4” 1st edition, revision 4.

- l) RAW and SNF Management Plan, including their transport – was submitted by Slovenské elektrárne, a. s. as part of the submission of 12 December 2016. ÚJD SR had comments on the RAW and SNF Management Plan, including their transport, which it classified as deficiencies of the submission. To eliminate these deficiencies, it determined a deadline by Decision No. 334/2017 of 23 August 2017 to suspend administrative proceedings. Slovenské elektrárne, a. s. submitted documentation to ÚJD SR with removed deficiencies. ÚJD SR confirmed removal of deficiencies of submission by letter reg. No. 766/2018 of 07 February 2018. On 8 November 2019, Slovenské elektrárne, a. s. submitted to ÚJD SR by letter ref. SE/2019/061205, an updated document “RAW and SNF Management Plan, including their transport“ PNM34483541 rev. 01, as a response to amendments to generally binding legislation that have occurred since the submission of the original application. ÚJD SR accepted incorporated changes in accordance with the requirements of Section 21 of the Decree No. 58/2006, which it confirmed by sending letter reg. No. 1143/2020 dated 12 February 2020.
- m) Conceptual Decommissioning Plan – submitted by Slovenské elektrárne, a. s. as part of submission of 12 December 2016. ÚJD SR reviewed this document and had no requirements to supplement or modify this document. In November 2019, the applicant – by sending letter ref. SE/2019/061205 ÚJD SR, submitted an updated Conceptual Decommissioning Plan, as a response to amendments to generally binding legislation that have occurred since the submission of the original application. ÚJD SR identified deficiencies in the submitted Conceptual Decommissioning Plan, and requested Slovenské elektrárne, a. s. to eliminate those deficiencies in the Final version of the Conceptual Decommissioning Plan, where the eliminated deficiencies are identified by ÚJD SR, Slovenské elektrárne, a. s. by letter ref. 2020/016057 of 16 March 2020. ÚJD SR gave favourable opinion on the document, Conceptual Decommissioning Plan for the nuclear installation Mochovce NPP Units 3&4, PNM34483534 rev. 02 by letter reg. No. 2821/2020 of 30 April 2020. In this letter, the ÚJD SR states that the document, Conceptual Decommissioning Plan for the nuclear installation Mochovce NPP Units 3&4, PNM34483534 rev. 02, meets the requirements of Section 22 of the Decree No. 58/2006. A further update of the Conceptual Decommissioning Plan document, which incorporates additional comments of the National Nuclear Fund of the Slovak Republic in its chapter M, was submitted by Slovenské elektrárne, a.s. by letter SE/2021/011018 of 26 March 2021. ÚJD SR expressed a favourable opinion on the document in question – Conceptual Decommissioning Plan of the nuclear facility of NPP Mochovce, Units 3&4 by letter reg. under 2661/2021 of 15 April 2021. In this letter ÚJD SR states that the document, Conceptual Decommissioning Plan of the nuclear facility of NPP Mochovce, Units 3&4, PNM34483534, rev.03, meets the requirements of Section 22 of Decree 58/2006.
- n) Proof of the provision of financial cover for liability for nuclear damage, excluding repository under a specific regulation — compliance is provided in par. 11) of the Reasoning.

- o) Training System – last change implemented to the training system for the staff of the license holder was approved by ÚJD SR Decision No. 327/2018 of 28 November 2018, and ÚJD SR Decision No. 186/2020 of 24 June 2020.
- p) Training programs for selected staff – last changes implemented were approved by ÚJD SR Decision No. , No. 393/2016 of 27 July 2016, No. 355/2017 of 25 September 2017, No. 25/2018 of 13 February 2018, and No. 335/2020 of 14 December 2020, and No.336/2020 of 9 December 2020.
- q) Training Programs for professionally qualified staff – were approved by ÚJD SR Decision No. 123/2016 of 22 March 2016 and No. 315/2018 of 28 November 2018.
- r) Proof of fulfilment of qualification requirements of selected staff and professionally competent staff – Slovenské elektrárne, a. s. submitted part of the required documents in the supplement to the submission of 28 August 2018. This documentation was not complete, as the training of specially qualified staff and professionally qualified staff was still ongoing as of the given date. In November and December 2019, UJD SR conducted inspection at Slovenské elektrárne, a. s., MO3&4, focusing on staffing of job positions having impact on nuclear safety in the department of future operation, asset management and engineering support for future operation of Unit 3. During this inspection, Slovenské elektrárne, a. s. submitted documentation demonstrating the following facts:
- All job positions of specially qualified staff pursuant to Section 24 par. 2 of the Atomic Act, who are necessary for the operation of Unit 3, are staffed by employees with completed professional training. These employees have valid certificates of special professional competence pursuant to Section 8 of the Decree No. 52/2006, and authorization to perform work activities pursuant to Section 10 of the Decree No. 52/2006.
 - Job positions of professionally qualified staff pursuant to Section 24 par. 1 of the Atomic Act in the departments of future operation, asset management and engineering support for future operation of MO3&4, are staffed by employees to the extent necessary for the operation of Unit 3. The number of vacant job positions does not exceed the normal values of fluctuation and staffing of these positions is continuously being dealt with by Slovenské elektrárne, a. s.. The workers have completed training and hold authorizations for performance of work activities pursuant to Section 10 of the Decree No. 52/2006.
- Slovenské elektrárne, a. s. documented the readiness of its staff for the management of RAW, SNF and nuclear materials and for the commissioning of Unit 3 in the Final Report for Unit 3. In August 2020, UJD inspectors carried out inspection confirming the readiness of the personnel for the management of RAW, nuclear materials, SNF and commissioning of Unit 3.
- The update of the Final Report of Unit 3 was submitted by Slovenské elektrárne, a.s. to ÚJD SR inspectors in May 2021 in its premises in Mochovce for inspection purposes. The result of the ÚJD SR inspection states that the Final Report of Unit 3 confirms staff readiness of Slovenské elektrárne, a.s. for commissioning of Unit 3 in accordance with Section 6, par. 2 (e) of the Atomic Act. The Final Report of Unit 3 documents the staff readiness in accordance with the requirements of Section 10 par. 1 and 2 of Decree No. 52/2006. Documenting the fulfilment of the requirements of Section 6 par. 2 (h) of the Atomic Act according to Annex 1, Part C, par. (r) of the Atomic Act and the control of its fulfilment is identical with the documentation of the fulfillment of the requirements of Section 6, par. 2 (e), (i) of the Atomic Act and the control of its fulfillment.
- s) Proof of readiness for commissioning – Slovenské elektrárne, a. s. submitted documentation to ÚJD SR – protocols on testing of systems and equipment. The inspection of the course of testing of systems and equipment, and of protocols on their testing took place during ÚJD SR inspections at Mochovce. The subject of the inspection was the implementation of programs of inactive testing:

3P001

Program of tests and reactor erection work and reactor concrete shaft equipment

Completed to the extent of the current state of reactor preparation for

		commissioning. Implementation will be completed as scheduled in the final stage of preparation of the reactor for commissioning
3P002	Program of tests of HRK drives	Program completed Completed to the extent of the current state of reactor preparation for commissioning.
3P004	Program for handling steel samples of reactor pressure vessel	Implementation will be completed as scheduled in the final stage of preparation of the reactor for commissioning
3P005	Program of tests and settings on steam generators	Program completed
3P006A	Program of tests and settings of primary circuit equipment – main circulation water pumps	Program completed
3P006B	Program of tests and settings of primary circuit equipment – main circulation pipes and main shut-off valves	Program completed
3P007	Testing and Setup Program for oil management system of main circulation pumps	Program completed
3P008	Testing and Setup Program for equipment of the pressurizer system	Program completed
3P009	Equipment and manipulator testing program	Program completed
3P010	Test Program for equipment for reception, storage and transport of fresh fuel	Program completed
3P011	Test Program for sampling system for checking hermetic cover	Program completed
3P012	Test Program for equipment of reactor fuel loading machine	Program completed
3P013	Test Program for transport of reactor internals and of reactor upper block	Program completed
3P014	Test Program for equipment for replacement of absorbent parts of ARK control and extension rods	Program completed
3P015	Test Program of the reactor main dividing plate screw tightener	Program completed
3P016	Program of start-up work for transport equipment, inspection and tests of HRK drives	Program completed
3P017	Test Program for handling ionization chambers	Program completed
3P019	Test Program for the system of SNF storage and handling	Program completed
3P020	Program of testing equipment for preparation of transport container for SNF removal	Program completed
3P021	Program of testing continuous purification system of primary circuit water	Program completed
3P022	Program of testing the make-up system for the primary circuit and boric acid control	Program completed
3P023	Test Program for oil management system make-up pumps	Program completed
3P024	Program of functional tests for the spent fuel pool cooling system	Program completed
3P025	Test Program for hydrogen burning system	Completed to the extent of

		inactive tests
3P026	Test Program of organized leak system of primary circuit	Program completed
3P027	Test Program of the KWA system for flushing ASRTP sensors	Program completed
3P028	Test Program of steam generators blowdown system	Completed to the extent of inactive tests
3P029	Program of tests of primary circuit drainage water purification system	Completed to the extent of inactive tests
3P030	Test Program for active water collection system	Program completed
3P031	Evaporator test program	Program completed
3P032	Test Program of condensate purification from evaporator	Program completed
3P033	Test Program of clean condensate system	Program completed
3P034	Functional tests of ŠOV-4 system, ŠOV-4 purification	Program completed
3P035	Test Program of boron concentrate purification	Program completed
3P036	Test Program for the make-up system of boron concentrate	Program completed
3P037	Program for testing the chemicals preparation system	Program completed
3P038	Test Program for treatment station for technological venting	Completed to the extent of inactive tests
3P039	Test Program of water treatment station for the pool and the emergency system tanks	Program completed
3P040	Test Program of blowdown treatment station system of steam generators – filters	Program completed
3P041	Program of tests for emergency systems make-up and core cooling	Program completed
3P042	Test Program of primary circuit cooldown after seismic event	Program completed
3P043	Test Program of pressure relief system in hermetic spaces and leaks localization	Program completed
3P044	Test Program of intermediate cooling system, main circulation pumps	Program completed
3P045	Test Program of intermediate drives cooling system	Program completed
3P046 A, B, C, D	RAW management programs	Program completed
3P047	Test Program of technological venting system of tanks (KPP)	Program completed
3P051A	Functional Test Program of Operational diagnostics A, Unit 3	Completed to the extent of inactive tests
3P051B	Functional Test Program of Operational diagnostics B, Unit 3	Program completed
3P051C	Functional Test Program of Operational diagnostics C, Unit 3	Program completed
3P051D	Functional Test Program of Operational diagnostics D, Unit 3	Program completed
3P051E	Functional Test Program of Operational diagnostics E, Unit 3	Program completed
3P051F	Functional Test Program of Operational diagnostics F, Unit 3	Program completed

3P051H	Functional Test Program of Operational diagnostics H, Unit 3	Program completed
3P051N	Functional Test Program of Operational diagnostics N, Unit 3	Completed to the extent of inactive tests
3P051R	Functional Test Program of Operational diagnostics R, Unit 3	Program completed
3P052	Test Program of emergency support centres	Program completed
3P053A, B, C	Functional Test Program of radiation control in the main generating unit – Unit 3, retrofitting and electrical part	Program completed
3P054	Test Program for room and equipment decontamination, Unit 3	Program completed
3P055	Functional Test Program of sampling system	Program completed
3P056A	Functional Test Program of HVAC systems of hermetic zone	Completed to the extent of inactive tests
3P056B	Functional Test Program of HVAC systems of the airtight zone	Completed to the extent of inactive tests
3P056C	Functional Test Program of HVAC air supply systems	Program completed
3P056D	Functional Test Program of radiation control room ventilation	Program completed
3P056E	Functional Test Program of HVAC for the building of active auxiliary operations	Program completed
3P057	CCTV functional test program	Program completed
3P058	Functional Test Program for measurement of hydrogen concentration in the hermetic zone	Program completed
3P059	Functional Test Program for ASFES Unit 3	Program completed
3P060	Program of passivation of internal surfaces of primary circuit during 2. HS	Program completed
3P061A	Test of gravity filling of the spent fuel cooling pool from flumes of the system to localize accidents	Program completed
3P061B	Test of opening connection from A301/1 to A201/1	Program completed
3P061C	Verification of operation of valves of emergency venting of steam generators and reactor	Program completed
3P061D	Verification of the functional capability of JMN pumps in flow mode to spraying collector	Program completed
3P061E	Test of coolant drain from bubbler flume to the floor of steam generator box	Program completed
3P062A	Testing the throughput of super-emergency supply routes using pumps of the Plant Fire Unit	Program completed
3P062B	Testing throughput of gasoline pumps from coolant pool to the ESW system	Program completed
3P063A	Verifying the ability to cool the primary circuit with PSA PG, PV PG system and low-pressure emergency make-up system	Program completed
3P063B	Verifying configuration of system of emergency source of coolant and its ability to replenish the coolant according to the design	Program completed
3P063C	Test of gravity replenishment of water to steam generators from supply tanks	Program completed
3P064	Functional Test Program of pneumatic quick-	Program completed

	acting valves – Unit 3	
3P065	Functional test of valves and drive controllers	Program completed
3P066	Comprehensive ESFAS tests, Unit 3	Program completed
3P067	Program of APS testing in the stage of inactive tests and start-up	Program completed
3P069	Recovery of temporary 6kV power supply from EMO 2	Program completed
3P070	110 kV substation, EMO1-3	Program completed
3P071	Stand-by transformer 63 MVA, Unit 3	Program completed
3P072	400kV substation, 300 MVA, 32 MVA transformers, Unit 3	Program completed
3P073	Test Program for the first connection of TG31, Unit 3	Completed to the extent of inactive tests
3P074	Test Program for the first connection of TG32, Unit 3	Completed to the extent of inactive tests
3P075	Test Program for the start of commissioning VS switchboards, Unit 3	Program completed
3P076	Secured power supply category 1, Unit 3	Program completed
3P077	High voltage switchboard, Unit 3	Program completed
3P077B	High voltage switchboard, Unit 3, interconnections	Completed to the extent of inactive tests
3P078	Low voltage switchboard, unit 3	Program completed
3P079	Essential Service Water System, pumping station and forced draft cooling towers, Unit 3	Program completed
3P080	System of non-essential cooling water, pumping station and cooling towers Unit 3	Program completed
3P081	Cooling water Unit 3, functional tests program	Program completed
3P082	Distribution system for demi water, 1 MPa, Unit 3	Completed to the extent of inactive tests
3P083	Secondary circuit HVAC systems, Unit 3	Program completed
3P084	Test Program “Mobile Diesel Generator for Unit 4“	Program completed
3P085	Turbine hall condensate collection tank, Unit 3	Program completed
3P086	Main condensate system	Program implementation will be completed after cancellation of the secondary circuit conservation mode
3P087	Super emergency power supply, Unit 3	Program completed
3P088	Power supply system, Unit 3	Completed to the extent of inactive tests
3P089	Live steam system, Unit 3	Completed to the extent of inactive tests
3P090	Generator and auxiliaries	Completed to the extent of inactive tests
3P091A,B	Functional test of TG I&C, Unit 3	Completed to the extent of inactive tests
3P092, 3P093	Program of turbine functional tests	Completed to the extent of inactive tests
3P094	ASDR terminal tests	Completed to the extent of inactive tests

3P095	Program of generator functional tests and auxiliaries	Completed to the extent of inactive tests
3P096	DGS, Unit 3	Program completed
3P096A	Functional test of DGS I&C, Unit 3	Program completed
3P096B	Program of tests for DG Unit 3 - electrical part	Program completed
3P096C	Diesel generator Unit 3 - HVAC systems	Program completed
3P097	Program of EPS tests	Program completed
3P098	Low-pressure compressed air system, Unit 3	Program completed
3P099	Turbine vacuum system	Completed to the extent of inactive tests
3P100	Test Program for the Central Electrical Control Room, Unit 3	Program completed
3P101	Communication equipment and data network, Unit 3	Program completed
3P102	Distribution of technical gases	Program completed
3P103	Primary circuit cooldown system, Unit 3	Program completed
3P105	Chemical treatment of condensate (BÚK)	Additional modifications are underway on the system, program will be completed by the start-up of turbine hall (start of ES)
3P106	HP air Program, Unit 3	Program completed
3P107	Sampling System, Unit 3	Completed to the extent of inactive tests
3P110	Steam from auxiliary boiler room, Unit 3	Completed to the extent of inactive tests
3P111A	Integral test of I&C system, secondary circuit	Completed within the scope of inactive tests except for the BÚK part. Will be completed to start-up of the turbine hall (start of ES)
3P114	Functional tests of terminals from 6 kV and 0.4 kV switchboards for power supply of consumers of nuclear island	Program completed
3P122	Comprehensive tests electrical, Unit 3 under load	Program completed
3P127	Program of functional tests of essential and non-essential service water distribution, Unit 3	Program completed
3P133A, B	Program of functional tests of TXS system	Program completed
3P134	Switchgear (24 V) power supply test program for safety systems - Individual Test "B"	Program completed
3P135A	Test Program of reactor limitation system - Individual Test "B"	Program completed
3P135B	Test Program of reactor limitation system	Program completed
3P136	Test Program of post-accident monitoring system PAMS/SAMS	Program completed
3P137A1	Test Program of EXCORE system	Completed to the extent of inactive tests
3P137A2	Program of comprehensive testing of EXCORE system	Implementation will be completed after the establishment of controlled

		zone
3P137B	INCORE, Program of functional tests	Program completed
3P137B1	INCORE, Program of integral tests	Completed to the extent of inactive tests Implementation will be completed after the establishment of controlled zone
3P137C	Program of functional tests of neutron solution analyzers for NAR-I	Program completed
3P137C1	Program FuS PTK Boron	Program completed
3P137D	Program of functional tests RVLMS, CETM system	Program completed
3P137D2	RVLMS, Program FuS power supply equipment	Program completed
3P137E	INCORE, MS-S, Program of functional tests of power supply equipment	Program completed
3P137F	MS-S, Program of functional tests	Program completed
3P137F1	MS-S, Program of integral tests	Program completed
3P138A, B	Program of functional tests of TXS and AO RTB switches	Program completed
3P139	Program of testing the integration of bus-interconnected systems	Program completed
3P140A, B	Program test of reactor power management system RCS	Program completed
3P141A	Test Program for the main control system NI+CI - T2000 - Individual test "B"	Program completed
3P141B	Test Program of the main control system of nuclear and conventional island	Completed within the scope of inactive tests, except BÚK part. Will be completed at the start-up of the turbine hall (start of ES) Completed within the scope of inactive tests. Verification of the H3BO3 concentration measurements needs to be added. Technologically linked to increase in boric acid concentration to shutdown state. Will be completed before the start of commissioning
3P142	Test Program of primary circuit measurements	Program completed
3P143	Test Program for seismic monitoring system	Program completed
3P144A	Test Program "loop check" – TXS	Program completed
3P144B	Test Program "loop check" - T2000	Completed within the extent of inactive tests, except BÚK parts. Will be completed at the start-up of turbine hall (start of ES)
3P145	Program of testing electromagnetic compatibility of primary circuit	Program completed
3P146	Test Program of chemical monitoring system - Individual Test "B"	Program implementation not completed. Will be completed before the start of commissioning

3P147	MCS Single time system	Program completed
3P148	Test Program for TXS system resistance	Program completed
3P149	Functional test of the autonomous control and management system for secondary circuit HVAC	Program completed
3P150	Functional test of autonomous HVAC unit of split type (SPLIT)	Program completed
3P160	Secondary switchboards, LV, Unit 3, nuclear island	Program completed
3P161	Program of functional tests of heat removal system and combustion products – Unit 3	Program completed
8P056F	Program of functional tests of HVAC, A/C and I&C	Program completed
8P094	Test Program for ASDR system, common part	Program completed
8P115	Sludge conditioning	Completed implementation of the program in the range of operational requirements
8P116	Fire water system, seismically not resistant	Status stated in 8P116A, B, C, D, E.
8P116A	Fire extinguishing tests for Unit transformers	Program completed
8P116B	Fire extinguishing tests for stand-by transformers and station consumption transformers	Program completed
8P116C	Program of functional tests of fixed fire extinguisher for water mist seismically not resistant – Unit 3	Program completed
8P116D	Foam fixed fire extinguishers, oil tanks for TG	Program completed
8P116E	Fixed fire extinguisher seismically not resistant	Implementation completed to the extent of inactive tests
8P117	Fire water system seismically resistant	Program completed
8P117A	Program of functional tests of fixed fire extinguisher for water mist seismically resistant – Unit 3	Program completed
8P117B	Program of functional tests of fixed fire extinguisher FM200 seismically resistant – Unit 3	Program completed
8P117C	Program of functional tests of foam fixed fire extinguisher, DGS – Unit 3	Program completed
8P118	Chilled water system 6/12 °C	Program completed
8P119	Raw water treatment, Units 3&4	Program completed
8P120	Reserve water source	Program completed
8P121	Common diesel generator Units 3&4	Program completed
8P121A	Common diesel generator – electrical part	Program completed
8P121B	Separate I&C, common diesel generator	Program completed
8P125	Test of power supply and control of consumers designed to deal with severe accidents	Program completed
8P126	Functional test of autonomous system of high pressure air control and management	Program completed
8P128	Test of communication with the single time system	Program completed
8P129	HRS power loss test	Program completed
8P130	Functional test of HRS control system	Program completed
3P200	Pressure test program for detachable parts of the	Program completed

	primary circuit	
3P201	Program of cold hydraulic test	Program completed
3P202	Program of Unit 3 minor revision	Program completed
3P203	Program of hot hydraulic test, Unit 3	Program completed
3P204	Program of extended revision, Unit 3	Continuation after completion of PC conservation
3P205	Program for measuring hydraulic characteristics of primary circuit, R and VCR at 2. HS	Program completed
3P206	Determination of flow distribution unevenness	Program completed
3P207	Program of chemical regimes in individual stages of inactive tests	Program completed

In comparison with the draft decision in matters concerning the application of Slovenské elektrárne, a.s. for the issuance of a permit in administrative proceedings no. 2.1, no. 2.2 and no. 2.3, which was published as part of the supporting documentation for the Decision of 22 January 2021, the implementation of programs 3P019, 3P20 and 3P059 was completed. This fact is reflected in the table above. Other programs, the implementation of which is not completed for various reasons, are listed in condition B.1 of this Decision. The relevant reasons are set out in the text of condition B.1 of this Decision.

