

This is an unofficial translation of the text.

The translation is prepared based on Govt. Decree No. 246/2011 (XI. 24.) Korm. being effective as of Jun. 30, 2014

## **Govt. Decree 246/2011. (XI. 24.) Korm.**

### **on safety area of nuclear facilities and radioactive waste repositories**

The Government pursuant to the empowerment provided in Para *j*) of Section 67 of the Act CXVI of 1996 on Atomic Energy and in Paras *a*) and *b*) of Subsection (1) of Section 174/A of the Act CXL of 2004 on the general rules of public administration procedures and services, proceeding in its scope of tasks determined in Para *b*) of Subsection (1) of Section 35 of the Constitution orders as follows:

#### **Section 1**

The effect of this decree extend over the licensee of the nuclear facility determined in Subsection 7 of Section 2 of the Act CXVI of 1996 on Atomic Energy (hereinafter referred to as Atv) and of the radioactive waste repository determined in Subsection 16 of Section 2 of the Atv and over the owner, administrator and user of the real estate covered by the safety area, furthermore over those conducting any activity within the safety area.

#### **Section 2**

In the application of this decree:

*1. protection distance:* a distance designated for dangerous industrial, transport or other facilities and activities that do not fall under the force of this decree to protect their environment, including the nuclear facility and the radioactive waste repository, and the public from the hazardous effects, which is required by law, marked by various names, especially by danger are, protection area, safety area, safety strip;

*2. concerned local authority:* that local authority of a settlement, within the administration area of which a safety area has been designated.

#### **Section 3**

(1) It is mandatory to designate a safety area in the case of:

a) a nuclear facility containing a nuclear reactor designed for more than 150 kW thermal rated power,

b) radioactive waste repository designed for a total activity of more than  $10^{14}$  Bq, and

c) spent fuel interim storage facility.

(2) The designation of the safety area shall ensure the protection of the public against radioactive exposure from normal operation of the nuclear facility or the radioactive waste repository, the protection of these facilities against human activities conducted in their environment, furthermore the sustained circumstances considered in the demonstration of the safe operability of these facilities.

#### **Section 4**

(1) The border of the safety area shall be proposed by the designer of the nuclear facility and the radioactive waste repository in the construction license application documentation according to the criteria of Section 5 and Subsection (1) of Section 7, and by considering the aspects listed below:

a) type and characteristics of the nuclear facility and radioactive waste repository,

b) site characteristics, and

c) effect of human activities endangering the safety of the nuclear facility and the radioactive waste repository.

(2) The border of the safety area shall be designated by the Hungarian Atomic Energy Authority (hereinafter referred to as: the organization designating the border of the safety area) in a separate resolution to be issued together with the construction license.

(3) The organization designating the border of the safety area shall promptly notify the authorities determined in Subsection 35 (1) of the Atv of the resolution according to Subsection (2) by sending the resolution to them. The ordering of prohibitions and limitations can be initiated also by the organization designating the border of the safety area.

(4) The organization designating the border of the safety area, according to Subsection (3), shall notify the concerned local authorities of the resolution.

#### **Section 5**

(1) The protection area and the safety area of the nuclear facility, and the protection area and the safety area of the radioactive waste repository shall not overlap.

(2) Departing from Subsection (1) the safety area of the electric transformers, switchboards and cables belonging to the nuclear facility may overlap with the safety area of the nuclear facility.

(3) Safety area of nuclear facilities may overlap.

(4) The ground surface distance of the safety area calculated from the plane of the outermost technology protection wall of the nuclear facility shall be:

*a)* in case of a nuclear power plant at least 500 meter,

*b)* in case of a research reactor at least 100 meter,

*c)* in case of a spent fuel interim storage facility at least 500 meter.

(5) The minimum ground surface distance of the safety area in case of a radioactive waste repository shall be at least 100 meter from the border of the controlled area determined by law.

(6) A person permanently staying at the border of the safety area of the nuclear facility and the radioactive waste repository shall not be exposed to more than 100  $\mu\text{Sv}/\text{year}$  radiation due to the radioactive materials discharged or released to the environment during normal operation.

## **Section 6**

(1) In case of a nuclear facility and radioactive waste repository already holding an operation license the organization designating the safety area may review the designated safety area or the necessity of designation of a safety area, furthermore it may examine if the safety area has been designated. Based on the call of the organization designating the safety area the licensee of the nuclear facility and the radioactive waste repository shall make a proposal on the border of the safety area within the given deadline. The proposal does not bind the organization designating the safety area.

(2) As results of the review:

*a)* the border of the designated safety area can be modified;

*b)* safety area can be designated or its designation can be terminated; or

c) if the designation has not taken place according to Subsection 3 (1), the safety area shall be designated.

