

(e) Letter from the Agent of the United Kingdom to the Registrar of the Tribunal dated 23 November 2001 commenting on Ireland's response to the Tribunal's questions (see (b) above)



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From the Legal Adviser

23 November 2001

M. Philippe Gautier  
Registrar  
International Tribunal for the Law of the Sea  
Am Internationalen Seegerichtshof 1  
22609 Hamburg  
Germany

Sir,

#### THE MOX PLANT CASE

I refer to the letter dated 21 November 2001 from the Agent of Ireland giving Ireland's replies to the three questions put to the Parties by the Tribunal at the hearing on 20 November. The United Kingdom responded at the hearing, and I have nothing to add to that response.

The Irish letter of 21 November contains fresh materials from which Ireland deduces that fuel returned to Sellafield from Japan will be used in the MOX Plant; that the transport of this fuel constitutes transport associated with the expected commissioning of the MOX Plant; and that this may occur as early as April 2002.

As Counsel for the United Kingdom stated, in the first of the two paragraphs quoted by the Agent of Ireland, he was speaking of transports "*arising from the commissioning of the MOX Plant*". His point was that the plutonium commissioning of the MOX Plant will not give rise to any additional transports of nuclear materials before next summer at the earliest. Both in its Written Response and in Counsel's oral submissions the United Kingdom explained that in the period between now and next summer certain shipments of nuclear materials to the Sellafield site are anticipated, in consequence of arrangements concluded some years ago; but these are not movements arising from the commissioning of the MOX Plant.

The return from Japan of the fuel produced in the MOX Demonstration Facility is not a movement arising from the commissioning of the MOX Plant. It is to take place irrespective of the commissioning of that Plant. That fuel is to be placed in a storage pool where it will remain for several months. The future use which may be made of the fuel has yet to be determined but it will be in accordance with the relevant regulatory requirements.



The statement by Ireland that it regards this as a transport "*associated with the expected commissioning of the MOX Plant*" draws further attention to the imprecision in the word "associated", to which the United Kingdom referred in paragraph 21 of its Written Response. It was precisely that ambiguity that Counsel sought to avoid.

Yours sincerely,

M C Wood  
(Agent of the United Kingdom of  
Great Britain and Northern Ireland)