Some equipment and system testing programs are designed so that a certain part of the tests included in these programs can be performed only after the fuel loading into the Unit 3 reactor. The evaluation of the state of implementation of these programs in the table above "Implementation completed within the scope of inactive tests" means that all prescribed tests for the inactive test stage are completed. The equipment and systems according to these programs are ready for commissioning to the prescribed extent.

Proof of readiness, as well as the testing of equipment according to individual programs of inactive tests, were verified by ÚJD SR inspectors during inspections in Mochovce. Several of these programs are of omni-professional nature, and cannot be clearly assigned to specific permits under this Decision, namely the permit for commissioning of Unit 3 (in the operative part of the Decision designated as B), or the permit for the management of RAW, SNF and the management of nuclear materials – fresh nuclear fuel (in the operative part of the Decision designated as A). An example of such programs of inactive tests are the following programs: 3P065, 3P068, 3P070, 3P071, 3P072, 3P076, 3P077, 3P078, 3P080, 3P098, 3P114, 3P142, 3P145, 3P146, 3P160, 8P116, 8P116E, 8P117B and other, verifying the operability of equipment common to the operation of the Unit, RAW and SNF management, as well as fresh fuel management. Some of the equipment test programs can be clearly assigned to permits (A) or (B) from the operative part of this Decision according to the purpose of the tested equipment. RAW management equipment tests include programs 3P046A, B, C, D, 3P056E and 3P030. Testing of equipment for SNF management include the following programs: 3P019, 3P020 and 3P024. Testing of equipment for the management of nuclear materials within the scope of fresh fuel, excluding the fresh fuel node, include programs 3P010 and partly also 3P012.

Part of the activities related to the management of nuclear material (fresh nuclear fuel) is carried out outside the fresh fuel node, and is therefore beyond the scope of the permits for the management of fresh nuclear fuel in the fresh fuel node, authorized by ÚJD SR by its Decisions No. 277/2018 and No. 298/2018 of 29 October 2018, and confirmed by ÚJD SR appeal Decision No. 139/2019 P and No. 140/2019 P of 6 May 2019. Slovenské elektrárne, a. s. has installed equipment, which is designed to manage fresh nuclear fuel outside the fresh

fuel node and performs its testing. Taking these facts into account, and applying appropriately Section 19 par. 2 of the Code of Administrative Procedure, ÚJD SR issues by this Decision also permit for the management of nuclear materials (fresh nuclear fuel) pursuant to Section 5 par. 3 (g) of the Atomic Act within the scope of objects and facilities for the operation of Unit 3, and in the scope of objects and facilities common to Units 3&4 used for operation of Unit 3, excluding the fresh fuel node (management of nuclear material in the scope of handling and storage of fresh nuclear fuel in the fresh fuel node, ÚJD SR Decision No. 277/2018, confirmed by ÚJD SR Decision No. 140/2019 P).

- t) Population Protection Plans in case of incident or accident of nuclear installation, Nuclear Power Plant Mochovce, in the territorial districts of Banská Bystrica and Nitra Regions – reviewed by ÚJD SR Decision No. 135/2020 of 1 April 2020 and No. 232/2020 of 27 July 2020 and approved by the Ministry of Interior of the Slovak Republic on 8 September 2020 No. SKR-COPK2-2020/405-14 and on 27 November No. SKR-COPK22020/405-48.
 - u) Demarcation of the boundaries of a nuclear installation – approved by ÚJD SR Decision No. 922/2014 of 12 December 2014.
 - v) Definition of the size of the population protection zone – approved by ÚJD SR Decision No. 1040/2012 of 23 November 2012.
 - w) Documentation under the Building Act – was gradually submitted to oral hearings connected with visual inspections (local survey) for individual buildings of Unit 3 and common objects to Units 3&4, that are needed for operation of Unit 3.
- 10) Documentation submitted according to the Building Act for early use of the building required by Section 6 par. 2 (j) of the Atomic Act
- Slovenské elektrárne, a. s. submitted the documentation on oral hearings connected with visual inspections (local surveys) for individual objects of Unit 3 and common objects to Units 3&4, needed for operation of Unit 3.
- 11) Liability insurance for nuclear damage pursuant to Section 8 par. 1 and 2 of Act No. 54/2015 Coll. on civil liability for nuclear damage and its financial coverage, and on amendments to certain laws (hereinafter referred to as the “Act No. 54/2015 Coll.”).
- By letter ref. SE/2021/000479/Ov dated 7 January 2021, registered by ÚJD SR under No. 224/2021, Slovenské elektrárne, a. s. submitted notification on demonstration of financial coverage of operator liability for damage caused by a nuclear incident for the MO3&4 site, with effect from 1 January 2021, including the amount of the insurance contributions of the policyholders for that site. Annex to the letter was Insurance Contract No. EL044SR21 which covers the share of the coverage of the statutory limit of liability for nuclear damage of 59%. By letter dated 6 January 2021, registered by ÚJD SR under No. 296/2021, notification was received from the Slovak Nuclear Insurance Pool on provision of insurance cover for the nuclear operator’s liability for nuclear damage with a share of liability insurance coverage of 41 %. It is apparent from the documentation submitted that in the part of the obligation to cover liability for nuclear damage, the requirements for financial cover for nuclear liability are met in the prescribed manner and up to the limit laid down by the Act No. 54/2015 Coll.
- 12) Pursuant to Section 7 par. 5 of Atomic Act, a special condition for issuing permit according to Section 5 par. 3 (b), (f), (g) of Atomic Act, is the approval of the physical protection plan. ÚJD SR Decision No. 154/2018 of 24 May 2018 approved the document “Physical Protection Plan of MO3&4 UČP/fresh fuel node“, edition 1, revision 0. ÚJD SR Decision No. 280/2018 of 10 October 2018 approved a changes to the document “Physical Protection Plan for MO3&4 UČP“, edition 1, revision 0 to the extent of the document sent: “Physical Protection Plan for MO3&4 UČP“, edition 1, revision 1, and Decision No. 134/2019 of 13 May 2019, approved changes to the document “Physical Protection Plan for MO3&4 UČP“, edition 1, revision 0, and its change approved by ÚJD SR within the sent document “Physical Protection Plan for MO3&4 UČP“, edition 1, revision 2. ÚJD SR Decision No. 39/2020 of 30 January 2020 approved the change to the physical protection plan for MO3&4 UČP within the scope of the document “Physical Protection Plan for MO3&4 UČP“, edition 1, revision 3. The ÚJD SR Decision no. 328/2020 of 12 December 2020 approved changes in physical protection for MO3&4 UČP to the extent of

submitted document “Physical Protection Plan for MO3&4 UČP” 1st edition, revision 2. The ÚJD SR Decision No. 260/2018 of 14 September 2018 approved the “Physical Protection Plan for SE-MO3&4“, edition 1, revision 0. ÚJD SR Decision No. 281/2018 of 10 October 2018 approved the change to the document “Physical Protection Plan for SE-MO3&4“, edition 1, revision 0 within the scope of the document “Physical Protection Plan for SE-MO3&4“, edition 1, revision 1, and ÚJD SR Decision No. 133/2019 of 13 May 2019 approved changes to the document “Physical Protection Plan for SE-MO3&4“, edition 1, revision 0, and its change approved by ÚJD SR within the scope of the document “Physical Protection Plan for SE-MO3&4“, edition 1, revision 2. ÚJD SR Decision no. 178/2020 of 6 June 2019 approved changes in physical protection plan for MO3&4 to the extent of the submitted document “Physical Protection Plan for SE-MO3&4” 1st edition, revision 3. ÚJD SR Decision no. 329/2020 of 2 December 2020 approved changes in physical protection plan for MO3&4 to the extent of submitted document “Physical Protection Plan for SE-MO3&4” 1st edition, revision 4. The justification for fulfilling this requirement is the same as fulfilling the requirement according to Section 26 par. 10 of the Atomic Act.

- 13) Information required by a special regulation – Treaty establishing the European Atomic Energy Community pursuant to Section 12 par. 5 of the Atomic Act.
- Slovenské elektrárne, a.s. submitted a letter SE/2016/067700 on sending of basic technical characteristics (hereinafter only as the “BTC“) ÚJD SR, and a letter SE/2016/007696 on sending BTC to the European Commission, with the attached Report on the basic technical parameters for MO3&4 site. The submission of the report is in accordance with Article 4 of Commission Regulation (Euratom) No. 302/2005 of 8 February 2005 on the application of the Euroatom safeguards scheme. BTC was updated as at 23 March 2018 and sent by Slovenské elektrárne, a. s., letter SE/2018/021092 of 5 April 2018, and then as at 27 August 2020.
 - Slovenské elektrárne, a. s. submitted a report to ÚJD SR on the implementation of the project of surveillance equipment of the International Atomic Energy Agency (hereinafter referred to as the “IAEA“) and of the European Commission.
 - The surveillance equipment was installed by a responsible staff member of the European Commission on 10 and 11 December 2019. The functionality of the IAEA and European Commission surveillance equipment was confirmed by IAEA and European Commission inspectors during international inspection No. 828/2020 held on 29 October 2020, which focused on the registration and control of nuclear materials.

Explanation of the division of administrative proceedings according to their substantive focus: By Decision No. 334/2017 of 23 August 2017, ÚJD SR sub-divided the application of Slovenské elektrárne, a. s. for the issue of permits related to the commissioning of MO3&4 into administrative proceedings Nos. 1.1, 1.2 and 1.3 (related to the fresh fuel node), Nos. 2.1, 2.2 and 2.3 (related to Unit 3), and Nos. 3.1, 3.2 and 3.3 (related to Unit 4) due to the dual-unit structure of the MO3&4 plant, and the time sequence of anticipated activities during the gradual preparation of equipment, systems and buildings of MO3&4 for commissioning. Part of the documentation submitted by Slovenské elektrárne, a. s. under administrative proceedings 2.1, 2.2 and 2.3 relate only to Unit 3 and facilities common to Units 3&4, which are needed for operation of Unit 3, part of the documentation demonstrated compliance with the requirements of the legislation in force not only for Unit 3 and common facilities to Units 3&4, which are needed for operation of Unit 3, but also for Unit 4, or for nuclear installation of MO3&4 as a whole – in particular documentation listed in points 7), 9f), 9h) to 9j), 9l) to 9o), 9t) to 9v), 11) and 12). ÚJD SR reviewed this documentation in full, which indeed exceeds the scope required for administrative proceedings 2.1, 2.2 and 2.3.

By letter reg. No. 7772/2018 dated 4 December 2018, the first-instance administrative authority requested the Chairperson of ÚJD SR as the Appellate Administrative Authority in accordance with Section 58 par. 1 and Section 61 par. 2 of the Code of Administrative Procedure for the extension of the time period for taking the decision in administrative proceedings 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 authority justified its request by the large extent of inspection activities to be carried out

before the start of commissioning of Unit 3 of MO3&4, in order to fully comply with Section 46 of the Code of Administrative Procedure, which provides that the Decision must be based on a reliably established state of affairs. The Chairperson of ÚJD SR complied with the request of the first-instance administrative authority and extended the time period for taking the decision by 6 months. The parties and other authorities concerned were informed about the extension of the period by ÚJD SR letters reg. No. 157/2019, 158/2019 and 7058/2018 dated 7 January 2019.

The fulfilment of the conditions of the ÚJD SR Decision No. 266/2008, relating to Unit 3, is as follows:

- Condition 1 and 2 (Condition 1 “In accordance with the best international practice, to complete the project of nuclear installation of Units 3&4 of Mochovce with reference scenario, involving deterministic effect from an external source, e.g. the impact of a small aircraft and submit it to ÚJD SR for review“, and Condition 2 “Based on a scenario developed according to Condition 1, assess the functional resilience potential of Units 3&4 design of NPP Mochovce, and apply appropriate additional systems, structures or components in the design, as well as NPP management strategies, in order to ensure its resilience to possible deterministic effects from an external source, e.g. deliberate impact of a small aircraft, so as to bring the project in line with the best international practice. Relevant changes to the basic design to be submitted to ÚJD SR in accordance with the applicable legislation“). Slovenské elektrárne, a. s. submitted the relevant documents to the ÚJD SR. Their contents is classified. ÚJD SR issued Decision No. 290/2010 of 16 August 2010, permitting the construction of a protective barrier. Related documentation is subject to classified information regime pursuant to Act No. 215/2004 Coll. on the protection of classified information and on amendments to certain laws as amended (hereinafter only as “Act No. 215/2004 Coll.“), and for this reason it has not been disclosed to the public. ÚJD SR considers conditions 1 and 2 of the Decision No. 266/2008 to be fulfilled.
- Condition 3 (In accordance with established practice at Slovak nuclear installations in operation with good international practice, and with the recommendations given in the IAEA Doc. NS-G-1.10, to implement double seals on all hermetic doors and hermetic hatches at the containment boundaries of a nuclear installation Units 3&4, with the possibility of testing the space between the seals. The modification in question was implemented and its implementation was checked by the ÚJD SR inspectors directly in Mochovce.
- Conditions 4, 5, and 6 (Supplement more specified calculations of seismic resistance of equipment, whose seismic resistance is required by the basic design and their verification by an independent organization, develop instructions for authors of detailed designs for calculations of anchoring components, whose seismic resistance is required and to ensure independent inspection of a detailed designs of all operational sets containing seismically qualified components). Slovenské elektrárne, a. s. submitted the required documentation to ÚJD SR and ÚJD SR confirmed compliance with the conditions of the Decision No. 266/2008 in writing (ÚJD SR letter reg. No. 4989/2015 dated 6 August 2015 – Condition No. 4, letter reg. No. 443/320-150/2009 dated 4 May 2009 – Condition 5 and letter reg. No. 4989/2015 dated 6 August 2015 – Condition 6).
- Condition 7 (Ensure that re-assessment of nuclear safety is carried out at the next stages of the nuclear project in accordance with the requirement of Annex 3 part B (I) (A) (u) of the ÚJD SR Decree No. 50/2006, laying down details of nuclear safety requirements for nuclear installations during their siting, design, construction, commissioning, operation, decommissioning and when closing a repository, as well as criteria for categorization of safety related equipment into safety classes (hereinafter only as “Decree No. 50/2006“) in the text effective at the date of issue of the Decision No. 266/2008. This requirement is stated in Annex 3 part B (I) (A) par. 20 of the Decree No. 430/2011. Compliance with this condition was confirmed by ÚJD SR letter reg. No. 1104/320-353/2009. All modifications to the basic design are made by the author of the basic design, and the author of the basic design confirms the compliance of the design and the detailed design documentation with the basic design. ÚJD SR approves the documentation of the license holder in accordance with the

requirements of the Atomic Act and related ÚJD SR decrees. Nuclear safety assessment is contained in the PSR of MO3&4.

- Condition 8 (Take actions referred to in Chapter 7.5 of the Interim Safety Report to ensure a risk balance in terms of the probabilistic safety assessment between the power and no power states of operation of a nuclear installation. Technical report on the modifications made to be submitted to ÚJD SR) – this condition is fulfilled in the current revision of the PSA study. The risk between power and no power states is balanced.

Compliance with the conditions of ÚJD SR Decision No. 267/2008 is incorporated in the relevant chapters of PSR MO3&4, as follows:

- Condition 1 from the annex to the Decision (Add to the relevant part of Chapter 7 of PSR of MO3&4 a categorization of the list of postulated initiation events according to the frequency of possible occurrence as required by Annex 3, 3 Part B (I) (A) (I) of the Decree No. 50/2006 in force on the date of issue of the Decision No. 267/2008: – incorporated in Chapter 7.3.0 PSR of MO3&4. The above requirement of ÚJD SR Decree No. 50/2006 as in force at the date of Decision No. 267/2008, is identical with that of Annex 3 part B (I) (A) par. 12 of Decree No. 430/2011,
- Condition 2 from annex to the Decision (For analysed postulated initiation events to incorporate into the relevant part of Chapter 7 of PSR MO3&4, the requirement in accordance with Annex 3 part B (I) (B) (3) (a) of Decree No. 50/2006 in force on the date of issue of the Decision No. 267/2008 – is incorporated in Chapter No. 7.4 of PSR of MO3&4. The above requirement of Decree No. 50/2006 in force on the date of issue of the Decision No. 267/2008 in the current legislation is stated in Annex 3 Part B (I) (B) par. 3 (a) of Decree No. 430/2011,
- Condition 3 from the annex to the Decision (For analysed postulated initiation events to incorporate into the relevant part of Chapter 7 of PSR MO3&4, the requirement in accordance with Annex 3 part B (I) (B) par. 3 (c) of Decree No. 50/2006 in force on the date of issue of the Decision No. 267/2008 – is incorporated in Chapter 7.4 of PSR of MO3&4. The above requirement of Decree No. 50/2006 in force on the date of issue of the Decision No. 267/2008 in the current legislation is stated in Annex 3 part B (I) (B) par. 3 (c) of Decree No. 430/2011,
- Condition 4 from annex to the Decision (Add to the relevant part of Chapter 6 of PSR of MO3&4 an analysis of the effects of postulated initiation events for those systems and components, for which such an assessment is not specified, or to evaluate the possibility of influencing the operation of these systems and components in terms of the effect of external postulated initiation events in accordance with Annex 3 part B (I) (H) par. 7 of Decree No. 50/2006 in force on the date of issue of the Decision No. 267/2008 – incorporated in Chapter 6.0 of PSR of MO3&4. The above requirement of Decree No. 50/2006 in force on the date of issue of the Decision No. 267/2008 in the current legislation is stated in Annex 3 part B (I) (H) par. 7 of Decree No. 430/2011,
- Condition 5 from annex to the Decision (Amend Chapter 7.4.20 PSR of MO3&4 so that compliance with the requirement of Annex 3 part B (II) (E) par. 2 (a) (2) of Decree No. 50/2006 in force on the date of issue of the Decision No. 267/2008 is fully demonstrated, and taking into account current best practice in this area – is incorporated in Chapters 7.2.3.2 and 7.4 of PSR of MO3&4. The above requirement of Decree No. 50/2006 in force on the date of issue of the Decision No. 267/2008 is identical with the requirement of Annex 3 part B (II) (E) par. 2 (a) (2) of Decree No. 430/2011,
- Condition 6 from annex to the Decision (Amend Chapter 14 of PSR of MO3&4 to include the requirements and state the method of their fulfilment in order to maintain subcriticality in RAW management in accordance with the requirement of Section 21 par.3 (a) of Act No. 541/2004 Coll. in force on the date of issue of the Decision No. 267/2008 – is incorporated in Chapter 14 of PSR of MO3&4. The above requirement of the Act No. 541/2004 Coll. in force on the date of issue of the Decision No. 267/2008 in the current legislation is identical with the requirement of Section 21 par. 4 (a) of the Atomic Act,
- Condition 7 from annex to the Decision (Amend Chapter 14 of PSR of MO3&4 to include requirements and indicate how they are fulfilled to provide for residual heat removal in RAW

management in accordance with the requirement of Section 21 par. 3 (b) of Act No. 541/2004 Coll. in force on the date of issue of the Decision No. 267/2008 – is incorporated in Chapter 14 of PSR of MO3&4. The above requirement of Act No. 541/2004 Coll. in force on the date of issue of the Decision No. 267/2008 in the current legislation is identical with the requirement of Section 21 par. 4 (b) of the Atomic Act,