(3) The existence of the circumstances taken into account during the demonstration of safe operability, maintaining the safe shutdown condition and possibility of decommissioning of the nuclear facility and the radioactive waste repository holding an operation license shall be reviewed during the Periodic Safety Review (hereinafter referred to as PSR) described in the law about the nuclear safety requirements for nuclear facilities and the related authority procedure. Should the circumstances change the organization designating the safety area can modify the border of the safety area and initiate the modification of the formerly ordered prohibitions and limitations.

(4) Apart from the organization designating the safety area also the licensee of the nuclear facility and the licensee of the radioactive waste repository can initiate the review of the safety area. Should the circumstances determined in Subsection (3) change the clients who participated in the construction licensing process and in the review process according to Subsection (1) can initiate the review even outside the frames of the PSR.

(5) The administration deadline for the review procedure, except for the case described in Subsection (3), is 120 days.

(6) Otherwise the rules related to the designation of the safety area shall be used appropriately for the review of the safety area.

## **Section 7**

(1) It is forbidden within the safety area:

*a)* to construct a building applicable for sustained human staying, especially such as living facility, holiday resort, child and health care facility, sport facility, playground, drill-ground or shooting range, camp, market place, office building, cultural building except for those belonging to the nuclear facility and radioactive waste repository,

*b)* to detonate, to store and transport of dangerous materials or such materials that can cause large energy release and hereby endanger the safety of the nuclear facility and the radioactive waste repository, and to conduct such human activities, which would unfavourably influence the safety of the nuclear facility and the radioactive waste repository, and

c) to unfavourably change the environmental circumstances considered during the determination of the limitations, such as geography, hydrography and road network.

(2) During the licensing of facilities and activities the authority competent in the case shall validate the prohibitions and limitations according to Subsection (1) and Subsection 34 (2) of Atv.

(3) The prohibitions and limitations according to Subsection (2) do not apply to the site survey and assessment of a further nuclear facility that affects the safety area, the determination of the site characteristics and applicability, and the construction and preparation of the facility and the implementation of all the related activities.

(4) In the case of investments required for the operation and protection of the nuclear facility and the radioactive waste repository the licensing authority may exempt the licensee from the prohibitions and limitations of Subsection (2) by requesting the opinion of the organization designating the safety area and (if it is different from the licensing authority) of the authority ordering for the prohibitions, limitations, and may approve a deviation and determine the conditions of it.

(5) The investor of the facility planned in the safety area and the initiator of the activity to be licensed shall analyze the potential effect of the facility and the activity on the safety of the nuclear facility. The document containing the results of the analysis shall be attached to the license application to be submitted to the competent authority.

(6) Within the 30 km area of the nuclear facility and the radioactive waste repository during the licensing of all those dangerous facilities and activities, for which the law requires the designation of a protection distance, the authority assuming the competence in the given issue shall notify of the commencement of the procedure the organization designating the safety area, and the licensee of the nuclear facility and the radioactive waste repository.

(7) The organization designating the safety area in the procedure according to Subsections (5)-(6) and the licensee of the nuclear facility and of the radioactive waste repository is client.

## **Section 8**

The licensee of the operating nuclear facility and of the radioactive waste repository shall have the proprietorship or property administrator rights of the real

assets within the safety area of the nuclear facility and the radioactive waste repository, except if:

*a)* it is not possible for the licensee to obtain or retain the proprietorship of the real estate, or to obtain the property administrator rights due to legal requirements, or

*b)* the licensee of another nuclear facility or radioactive waste repository already has the proprietorship or property administration rights over the real estate.

## **Section 9**

This decree shall enter into force on the 30<sup>th</sup> day after its promulgation.

## **Section 10**

(1) 120 days following the entering into force of this decree the review procedure according to Subsection 6 (1) shall be conducted in relation to the nuclear facilities and the radioactive waste repositories falling under effect of it and the actions according to Subsections 4 (3)-(4) shall be taken. In order to lift the prohibitions becoming needless due to decrease of the safety area the authority ordering the prohibition shall take action.

(2) 2 years from the becoming into force of the resolution issued during the review procedure are available to obtain the proprietorship or property administrator rights over the real estate concerned as a result of the review of the safety area border.

(3) If the safety areas of the nuclear power plant and the spent fuel interim storage facility are overlap, the licensee of the spent fuel interim storage facility shall have the proprietorship or property administrator rights over the real estate inside the overlapping part of the safety areas taking into account also Para 8 *a)*, except if the nuclear power plant already has the proprietorship or property administrator rights at the time of becoming into force of this decree.

(4) The Subsection 7 (3) determined by Govt. Decree 156/2014. (VI. 30.) Korm. on the amendment of certain energy and atomic energy related government decrees (hereinafter referred to as Mód. Kr.) shall be applied in case of the procedures being in progress at the time of becoming into force of the Mód. Kr.