- Condition 8 from annex to the Decision (Amend Chapter 14.6 of PSR of MO3&4 to include requirement according to Section 21 par. 10 of Act No. 541/2004 in force on the date of issue of the Decision No. 267/2008) – is incorporated in Chapter 14 of PSR of MO3&4. The above requirement of Act No. 541/2004 in force on the date of issue of the Decision No. 267/2008 in the current legislation is stated in Section 21 par. 11 of the Atomic Act,
- Condition 9 from annex to the Decision (Amend Chapter 14.6 of PSR of MO3&4 to include requirement that RAW samples are stored until received at the repository in accordance with the requirement of Section 3 par. 3 of Decree No. 53/2006 in force on the date of issue of the Decision No. 267/2008 – is incorporated in Chapter 14 of PSR of MO3&4. The above requirement of Decree No. 53/2006 in force on the date of issue of the Decision No. 267/2008 in the current legislation is stated in Section 3 par. 3 of ÚJD SR Decree No. 30/2012, laying down the details of requirements for the management of nuclear materials, radioactive waste and spent nuclear fuel as amended by Decree No. 101/2016 (hereinafter only as the “Decree No. 30/2012”) stated as follows: “At the crucial points of radioactive waste management, the license holder, pursuant to Section 5 par. 3 (f) of Atomic Act, takes samples, analyses and stores representative samples for documenting and evaluating radioactive waste management. Samples shall be kept until the radioactive waste is received at the repository and samples from the waste characterization during operation of the repository shall be kept until the end of operation of the repository“,
- Condition 10 from annex to the Decision (Relevant parts of Chapter 9 of PSR of MO3&4 to be supplemented with requirements for coordination of records of also other nuclear materials, such as fresh nuclear fuel and SNF) – is incorporated in Chapter 9.5 PSR of MO3&4,
- Condition 11 from annex to the Decision (Align the classification of nuclear materials in Chapter 9.5.5 of PSR with the Commission Regulation (Euratom) 302/2005, and to add the possibility to send nuclear materials from MBAs created in a nuclear installation of MO3&4) – is incorporated in Chapter 9.5 PSR of MO3&4,
- Condition 12 from annex to the Decision (In Chapter 11.05 of PSR of MO3&4, take into account radiation protection quality assurance program according to Annex 4 to Act No. 355/2007 Coll., as in force on the date of the Decision No. 267/2008 – is incorporated in Chapter 11.5 of PSR of MO3&4. Applicable Act No. 87/2018 Coll. includes an analogous requirement set out in part 2 of the Documentation for the application for permit,
- Condition 13 from annex to the Decision (Relevant parts of Chapter 11 of PSR of MO3&4 to be redrafted in a way to sufficiently utilize experience and knowledge from the operation of Units 1&2 of Mochovce NPP in the field of radiation protection) – incorporated in Chapter 11.5 of PSR of MO3&4,
- Condition 14 from annex to the Decision (In the section of Chapter 11 of PSR of MO3&4, describing sources of radiation, add gamma and neutrons overlaps and to describe possible measures to exclude or limit overlaps) – incorporated in Chapter 11.2 of PSR MO3&4,
- Condition 15 from annex to the Decision (In the section of Chapter 11 of the Report, describing radiation sources, to supplement information on experience with the application of chemical regimes at Units 1&2 of Mochovce NPP in connection with radiation protection) – incorporated in Chapter 11.2 of PSR of MO3&4,
- Condition 16 from annex to the Decision (In the section of Chapter 11 PSR of MO3&4, to complement radiation protection objectives, such as dose limit for workers, regulatory levels for individual exposure and objectives in the field of collective dose) – incorporated in Chapter 11.5 of PSR of MO3&4,
- Condition 17 from annex to the Decision (In the section of Chapter 11 of PSR of MO3&4, to add an assessment on how the operation of Units 3&4 will affect individual doses of personnel

- working on all four Units of this power plant) – incorporated in Chapter 11.5 of PSR of MO3&4,
- Condition 18 from annex to the Decision (In Chapter 11 of PSR of MO3&4, add a statement that the provision of radiation protection is a primary condition for the safe operation of a nuclear installation, and for this purpose the department providing radiation protection management should be independent of economic and operational indicators) – incorporated in Chapter 11.5 of PSR MO3&4,
 - Condition 19 from annex to the Decision (In Chapter 11 of PSR of MO3&4, complete, evaluate and emphasize the importance of the professional representative for radiation protection, his competencies, rights and obligations) – incorporated in Chapter 11.5 of PSR of MO3&4,
 - Condition 20 from annex to the Decision (In Chapter 11 of PSR of MO3&4, reclassify work activities in the controlled zone into the relevant categories of risk rights in accordance with applicable legislation of the Slovak Republic) – incorporated in Chapter 11.5 of PSR of MO3&4,
 - Condition 21 from annex to the Decision (In the relevant sections of PSR of MO3&4, to supplement the analysis of the possibility of errors and their consequences (FMEA) of all relevant systems, which will fully demonstrate the consequences of individual failures of elements on the operability of the system) – incorporated in Chapter 6.5.3 of PSR of MO3&4,
 - Condition 22 from annex to the Decision (In the relevant sections of PSR of MO3&4 to supplement the analysis of internal flooding within the scope of the requirements of Chapter 2.5.4.3 of the approved requirements for the quality of nuclear installation of Units 3&4) – incorporated in Chapters 7.2.3.1 and 6.10 PSR MO3&4,
 - Condition 23 from annex to the Decision (In the relevant parts of Chapters of PSR of MO3&4, complement an analysis of events related to fires and flooding that are caused by seismic event in accordance with the requirements of the IAEA guide GS-G-4.1, 3.68 b) – incorporated in Chapters 7.2.3.2 and 6.0 of PSR of MO3&4,
 - Condition 24 from annex to the Decision (The process of commissioning of a nuclear installation, described in Chapter 8 of PSR of MO3&4, to be brought in line with the requirements of Annex 4, part B (II) (A) (1) of Decree No. 50/2006 as amended as of the date of issue of the Decision No. 267/2008 – Chapter 8 PSR of MO3&4, redrafted according to Annex 4 part B (II) (A) (1) of Decree No. 430/2011,
 - Condition 25 from annex to the Decision (Recalculate LERF and CDF values stated in Chapter 7.5.1 of PSR MO3&4 for a shut-down reactor) – incorporated in Chap. 7.3 PSR of MO3&4,
 - Condition 26 from annex to the Decision (Edit the content of Chapter 5.1.1.3 of PSR of MO3&4 in such a way that it is fully compliant and demonstrates clear compliance with the requirements set out in Annex 3 part B (I) (C) (1) of Decree No. 50/2006, as amended as of the date of issue of the Decision No. 267/2008 – incorporated in Chapters 5.1 and 5.2 PSR of MO3&4. The above requirement of the Decree No. 50/2006 as amended as of the date of issue of the Decision No. 267/2008, is stated in Annex 3 part B (I) (C) (1) (c) of Decree No. 430/2011,
 - Condition 27 from annex to the Decision (Add to the relevant parts of Chapters 5.2 and 7.4 of the Report, an information, to what limit values the boundary conditions of systems and components important in terms of nuclear safety, are designed in accordance with the requirement stated in Annex 3 part B (I) (F) (1) Decree No. 50/2006 as amended as of the date of issue of the Decision No. 267/2008 – incorporated in Chapters 5.2 and 7.4 of PSR of MO3&4. The above requirement of Decree No. 50/2006 as amended as of the date of issue of the Decision No. 267/2008, is set out in Annex 3 part B (I) (F) (1) of Decree No. 430/2011,
 - Condition 28 from annex to the Decision (Add to the relevant safety analysis for non-power operating modes and shut-down reactor, application of simple failure criterion in accordance with the requirement set out in Annex 3 part B (I) (H) (1) Decree No. 50/2006 as amended as of the date of issue of the Decision No. 267/2008 – incorporated in Chapter 7.4 of PSR of

- MO3&4. The above requirement of Decree No. 50/2006 as amended as of the date of issue of the Decision No. 267/2008, is stated in Annex 3 part B (I) (H) (1) of Decree No. 430/2011,
- Condition 29 from annex to the Decision (Add the relevant chapter of PSR of MO3&4 on possible non-fulfilment of the simple failure criterion together with the reasoning in accordance with the requirements stated in Annex 3 part B (I) (H) (4) of ÚJD SR Decree No. 50/2006 as amended as of the date of issue of the Decision No. 267/2008 – incorporated in Chapter 7.4 of PSR of MO3&4. The above requirement of Decree No. 50/2006 as amended as of the date of issue of the Decision No. 267/2008, is stated in Annex 3 part B (I) (H) (4) of Decree No. 430/2011,
 - Condition 30 from annex to the Decision (To relevant chapters of PSR of MO3&4, add an analysis of the risk of explosion or fire to determine the required fire resistance of fire-separation structures according to the requirement set out in Annex 3 part B (I) (I) (5) of ÚJD SR Decree No. 50/2006, as amended as of the date of issue of the Decision No. 267/2008 – incorporated in Chapters 7.2.3.1 and 7.2.3.2 of PSR of MO3&4.
 - Condition 31 from annex to the Decision (To relevant parts of PSR of MO3&4, add an analysis of the combination of the effects of phenomena caused by natural conditions and human activity, in accordance with the requirement set out in Annex 3 part B (I) (J) par. 2 (b) No. 50/2006, as amended as of the date of issue of the Decision No. 267/2008 – incorporated in Chapter 7.2.3.2 of PSR of MO3&4.
 - Condition 32 from annex to the Decision (Complete safety analyses to fully comply with the requirements set out in Annex 3 part B (II) (F) of Decree No. 50/2006, as amended as of the date of issue of the Decision No. 267/2008 – the requirement is incorporated in Chapter 7.2.3.1 PSR of MO3&4. The above requirement of Decree No. 50/2006 as amended as of the date of issue of the Decision No. 267/2008, is stated in Annex 3 part B (II) (G) of the Decree No. 430/2011

By letter reg. No. 4594/2019 dated 25 June 2019, the first-instance administrative authority requested the Chairperson of ÚJD SR, as the appellate body pursuant to Section 58 par. 1 and Section 61 par. 2 of the Code of Administrative Procedure, and following Section 49 par. 2 of the Code of Administrative Procedure, for extension of the time limit for taking a decision in administrative proceedings Nos. 2.1 and 2.2 by 6 months. The first instance administrative authority justified its request by a large scope of control activities to be carried out after completion of the hot hydrotest at Unit 3, in particular by verifying full completion of all erection and installation work in the hermetic zone, by verifying the rectification of deficiencies and punch list items, as well as checking the readiness of the Unit for its re-heating, so that Section 46 of the Code of Administrative Procedure stating that the decision must be based on a reliably established state of affairs, is fully complied with. The Chairperson of ÚJD SR complied with the request of the first instance administrative authority and extended the time limit for the decision by 6 months. The parties and other authorities concerned were informed of the extension of the time limit for the decision by letters of ÚJD SR reg. No. 4683/2019 and 4681/2019 of 28 June 2019.

Slovenské elektrárne, a. s. gradually notified the ÚJD SR of the readiness of individual buildings of Unit 3, or common buildings for pre Units 3&4, which are necessary for operation of Unit 3, to continue the proceedings on the application of Slovenské elektrárne, a. s. for the issue of permit for early use of the building. ÚJD SR, using graded approach, properly evaluated the importance of these buildings for nuclear safety. Only after confirmation of the readiness of the decisive buildings to hold public hearings related to visual inspections (local surveys), in particular the main generation block, the auxiliary building and diesel generator station, it considered that the conditions for the continuation of administrative proceedings No. 2.3 were fulfilled, ÚJD SR notified the parties by letters reg. No. 6122/2019, 6124/2019 and 6125/2019 of 23 August 2019, of the continuation of the administrative proceedings No. 2.3 from 19 August 2019. Information on the continuation of the proceedings was published on the Central Official Electronic Notice Board of the Central Public Administration Portal www.slovensko.sk (hereinafter referred to as the Central Official Electronic

Notice Board “COENB”), in the form of a public decree at the municipal offices of Kalná nad Hronom and Nový Tekov, and the ÚJD SR website.

ÚJD SR, taking into account the requests of the representatives of the public authorities concerned (in particular the Fire and Rescue Services of SR and the Labour Inspectorate), and in accordance with the proposals of Slovenské elektrárne, a. s., organized hearings related to visual inspections (local surveys) by individual buildings partially, so that the representatives of these state authorities have optimal conditions for carrying out the assessment of the situation in the areas that are within their competence.

Public hearings associated with visual inspections (local surveys) were held due to the large number of individual buildings and their extent, step-by-step for individual buildings (groups of buildings) or floors thereof, within the deadlines set by ÚJD SR. Notices on the dates of hearings related to visual inspections (local surveys) were also published on the official notice board and on the website of the municipality of Kalná nad Hronom, on the electronic notice board and website of ÚJD SR, and on the COENB .

The proposal for the early use of individual buildings /floors has been examined at the site. The builder submitted the following documents for individual hearings linked to visual inspections (local surveys):

- A copy of the Final Building Permit,
- The Design Documentation certified by the building authority in the building procedure,
- Modifications to the Basic Design that are related to the relevant building,
- Accompanying technical documentation and construction logbooks.

The current status of individual buildings is in accordance with the documentation required by the conditions of the ÚJD SR Decision No. 246/2008 of 14 August 2008 on the permit of modification of the building before completion, which was confirmed by ÚJD SR Decision No. 291/2014 of 23 May 2014. The issue of ÚJD SR Decision No. 291/2014 was preceded by an appeal procedure, in which ÚJD SR Decision No. 79/2009 was issued. The ÚJD SR Decision No. 79/2009 was challenged by an action before the Regional Court Bratislava. Following an appeal against the decision of the Regional Court Bratislava, the Supreme Court of the Slovak Republic issued a ruling, referring the case to the ÚJD SR for a new proceeding. As a result of the new procedure, a new second-instance ÚJD SR Decision No. 291/2014 was issued, which confirmed Decision No. 246/2008.

Technological equipment in individual buildings has been tested/testing according to the prescribed programs and their readiness for commissioning has been evidenced in the rest reports in accordance with the state of their tests. Inspections for individual buildings were performed in MO3&4 as follows:

No.	Name of object/building	date	Status of object
1.	Drinking water main Fire water main Drainage of in-plant siding	6 February 2019	suitable for early use of building
2.	Side gate and fencing	8 January 2019	suitable for early use of building
3.	Sewage system Fire and service water main Thermal network Foundations of piping bridge	2 April 2019	suitable for early use of building
4.	Rainwater drainage Pumping of diesel and oil II. HVB	17 April 2019	suitable for early use of building
5.	Power lines, Industrial sewerage Colling water pipeline in towers circuit,	30 April 2019	suitable for early use of building

No.	Name of object/building	date	Status of object
	Channels in towers circuit.		
6.	Reactor building II. HVB +22.20 m, +29.10 m, +32.93 m, 34.20 m	25 June 2019	suitable for early use of building
7.	Oil management DGS Active auxiliary building. +18.60 m, +25.20 m	27 June 2019	suitable for early use of building
8.	Forced cooling towers II-1, II-2, II-3	9 July 2019	suitable for early use of building
9.	Cover of mobile DG Unit 4	4 July 2019	suitable for early use of building
10.	SHN Unit 3	4 July 2019	suitable for early use of building
11.	Fuel oil system II.HVB	4 July 2019	suitable for early use of building
12.	Switch yard 110 kV and 400 kV	4 July 2019	suitable for early use of building
13.	Pumping station TVD II. HVB	9 July 2019	suitable for early use of building
14.	Central Pumping Station, Non-essential service water and non-system firewater II. HVB	25 July 2019	suitable for early use of building
15.	High pressure compressor station II. HVB	25 July 2019	suitable for early use of building
16.	DGS II. HVB	25 July 2019	suitable for early use of building
17.	Air duct to stack	30 July 2019	suitable for early use of building
18.	Bridge between I.HVB and II. HVB	30 July 2019	suitable for early use of building
19.	Draft cooling tower 41	30 July 2019	suitable for early use of building
20.	Draft cooling 32	30 July 2019	suitable for early use of building
21.	Trenches and channels of power cables – Part 2	27 August 2019	suitable for early use of building
22.	Bridge between II.HVB and SO 801/1-02	27 August 2019	suitable for early use of building
23.	Vent stack	27 August 2019	suitable for early use of building
24.	Backup water source – 2.HVB	27 August 2019	suitable for early use of building
25.	Common diesel generator station II. HVB	3 September 2019	suitable for early use of building
26.	Active auxiliary building -0,90 m, +5,10 m	5 September 2019	suitable for early use of building
27.	Reactor Hall II. HVB, floors -10.5 m and -6,500 m	10 September 2019	suitable for early use of building
28.	Reactor Hall II. HVB in the extent of floors ±0,00 m, +3,00 m	12 September 2019	suitable for early use of building
29.	Reactor Hall II. HVB in the extent of floors +6,00 m	17 September 2019	suitable for early use of building
30.	Reactor Hall II. HVB in the extent of floors +10,500 m	19 September 2019	suitable for early use of building

No.	Name of object/building	date	Status of object
31.	Reactor Hall II. HVB floor -2.80 m	26 September 2019	suitable for early use of building
32.	Base of the transformer oil tanks II. HVB	26 September 2019	suitable for early use of building
33.	Base of the cross rail for transformers II. HVB	26 September 2019	suitable for early use of building
34.	Premises of the electrical equipment along the Unit 3 and 4 floor +0,00 m	8 October 2019	suitable for early use of building
35.	Premises of the electrical equipment along the Unit 3 and 4 floor +0,00 m and +5,40 m	8 October 2019	suitable for early use of building
36.	Premises of the electrical equipment along the Unit 3 and 4 floor -6,40m and -5,70m	8 October 2019	suitable for early use of building
37.	Industrial air-conditioning	30 April 2019	stated in point 5
38.	Pipeline channels – Part 2	1 October 2019	suitable for early use of building
39.	Reactor Hall II. HVB in the extent of floor +14,100 m	10. October 2019	suitable for early use of building
40.	Reactor Hall II. HVB in the extent of floor +18,900 m	10. October 2019	suitable for early use of building
41.	Active auxiliary building +10,80 m	15 October 2019	suitable for early use of building
42.	Premises of the electrical equipment along the Unit 3 and 4, floor +5,40 m	17 October 2019	suitable for early use of building
43.	Premises of the electrical equipment along the Unit 3 and 4, floor -8,40 m, -7,95 m	17 October 2019	suitable for early use of building
44.	Premises of the electrical equipment transversely of Unit 3 (-7,0m)	22 October 2019	suitable for early use of building
45.	Premises of the electrical equipment along the Unit 3 and 4 (-3,6m)	22 October 2019	suitable for early use of building
46.	Premises of the electrical equipment transversely of Unit 3 (-3,6m)	22 October 2019	suitable for early use of building
47.	Premises of the electrical equipment along the Unit 3 and 4, floor +9,60 m	24 October 2019	suitable for early use of building
48.	Premises of the electrical equipment along the Unit 3 and 4, floor +18,60 m	24 October 2019	suitable for early use of building
49.	Premises of the electrical equipment along the Unit 3 and 4, floor +39,50 m	29 October 2019	suitable for early use of building
50.	Premises of the electrical equipment along the Unit 3 and 4, floor +14,70 m	29 October 2019	suitable for early use of building
51.	Turbine Hall II. HVB floor +3.80 m	5 November 2019	suitable for early use of building
52.	Turbine Hall II. HVB floor +4.70 m	5 November 2019	suitable for early use of building
53.	Turbine Hall II. HVB floor +6.70 m	7 November 2019	suitable for early use of building
54.	Turbine Hall II. HVB floor +7,50 m	7 November 2019	suitable for early use of building

No.	Name of object/building	date	Status of object
55.	Premises of the electrical equipment along the Unit 3 and 4, floor +22,50m	12 November 2019	suitable for early use of building
56.	Premises of the electrical equipment along the Unit 3 and 4, floor +26,750m	12 November 2019	suitable for early use of building
57.	Premises of the electrical equipment along the Unit 3 and 4, floor +31,00m	14 November 2019	suitable for early use of building
58.	Premises of the electrical equipment along the Unit 3 and 4, floor +35,50m	14 November 2019	suitable for early use of building
59.	Premises of the electrical equipment transversely of Unit 3, floor: +9,6m	19 November 2019	suitable for early use of building
60.	Premises of the electrical equipment transversely of Unit 3, floor: +14,7m	19 November 2019	suitable for early use of building
61.	Premises of the electrical equipment transversely of Unit 3, floor: +20,00m	19 November 2019	suitable for early use of building
62.	Turbine Hall II.HVB Floor: -3,10m	21 November 2019	suitable for early use of building
63.	Turbine Hall II.HVB Floor: -5,5m	21 November 2019	suitable for early use of building
64.	Turbine Hall II.HVB Floor: +0,00m	21 November 2019	suitable for early use of building
65.	Decarbonization and water treatment	22 November 2019	suitable for early use of building
66.	Piezometers – Part 2	22 November 2019	suitable for early use of building
67.	Internal roads – Part 2	22 November 2019	suitable for early use of building
68.	Pipeline laying to +-0,00 – Part 2	22 November 2019	suitable for early use of building
69.	Cooling water pipeline in tower circuit II.HVB	22 November 2019	suitable for early use of building
70.	Draft cooling tower 31	22 November 2019	suitable for early use of building
71.	Turbine hall II.HVB floor +9,60m	26 November 2019	suitable for early use of building
72.	Turbine hall II.HVB floor +13,80m	26 November 2019	suitable for early use of building
73.	Turbine hall II.HVB floor +32,50m	26 November 2019	suitable for early use of building
74.	Main grounding grid – Part 2	28 November 2019	suitable for early use of building

No.	Name of object/building	date	Status of object
75.	Tranches and channels of power cables - part 1	28 November 2019	suitable for early use of building
76.	Exterior lighting – Part 2	28 November 2019	suitable for early use of building
77.	Cable channels of main cooling towers II HVB	28 November 2019	suitable for early use of building

On 27 November 2019, an oral hearing was held in connection with the local survey of buildings of Unit 3, and within the scope of buildings and facilities common to Units 3&4, which are necessary for the operation of Unit 3 in connection with the application for permission for early use of the Mochovce Nuclear Power Plant, WWER 4x440 MW, Project 3. The ÚJD SR notified the parties in writing about the date of the oral hearing connected with local survey – by letters reg. No. 7860/2019, 7864/2019 and 7865/2019 dated 30 October 2019. ÚJD SR published the details of the organization of the local survey in question at its website. The procedural act was attended by the parties, including representatives of Slovenské elektrárne, a. s., GLOBAL 2000 (Austria) NGO (hereinafter only as “GLOBAL 2000”), and representatives of local self-government, as well as representatives of the authorities concerned, and ÚJD SR. Engineering and commissioning units of Slovenské elektrárne, a. s. presented the buildings and equipment to those present, which were subsequently the subject of visual inspection following after the oral hearing. During the oral hearing connected with local survey, those present asked questions and made comments, which were answered by the relevant representatives of Slovenské elektrárne, a. s. and of ÚJD SR. The persons present were also given the opportunity to consult the relevant documentation. Minutes and Protocol from the oral hearing and the visual inspection of buildings and equipment within the local survey were drafted, the content of which was agreed between the parties, authorities concerned and others present. The Minutes and the Protocol are published on the website of ÚJD SR.

In carrying out the construction, the general technical requirements for construction were respected. The project is implemented according to the design documentation verified in the building procedure for the modification of the building before completion for Mochovce Nuclear Power Plant WWER 4x440 MW, Project 3, in which ÚJD SR Decision No. 246/2008 of 14 August 2008 was issued and confirmed by the second instance ÚJD SR Decision No. 291/2014 of 23 May 2014. It can be concluded that the early use of the building will not endanger the life and health of persons, nor the interests of society and the environment, therefore ÚJD SR decided as stated in the operative part of this Decision.

Compliance with the binding conditions of ÚJD SR Decision No. 246/2008, confirmed by ÚJD SR Decision No. 291/2014 (permit for modification of the project “Mochovce Nuclear Power Plant VVWER 4x440 MW Project 3“ before completion) was part of the documentation for individual oral hearings connected with visual inspections (local surveys). A summary evaluation of the fulfilment of the binding conditions of ÚJD SR Decision No. 246/2008, confirmed by Decision No. 291/2014 was submitted by Slovenské elektrárne, a. s. to ÚJD SR as part of the submission of 12 December 2016, and updated it by letter ref. SE/2019/063998 dated 20 November 2019, which was registered by ÚJD SR as reg. No. 8584/2019.

Slovenské elektrárne, a. s. submitted a letter ref. SE/2019/050765 dated 18 September 2019, to ÚJD SR, which was registered by ÚJD SR under reg. No. 6722/2019 “Final Opinion on the assessment of compliance between DD (Detailed Design) and the concept of BD (Basic Design)“. Designer’s supervision (ÚJV Řež, a.s., Energoprojekt Praha) in this document notes the compliance of the Detailed Design with the Basic Design and its amendments. In individual cases the designer’s supervision requires adjustments to be made in the areas of nuclear, machinery, electrical and I&C, in order to achieve full compliance between the Detailed Design and the Basic Design. These

adjustments are most often of a formal nature (modification of the documentation required to be aligned with other changes in legislation).

On the basis of the opinion of designer's supervision, ÚJD SR asked Slovenské elektrárne, a. s. to update the document "Final opinion on the assessment of compliance between DD (Detailed Design) and the concept of BD (Basic Design)". Slovenské elektrárne, a. s. by letter re. SE/2020/017471 of 26 March 2020 submitted to ÚJD SR a revised document, "Final opinion on the assessment of compliance between DD (Detailed Design) and the concept of BD (Basic Design), rev. 02., in which the author of the Basic Design notes that after the modifications made to the documentation, the technical documentation of the Detailed Design is in line with the concept of the Basic Design.

By Decision No. OOZPŽ/4603/2019 of 15 October 2019, UVZ SR issued a permit for the release of radioactive substances resulting from the operation of Units 1, 2 and 3 of Mochovce from administrative control by their discharge into the environment. The Decision defines the basic authorized limits for limiting the exposure of residents around the nuclear installation caused by radioactive substances released from administrative control and discharged into the air, and surface waters, in the operation of Units 1, 2 and 3 of Mochovce, a designated computing program for model evaluation of exposure of residents caused by discharges of radioactive substances released from administrative control into the environment during normal operation of Units 1, 2 and 3 of Mochovce, reference levels of radionuclides discharges into the air per calendar year, reference levels of radionuclides discharges in waste water into surface waters of the Hron river per calendar year, requirements for monitoring the activity of radionuclides discharged into the air, the activity of radionuclides discharged in wastewater into the surface water of the Hron river, and other important rules for the release of radioactive substances resulting from the operation of Units 1, 2 and 3 of Mochovce from administrative control by discharging them into the environment.

By letter reg. No. 8862/2019 dated 9 December 2019, the first instance administrative authority requested the Chairperson of ÚJD SR, as the appellate body in compliance with Section 58 par. 1 and Section 61 par. 2 of the Code of Administrative Procedure, in connection with Section 49 par. 2 of the Code of Administrative Procedure, to extend the period for the decision in administrative proceedings Nos. 2.1 and 2.2 by 6 months. The first-instance administrative authority justified its request by the need to perform additional control activities during the reheating of Unit 3, and also to give the parties sufficient time for commenting the supporting documentation used for the decision in accordance with Section 33 par. 2 of the Code of Administrative Procedure. The Chairperson of ÚJD SR complied with the request of the first-instance administrative authority and extended the period for the decision by 6 months. The parties and other authorities concerned were informed about the extended period by letters of ÚJD SR reg. Nos. 9187/2019, 9198/2019 and 9190/2019 dated 19 December 2019.

By letter reg. No. 161/2020 of 9 January 2020, ÚJD SR submitted to MoEnv SR an update on fulfilment of the Final Opinion on EIA of MO3&4. This update on the fulfilment of the conditions of the Final Opinion on EIA of MO3&4 was drafted by Slovenské elektrárne, a. s. and was sent to ÚJD SR by letter ref. SE/2019/069972 dated 18 December 2019. ÚJD SR inspectors checked the data in the update during their inspection in Mochovce. The update was requested by ÚJD SR following the issue of ÚVZ SR Decision No. OOZPŽ/4603/2019 of 15 October 2019. At the same time as submitting an update on fulfilment of conditions from the Final Opinion on EIA of MO3&4, ÚJD SR requested the MoEnv SR by letter reg. No. 161/2020 to issue a Binding Opinion on the fulfilment of recommended conditions from the Final Opinion on EIA of MO3&4 pursuant to Section 38 par. 4 of Act No. 24/2006 Coll.

As part of the procedure and after reviewing the assessment of the fulfilment of conditions set out in the Final Opinion on EIA of MO3&4 issued pursuant to the Impact Assessment Act, MoEnv issued its Binding Opinion No. 1360/2020/zg (hereinafter only as the "Binding Opinion of MoEnv

SR“) of 11 February 2020, which was delivered to ÚJD SR on 12 February 2020, and registered as reg. No. 1166/2020 in file No. 781-2020. In the Binding Opinion, the MoEnv SR states that: “...petition for the procedure in the matter of issuing permit for an early use of the project Mochovce Nuclear Power Plant of WWER 4x440 MW Project 3, and permit for early use of individual buildings of Unit 3 and common buildings for Units 3&4, which are necessary for the operation of Unit 3, is conceptually in line with the Impact Assessment Act, with the Final Opinion of MoEnv SR No. 395/2010-3.4/hp of 28 April 2010 and its conditions“. The Binding Opinion of MoEnv SR contains the following conditions:

- 1) Environmental Impacts Assessment pursuant to Section 17 of ÚJD SR Decree No. 33/2012 on the periodical, comprehensive and systematic nuclear safety assessment of nuclear installation as amended (hereinafter only as “Decree No. 33/2012“).
- 2) The overhead power lines shall have a technical solution, which prevents the killing of birds.

ÚJD SR reflected the condition No. 2) from the Binding Opinion of MoEnv SR into the Condition C.2 of the draft decision, which was published for the parties and the public on the ÚJD SR website on 15 February 2020. By publishing the supporting documentation for the decision in the administrative proceedings Nos. 2.1, 2.2 and 2.3, ÚJD SR implemented Section 33 par. 2 of the Code of Administrative Procedure, where the parties are given the opportunity to comment on its supporting documentation and on the way it was determined, or to propose supplements before the decision is issued. Also, by publishing the draft decision, ÚJD SR made it possible to exercise the right of the public, in particular under Art. 6 par. 2 of the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters (Aarhus Convention) (Published in the Collection of Laws by the Notice of the Ministry of Foreign Affairs of the Slovak Republic on the adoption of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters No. 43/2006) (hereinafter referred to as the “Aarhus Convention“) as an international treaty, by which the Slovak Republic is bound.

Slovenské elektrárne, a. s. has taken measures to fulfil Condition No. 2) of the Binding Opinion of MoEnv SR in a timely manner. By letter ref. SE/2020/027411 dated 25 May 2020, ÚJD SR informed about implemented measure to ensure that the overhead power lines are designed in a way that prevents the killing of birds. By letter reg. No. 3839/2020 dated 9 June 2020, ÚJD SR requested MoEnv to comment on the measures implemented on the overhead power lines at MO3&4. The MoEnv SR, by letter ref. 1360/2020zg dated 25 June 2020, informed ÚJD SR, that based on measures implemented it considers the condition set out in the Final Opinion on EIA of MO3&4 to be fulfilled. In view of the above, Condition No. 2 of the Binding Opinion of MoEnv SR is not found in this Decision.

Fulfilment of Condition No. 1) from the Binding Opinion of the MoEnv SR can only be verified after Unit 3 has been put into operation/trial run. For this reason, the ÚJD SR will incorporate the wording of this condition into the envisaged future decision on the issue of approval of the trial run of Unit 3. The favourable opinion of the MoEnv SR on such a procedure of ÚJD SR is stated in the written communication contained in file No. 781-2020 under reg. No. 1271/2020.

ÚJD SR verified the performance of the tasks from the Action Plan following the Stress Tests after the Fukushima accident in the form of inspection No. 412/2020, which took place from August to December 2020. With this inspection, ÚJD SR checked on site the data contained in the submitted list of fulfilled tasks from the Action Plan. Slovenské elektrárne, a. s. submitted this list to ÚJD SR by letter No 31 October 2019, which was registered by ÚJD SR under No. 7977/2019. ÚJD SR confirmed after the inspection that measures from the Action Plan following the Stress Tests are fulfilled, or will be fulfilled within the set deadlines. In 2020, during inspection in Mochovce, ÚJD SR requested an update to the fulfilment of tasks from the Action Plan. Slovenské elektrárne, a. s. submitted this update on the Action Plan as part of the documentation for the inspection. ÚJD SR verified by inspection

fulfilment of tasks from the Action Plan, based on which it notes that the annual tasks of the Action Plan are fully implemented.

The documentation for the decision in administrative proceedings Nos. 2.1 and 2.2 was published on the ÚJD SR website. The parties and other authorities concerned were informed about publishing of the documentation for the decision in administrative proceedings Nos. 2.1 and 2.2 in writing, by letters reg. No. 5918/2018, 5913/2018 and 5921/2018 dated 17 July 2018. None of the parties commented on the documentation forming the basis for the decision within the set deadline (by 28 October 2018).

By letter No. 1024/2020 dated 10 February 2020, ÚJD SR announced the provisional date of publication of the documentation on the draft decision in administrative proceedings for “Mochovce Nuclear Power Plant of WWER 4x440 MW Project 3“ by means of a public decree, by publishing information on the website of ÚJD SR in Slovak: [https://www.ujd.gov.sk/ujd/www1.nsf/\\$All/58D2014BED8FF4C8C1257F7D002FA95D](https://www.ujd.gov.sk/ujd/www1.nsf/$All/58D2014BED8FF4C8C1257F7D002FA95D)), in English: [https://www.ujd.gov.sk/ujd/WebStore.nsf/viewKey/notification_basis_decision_unit_3/\\$FILE/L_1026_2020_GaPe_web.pdf](https://www.ujd.gov.sk/ujd/WebStore.nsf/viewKey/notification_basis_decision_unit_3/$FILE/L_1026_2020_GaPe_web.pdf)), as well as by delivery of a letter by registered mail to interested parties in the territory of the Slovak Republic by letter dated 10 February 2020 under No. 1024/2020. Interested parties having their registered office abroad, the announcement on the publication of the supporting documentation for the decision in the administrative proceedings was delivered by letter dated 10 February 2020 under No. 1026/2020 in English.

Documentation for a decision in administrative proceedings Nos. 2.1, 2.2 and 2.3 were published on the ÚJD SR website and on the COENB on 15 February 2020 as supporting documentation, the publication of which in the administrative proceedings in question implements Section 33 par. 2 of the Code of Administrative Procedure, in which the parties were given opportunity to comment on the basis and the method how it was established before the decision is taken, or to propose any supplements. Also, this draft resolution and its publication made it possible to implement the right of the public, in particular pursuant to Article 6 par. 2 and 3 of Aarhus Convention. The parties were informed about publication of the supporting documentation for the decision in the administrative proceedings Nos. 2.1, 2.2 and 2.3 by letters reg. No. 1027/2020, 1026/2020 and 1024/2020 dated 10 February 2020.

At the same time, ÚJD SR by letters reg. No. 1027/2020, 1026/2020 and 1024/2020 dated 10 February 2020 pointed out to the parties that pursuant to Section 8 par. 10 of the Atomic Act as amended by its last amendment published in the Collection of Laws of the Slovak Republic under No. 279/2019 Coll. in force from 1 October 2019, it will serve all documents, including the decision to issue approval or permit, a call, notification, summons or other document by public decree. ÚJD SR also informed the entities involved that the public decree will be published on the COENB, on the ÚJD SR website and at the municipal offices in the municipalities of Kalná nad Hronom and Nový Tekov.

The documents included the draft decision issuing a permit pursuant to Section 5 par. 3 (b), Section 5 par. 3 (f) of the Atomic Act, Section 121 par. 2 (e) and Section 83 of the Building Act, with appropriate explanations for the parties, chapter 13 of PSR of MO3&4 (Environmental Impact) and the account of fulfilled conditions from the Final Opinion on EIA of MO3&4.

ÚJD SR asked the parties and other authorities concerned, in accordance with Section 33 par. 2 of the Code of Administrative Procedure, to comment on the published supporting documentation for the decision in writing no later than 15 April 2020.

By letter reg. No. 3711/2020 dated 2 June 2020 the first-instance administrative authority asked the Chairperson of ÚJD SR as the appellate administrative authority in accordance with Section 58 par. 1 and Section 61 par. 2 of the Code of Administrative Procedure, in connection with Section

49 par. 2 of the Code of Administrative Procedure, to extend the period for decision in administrative proceedings Nos. 2.1, 2.2 and 2.3 by 6 months. The first-instance administrative authority justified its request by the following:

- In connection with the threat to public health by coronavirus COVID – 19, there was a significant slowdown in the pace of completion of Unit 3 between March and May 2020. This has substantially affected some activities, which need to be completed before a decision is issued in administrative proceedings Nos. 2.1, 2.2 and 2.3.
- Unit 3 is undergoing extensive quality control of metallurgical materials, which was triggered by the detection of non-conforming material that was installed on Unit 4. This check must be completed before a decision is issued on the case. At the same time, given the scope, it is reasonable to expect that the completion of this inspection will exceed the time limit for the issuance of decision in administrative proceedings Nos. 2.1, 2.2 and 2.3.

The ÚJD SR Chairperson complied with the request of the first-instance administrative authority and extended the period for decision by 6 months. The parties and other authorities concerned were informed about the extension of the period for decision by a public decree that is published on the COENB, on the ÚJD SR website and at the municipal offices of municipalities Kalná nad Hronom and Nový Tekov (letter reg. No. 3913/2020) and on the ÚJD SR website on 15 June 2020.

The period of two months granted in order to be able to acquaint themselves with the basis for the decision and to exercise the right to comment on according to Section 33, par. 2 of the Administrative Procedure Code, expired on 15 April 2020. Within the time limit set by the administrative authority, the following four entities delivered their position on the draft decision and its basis:

1. MBL spol. s r. o., with its registered office at Táborská 93, 615 00 Brno, Czech Republic, BIC: 26 312 956, incorporated in the Commercial Register of the Regional Court Brno, reg. No.: C43278 (hereinafter only as “MBL“), on 6 April 2020 delivered to the electronic mailbox of the ÚJD SR a statement on the basis for the draft decision, which was registered under No. 2436/2020. The statement delivered by MBL complied with the formal requirements for the submission in accordance with Section 19 par. 1 of the Code of Administrative Procedure.
2. On 15 April 2020, the Office of the Regional Government of Lower Austria delivered a statement to ÚJD SR on the draft decision and its basis in a form of e-mail, which was registered under No. 2607/2020. From a procedural point of view the submission did not comply with the formal requirements under Section 19 par. 1 of the Code of Administrative Procedure.
3. GLOBAL 2000, delivered its opinion on the draft decision and its basis on 15 April 2020 by e-mail and ÚJD SR registered it under No. 2608/2020. From a procedural point of view, the submission did not comply with the formal requirements under Section 19 par. 1 of the Code of Administrative Procedure.
4. Slovenské elektrárne, a. s., delivered its written position on the draft decision and its basis by letter No. SE/2020/019979 dated 8 April 2020, registered by ÚJD SR under No. 2557/2020.

Both substantive and formal or procedural comments were raised in the statements received. In order to reliably establish the state of affairs, ÚJD SR dealt with the individual statements as follows:

The statement made by the Regional Government of Lower Austria:

- a) Reactors that are currently being put into operation worldwide, belong to the 3rd generation reactors. The Soviet type of WWER 440/213 reactor from the 1960s and 1970s belongs to the 2nd generation. Despite of numerous improvements made to the original design, upgrades and ambitious declarations on “evolutionary concept“, Units 3&4 with WWER 440/213 reactors by no means reach the safety standard of the new, generation 3 installations.

- b) The Stress Tests carried out after the Fukushima accident aimed at preventing severe accidents did not produce sufficient consequences. It lists cases that could also be relevant for Mochovce:
- 1) Failure of turbines that may cause explosion and fire,
 - 2) Flooding of the joint turbine hall with WWER-440/213 equipment, which may cause loss of power in all four installations,
 - 3) An earthquake, which causes cooling towers to collapse on to the building of adjacent cooling water and thereby disable their last cooling stage on two installations,
 - 4) Plane crash,
 - 5) In the event of severe accidents, it must be ensured that the molten core does not get outside the pressure vessel, otherwise conditions could arise, which are very likely to be unmanageable. In case of the scheduled commissioning of Unit 3, the above measures do not appear to be sufficiently documented.
- c) An obsolete reactor type, the safety level falls short of the latest standard. It provides the following arguments:
- 1) The reactors are not equipped with a containment, but only a confinement with a pressure suppression system,
 - 2) (WWER Units) are dual-units with a common reactor hall and common turbine hall for all four reactors,
 - 3) (WWER 440/213 reactor) is not equipped for severe accidents beyond the design-basis accidents,
 - 4) The resistance against impact of an aircraft has not been proven,
 - 5) Closure of any molten core in the reactor pressure vessel has not been demonstrated either in all sub-areas or in its entirety, let alone under severe accident conditions.
- d) Aging of building parts and decades-long construction history of the installation:
- 1) Contractors and construction companies have already carried out maintenance and preservation, but these measures have only been implemented since 2000 under the supervision of the Nuclear Regulatory Authority,
 - 2) The question arises whether safety-relevant parts of equipment and machinery (e.g. emergency power supply diesel unit), for which relevant aging can already be recorded, have undergone extensive testing and documentation of their flawless functioning and whether adequate transparent ageing management system has been put in place to the extent and quality that is necessary,
 - 3) According to the IAEA Pre-OSART Mission (*Operational Safety Review Team*), the quality of construction organization, construction supervision, documentation acceptance, staff training and deficiency management remains unclear for the public and therefore still needs to be critically assessed.
- e) Electrical power – potential electrical gross power of 471 MW is stated per Unit, which is higher than the originally planned power of 440 MW. The question arises, whether the original safety margins for possible higher electric power have been exhausted.
- f) The environmental impacts assessment refers in detail to interim storage facility, while the terminal storage facility continues to refer to the national development program for the geological repository. It also mentions the possibility of exporting spent nuclear fuel abroad. One way or another, the issue of repository will not be solved even before the scheduled commissioning of Unit 3, and any considerations of the relevant part of the environmental impacts are being moved to the future.

ÚJD SR's position on the statements made by the Regional Government of Lower Austria:

The statement by the Office of the Lower Austrian Regional Government that was delivered by electronic means in a form of E-mail did not satisfy the requirements of a filing pursuant to Section 19 par. 1 of the Code of Administrative Procedure. According to this provision, any filing made in

electronic form without authorization under a special regulation on electronic form of the exercise of public authority, must be completed within three business days also in paper form, in electronic form it must be authorized under a special regulation or orally in Minutes. The statement by the Office of Lower Austrian Regional Government was a resubmission of a statement from 2009 in German language with a minor update, however, not containing any specific reservations, suggestions, comments on the draft decision and to its supporting documentation.

ÚJD SR instructed the Office of the Regional Government of Lower Austria on the absence of prescribed filing requirements, and in accordance with Section 19 par. 3 of the Code of Administrative Procedure, in response dated 16 April 2020 and registered under No.262/2020 called the party through E-mail, from which the statement was received, to remedy the shortcomings within the prescribed period, i.e. to serve its filing according to the legal requirements relating to electronic filing under a special regulation within 3 business days.

Following a request from ÚJD SR, the Office of the Regional Government of Lower Austria on 18 April 2020, despite the instruction, again delivered the statement electronically by E-mail. The submission again did not comply with the statutory requirements for filing laid down in Section 19 par. 3 of the Code of Administrative Procedure, since it was not supplemented in paper form within three business days nor authorized pursuant to special regulation on electronic form of exercise of official authority, nor confirmed orally into Minutes according to Section 19 par. 1 of the Code of Administrative Procedure. In the re-sent electronic submission, the statement compared to the original submission was only updated with the date and a change in the person of the responsible representative representing the Office of the Regional Government of Lower Austria.

ÚJD SR had the statement of the Office of the Regional Government of Lower Austria translated, and reviewed the submission in accordance with Section 19 par. 2 of the Code of Administrative Procedure as to its contents, despite the failure to follow the correct procedure for making electronic submissions by the party, to which the administrative authority pointed out for the party by call and instruction on the need to supplement such submission by e-mail of 16 April 2020.

In its statement, the Office of the Regional Government of Lower Austria expressed a general negative attitude towards the expansion in use of nuclear energy as such, which would be the commissioning of Unit 3 in that regard. The various points of the statement focused on the technical condition of the facilities and components of Unit 3.

- Ad a) As for the statement made by the Regional Government of Lower Austria, ÚJD SR as an administrative authority states that the original design of the reactor WWER 440/2013 does not indeed belong to nuclear reactors of generation 3. A number of safety improvements have been made to reactors of Units 3&4, which significantly increase their safety. Reactors of Units 3&4 fully comply with the applicable Slovak legislation, which incorporated the IAEA requirements and reference levels of the Western European Nuclear Regulators Association (hereinafter referred to as "WENRA").
- Ad b) As for the above statements made by the Regional Government of Lower Austria, the ÚJD SR as an administrative authority states that it does not agree with the unfounded statement that sufficient consequences have not been drawn from the Stress Tests following the Fukushima accident. In the Slovak Republic, the Stress Tests were carried out in full compliance with ENSREG requirements and their results were fully accepted by the international forum. All information on the course and results of the Stress Tests are available to the parties and the public on the website of ÚJD SR, including the schedule and the progress of Stress Tests, reports from Stress Tests and Action Plan of measures resulting from the Stress Tests. This information is available both in Slovak and English versions. Due to objectivity, it should be added that measures to manage severe accidents associated with core melting were partially implemented in nuclear installations of the Slovak Republic already before the accident at Fukushima power plant, as a result of periodical comprehensive safety assessment. The Stress

Tests Reports indicate each of the cases referred to in the statement made by the Regional Government of Lower Austria, its assessment is made and if needed – appropriate corrective actions are established and implemented.

As for the statements made by the Regional Government of Lower Austria, contained under par. c.1) to c.5), ÚJD SR as an administrative authority states the following:

- Ad c.1) The reactor, primary circuit and part of the secondary circuit of Units 3&4 are located in a full-scale reinforced containment designed to deal with accidents caused by rupture of any primary or secondary piping and leakage of coolant from both ends of the ruptured pipe. The rooms surrounding containment, as well as rooms with systems connected to the primary circuit, including shut-off valves, are designed as an airtight combined zone. This airtight zone (with a pressure lower than atmospheric pressure), which partially surrounds the containment in potentially the most exposed locations, forms an additional barrier to prevent leakage of radioactive materials into the environment, thus performing the function of secondary containment. The containment integrity is ensured even in the event of severe accidents. The containment walls are covered with 6 mm thick stainless steel lining. The results of the containment tests carried out so far confirm its high tightness and strength. Confirmation of the containment qualification and its full functionality was carried out experimentally and computationally by international projects (inter alia Phare Project).
- Ad c.2) The two WWER 440 Units share a common reactor hall and turbine hall. Safety documentation and documentation from the Stress Tests after the Fukushima accident analyse the impacts of possible external and internal hazards (earthquake, strong wind, snow, flooding, fire, fast-flying debris from rotating equipment and others), demonstrating that a possible event on one Unit will not affect the performance of the safety functions/operation of the adjacent Unit.
- Ad c.3) Mochovce Nuclear Power Plants (Units 3&4), like other operating nuclear units in the Slovak Republic, are equipped with systems and equipment for severe accidents management. Information on these facilities and their functionality, is available on the website of ÚJD SR, e.g. in Stress Test Reports or PSR of MO3&4 – summary of basic data.
- Ad c.4) Mochovce Nuclear Power Plants (Units 3&4) are secured against the impact of a small aircraft by a separate construction project, as well as documentation describing the activities of personnel in the event of an initiating event – the impact of a small aircraft on a nuclear installation of MO3&4. Securing of power plant against the impact of a small aircraft was implemented at the request of the Commission of the European Community pursuant to Article 43 of the Treaty establishing the European Atomic Energy Community (Euratom), cited in the Final Opinion of the EIA of MO3&4 on the proposed activity Mochovce Nuclear Power Plant WWER 4 x 440 MW, Project 3. Dealing with the situation of endangering the power plant by an airliner, according to Section 12 par. 1 (e) of Act No. 575/2001 Coll. on organization of government activities and organization of the central government, as amended (hereinafter the “Act No. 575/2001 Coll.”), is under the responsibility of the Ministry of Defence of the Slovak Republic, quote: “Ensuring the inviolability of the airspace of the Slovak Republic“. Further action by the armed forces related to airspace violation is mentioned in Section 4 of Act No. 321/2002 Coll. on the armed forces of the Slovak Republic as amended (hereinafter only as “Act No. 321/2002 Coll.”). The design documentation on securing MO3&4 against the impact of a small aircraft is subject to the regime established by Act No. 215/2004 Coll., therefore it has not been disclosed to the public.
- Ad c.5) Mochovce Nuclear Power Plant (Units 3&4) like other operating nuclear units in the Slovak Republic, is equipped with facilities and systems for managing severe accidents. Information on these facilities and their functionality is available on the website of ÚJD SR, e.g. in Stress Test Reports or the PSR of MO3&4 – summary of basic data. Nuclear Units of nuclear power plants in the Slovak Republic have implemented regulations for managing severe accidents, and there are specialists for managing severe accidents. In managing severe accidents, a strategy for maintaining and cooling molten khorium in the reactor pressure vessel, which has been validated experimentally, is applied.

- As for the individual statements made by the Regional Government of Lower Austria, which are listed as d.1) to d.3), ÚJD SR as an administrative authority, state the following:
- Ad d.1) Maintenance of buildings and structures of Units 3&4 is carried out continuously. The condition of building structures is constantly monitored according to ageing management programs. Among other things, regular inspections and diagnostics of individual building structures, geodetic measurements are carried out, and the condition and quality of steel-fixing and concrete fillings of load-bearing reinforced concrete walls have been verified. MO3&4 has never lost the status of a nuclear installation under construction, and has been permanently supervised by the ÚJD SR.
- Ad d.2) All safety relevant equipment has undergone extensive testing that has confirmed their full functionality. Testing has been carried out according to pre-established programs and its results are confirmed by protocols. An ageing management system is in place at the power plant and is fully in line with the relevant IAEA recommendations. Diesel generators have undergone extensive refurbishment (including refurbishment at the factory), and testing that has demonstrated compliance with all safety requirements. Very detailed measurements have been made of all relevant electrical parameters, which have confirmed that in real loading of consumers, the diesel generators meet all the requirements for powering consumers important for safety. For diesel generators, there is an ageing management program developed for them.
- Ad d.3) Pre-OSART Mission in Mochovce took place during November and December 2019. IAEA specialists evaluated a total of 13 different areas of activities in the power plant. They identified a number of strengths and deficiencies, for which they formulated relevant recommendations. Slovenské elektrárne, a. s. analyzed each identified deficiency and adopted appropriate corrective actions. Corrective actions have specific implementation deadlines and most of them are fulfilled. The power plant will invite a follow-up OSART Mission, which will be approximately 18 months after the Pre-OSART Mission. The follow-up OSART Mission will assess the adequacy and effectiveness of the corrective actions taken.
- Ad e) As for this statement made by the Regional Government of Lower Austria, ÚJD SR as the administrative authority states that the design foresees a gross electrical output of 471 MW for each Unit. This figure is also provided in the Final Opinion on the EIA for MO3&4, stating: “The rated thermal output of MO3&4 reactors under assessment is unchanged from the original design, and will reach 2 x 1,375 MWt. The efficiency of MO3&4 reactors will increase from the original 31.7 % to 33.9% as a result of installation of new components (turbines and other technological parts) on the side of the secondary circuit of each Unit of MO3&4. The components of the primary circuit of the nuclear installation will not change compared to the original design. The total electrical power of the reactors will be 2 x 471 MWe (the original power without modifications on the secondary side was 2 x 436 MWe).“ The gross electrical output of 471 MW is given in the design and safety documentation of Units 3&4. The power uprate of the Units is achieved exclusively by increasing the efficiency of energy conversion on the secondary side (turbine circuits). The parameters of the primary circuit remain unchanged (1,375 MW_t), and therefore no safety margins on the reactor side are used up by increasing the gross electrical output of the Unit.
- Ad f) As for this statement made by the Regional Government of Lower Austria, ÚJD SR as an administrative authority states that the Slovak Government approved by its Resolution No. 387/2015, the draft National Policy and National Program for the management of SNF and RAW in the Slovak Republic. This document addresses, inter alia, the method how to ensure the safe and sustainable management of SNF and intermediate level radioactive waste (hereinafter referred to as “IM-RAW“) that are not acceptable for surface storage in the National Repository of RAW in Mochovce. The long-term strategy foresees a so called dual pathway, i.e. research and preparation of a deep geological repository for SNF and IM-RAW on the territory of Slovakia, and parallel monitoring of the development of an international repository, and participation in related international projects. Based on geological surveys and planned works in the field of R&D, the final site is expected to be selected in 2030.

Between 2030 and 2045, an environmental impact assessment process for the deep geological repository is expected to be carried out. The operation of the deep geological repository itself is foreseen between 2065 and 2115. The possibility of a future reprocessing of SNF remains also open. There is no doubt that the deep geological repository program will not be resolved before the scheduled commissioning of MO3&4, however, until a suitable alternative for storage of SNF and IM-RAW is available, Slovakia will apply a strategy for the long-term safe storage of these materials, for which the technical conditions have been created (expanded storage capacity of the Interim Storage Facility for SNF for the safe long-term storage of SNF and new storage capacity in the Integral RAW storage facility for the safe long-term storage of RAW that cannot be disposed in a surface type of repository), and institutional assumptions in the form of an existing state agency responsible for the operation of those facilities, as well as for activities in the implementation of the deep geological repository program. The situation for the Slovak Republic in the field of deep geological repository is comparable in terms of approach and timetable to many EU countries, including Austria, e.g. in the implementation of the Austrian program for the management of institutional RAW, or of SNF from the operation of research reactors. The Slovak national policy and national program for the management of SNF and RAW, have been duly notified to the European Commission in accordance with the relevant provision of Council Directive 2011/70/ Euratom of 19 July 2011, establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste.

The statement of 15 April 2020 made by GLOBAL 2000 on the draft decision for the commissioning of Unit 3 of MO 3&4 includes the following:

- a) GLOBAL 2000 considers it non-standard that the ÚJD SR publishes the documentation for the draft decision, which did not take the form of final decision. GLOBAL 2000 further objects to the formulation of conditions with explanatory notes for the applicant for permit, which it considers to be a room for further negotiations between the applicant and the ÚJD SR.
- b) As for the formulation of conditions with explanatory notes, GLOBAL 2000 disagreed with the wording of the conditions, in particular with regard to their conditional formulation, because of the impossibility of the public participation in the decision-making process due to the fact that at the time of publication of the documentation used as a basis for the draft decision did not include evidence on the readiness of the buildings and facilities for the operation of Unit 3, confirming the readiness of these facilities for its physical start-up and power testing stages, due to the ongoing tests and modifications.
- c) GLOBAL 2000 stated that it was not possible at that stage of publication of the documentation for the draft decision, to exercise the right of the public to participate in the decision-making process, and for that reason, proposed to review the draft decision only at the time when all the necessary facilities and systems necessary for operation of Unit 3 were ready. The procedure set out in explanatory note No. 3 to 9.r) excludes public access to information and public participation in the decision-making process.
- d) GLOBAL 2000 also pointed at its previous statements, which according to its opinion have not been taken into account until now:
 - 1) As resulting from the comments on PNM34481619 (Evaluation of the fulfilment of the recommended conditions of MoEnv SR set out in the Final Opinion on EIA), sent by GLOBAL 2000 to the ÚJD SR, the public does not have information on Mochovce NPP and how it differs from the older type of power stations, and how it meets the current safety requirements for mitigating the impact of operation and severe accidents on the environment.
 - 2) Condition 1 of the Final Opinion on EIA MO3&4 states: “The applicant decided to make modifications to selected installations affecting nuclear safety on the basis of amended legislative requirements in force at the time of scheduled completion of

Units 3&4 of Mochovce NPP“, which requires full compliance with the legislative conditions in force at the time of power plant completion. In the opinion of GLOBAL this is not met, as this would also include the impact of a large commercial aircraft.

- e) In its statement, GLOBAL 2000 further commented on two other documents supporting the draft decision, the Evaluation of the method of fulfilment of the recommended conditions set out in the Final Opinion on EIA MO3&4 (“Evaluation of the method of fulfilment of the conditions“) of 12 December 2019, and Chapter 13 of PSR of MO3&4 concerning environmental impacts of 14 September 2018. According to GLOBAL 2000, this is a failure to provide precise and specific information on how condition 3.4 of the Final Opinion on EIA MO3&4 was met, which reflects the requirements of the European Commission (development of a reference deterministic scenario for external source, e.g. impact of an aircraft, in line with the best international practice). The account of fulfilment of the requirements from the Final Opinion on EIA MO3&4 only indicates that the tests and analyses have been carried out and the safety has been proven. However, since this information is classified in SR as sensitive information, the details were not made available to the public.
- f) In connection with Condition 1 of the Final Opinion on EIA MO3&4, GLOBAL 2000 takes the view that the statutory conditions laid down in Decision No. 266/2008 require that the legal requirements at the time of completion of the nuclear installations be met, given that in such a case they would also include requirements for resistance to the impact of large commercial aircraft. In addition, GLOBAL 2000 added that the current state of Units 3&4 meets the IAEA and WENRA requirements: *Safety Reference Level for Existing Reactors*, but does not meet the requirements of *Safety Objectives for New Power Reactors*. In the opinion of GLOBAL 2000, this is impaired by the ageing of buildings, structures and components from the start of construction period in the 1980s, as well as by the extremely poor quality of construction management, which in addition to WANO, was confirmed by several whistle-blowers and allegedly also by the ÚJD SR.
- g) In 2018, GLOBAL 2000 highlighted the missing scenario dealing with water temperature in the River Hron, which is required by the conclusions of the Final Opinion on EIA MO3&4. The data presented date from 1982, instead of providing a forecast for the next 60 years.
- h) Tables of discharges included in the PSR, Chapter 13, cannot be used for the following reasons:
 - 1) Those values are averages for 4 years from 1999-2002, including EBO1&2, which were shut-down in 2000. This data is more than 20 years old. It would be better to use new data.
 - 2) Why are limit values so high, when they are only drawn to a few per cent?
 - 3) Why are the values for EMO1&2 higher than for EBO3&4 (tritium discharged into the hydrosphere)?
 - 4) Permitted values for MO3&4 appear to be simply 50% of the values specified in 1997 for 4 Units.
 - 5) Chapter 13.1.4 of PSR contains misleading information based on which, someone reading this chapter may not realize that tritium is discharged with water and thus uses almost the entire permitted amount.
 - 6) As in 2018, the public has no information on bilateral seminars (Condition 3.2 of the Final Opinion on EIA MO3&4).
- i) Statement of GLOBAL 2000 concerning nuclear liability insurance pursuant to Act No. 54/2015 Coll. in respect of which GLOBAL 2000 states that the amount of EUR 300 million provided by the law, falls short of the amount of coverage necessary in the event of a large-scale nuclear incident. For comparison, GLOBAL 2000 mentioned calculations by the French IRSN (*Technical Support Organisation*) for a potential nuclear incident in Europe, the damage of which would amount to approximately EURO 400 billion (Source:

www.nucnet.org/news/nuclear-accident-in-france-could-cost-more-than-eur-400-billion-says-irsn).

- j) The comment concerning the communication policy of the ÚJD SR, in respect of which GLOBAL 2000 pointed at the fact that ÚJD SR in *Answers to questions on National Report of the Slovak Republic* confirmed compliance with the requirements laid down by the Aarhus Convention. GLOBAL 2000 stated that ÚJD SR provides the IAEA false information on public information in accordance with the Aarhus Convention. In that matter GLOBAL 2000 added that ÚJD SR informs about compliance with the requirements arising from the Aarhus Convention despite of the fact that the Aarhus Convention Compliance Committee (hereinafter referred to as the “Compliance Committee“) has already found a number of violations.
- k) GLOBAL 2000 requests that the ÚJD SR should not grant permit for the commissioning of Unit 3.

As for the statements made by GLOBAL 2000, ÚJD SR states the following:

ÚJD SR notes that the statements made by GLOBAL 2000 and the Office of the Regional Government of Lower Austria were not made in a manner, which would have complied with the statutory requirements for filing. By following Section 19 par. 2 of the Code of Administrative Procedure, ÚJD SR helped both entities and provided instructions for the elimination of existing flaws for both statements. However, both foreign entities again delivered their statements in an incorrect manner, which again did not comply with the statutory requirements for filing. ÚJD SR reviewed the content of both submissions, disregarding the continuing flaw of non-compliance with the statutory requirements. ÚJD SR has done so in the light of the legal opinion expressed in the past and based on previous decision-making practice, according to which strict insistence on compliance with formalities asking to complement electronic filing in accordance with the requirements of Section 19 par. 1 of the Code of Administrative Procedure, could be regarded as inadequate barrier to the possibility of exercising the right for the public participation in the decision-making process on defined activities, and in the right of access to justice guaranteed by Article 6 of the Aarhus Convention.

In accordance with Article 7 par. 5 of the Constitution of the Slovak Republic, the Aarhus Convention as an international treaty, takes precedence over national laws. ÚJD SR took these facts into account when taking a decision and did not apply rigid administrative and formal national legislation, which could unduly affect the rights and legitimate interests of the party, guaranteed by the preferential international treaty, in particular in the form of the right to effective participation in the decision-making process. For the above reasons, ÚJD SR, when reviewing the substantive content of a party’s filing, viewed it as if it had been made duly.

- Ad a) As for this comment made by GLOBAL 2000, ÚJD SR states that the publication of the draft decision is not anything non-standard in its decision-making practice. On the contrary, the ÚJD SR also proceeded in the same way when issuing Decisions No. 139/2019 P and No. 140/2019 P. By publishing the draft decision in a form that reflects the actual state of readiness of buildings and facilities of Unit 3, ÚJD SR gave the public the opportunity to exercise its right to participate in the decision-making effectively and in a timely manner. The right of public participation resulting from the Aarhus Convention as an international treaty, by which the Slovak Republic is bound, in Art. 6 par. 3 and 7, explicitly states that: “Public participation processes shall include reasonable timeframe for each phase, which shall allow sufficient time for the public to be informed in accordance with par. 2, and for the public to be able to prepare and participate effectively in the environmental decision-making process“ and “The means of public participation shall allow the public to submit in writing or where appropriate, in a public hearing or review with the applicant, any comments,

information, analyses or opinions, which it considers relevant in relation to the proposed action“.

In this context it can be stated that ÚJD SR has transparently disclosed the current state of readiness of Unit 3 as at the date of publication of the draft decision and its supporting documentation, the completeness of the submitted documentation, as well as the state of continuous fulfilment of the legal condition by the applicant, so that the public and the stakeholders can effectively apply their comments on all current documentation decisive for the granting of a permit in the administrative proceedings. ÚJD SR, as the administrative authority, also relied on Art. 9 par. 3 and 5 of the Aarhus Convention, according to which “[...] without prejudice to the review procedures referred to in paragraphs 1 and 2, each Party shall ensure, if the conditions set out in its national law are fulfilled, if any, that members of the public have access to administrative and judicial proceedings enabling acts or omissions by private individuals and public authorities contrary to its national environmental law to be called into question“ and “With a view to ensuring the effectiveness of the provisions of this Article, each Party shall ensure that in order to inform the public of access to administrative and judicial review, and consider setting up appropriate support mechanisms to remove or reduce financial and other barriers to access to justice.“ Therefore, in accordance with the rights deriving from the Aarhus Convention, ÚJD SR provided a period of two months in order to give interested parties established in the Slovak Republic, as well as abroad, the opportunity to comment on the draft decision within a reasonable timeframe, within which the acts are carried out by a private entity – the applicant.

The ÚJD SR fundamentally disagrees with the comment of GLOBAL 2000 that the indication of the current state of fulfilment of the conditions by the applicant for issuing a decision should create room for further negotiations between ÚJD SR and the applicant. Given that these are legal requirements, which must be met within the required time and scope at the time of issue of the permit, their disclosure in no way gives the applicant room to negotiate conditions other than those explicitly required by the legislation.

Ad b) As for this statement made by GLOBAL 2000, ÚJD SR as the administrative authority states that the statement of GLOBAL 2000 is in line with the information contained in the draft decision, which was published on 15 February 2020 on the website of the Authority. At the moment of publication of the draft decision, Slovenské elektrárne, a. s. had not yet submitted to ÚJD SR proof of readiness of buildings and facilities for operation of Unit 3, and of buildings and facilities common to Units 3&4 used for operation of Unit 3 confirming the readiness of these facilities for commissioning of Unit 3 for the physical start-up and power testing stages referred to in Annex 1, C (s) of the Atomic Act, and in accordance with Annex 4 B (I) (A) par. 5 and 7 of Decree No. 430/2011. In the draft decision, ÚJD SR justified this in great detail with the following text:

“ÚJD SR took as a basis the current state of readiness of equipment and systems of Unit 3 for commissioning as at the moment of publication of this draft decision (i.e. as of 15 February 2020). ÚJD SR assumes that at the date of **envisaged future decision on the case**, this condition will be fully or substantially fulfilled. ...However, the reasoning of the **envisaged future decision** will state, how Slovenské elektrárne, a. s. fulfilled the requirement of Annex 1, C (s) of the Atomic Act, and in accordance with Annex 4 part B (I) (A) par. 5 and 7 of Decree No. 430/2011. The substantive reason for mentioning condition B.1 in this draft decision, is in particular the following:

- the electromagnetic compatibility tests for Unit 3 management and control system equipment have not been completed. These tests shall be carried out in accordance with the schedule at the final stage of preparation of the Unit for commissioning,
- it is necessary to complete modification of the distribution of circulating cooling water in the draft cooling towers of the circulating water,

- it is necessary to terminate the preservation mode of secondary circuit equipment of Unit 3 (turbine circuits). These need to be interconnected, perform prescribed activities (non-destructive tests, flushing and pressure tests) and carry out related tests.

The above prevent Slovenské elektrárne, a. s. from elaboration of a complete document on the readiness of Unit 3 equipment for commissioning as at the moment of publication of this draft decision. However, this situation is fully in line with the staged approach of the final phase of preparation of Unit 3 for commissioning.“

Recognizing this fact, ÚJD SR published a table, which is part of par. 9.s) of the published draft decision (proofs of readiness for commissioning) with extensive information on the current state of implementation of programs of inactive testing of systems and equipment of Unit 3 as at the moment of publication of the draft decision (15 February 2020). The aim of publication of the current state of implementation of programs of inactive testing was to give the parties and the public the fullest possible information on the state of their implementation. It should be stressed that it is the results of the program implementation of inactive testing that are an essential source of information for the Final Report for Unit 3 on the overall readiness of Unit 3 and common facilities of MO3&4 for commissioning. At the same time, by publishing the list of programs of inactive testing and their current status, ÚJD SR wished to notify the parties and the public that Unit 3 is in the final stage of finalizing these tests, which explicitly results from the high degree of finalization at the date of publication of the draft decision.

The table included in par. 9.s) of the published draft decision (proofs on the readiness for commissioning) lists a total of 143 programs of functional tests of system/stage tests that are carried out under inactive conditions. Of these programs, a substantial part had been completed as of the date of publication of the draft decision (15 February 2020) (or completed at the stage of inactive testing – if the implementation of these programs is to continue during the physical start-up or power testing). The implementation of part of the programs was not completed as at 15 February 2020 due to ongoing repairs (4 programs), due to continuing preservation regime of turbine hall equipment (7 programs), or for other reasons (22 programs). Other reasons mean the inclusion of the implementation of part of the program in the schedule of inactive testing in its final stage. All these unfinished programs of inactive testing were at an advanced stage of implementation as at 15 February 2020. In the draft decision, the ÚJD SR made an assumption that:“...at the date of issue of the envisaged future decision in the case, Slovenské elektrárne, a. s. will ensure the full completion of testing of other systems...“, and for this reason ÚJD SR will state in the envisaged future decision on the case: “..or a complete list of programs or only a list of those programs, the implementation of which is not completed (if such programs would exist) or only states that all programs of inactive testing have been fully implemented“. In the explanatory note to point 9 s) UJD SR stated clearly that the completion of implementation of all programs is a condition for the start of commissioning of Unit 3, and explicitly stated this condition in the draft decision and its conditions A.1 and B.1. ÚJD SR thus unequivocally assured the parties and the public that it would not permit the start of commissioning of Unit 3 without fully completing the testing of its equipment and systems under inactive conditions.

At the same time, ÚJD SR by formulating conditions A.1 and B.1 of the draft decision, which was published on 15 February 2020, has made it very clear that the submission of an evidence on the readiness of buildings and facilities for the operation of Unit 3, and buildings and facilities common to Units 3&4 and used for operation of Unit 3, confirming the readiness of these facilities for commissioning of Unit 3 for the stages of physical start-up and power testing according to Annex 1 bod C (s) of the Atomic Act, and in accordance with Annex 4 to the Atomic Act, part B (I) (A) par. 5 and 7, is a mandatory condition for the issue of a permit for the commissioning of Unit 3 and related permits.

ÚJD SR considers the statement of GLOBAL 2000, referred to in point b) on the impossibility of public participation in the decision-making process to be unfounded.

Note: Condition A.1 is not part of this Decision, as Slovenské elektrárne, a.s. completed in full the tests of equipment and systems that were listed as not completed in the original condition A.1 of the draft Decision published on 15 February 2020

Ad c) As for this comment ÚJD SR states that at the stage of publication of the draft decision and its supporting documentation it was not the decision itself (containing several types of permits), but only its draft and supporting documentation available to ÚJD SR at the time of its publication. ÚJD SR relied on the abovementioned provision of Art. 6 par. 2 (b) of the Aarhus Convention, according to which the public concerned has the right to be informed of the substance of possible decisions or of a draft decision in decision-making processes relating to the environment. The purpose of disclosure was to enable the public participation on the decision-making process at all stages, including the possibility of public participation in the draft decision, and its substance, and the associated possibility to make comments. Thus in no way should the conduct of the ÚJD SR be interpreted as preventing the exercise of the public's right to participate in the decision-making process. On the contrary, ÚJD SR sought to bring it as close as possible to the legal situation guaranteed by the Aarhus Convention and national legislation, which in Section 33 par. 2 of the Code of Administrative Procedure obliges the administrative authority "[...] to give the parties and the stakeholders the opportunity to comment, before the decision is issued, on its basis and also on the method of its establishment, and where appropriate, propose that it be supplemented."

Nor can the publication of the draft decision and its supporting documentation be interpreted in any way as the actual issue of the decision in the administrative procedure. It is therefore excluded that by fulfilling the obligation imposed on it as an administrative authority by law, ÚJD SR deprived the stakeholders of the possibility to participate in the decision-making process. ÚJD SR also adds that the parties and the general public were informed in good time of the date of disclosure of the supporting documentation for the draft decision, which preceded the decision on the case itself, which is subject to the possibility of challenging it and reviewing it in the regime of administrative justice. It is clear from this that there was nothing to prevent the interested public to exercise its right to consult the remaining requested documentation in the administrative file at the administrative authority at the time, when it was at the disposal of the administrative authority. The ÚJD SR does not question the limited possibilities of carrying out a procedural act during the time of emergency due to the spread of COVID-19, however states that the possibility of consulting the administrative file existed continuously for the entire duration of the administrative procedure. During the emergency in the Slovak Republic, the ÚJD SR did not even limit the possibility of consulting the file, and in case of interest by stakeholders and other public, would have allowed administrative act to be performed with appropriate anti-epidemiological measures. Taking into account the fact that the ÚJD SR has not received a request for consulting the administrative file before and during emergency, it considered that the interested entities have not shown an interest to familiarize with its entire contents.

Explanatory note No. 3 to point 9.s) of the draft decision published on 15 February 2020 on the website of ÚJD SR, to which GLOBAL 2000 refers to, is merely a statement that "...the envisaged future decision on the case will be issued ... only when proven... that there are no such punch list items and deficiencies that could affect nuclear safety." This statement is quoted from Decree No. 430/2011 (Annex 4 part B (I) (A) par. 5 and 7 of Decree No. 430/2011). As to point 9.s), it is stated in this context that ÚJD SR would consider the failure to complete certain tests under inactive conditions to be such a punch list item and deficiency that affects nuclear safety. With this text, ÚJD SR expressed a clear requirement for full completion of testing of Unit 3 systems and equipment in inactive conditions prior to loading the first fuel assembly to Unit 3 reactor. The table, which is part of point 9.s) of the published

draft decision (proofs of the readiness for commissioning), the ÚJD SR even disclosed extensive information on the current state of implementation of programs of inactive testing of Unit 3 equipment and systems as at the moment of publication of the draft decision (15 February 2020). The aim of disclosing the current state of implementation of programs of inactive testing was to give the parties and the public the most complete information about the status of their implementation. It should be stressed that it is the results of programs of inactive testing that are an essential source of information for the Final Report on Unit 3 commissioning. At the same time, by publishing a list of programs of inactive testing and their current status, ÚJD SR wished to inform the parties and the public that Unit 3 is in the final stage of finalization of these tests, which is resulting from explicitly high degree of finalization of these test as at the date of publication of the draft decision.

Ad d.1) As for this statement made by GLOBAL 2000, the ÚJD SR as the administrative authority states the following:

- Information on MO3&4 Project was disclosed to the public in a Report on the proposed activity for environmental impact assessment under Act No. 24/2006 Coll. (July 2009).
- Documentation of the administrative proceedings No. 1.1 and other administrative proceedings related to the application of Slovenské elektrárne, a. s., for issue of a permit for commissioning of nuclear installation MO3&4 (administrative proceedings Nos. 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2 and 3.3) with removed sensitive information according to their definition in Section 3 par. 16 and 17 of the Atomic Act, was disclosed by ÚJD SR from 16 March 2017 until 30 June 2017 in rented premises at Mochovce.
- On 27 November 2019, an oral hearing was organized with local survey of objects of Unit 3 and in the scope of buildings and facilities common to Units 3&4, which are needed for operation of Unit 3, in connection with the application for issue of permit for an early use of the building of Mochovce Nuclear Power Plant WWER 4x440 MW Project 3. ÚJD SR notified the parties and the public about the date of the oral hearing connected with local survey in writing, including by a public decree. ÚJD SR published the details of the organization of this local survey on its website. The procedural act was attended by the parties, including representatives of Slovenské elektrárne, a. s., representative of GLOBAL 2000 and representatives of local government, as well as representatives of public administration bodies concerned. Any party, including the public, could take part in the visual inspection, and obtain the requested information on the Project MO3&4.
- The ÚJD SR published on its website the PSR – a summary of the basic data provided to the public on 189 pages describing the nuclear installation of MO3&4, its area and the surroundings. This document also includes information on the severe accident management systems, including relevant photos. This document contains data on the environmental impact of the operation of MO3&4 nuclear installation.

For the reasons set out above, the ÚJD SR disagrees with the argument of GLOBAL 2000, that the public does not have information on Mochovce Nuclear Power Plant and how it differs from older type of power plants, and how it meets the current safety requirements for mitigating the environmental impact of operations and severe accidents. The ÚJD SR confronts the MO3&4 Project with the applicable legislative requirements.

Ad d.2, ad e) As for these statements made by GLOBAL 2000, ÚJD SR as an administrative authority states the following: The relevant condition from the Final Opinion on EIA MO3&4 reads as follows: “3.1 After granting a permit for commissioning of nuclear installation, to ensure that all conditions set out in the ÚJD SR Decisions No. 246/2008, No. 266/2008 and No. 267/2008 are met, after issuing permit by ÚJD SR for commissioning and operation of MO 3&4, ensure that all conditions specified in the relevant ÚJD SR permits are met“. Showing fulfilment of conditions of the ÚJD SR Decision No. 246/2008 of 14 August 2008 which was confirmed by the second-instance ÚJD SR Decision No. 291/2014 of 23 May 2014 and ÚJD SR Decisions No. 266/2008, and No. 267/2008, is included in the reasoning of this Decision. MO3&4 is secured against the impact of a small aircraft by a separate construction project, as well as documentation describing activities of personnel in the event of an initiating event – the impact of a small aircraft on the nuclear installation MO3&4. Addressing

situation in case of a threat to a power plant by an airliner, pursuant to Section 12 par. 1 (e) of Act No. 575/2001 Coll., under the competency of the Ministry of Defense of the Slovak Republic, quote: “Ensuring the inviolability of the airspace of the Slovak Republic“. Further action by the armed forces related to airspace disturbance is set out in Section 4 of Act No. 321/2002 Coll. The design documentation of MO3&4, part on protection against impact of a small aircraft, is subject to regime provided for by Act No. 215/2004 Coll. and therefore was not made available to the public.

- Ad f) As for this statement made by GLOBAL 2000, ÚJD SR as an administrative authority states the following – the Project of Units 3&4 complies with the requirements of the ÚJD SR Decision No. 246/2008 of 14 August 2008, which was confirmed by second instance ÚJD SR Decision No. 291/2014 of 23 May 2014 and ÚJD SR Decision No. 266/2008 a č. 267/2008. Showing fulfilment of conditions of ÚJD SR Decision No. 246/2008, confirmed by Decision No. 291/2014, and Decisions No. 266/2008 and No. 267/2008, is included in the reasoning of this Decision. WENRA Safety Objectives for New Reactors are valid since 2010, and they apply for the MO3&4 Project as reference for identifying reasonably practicable safety improvements. Project MO3&4 meets important safety objectives of WENRA Safety Objectives for New Power Reactors, including dealing with severe accidents associated with melting of fuel. Prior to the start of completion of the Units, an extensive program of refurbishments of Units 3&4 equipment (including repairs at the manufacturers) was carried out. Buildings and selected equipment and systems/components are subject to ageing management programs. ÚJD SR verifies all information from the employees of Slovenské elektrárne, a. s. and their contractors (according to GLOBAL 2000, these are “whistleblowers“), to remedy confirmed deficiencies and orders appropriate corrective actions.
- Ad g) As for this statement made by GLOBAL 2000, ÚJD SR states the following: MO3&4 has a closed circuit of cooling system with cooling towers. The consumption of cooling water, pumped from the river Hron, is relatively low for such a cooling system. The Mochovce NPP has procedures for operating personnel in case of reduction in the amount of water taken from the River Hron, replenishment of water to cooling circuits can be provided from back-up sources to fulfil their safety function. For this purpose, the Mochovce NPP has established procedures that have been tested on Units 1&2 and 3 of Mochovce as part of Stress Tests following the Fukushima accident.
- Ad h) 1 -5 As for these statements made by GLOBAL 2000 under k.1) to k.5), ÚJD SR, states the following: Supporting documentation for the Decision in administrative proceedings Nos. 2.1, 2.2 and 2.3, were published on the website of ÚJD SR and on the COENB on 15 February 2020 as supporting documentation, by disclosing of which in the administrative proceedings in question, Section 33 par. 2 of the Code of Administrative Procedure is implemented, where the parties are given the opportunity to comment on the file and the manner of how it was established or to propose supplements to it, prior to issuing a decision. Part of this documentation is also Chapter 13 of PSR of MO3&4 (Impact of MO3&4 on the environment, rev. 17). In this revised Chapter 13 of PSR of MO3&4, the deficiencies are eliminated, which ÚJD SR identified during assessment of this chapter as part of the documentation in the previous administrative proceedings.
ÚJVZ SR has issued authorization for the release of radioactive substances produced in operation of Units 1&2 and 3 of Mochovce from administrative control, when discharged into the environment (No. OOPŽ/4603/2019 of 25 September 2019), stating that the basic authorized limit for limiting the exposure of residents living around the nuclear installation caused by radioactive substances released from administrative control and discharged into the

air and surface waters in the operation of Unit 1&2 and 3 of Mochovce, the effective dose of a representative person is 75 μSv per calendar year:

- Effective dose of 70 μSv per calendar year for discharges into the air,
- Effective dose of 5 μSv per calendar year for discharges into surface waters – the River Hron.

At the same time, ÚVZ SR imposed an obligation on Slovenské elektrárne, a. s. to use a well-specified calculation code for the model evaluation of population exposure caused by radioactive materials released from administrative control and discharged into the environment during normal operation of Units 1&2 and 3 of Mochovce. In its decision, ÚVZ SR also set annual reference levels for the discharge of radionuclides into the air and to the hydrosphere. These annual reference levels are designed so that even if they are reached, a multiple margin is secured till the value of the authorized limit. By its decision, ÚVZ SR also established investigative levels for radionuclides discharged into the air in Bq/day and to the hydrosphere in Bq/m³, and an obligation for Slovenské elektrárne, a. s. to ensure that well specified preventive actions are taken when reaching annual reference levels of discharges and investigative levels. Furthermore, ÚVZ SR established a list of radionuclides that need to be monitored before they are released into the environment, and the requirements for such monitoring.

The requirements arising from Decision of ÚVZ SR (No. OOPŽ/4603/2019) are incorporated in the Limits & Conditions for MO3&4, ÚJD SR Decision No. 205/2020 of 17 July 2020. In the PSR of MO3&4 the requirements of ÚVZ SR Decision (No. OOPŽ/4603/2019) will be incorporated at the next planned revision of PSR of MO3&4.

- Statement by GLOBAL 2000 k.1): In reaction to this statement, ÚJD SR states that the values of actual discharges into the atmosphere and to hydrosphere are given in tables of the relevant chapter of PSR for the reference Units of EMO 1&2, including their comparison with the annual reference levels for the period 1998 to 2014. Data on limit values (currently annual reference levels) for Units 3&4 of Jaslovské Bohunice Nuclear Power Plant and for the Jaslovské Bohunice NPP Units 1& 2 in decommissioning, are given in annex and serve for comparison of both sites.
- Statement by GLOBAL 2000 k.2): On this statement ÚJD SR states that the question of GLOBAL 2000 is directed towards relatively low values of actual discharges into the atmosphere for Units EMO 1&2 when compared to annual reference levels (incorrect term “limit values”). The annual reference levels are set relatively high, but at the same time conservatively, so that even when they are reached, the authorized limit is not exceeded. However, Slovenské elektrárne, a. s. is obliged to analyse all anomalies and achieving so-called investigative levels.
- Statement by GLOBAL 2000 k.3): In response, ÚJD SR states that annual reference levels for tritium discharges depend on a number of factors, which are different for the Mochovce and Jaslovské Bohunice sites (e.g. different recipient, different population density at the point of discharge to the relevant recipient, and other). Therefore, the annual reference levels for different sites cannot be the same.
- Statement by GLOBAL 2000 k.4): In response, ÚJD SR states that annual reference levels, which were set for the two Units at Mochovce site (EMO 1&2), and which are valid for 3 Units at Mochovce site (Units 1&2 and Unit 3), are usually in a ratio of 2:3. This is due to the fact that the route of release of radioactive materials into the hydrosphere is common for all 3 Units, and ventilation stacks of both power plants are relatively close and have the same height. Input data for the calculation of the authorized exposure limit for limiting population exposure and thus also for setting annual reference levels are the same for all three Units.

- Statement by GLOBAL 2000 k.5): in reaction to this statement ÚJD SR states that Chapter 13.1.4 of PSR of MO3&4 contains data on the radiological impact of tritium discharges into the hydrosphere correctly stated. There is no misleading information.

Ad h.6) As for this statement of GLOBAL 2000, ÚJD SR states the following: Final Opinion on EIA MO3&4 contains par. 3.2 Recommended Conditions for the stage of construction and operation of the proposed activity: “3.2 Continue to provide information and organise seminars in areas of common interest in nuclear safety with Austrian experts, within the framework of the relevant bilateral Slovak-Austrian Agreement within the European Atomic Energy Community, Euratom, coordinated by the ÚJD SR and accept the conclusions reached from these expert consultations.” Public access to this information is governed by the provisions of a bilateral agreement made between the governments of both countries.

Ad i) In response to statement made by GLOBAL 2000, ÚJD SR states that the liability of a nuclear operator is limited in the regime of civil liability for nuclear damage. Liability limitation is one of the key principles, on which the current liability regime is built. The principle of limited liability is enshrined in international conventions, of both Vienna, and Paris systems. The Slovak Republic is a contracting party to the Vienna Convention on Civil Liability for Nuclear Damage, published in the Collection of Laws of SR under the Notice of the Ministry of Foreign Affairs of the Slovak Republic No. 70/1996 Coll. (hereinafter referred to as the “Vienna Convention“).

The ÚJD SR further states that the liability of a nuclear operator for nuclear damage is also limited by other countries of the EU, despite being associated in a system other than the Slovak Republic. These are the countries of the Paris system, where, although the Paris Convention on Third Party Liability in the Field of Nuclear Energy of 1960 (hereinafter referred to as the “Paris Convention“), and Additional Protocol to the Paris Convention on Third Party Liability in the Field of Nuclear Energy of 1963 (hereinafter referred to as the “Brussels Protocol“) allow for a higher liability limit than the one set by the Vienna Convention, however, both Conventions allow for a liability limit of up to EUR 1.5 billion even after their revision. However, the revised version of the Paris Convention of 2004 and the Brussels Protocol of 2004 did not enter into force until the date of this Decision. In order to have a complete set of information, the ÚJD SR will, for the purposes of this administrative procedure, deal exclusively with the international treaty, by which the Slovak Republic is bound.

The Vienna Convention in Art. V par. 1 provides that the State may limit the liability of nuclear operator, but the minimum level of liability coverage should be USD 5 million for each nuclear event. Pursuant to Art. V par. 3 of the Vienna Convention, the accounting unit, USD, referred to in the Vienna Convention is equal to the value of USD expressed in gold as at 29 April 1963, i.e. USD 35 per troy ounce of net gold. The amount of the nuclear operator’s liability limit as calculated under Art. V of the Vienna Convention is enshrined in Section 5 of Act No. 54/2015 Coll. This provision sets a liability limit of the nuclear operator operating nuclear facility for energy purposes up to EUR 300,000,000. The ÚJD SR further states that the document proving that the condition of securing financial coverage of the applicant for permit in the required amount is part of the submitted documentation, as referred to in point 11.

GLOBAL 2000 in the context of the amount of liability coverage of the applicant for permit/operator, further mentioned foreign source based on calculations by the French IRSN (Technical Support Organisation) for a possible nuclear event. To that source it should be noted that it uses calculations exclusively in the context of nuclear incident in French NPPs, and the article does not address possible incident elsewhere in Europe, as pointed out by GLOBAL 2000. It should also be stressed that the calculations relate to a nuclear incident of an extent of the one in Fukushima, caused by the tsunami and Chernobyl accident. The ÚJD SR took note of the comments made by GLOBAL 2000, but in view of the legally non-

binding nature of the reference, which does not create any obligations for the entities of this administrative procedure, it is not for the ÚJD SR to take an opinion on this issue and will not take it into account for the reasons set out above. The legal obligation of the applicant, under Section 8 par. 1 of Act No. 54/2015 Coll., is to submit to the ÚJD SR proof of securing financial coverage for nuclear liability in the procedure for the issue of a permit in the required form. Under the legislation in force, the applicant has fulfilled a statutory obligation and has submitted to the ÚJD SR the required document proving the financial coverage for nuclear liability as stated in point 11 of the draft decision.

On this basis, it can be concluded that the comment made by GLOBAL 2000 does not concern the failure by the applicant to comply with the legal requirements necessary for issuing the permit, nor an error on the part of the administrative authority.

It follows from the foregoing that the comment made by GLOBAL 2000 on the financial coverage for the applicant's nuclear liability is not substantiated.

Ad j) In this regard, the ÚJD SR states that the claim of GLOBAL 2000 is misleading and does not reflect the actual state of its communication policy. In its response to the National Report under the Convention on Nuclear Safety, page 25, the ÚJD SR stated that it proceeds in accordance with the Code of Administrative Procedure and the Aarhus Convention when informing the public about decisions and important information. On this basis, it not only publishes them on its website, but also delivers them to interested foreign entities by e-mail. The ÚJD SR is not aware of any reason that would indicate that the method of communication strategy, to which GLOBAL 2000 refers to, is contrary to the idea of transparency, which the ÚJD SR adheres to when communicating with the public.

In the past, the Compliance Committee has found non-compliance in the approach applied by the ÚJD SR when handling sensitive information, but that case did not concern the method how decisions and important information was notified through the website of the ÚJD SR, as stated by GLOBAL 2000. It is also necessary to add to this statement that the ÚJD SR has made a number of fundamental regulatory adjustments and changes in the approach to handling sensitive information in order to comply with the principles of the Aarhus Convention. In its latest revision to the Second Progress Report of the Slovak Republic, the Compliance Committee itself noted significant improvements on the part of the Slovak Republic, in which it appreciated the steps taken by the ÚJD SR in adapting the Directive on the identification and removal of sensitive information in the documentation to be made available to the public. The Compliance Committee also designated the Second Progress Report of the Slovak Republic, as clear, detailed and well structured, providing supporting evidence in both English and Slovak language versions, which in the words of the Compliance Committee, serve the interests of transparency.¹

Therefore, the ÚJD SR does not share the statements made by GLOBAL 2000, and leaves an assessment of the compliance of the legal situation with the provisions of the Aarhus Convention with the Compliance Committee. Therefore, the ÚJD SR will no longer deal with this comment in the present decision.

The statement of 6 April 2020 made by MBL, states the following facts:

In its statement regarding the basis for the decision, MBL followed up the communication with the ÚJD SR regarding request for access to information (hereinafter only as the „info request“) pursuant to Act No. 211/2000 Coll. on free access to information and on amendments to certain laws

¹ Second progress review of the implementation of decision VI/8i on compliance by Slovakia with its obligations under the Convention, p. 4, available on the website:
https://www.unece.org/fileadmin/DAM/env/pp/compliance/MoP6decisions/VI.8i_Slovakia/Correspondence_with_Party/Second_progress_report/Second_progress_review_on_VI.8i_Slovakia_adopted.pdf

(Freedom of Information Act) as amended. The comments on the supporting documentation for the decision concerned four areas.

- A. MBL states that being the contractor for the applicant – Slovenské elektrárne, a. s., it performed part of the work on seismic reinforcement of Unit 3, and is therefore also the author of the relevant documentation on the work done. In that regard, MBL followed in its statement that this documentation was subject to the right of retention to secure account receivable established by the Notice on exercising the right of retention of 18 June 2018 under ref. MS/094/2018, which was attached to the statement. The first comment concerned the originality of the documentation for the work of seismic reinforcement of Unit 3 and/or Unit 4 of the Mochovce NPP. MBL, pointed at the responses of ÚJD SR that were subject of information requests from 30 July 2019 and 11 March 2020. In that matter, the ÚJD SR provided information that “For the final building approval decision it is necessary to submit original documentation, or where appropriate notarized copies conforming to the original, not to the copy submitted to the notary public for verification.” Following the response of the ÚJD SR, MBL raised doubts that in the context of final building approval procedure, the originals or certified copies of the documentation for the work of seismic reinforcement were not submitted to the ÚJD SR. It was also stated in that regard that the applicant does not hold originals of the required documentation in the administrative procedure, since this documentation is subject to a right of retention based on the Contract on Work made between MBL and Solesi S.p.A.
- B. The second comment concerned the existence of a right of retention on documentation, which according to MBL, should not have been in the applicant’s right of disposal or Solesi S.p.A. In the context of the second comment, it was reiterated that the documentation submitted by the applicant to the ÚJD SR in the final building approval procedure, is not the original.
- C. According to the statement of MBL, Slovenské elektrárne, a. s. can demonstrate compliance with the condition of seismic reinforcement of Unit 3 only if it submits all seismic reinforcement documentation to the ÚJD SR in originals or copies certified by a Notary.
- D. In its statement, MBL strictly requested ÚJD SR to take steps to establish the authenticity and completeness of the documentation submitted by Slovenské elektrárne, a. s.

Reaction of the ÚJD SR on the statement by MBL:

- Ad A) The ÚJD SR stated that in the given matter it is a commercial and a legal relationship between MBL and Solesi S.p.A., and for this reason the issue relating to the right of retention is not the subject of administrative proceedings Nos. 2.1, 2.2, 2.3.
- Ad B) Since this statement concerns protocols, which have been identified as part of the documentation demonstrating seismic reinforcement of Unit 3, ÚJD SR has carried out a verification of the status of protocols. This verification was part of an inspection by the ÚJD SR, the results of which in relation to the part of the statement made by MBL, are as follows:
- ÚJD SR inspectors checked the protocols, which are to document the quality of the work carried out on when installing anchoring elements and penetrations at Units 3&4 according to the inspection and testing plan. They randomly selected several anchoring plates/penetrations for inspection, for which MBL did the drilling work.
 - Based on the inspection the ÚJD SR inspectors stated that the documentation handed over to Slovenské elektrárne, a. s. did indeed lack the originals of protocols set out in annex to the Notice on exercising the right of retention by MBL. The accompanying technical documentation handed over to Slovenské elektrárne, a. s., contains a declaration made by the contractor, Solesi S.p.A, that the originals are retained by the contractor for these works, MBL,
 - Other protocols related to work on the installation of anchoring plates/penetrations, are available as originals in the documentation submitted to Slovenské elektrárne, a.s. or are as originals available at Solesi S.p.A. on the construction site of Units 3&4 in Mochovce. These protocols document the execution of work before and after the drilling.

Ad C) Following the above findings, the ÚJD SR examined, whether there was a legislative requirement obliging it to examine the fulfilment of the condition B.1 contained in the draft decision by means of protocols, the authenticity of which is questioned by MBL. The obligation of the ÚJD SR in this respect arises from the Decree No. 430/2011 and Decree No. 58/2006.

According to Annex 4 part B (I) (A) par. 5 of Decree No. 430/2011, the license holder is obliged to check the readiness of the nuclear installation for commissioning before the start of commissioning in such a way that it “verifies and records in protocols compliance with the success criteria for post-installation tests of systems, structures and components, [...]. The continuation in the start-up shall be conditional on the elimination of punch list items and deficiencies that could affect nuclear safety.“ According to Annex 4 part B (I) (A) par. 7 of Decree No. 430/2011, the documents on the readiness of a nuclear installation for commissioning are “Protocols of post-installation testing of systems, equipment and structures“.

According to the above implementing regulations, the ÚJD SR does not have an explicit or implicit obligation to verify the protocols relating to the installation itself. Such an obligation applies only to those protocols that are related to post-installation testing. The internal regulations of Slovenské elektrárne, a. s., which provide for the obligation to draw up “post-installation protocols“, are not a binding document regulating the way the nuclear regulator behaves. It is an internal document of Slovenské elektrárne, a. s., which is not subject to the approval process by ÚJD SR.

The ÚJD SR as an administrative authority is obliged, in accordance with Section 32 par. 1 of the Code of Administrative Procedure, “to establish precisely and completely the actual state of the matter and for that purpose to obtain the necessary documentation for the decision. In doing so it is not bound only by the proposals from the parties.“ Pursuant to Section 32 par. 2 of the Code of Administrative Procedure, the scope and method of determining the supporting documentation for the decision, are specified by the administrative authority. Given that the legislation governing the licensing process of commissioning of a nuclear installation does not require the ÚJD SR to evaluate seismic reinforcement based on installation protocols, ÚJD SR verified the state of seismic reinforcement based on a method that uses factual data to determine the strength of the structures concerned.

- ÚJD SR accepted a complementary method of proving the resistance of the affected building structures, consisting of their statics recalculation using conservative assumption that in each drilling the steel reinforcement in full cross-section was broken according to retained protocols, in accordance with the reinforcement design.
- Slovenské elektrárne, a. s. submitted the results of relevant calculations to ÚJD SR, which prove the static strength and seismic resistance of load bearing structures, as well as the required seismic resistance of the buildings in question.

Ad D) The ÚJD SR inspectors performed an inspection, which focused on the protocols in question documenting the quality of work performed on the installation of anchoring plates and penetrations at Units 3&4 according to the plan of inspections and testing. This inspection was performed, among other things, on the basis of MBL’s statement, which was delivered to the electronic mailbox of UJD SR on 6 April 2020 as statement on the supporting documentation for the draft decision. Results of this inspection are summarized in the opinion of ÚJD SR on the statement of MBL Ad C).

For the purposes of issuing permit for an early use of Mochovce NPP WWER 4x440 MW Project 3, within the scope of buildings and facilities for Unit 3 operation, and within the scope of buildings and facilities common to Units 3&4, used for operation of Unit 3, ÚJD SR accepted this method of proving the quality of affected drills.

In its statement of 8 April 2020 on the draft decision, Slovenské elektrárne, a. s. proposed amendment to the text of condition C.1:

- 1) Change of reference – instead of Section 78 par. 1, make reference to Section 144a of the Building Act.
- 2) Correct the error in par. 1, p. 28/xx text: „...which must not be exceeded“.

Note: Condition C.1 is not part of this decision, as Slovenské elektrárne, a.s. completed the technical modification of the fixed fire extinguishing system in full, performed the prescribed tests of this device and submitted a proof of functionality testing of the fixed fire extinguishing system

As for the statement made by Slovenské elektrárne, a. s., ÚJD SR takes the following stance:

- Ad. 1) ÚJD SR considers the original reference to Section 78 par. 1 of the Building Act as correct and disagrees with the statement of Slovenské elektrárne, a. s.
- Ad. 2) The mentioned values are indeed only investigative levels, and on the basis of the above, ÚJD SR accepted the above request by Slovenské elektrárne, a. s.

MBL delivered on 20 October 2020 into ÚJD SR electronic mailbox position and comments on the basis for issuing the authorization for operation of Nuclear Power Plant Mochovce Unit 3 decision draft, which was registered under the no. 7274/2020. The submitted position of MBL fulfils all formal requirements of submission in accordance with Section 19 (1) of the Code of Administrative Procedure.

In its position MBL states, that it has elaborated documentation on the welds that were performed by certified professional welders of MBL as well as the documentation necessary to hand over individual elements. MBL further on states in its position, that as the contractor of the mentioned work and therefor the author of the documentation in question, it has the only original of the mentioned documentation in its possession due to exercising the retention right, whereas Slovenské elektrárne, a. s. as well as Solesi S. p A. do not have a copy of this documentation. With reference to Decree No. 430/2011 Coll. (Annex 4 Part B (I)(A) par. 5, 7). MBL states that the requirements for seismic reinforcement of Mochovce Unit 3 can be demonstrated by Slovenské elektrárne, a. s. only under the condition that the original version or notarised copy of the documentation related to seismic reinforcement of Unit 3, including documentation on welds, is submitted to ÚJD SR.

ÚJD SR reacts on the position of MBL with the following:

Slovenské elektrárne, a. s. to demonstrate the quality of anchoring elements submitted documentation (certificates of non-destructive tests) in accordance with the inspection and testing plan. Performance of the required non-destructive tests is confirmed by qualified personnel indicating the type and validity of their authorization. To demonstrate the quality of performed welding, Slovenské elektrárne, a. s. submitted the list of welds, that includes basic information on the welds and their performance as well as the list of welders that have performed the welding works during assembly, indicating the type and validity of their authorization, and certificates on quality control of welding joints. The demonstrated extend of quality of inspected activities according to inspection and testing plan is in accordance with the Decree No 431/2011 Coll. The submitted certificates have the nature of original versions. It is not possible to refute the originality of the submitted certificates other than in the confrontation with the protocols to which MBL, exercises its retention right.

Documentation used as a basis for the Decision in administrative proceedings Nos. 2.1, 2.2 and 2.3 was published again on the website of ÚJD SR, and on the COENB as documentation, the publication of which, in the administrative proceedings in question, implements Section 33 par. 2 of the Code of Administrative Procedure, in which the parties were given the opportunity to comment on its basis and the method of establishing it or to propose its supplement, before issuing the decision.

ÚJD SR published the documentation for the decision repeatedly, considering the following circumstances:

- Statement made by GLOBAL 2000 on the publication of the supporting documentation for the decision of 15 February 2020,
- Relatively large time gap between the publication of documentation used as a basis for the decision of 15 February 2020, and the possible date for the date of issue of the Decision in terms of compliance with all technical requirements by Slovenské elektrárne, a. s. The delay in meeting the technical conditions for issuing the Decision itself was caused by the measures against the spread of COVID-19 in the Slovak Republic, and their application in Slovenské elektrárne, a. s., and the related slow-down in the pace of completion work on Unit 3, as well as the need to carry out extensive additional inspections of the materials used at Unit 3.
- Taking into account the nature of activity that is the subject of the authorization proceeding, the involvement of domestic and foreign public in decision-making process as well as the impact of epidemiological situation on fulfilment of the decision condition by the applicant for authorization, ÚJD SR was of the opinion that the involved parties should have the opportunity to again familiarize with the current state of requirements fulfilment for issuing a decision in the above mentioned administrative proceedings.

Additional basis for the decision was published as follows:

- PSR MO3&4 was published on 2 November 2020. Administrative proceedings participants as well as the parties concerned were informed about the publication of POSAR MO3&4 on the ÚJD SR website, by public notice, that was published on, on Town Halls of the municipalities Kalná and Hronom a Nový Tekov (letter ref. no. 7507/2020) and on ÚJD SR website.
- Draft decision in the case of application of Slovenské elektrárne, a. s. for the issue of permits in the administrative proceedings Nos. 2.1, 2.2 and 2.3 of 22. 01. 2021. Administrative proceedings participants as well as other parties concerned were informed about the publication of decision draft on the ÚJD SR website, by public notice, that was published on COENB, on Town Halls of the municipalities Kalná and Hronom a Nový Tekov (letter ref. no.432/2021) and on ÚJD SR website.

The publication of PSR MO3&4 and the draft decision allowed the exercise of the right of the public, in particular under Art. 6 Section 2 and 3 of the Aarhus Convention. The parties were informed about the publication of the supporting documentation for the decision in administrative proceedings Nos. 2.1, 2.2 and 2.3 by public decree in accordance with Section 10 of the Atomic Act and Section 26 of the Administrative Procedure Code.

The first-instance administrative body has asked by letter ref. no. 8389/2020 of 3 December 2020 the chairperson of ÚJD SR as the appellate administrative body pursuant to par. 58 (1) and par. 61 (2) of the Code of Administrative Procedure, in relation to Section 49 (2) of the Code of Administrative Procedure, to extend the period for decision in administrative proceedings no. 2.1, 2.2 and 2.3 by 6 months. The first-instance administrative body justified its request by ongoing extensive inspection of material quality (pipeline components) that were used on Mochovce Unit 3. This inspection is performed by Slovenské elektrárne, a. s. and its contractors. The process of evaluation and interpretation of the inspection results is extremely time consuming and professionally demanding and is not expected to be completed before the period for issuing a decision in the matter has passed. Quality inspection of the used materials (pipeline components) on Unit 3 including its detailed evaluation must be performed/completed before issuing a decision in the matter. Demonstration of required quality of materials (pipeline components) in accordance with valid standards and technical requirements has extreme importance from the point of view of future safe commissioning and operation of Mochovce Unit 3.

The Chairperson of ÚJD SR complied with the request of the first-instance administrative body and extended the period for decision by 6 months. Administrative proceedings participants as well as parties concerned were informed about the publication of decision draft on the ÚJD SR website, by public notice, that was published on COENB, on Town Halls of the municipalities Kalná and Hronom a Nový Tekov (letter ref. no. 8741/2020) and on ÚJD SR website.

The basis for the decision in administrative proceedings no. 2.1, 2.2 and 2.3 concerning the application of Slovenské elektrárne, a.s. for the issuance of a permit (i.e., PSR of MO3&4 on 2 November 2020 and the Draft Decision on the Application of Slovenské elektrárne, as for the issuance of a permit in administrative proceedings No. 2.1, No. 2.2 and No. 2.3 on 22 January 2021) was commented by these two parties:

1. On 20 February 2021, MBL delivered to the electronic mailbox of ÚJD SR a statement on the documents of the draft decision, which was registered under reg. no. 1266/2021. The delivered statement of MBL fulfils the formal requirements for filing in accordance with the provisions of § 19 par. 1 of the Administrative Procedure Code.
2. GLOBAL 2000 delivered its opinion on the draft decision and its documents to the e-mail box of ÚJD SR on 23 February 2021. The delivered statement of GLOBAL 2000 was registered under reg. no. 1308/2021. The delivered statement of GLOBAL 2000 fulfils the formal requirements of the submission in accordance with the provisions of § 19 par. 1 of the Administrative Procedure Code.

In its statement of 20 February 2021, MBL repeatedly stated that part of the documentation related to the seismic resistance of Units 3 and 4 of MO34 is subject to the retention right applied by MBL to it, and therefore this documentation cannot be disposed of by the applicant for issuance of a permit - Slovenské elektrárne, as. This documentation is accessible at the MBL, and MBL is willing to release it after payment of its claim.

The statement of MBL dated 20 February 2021 states the following facts:

- 1) MBL cites the provisions of chapter 1.1 of PSR of MO3&4, which states that: “The aim of PSR of MO3&4 is to demonstrate compliance with the requirements for nuclear safety ... based on an assessment of the solutions proposed in the revised Basic Design and the MO3&4 Detailed Design. The power plant project is obliged to prove that the equipment meets its design intent.” It further states (with reference to chapter 1.3 of PSR of MO3&4) that the designer is the only person authorized to approve changes in design documentation and their compliance with the original design. In this context, it states that: “The designer has issued a technical report which clearly defines that all changes and shifts of works performed on the seismic resistance of Mochovce NPP mean change compared to the original design ... and the only entity authorized to place an order and approve such changes is exclusively the designer”. It refers to the specific Quality Management documentation prepared by Slovenské elektrárne, as, or its suppliers, which sets out the principles and procedures for performing drilling work on seismic resistance work for equipment and systems of MO 3&4, and requirements for their documentation (Description of the activities of the designer group on site, EGPI and SE, Technological procedure - installation of plates, Collision management, Installation of plates, Inspection and Test Plan for the installation of plates on concrete and for lining, ITP - penetrations and POM Installation of plates).
Further, it states that the documents: “Detailed Design for reinforcement due to seismicity – anchoring and reinforcement of steel platforms”, “Detailed Design for seismic reinforcement of buildings of active auxiliary operations”, “Requirements for evaluation of seismic resistance of structures, systems and components of NPP Mochovce Units 3&4”, and “Seismic reinforcement” are the documents referred to by PSR of MO3&4 in its chapters / subchapters 2.5.2.2, 2.5.2.3, 2.5.2.5, 2.5.2.6 and 2.5.2.7. PSR of MO3&4 was disclosed as part of the documentation supporting the Decision, on the ÚJD SR website on 2 November 2020.
- 2) Repetition of the statement of 6 April 2020 referred to in points A), B) and C) in the grounds of this Decision in accordance with MBL's statement on the basis for the decision of 6 April 2020.

- 3) With reference to points 1) and 2), it states that without complete and original documentation it is not possible to assess the impacts in case of a seismic event on a nuclear installation and that it is not permissible to replace the original documentation with a form other than the original.
- 4) No EFD modifications could be submitted to ÚJD SR, which: "... basically modify the original design, as they are the subject of a retention right ...", which is claimed by MBL (note: EFD - "Engineering Field Disposition" - these are small changes that do not have an impact on the basic design and for which the related process and the method of its documentation are specified in the MO3&4 Quality Management System).
- 5) From the above facts contained in points 1) to 5), MBL concludes that since ÚJD SR did not receive complete documentation proving the seismic reinforcement of Unit 3 of MO3&4, it is not possible to prove changes in the original design and their impact on operational safety of Unit 3 of MO3&4 due to the fact that part of the necessary original documentation is retained by MBL. According to the MBL statement, in this situation it is not possible to prove the fulfillment of the requirements for the quality of the nuclear facility in accordance with Section 19 of Decree no. 58/2006 in the area of its seismic reinforcement.
- 6) The MBL cites provisions (Section 81 par. 1 and Section 83 of the Building Act and provisions of Section 8 par. 3 and Section 7 par 2 (d) of the Atomic Act, and states that the ÚJD SR is obliged to require the submission of a complete and original documentation and cannot proceed to an assessment of "alternative" documentation, if available: "... documentation showing the actual construction, although the applicant failed to submit this documentation to the building authority by his fault due to negligence of his obligations or obligations of his contractor to pay the subcontractor's claim for carrying out construction work on site. "
- 7) It states that Slovenské elektrárne, a.s., could not submit the original documentation to the oral hearings related to the local investigation, as part of it is retained by MBL under the Notice of Exercise of the right of retention. For that reason, it criticizes the draft Decision, which was published as part of the basis for the Decision in the case on 22 January 2021, as incorrect in paragraph 10 on p. 23.

Based on the facts stated in points 1) to 7), MBL claims that PSR of MO3&4 does not reflect all the requirements required by law and that it lacks facts proving the safety of the construction in relation to work on seismic reinforcement for Units 3 and 4 of MO3&4 . It further claims that the draft decision is premature and as such does not contain the requirements and content requirements set by the Atomic Act and the Building Act and does not oblige the applicant to meet the requirements raised in accordance with generally binding legal regulations for safety of construction and operation of Unit 3 and safety of persons in terms of the protection of their lives and health and the protection of the environment.

In its statement of 23 February 2021, GLOBAL 2000 states:

- 1) Reservation against the fact that the supplemented / new draft Decision, which was published on 22 January 2021, does not contain the reactions to the statements made by GLOBAL 2000 of 15 April 2020. This statement was submitted to ÚJD SR for the draft Decision in the case which was published on 15 February 2020. However, GLOBAL 2000 states that the amended draft Decision published on 22 January 2021 contains a detailed summary of their statement of 15 April 2020.
- 2) The amended draft decision published on 22 January 2021 stated that the implementation of certain system test programs had not been completed (namely 3P059, 8P116, 8P117). GLOBAL 2000 requests a revision of the draft decision after all relevant components of the nuclear unit under construction have been tested.

- 3) GLOBAL 2000 does not agree with the publication of only preliminary results of quality inspections of piping components at Unit 3 of Mochovce, because the final results of these inspections could not be included in the draft decision published on 22 January 2021.
- 4) GLOBAL 2000 refers to the investigation of the National Criminal Agency (NAKA) in the case of the company Inžinierske stavby Košice (hereinafter "ISKE"). This company participated in drillings for seismic reinforcement of MO3&4 equipment. GLOBAL 2000 points out the potential unreliability of the ISKE documentation and requires a consistent approach by ÚJD SR to verify that the drilling process complied with the prescribed procedure.
- 5) GLOBAL 2000 requests that the replies to its statement of 15 April 2020 be supplemented. However, it added that it did not have enough information on the PSA study, on the means to address ultimate heat sink in response to the Fukushima accident and in case of multi-unit accidents.

At the end of the statement, GLOBAL 2000 expresses its request that no permit be issued for Unit 3 of Mochovce and therefore not be put into operation.

ÚJD SR comments on the statement of MBL dated 20 February 2021 as follows:

ÚJD SR does not have the legal right to examine whether the retention of part of the documentation on drilling works performed on the MO3&4 construction site by MBL and the exercise of the right of retention against this documentation is legal or not. Nor is it entitled to examine the reasons given by both parties to the dispute as justification for their position on the withholding of the documentation (the exercise of the right of retention by MBL). ÚJD SR takes note of the business dispute between MBL and Solesi S.p.A.

However, ÚJD SR is obliged to examine whether the missing documentation proves / can prove such properties of buildings, components and equipment that it is necessary to document in order to meet the requirements for nuclear safety. This obligation of ÚJD SR clearly follows from the Atomic Act - especially from Section 4 par. 1 (a) to d), j), Section 5 par. 3 (c), f), g), k), in connection with Sections 7 and 19 of the Atomic Act and also from Section 81 of the Building Act in connection with the provisions of Section 121 par. 2 (e) of the Building Act. Likewise, ÚJD SR must in administrative proceedings in the matter of the application of Slovenské elektrárne, a.s. for the issuance of a permit for the commissioning of Unit 3 of MO3&4 and related permits to comply with Section 32 and other provisions of the Administrative Procedure Code.

The ÚJD SR inspectors, on the basis of the Notice on the Exercise of the Retention Right dated 18 June 2018 under stmp. MS / 094/2018, sent by MBL, checked the relevant documentation. This inspection confirmed that part of the documentation on the drillings performed by MBL, which is kept on the premises of Slovenské elektrárne, a.s., is only in copies confirmed by the author's supervision. For the drilling protocols carried out by MBL at Unit 3, for which MBL exercises a retention right, the attached statement from Solesi, S.p.A. states that the originals were created by a subcontractor - MBL and those that are not part of the accompanying technical documentation, Solesi, S.p.A. does not have at its disposal because MBL retained them.

Ad 1) MBL presents correct data from PSR of MO3&4, which was published as part of the documentation for the Decision in the case for Unit 3. For the sake of completeness, it should be noted that Chapter 1.1 of the PSR is entitled "Introduction", Chapter 2.5 "Documents included in references". The "Documents included in links" section contains a list of documents to which the PSR links. Bibliographic overview of attached documents and references to them are made in the relevant part of PSR of MO3&4 (Safety Guide of ÚJD SR I.1.2 / 2014 Scope and Content of the Safety Report). The detailed procedure for the implementation of changes to the detailed design and possibly also the basic design of MO3&4 is given in the quality documentation of Slovenské elektrárne, a.s., inter alia, Staged Quality Assurance Program for Construction and Commissioning (MO34/EPZK-100), which is

approved by ÚJD SR Decisions No. 57/2019 of 27 February 2019 (Management System Manual of the SE, a.s.) and No. 208/2019 dated 8 July 2019. Slovenské elektrárne, a.s. therefore, has established processes that precisely define the procedures for dealing with deviations from the design, including the deficiencies found in the documentation. These procedures are graded according to the severity of the deviation. One example is given by MBL in its statement under point no. 5 (EFD-modifications).

Ad 2) ÚJD SR's response to MBL's statement on the draft Decision, which was published on 15 February 2020, is given in points Ad A), B) and C). This statement of MBL was delivered to ÚJD SR on 6 April 2020 and was registered under reg. no. 2436/2020.

Ad 3) As an administrative body, ÚJD SR is bound by the principle of material truth, which requires that the decisions of administrative bodies be based on a reliably ascertained state of affairs (Section 46 of the Administrative Procedure Code). ÚJD SR, on the basis of evidence proposed by the parties to the proceedings, resp. the parties concerned, must duly ascertain all the facts relevant to the decision. It follows from the above that ÚJD SR is obliged to acquire sufficient knowledge of the factual circumstances of the case, and this situation must be demonstrable and unquestionable. ÚJD SR is obliged to deal with the submissions of all parties. If Slovenské elektrárne, a.s. as a party to the proceedings (the applicant for the issuance of the relevant permits) submits documentary evidence proving the seismic resistance of the Unit 3 equipment, ÚJD SR is obliged to deal with this evidence. Slovenské elektrárne, a.s. submitted to ÚJD SR documentation that proves the seismic reinforcement of equipment and systems of Units 3 and 4 of MO3&4, and at the same time demonstrates the static strength and seismic reinforcement of individual load-bearing structures, as well as the required seismic resistance of the buildings. For this purpose, Slovenské elektrárne, a.s. also submitted the results of destructive tests and other measurements, as well as the analysis of the resistance of load-bearing structures prepared by the designer, for which ÚJD SR has prepared an independent evaluation. According to the evaluation of ÚJD SR and its external expert support, this demonstrates seismic reinforcement of equipment and systems of Units 3 and 4 of MO3&4, and at the same time static strength and seismic resistance of individual load-bearing structures, as well as required seismic resistance of the buildings to an extent equivalent to retained drilling protocols.

Ad 4) In its statement MBL states that Slovenské elektrárne, a.s. could not submit the documents on the so-called modifications to the EFD as they are held by MBL. ÚJD SR performed an inspection, which did not reveal any facts that would indicate that Slovenské elektrárne, a.s. is missing some evidence of EFD modifications made. MBL's assertion is also at odds with the content of the Notice on the Exercise of the Retention Right of 18 June 2018, in which MBL does not mention the exercise of the retention right against the EFD dossier.

Ad 5), Ad 6), Ad 7) ÚJD SR responses on the statement of MBL are given in points Ad B) and C) of the ÚJD SR response to the statement of MBL on the draft Decision, which was published on 15 February 2020. This statement of MBL was delivered to ÚJD SR on 6 April 2020 and registered under the reg. no. 2436/2020.

ÚJD SR disagrees with the statement of MBL in relation to PSR of MO3&4, the draft Decision on which MBL commented and does not agree with its statement that the draft Decision does not oblige the applicant to meet the requirements raised in accordance with generally binding legal regulations on construction safety and operation of Unit 3 and the safety of persons in terms of protection of their lives and health and protection of the environment. Slovenské elektrárne, a.s. together with the designer, they documented the fulfillment of requirements for seismic reinforcement of equipment and systems of Units 3 and 4 of MO3&4 and at the same time demonstrated the static strength and seismic resistance of individual load-bearing structures, as well as the required seismic resistance of the buildings, thereby fulfilling the legal requirements.

ÚJD SR reacts to GLOBAL 2000 statement dated 23 February 2021 as follows:

- Ad 1) ÚJD SR responses to the statements of GLOBAL 2000 on the documentation for the Decision, which were published on 15 February 2020, on 2 November 2020 and on 22 January 2021, are given in this Decision. Such a way of dealing with the statements of the party to the proceedings with the basis for the decision, is in full compliance with the Administrative Procedure Code.
- Ad 2) ÚJD SR's response to the statement of GLOBAL 2000 is given in point Ad a), ÚJD SR's response to the statement of GLOBAL 2000 on the draft Decision, was published on 15 February 2020. This statement of GLOBAL 2000 was delivered to ÚJD SR on 15 April 2020 ÚJD SR and was registered under no. 2608/2020.
- Ad 3) ÚJD SR published on its website the preliminary results of the quality control of piping components at Unit 3 of Mochovce in the interest of objectively informing the public and participants in the proceedings about it. The publication of preliminary results of the quality control of piping components at Unit 3 was not part of the basis for the Decision. At the time of publication of these preliminary results, all necessary measurements of the quality of the piping components were made, which could have any impact on the safe operation of the Unit. Before issuing the Decision itself in the case, ÚJD SR published the final results of the quality control of piping components at Unit 3 of Mochovce. These final results do not contain any significant changes compared to the preliminary results.
- Ad 4) ÚJD SR has performed inspections of drilling works for seismic reinforcement of the equipment of Units 3 and 4 of MO3&4 from the very beginning. Based on the results of ÚJD SR inspections, the working procedures of drilling works and related activities were modified to the smallest detail in the quality management documentation of Slovenské elektrárne, a.s. and their contractors. To address cases of potentially unreliable ISKE documentation, a detailed analysis was prepared in 2018 by the author of the basic design, which demonstrates the static strength and seismic resistance of individual load-bearing structures that could be potentially weakened by reinforcement failure during ISKE work. This analysis was based on the engineering assessment of such ISKE documentation - the possible impact of drilling on the reinforcement was evaluated directly on-site. For the avoidance of any doubts, in 2021 ÚJD SR ordered a re-evaluation of the ISKE documentation in question and the related addition of the analysis of the resistance of load-bearing structures to all cases in which it is not possible to rule out reinforcement failure with complete certainty. This extended analysis was prepared by the designer, and ÚJD SR ensured the elaboration of its evaluation by an independent expert organization. This independent evaluation confirmed the correctness of the methodology used and the results of its application. However, the new (supplemented) analysis did not bring any changes in the static assessment of load-bearing structures weakened by possible failure of the reinforcement compared to the original analysis from 2018. The sufficient strength of the hermetic zone of the Unit 3 of MO3&4 was also proved by the results of an integral test of its tightness and strength by an overpressure of 150 kPa (against the atmosphere), which proved a very good tightness of the hermetic spaces. During this test, the high strength of the hermetic envelope was also demonstrated by tensometric measurements.
- Ad 5) ÚJD SR's responses to the statement of GLOBAL 2000 are given in points Ad c), Ad d.1), Ad d.2, ad e), Ad f), Ad g), Ad h.1 to h.5 , Ad h.6, Ad i) and Ad j) of the ÚJD SR response to the statement of GLOBAL 2000 on the draft Decision, which was published on 15 February 2020. The statement of GLOBAL 2000 was delivered to ÚJD SR on 15 April 2020 and was registered under no. 2608/2020. Information on the PSA study is available in the PSR, which was published as part of the basis for the Decision on 2 November 2020 (Chapter 07.03 -

Probabilistic Analyzes). Information on the means for addressing the ultimate heat sink is also available in the PSR, which was published as part of the documents for the Decision on 2 November 2020 (Chapter 07.03 - Systems for mitigating the consequences of severe accidents). For dealing with multi-unit accidents, procedures according to regulations for dealing with severe accidents are used and human resources of emergency response organization are created, sufficient to manage severe accidents at several units in a given locality or to manage a severe accident at one unit in combination with an emergency condition at another unit.

The IAEA Pre-OSART mission took place in Mochovce from 18 November to 5 December 2019. The mission aimed to review the nuclear power plant's operational safety performance in accordance with IAEA safety standards, to make recommendations and suggestions for further improvement, and to identify best practices that can be shared with other NPPs around the world. UJD SR provided the IAEA inspectors with the necessary cooperation. The Pre-OSART Mission resulted in a report, in which the mission team identified 22 deficiencies, resulting in 14 recommendations and 8 suggestions. One case of good practice was also identified. Slovenské elektrárne, a.s. adopted appropriate corrective actions in response to the recommendations and suggestions from the Pre-OSART mission, which UJD SR took note of. The final report of the Pre-OSART mission and related corrective actions were published on the website of Slovenské elektrárne, a.s. UJD SR agrees with the identified recommendations and suggestions, and continuously monitors their implementation. Based on the evaluation of the degree of fulfillment of measures from the Pre-OSART mission, ÚJD SR states that they do not prevent the issuance of a permit for commissioning.

Slovenské elektrárne, a. s. submitted to ÚJD SR by the letter ref. SE/2021/002201 of 18 January 2021 information about elaboration of new revision of the document Final Report of Unit 3. The Final Report of Unit 3 documents the readiness of Unit 3 – equipment, personnel and documentation for the commissioning. The Final Report of Unit 3 evaluates the test results of equipment and systems in conditions of inactive testing, provides an evaluation of meeting the success criteria of individual tests, Protocol numbers documenting the fulfilment of success criteria of inactive tests, punch list with the deadlines for their removal, the reason for their persistence, and also proof that they do not affect nuclear safety either individually or in their cumulative effect. The vast majority of registered punch list items are of a record nature and relate to the fact that the work on Unit 4 has not been completed yet. The Final Report of Unit 3 documents the state of readiness of the personnel for commissioning of Unit 3, and the readiness of operational documentation for the commissioning. ÚJD SR, using the form of an inspection in Mochovce, continues evaluation of previous revisions of Final Report of Unit 3, performed evaluation of changes in the current revision of Final Report of Unit 3 in comparison with previous revisions and states that the Final Report of Unit 3 is in compliance with the requirements of Decree No. 430/2011, listed in its Annex 4 part B (I) (A) par. 5, 7, 9, (G) par. 1, 2 and in Section 7 par. 2 (b), (c) of the Atomic Act.

Slovenské elektrárne, a. s. submitted to ÚJD SR the Final Report on the evaluation of materials/metallurgical components used in Unit 3. This Report states that the methodology accepted by UJD SR was followed in verifying the quality of metallurgical components. Overall, 3410 metallurgical components were checked. There were 61 cases of material exchange and 293 cases of deviations from the standard (hereinafter referred to as “deviations“). All detected deviations were duly assessed, including laboratory determination of their chemical composition and laboratory determination of their mechanical properties in accordance with the accepted methodology. Twelve metallurgical components had to be replaced due to the unsatisfactory chemical composition or unsatisfactory mechanical properties. Testing of chemical composition and mechanical properties in the laboratory were performed so that their results meet the requirements of Section 8 of Decree No. 431/2011. UJD SR performed inspections on the basis of suggestions that were gradually sent to it by other state administration authorities. These suggestions concerned the scope of documentation demonstrating compliance with the design's requirements for piping components quality, risk of corrosion of piping materials, storage and installation of signaling and power cables, reliability of

emergency diesel generators, integrity of pressurizer electric heaters and some other areas. All these complaints were thoroughly examined and, if they proved to be justified, the necessary corrective actions were taken.

ÚJD SR sent a letter reg. no. 2730/2021 of 15 April 2021, calling MBL to submit documents necessary for the taking of evidence in accordance with Section 37 of the Administrative Procedure Code. With this call, ÚJD SR requested MBL to submit drilling protocols within 10 days of its delivery, which document the quality of the work performed by MBL to the extent of:

- buildings and rooms of Unit 3 of the Mochovce nuclear facility,
- and buildings and rooms common to Units 3 and 4 of Mochovce, which are necessary for the commissioning and operation of Unit 3 of Mochovce.

MBL responded to the call of ÚJD SR, which was sent to it by letter reg. no. 2730/2010 with its letter stmp. MS/094/2018 of 3 May 2021, which was registered by ÚJD SR on 5 May 2021 under reg. no. 3296/2021. In the letter in question, MBL refused to provide the required documents for the taking of evidence.

The other documentation includes the individual types of documentation mentioned in the reasoning of this Decision. They constitute partial approval or review procedures that have been carried out separately or in parallel with the proceedings for the issue of this Decision.

The administrative fee was not levied because the administrative procedure conducted under the Atomic Act is not subject to a fee obligation under Act No. 145/1995 Coll. on Administrative Fees, as amended.

On the basis of the above, the ÚJD SR decided, as stated in the operative part of this Decision.

Advice of remedies

Pursuant to Section 61 par. 1 of the Code of Administrative Procedure, a party to the proceeding can file an appeal against this Decision at ÚJD SR, Okružná 5, 918 64 Trnava, within 15 days from the date of service of this Decision. An appeal filed on time has a suspensory effect.

Against the Decision in part (c) of the permit for early use of the building Mochovce Nuclear Power Plant VVER 4x440 MW Part 3, within the range of facilities and equipment for the operation of Unit 3, and within the range of facilities and equipment common for Units 3 and 4 used to operate Unit 3, for the period until the final approval decision is issued, other persons are entitled to file an appeal with the Nuclear Regulatory Authority of the Slovak Republic, Okružná 5, 918 64 Trnava pursuant to Section 140c (8) and (9) of the Building Act to the extent that the permit does not comply with the content of the Final Opinion of the Ministry of the Environment of the Slovak Republic no. 395/2010 - 3.4 / hp of April 28, 2010. The period for lodging such an appeal shall be 15 working days and shall run from the date of publication of this Decision. "

After the exhaustion of the admissible ordinary remedy, this Decision can be reviewed by the administrative court in accordance with the provisions of Act No. 162/2015 Coll., Administrative Judicial Code, as amended.

In Trnava, 13 May 2021

Ing. Peter Uhrík
Director General
Safety Assessment and Inspections

Delivered by public decree:

This notification is in accordance with Section 8 par. 10 of the Atomic Act to a party to proceedings, pursuant to an international agreement by which the Slovak Republic is bound, or to a party to proceedings pursuant to a special regulation, in proceedings pursuant to this Act, or pursuant to a special regulation, by a public decree.

PUBLIC DECREE

This document has the nature of a public decree according to Section 26 of the Administrative Procedure Code and will be posted for 15 days on the official notice board of ÚJD SR located at the entrance to the ÚJD SR headquarters building at Bajkalská 27, 820 07 Bratislava, CUET on the Central Public Administration Portal at www.slovensko.sk, on the electronic official board located on the website of ÚJD SR at www.ujd.gov.sk. The last day of this period is the day of delivery.

Date posted:

Stamp and signature:

Delivery date:

Stamp and signature:

Date of removal:

Stamp and signature:

Delivered by public decree:

Delivered to: