

## **Ministerial decree 51/2013. (IX. 6.) NFM**

### **on shipping, carrying and packaging of radioactive materials**

Based on the authorization given in Subparagraph 20 of Paragraph b) of Subsection (3) of Section 48 of the Act I of 1998 on public transport, in Paragraph 24 of Subsection (2) of Section 88 of the Act CLXXXIII of 2005 on rail transport, in Paragraph 15 of Subsection (2) of Section 88 of the Act XLII of 2000 on water transport, in Paragraph d) of Subsection (1) and Subsection (4) of Section 68 of the Act CXVI of 1996 on atomic energy,

proceeding in my competence established in Subsection e) of Section 84 of the Govt. Decree 212/2010. (VII. 1.) on the Tasks and Competence of Certain Ministers and the State Secretary Heading the Prime Minister's Office and Subsection c) of Section 1 of Prime Minister decree 5/2010. (XII. 23.) ME on the designation of ministers supervising government offices,

in agreement with the minister of rural development proceeding in his/her competence established in Subsection k) of Section 94 of the Govt. Decree 212/2010. (VII. 1.) on the Tasks and Competence of Certain Ministers and the State Secretary Heading the Prime Minister's Office, and

in agreement with the minister of human resources proceeding in his/her competence established in Subsection d) of Section 41 of the Govt. Decree 212/2010. (VII. 1.) on the Tasks and Competence of Certain Ministers and the State Secretary Heading the Prime Minister's Office,

with regard to Subsection (5)-(10) of Section 6 and Section 11, based on the authorization given in Paragraphs a)- d) of Subsection (1) of Section 68 of the Act CXVI of 1996 on atomic energy,

proceeding in my competence established in Subsection e) of Section 84 of the Govt. Decree 212/2010. (VII. 1.) on the Tasks and Competence of Certain Ministers and the State Secretary Heading the Prime Minister's Office and Subsection c) of Section 1 of Prime Minister's Decree 5/2010. (XII. 23.) ME on the designation of ministers supervising government offices

in agreement with the minister of the interior proceeding in his/her competence established in Subsection e) and n) of Section 37 of the Govt. Decree 212/2010. (VII. 1.) on the Tasks and Competence of Certain Ministers and the State Secretary Heading the Prime Minister's Office, and

in agreement with the minister of human resources proceeding in his/her competence established in Subsection d) of Section 41 of the Govt. Decree 212/2010. (VII. 1.) on the Tasks and Competence of Certain Ministers and the State Secretary Heading the Prime Minister's Office, and

in agreement with the minister of the national economy proceeding in his/her competence established in Subsection d) of Section 41 of the Govt. Decree 212/2010. (VII. 1.) on the Tasks and Competence of Certain Ministers and the State Secretary Heading the Prime Minister's Office,

I hereby order the following:

### **Section 1**

This decree shall apply to the shipping, carrying (*shipping as transporting own items, carrying as transporting others' items, hereinafter according to the aim of this decree referred jointly as*

*transport - comment from the translator*) and packaging of radioactive materials falling under the scope of the Act CXVI of 1996 on atomic energy (hereinafter referred to as AE).

(2) The effect of the decree does not cover:

*a)* transports of the Hungarian Defence Forces and law enforcement organizations by a road or rail vehicle or water vessel being under their own operation,

*b)* transports within a site,

*c)* transports under the effect of the Govt. decree on actions in connection with the found or seized radioactive or nuclear materials.

## **Section 2**

(1) The transport of radioactive materials on public roads, with the exemption described in Section 6 shall be licensed in a transport license in the case of compliance with the requirements for documents, vehicles and escort personnel as established in Section 5.4.1 and 7.5.11 of Annex 1 supplemented with Annex 2 and in Sections 8.1. and 8.5 of the Ministerial decree 38/2009. (VIII. 7.) KHEM on the inland application of Annexes “A” and “B” of the European Agreement on the International Transport of Dangerous Goods on Public Road (hereinafter referred to as ADR decree) and the radiation protection requirements for public road transport vehicles established by the minister responsible for health based on the authorization given in Paragraph d) of Sub-section (2) of Section 68 of the Act of CXVI of 1996 on atomic energy by

*a)* radiation health de-centre of the public health professional administration body of the capital and county government office (hereinafter referred to as the radiation health de-centre) within its area of competence established in the government decree on the State Public Health and Medical Officer Service, the provision of public health professional administration tasks and the designation of the medicine public administration body,

*b)* the Office of the Chief Medical Officer of the State Public Health and Medical Officer Service (hereinafter referred to as CMO) in the case of transports concerning the areas of competence of more radiation health de-centres, if the license as per *a)* was granted by the radiation health de-centre competent according to the residence (site) of the licensee,

*c)* the CMO if the transport is performed by the radiation health de-centre.

(2) The licensee holding the license as per (1) is authorized to transport radioactive material to another licensee holding license for the use of such radioactive material on public road for fee, without special license, by a vehicle having the total weight less than 3.5 tons.

(3) The form with the content defined in Annex 1 shall be attached to the transport license application.

## **Section 3**

(1) The transport of radioactive materials is licensed by the National Transport Authority (hereinafter referred to as NTA)

*a)* on public road if the requirements established in Section 5.4.1 and 7.5.11 of Annex 1 supplemented with Annex 2 and in Sections 8.1 and 8.5 of the ADR decree are complied with,

*b)* on inland water if the requirements established in section 5.4.1, 7.1.6, and Paragraph 7.1.4.14.7 of Annex 1 and Section 8.1 of the Act CXI of 2013 on the promulgation and domestic application of the connected Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) dated on May 26, 2000, Geneva (hereinafter referred to as ADN Act) are complied with.

(2) The license as per (1) is valid until withdrawal, but maximum for 5 years subsequent to their issuance.

#### **Section 4**

(1) The resolution made during granting, withdrawing or modifying the license as per Subsection (1) of Section 2 should be sent for information to

- a)* the radiation health de-centre if it was granted by the CMO,
- b)* the Hungarian Atomic Energy Authority (hereinafter referred to as HAEA),
- c)* the National “Frédéric Joliot-Curie” Radiobiology and Radio-hygiene Research Institute (hereinafter referred to as NRRRI),
- d)* the transport professional administration body of the capital and county government office competent according to the residence (site) of the licensee, if it was granted by the radiation health de-centre,
- e)* the Public Road Vehicle Transport Office of the NTA, if it was granted by the CMO,
- f)* the county (capital) disaster management directorate competent according to the residence (site) of the licensee, if it was granted by the radiation health de-centre,
- g)* the National Directorate General of Disaster Management of the Ministry of the Interior (hereinafter referred to as NDGDM) or its competent body, if it was granted by the CMO.

(2) The resolution made during granting, withdrawing or modifying the license as per Subsection (1) of Section 3 should be sent for information to

- a)* the HAEA,
- b)* the CMO,
- c)* the NRRRI,
- d)* the transport professional administration body of the capital and county government office competent according to the residence (site) of the licensee, and
- e)* the NDGDM.

#### **Section 5**

(1) Radioactive material can be transported with vehicle moved by animal or human force only if the location of its direct use cannot be accessed in any other way.

(2) Radioactive material shall not be transported as hand or travel luggage with public passenger vehicle.

#### **Section 6**

(1) The samples of special form radioactive materials, the transport of radioactive materials according to separate agreement, the samples of low dispersible material, the calculation of A1 and A2 values according to the ADR decree, the ministerial decree on the inland application of the International Rail Transport of Dangerous Goods and the ADN Act, and the package design and transport of packages containing radioactive materials if the laws on the transport of radioactive materials require licensing shall be licensed by the HAEA.

(2) The licences granted for the samples of special form radioactive materials, the samples of low dispersible materials, the calculation of A1 and A2 values and for the package design of packages containing radioactive materials, with the exemption of multilateral approval of licenses granted by the competent authorities of foreign countries of origin or foreign countries of the

transport, are valid for 3 years. With the exemption of multilateral approval of licenses granted by the competent authorities of foreign countries of origin or foreign countries of the transport the validity of the licenses, on request, if complied with the effective regulations and technical conditions, can be extended with 3 years in the form of issuing a reviewed license certificate.

(3) Besides the institute identified in Subsection (3) of Section 17 of the AE, the HAEA may use the contribution of an independent technical expert proceeding in the scope of the use of atomic energy, in the fields of material structure, nuclear emergency response, mechanical engineering, thermodynamics, criticality, quality assurance, radiation protection, transport and structural mechanics for making judgment on the compliance with the relevant legal requirements mentioned in Subsection (1). The duration of the expert process shall be maximum 40 days.

(4) In addition to the requirements established in laws mentioned in Subsection (1) the HAEA can require criticality analysis for fissile isotopes during the licensing procedure of package designs.

(5) The number of copies of the licensing documentation to be submitted is defined in Annex 2.

(6) The licensee, during the licensing process described in Subsection (1) shall pay administration service fee as determined in Annex 3 (hereinafter referred to as administration service fee) to the HAEA, which covers also the fee of the experts involved into the licensing process.

(7) The administration service fee shall be paid by the party initiating the procedure at the commencement of the procedure through bank transfer to the HAEA bank account 10032000-01409268-00000000. The payment of the administration service fee should be certified at the submission of the application.

(8) The administration service fee is the income of the HAEA. These incomes shall be separately registered in the accountancy.

(9) The administration service fee shall be registered and accounted according to the stipulations of the government decree on the reporting and bookkeeping obligations of state budget organizations.

(10) The stipulations of Chapter V of the Act XCIII of 1990 on duties shall be applied to issues regarding the payment of the administration service fee that are not determined in this decree.

## **Section 7**

The unique serial number of each package manufactured based on package designs licensed according to the stipulations of Subsection (1) of Section 6 shall be reported to the HAEA within 30 days after its readiness.

## **Section 8**

(1) The HAEA provides the international notifications in those cases when the laws on the transport of dangerous goods establish reporting obligation for the entire route.

(2) If the vehicle shall be modified due to permanent installation of equipment containing radioactive material or the special placement of the package containing radioactive material, then the radiation health expert opinion of the NRRRI shall be obtained in advance for the modification licensing procedure established in the ministerial decree on technical review of public road vehicles.

## **Section 9**

(1) The consignor shall maintain accountancy for the transport and route documents (transport documents) including the identification numbers thereof.

(2) The shipper and carrier of radioactive material shall maintain such accountancy, which clearly identifies the consignee, the consignor, the date and time of the transport, the vehicle and the radioactive material.

### **Section 10**

The consignee shall be notified of the consignment by the consignor prior to the commencement of the transport in the case of inland transport of radioactive material and the international transport of radioactive material having activity exceeding the value of 10D according to the ministerial decree on the rules of accountancy for and control of radioactive materials and on the corresponding data provisions.

### **Section 11**

(1) The regulatory inspections of shipping and carrying radioactive materials shall be conducted by

- a) the police,*
- b) the transport authority,*
- c) the competent radiation health de-centre,*
- d) the competent professional disaster management organization.*

(2) The organizations listed in Subsection (1) shall inform each other on their inspections.

### **Section 12**

(1) The registered keeper of the vehicle shall immediately report any extraordinary event and accident occurred during the transport of radioactive material to the competent police-station, the NRRIR National Radiation Health Duty Service (hereinafter referred to as NRHDS), the Central Supreme Duty Service of the NDGDM, the competent inspectorate of environment protection, nature conservation and water, and to the transport authority for shipping and carrying based on a license as per Section 3.

(2) In addition to the reporting obligation prescribed in Subsection (1) the registered keeper shall notify

*a) the competent capital and county government office food chain safety and animal health directorate and the flora and soil protection directorate of any incident entailing environmental pollution,*

*b) the HAEA of every extraordinary event and accident relating the consignment on the reporting sheet as per Annex 4 within 10 hours, via fax or e-mail.*

(3) The NRHDS, based on its on-scene investigations, shall perform the preliminary categorization of the event according to the International Nuclear Event Scale (INES). The HAEA, based on the information provided by NRHDS on the INES form and the investigation records, shall perform the final INES categorization of the event serving for public information. In the case of INES 1 events or higher the HAEA shall inform the International Atomic Energy Agency within 24 hours after the occurrence or recognition of the event.

### **Section 13**

(1) Prior to the transport of nuclear fuel a Nuclear Emergency Response Plan (hereinafter referred to as NERP) shall be prepared by the Hungarian consignor in the case of foreign consignee and by the Hungarian consignor and by the consignor or consignee or shipper or carrier for the prevention of the occurrence of nuclear accidents and mitigation of their consequences in the territory of Hungary. The NERP shall be approved by the HAEA.

(2) In the case of an extraordinary event the manager of the technical personnel operating the special equipment of the transport vehicle shall immediately notify the manager of the transport (or the driver of the transport vehicle) in order to notify the competent authorities.

(3) The personnel escorting the consignment

*a)* shall be trained and instructed for the actions to be taken in the case of nuclear accidents, and shall be appropriately trained and briefed prior to each transport of spent nuclear fuel, which shall be documented in writing prior to the commencement of the transport; and

*b)* shall be equipped with personal protection means, radiation protection monitoring instruments, medical rescue kit, fire fighting equipment and individual protection means as reserves for nuclear accidents needed for the decontamination of the transport vehicles to be commenced by the escort personnel, and means for cordoning and warning the location of the nuclear accident.

### **Section 14**

(1) This decree enters into force on the 31th day after its promulgation.

(2) cancelled

Annex 1 to Ministerial decree 51/2013. (IX. 6.) NFM

***Data to be provided in the application for granting a license for shipment the of radioactive materials on public road***

1. Name and address of the applicant.
2. Name and position of the manager of the application who is responsible for the activity to be licensed.
3. Name and radiation protection qualification of the radiation protection officer and his/her deputy.
4. Name of the dangerous goods transport safety advisor and the number of his/her certificate.
5. Types of radioactive materials to be shipped together with the maximum activities.
6. Type of packaging of the radioactive material to be shipped.
7. UN number of the radioactive material to be shipped and its correct shipment denomination according to the ADR.
8. Type of the radiation measuring instrument to be applied during the shipment.
9. The following shall be attached to the application:
  - 9.1. license certificate of the package designs obliged for approval,
  - 9.2. template of the shipment document,
  - 9.3. copies of the documents justifying the radiation protection and ADR qualification of the driver (if required by law),
  - 9.4. copy of the resolution issued by the Radiation Health De-centre licensing the use of the transport vehicle from radiation protection point of view.

Annex 2 to Ministerial decree 51/2013. (IX. 6.) NFM

1. Number of copies of the licensing documentation to be attached to the application:

	A	B
1.1.	Package design planned for the transport of fissile material, the maximum quantity of which exceeds the fissile material licensing level	8 copies
1.2.	Design of a B(U), B(M) and C type container for the transport of non-fissile material, fissile material which maximum quantity does not exceed the fissile material excepted level, and design of a package containing 0.1 kg or more non-fissile or fissile-excepted uranium-hexafluoride	8 copies
1.3.	Design of special form material, low dispersible radioactive material	3 copies
1.4.	Transport license according to a separate agreement of transport of fissile material, which maximum quantity exceeds the fissile material licensing level	3 copies
1.5.	Transport license according to a separate agreement of transport of non-fissile material, or fissile material which maximum quantity does not exceed the fissile material licensing level	3 copies
1.6.	Approval of the calculation of A1 and A2 values	3 copies
1.7.	Transport license, if the laws on the transport of dangerous goods require special license for the transport	3 copies

2. At least one of the copies of the submitted licensing documentation should be original printed version. The other copies can be provided on electronic data carrier (e.g. CD or DVD). The file formats accepted by the HAEA are published on its website.



Annex 3 to Ministerial decree 51/2013. (IX. 6.) NFM

Service administration fees to be paid to HAEA

	A	B
		thousand forints
1.	Package design planned for the transport of fissile material, the maximum quantity of which exceeds the fissile material licensing level:	
1.1.	issuance of new license certificate	1638
1.2.	extension of valid license certificate, issuance of validity clause	975
2.	Design of a B(U), B(M) and C type container for the transport of non-fissile material, fissile material which maximum quantity does not exceed the fissile material excepted level, and design of a package containing 0.1 kg or more non-fissile or fissile-excepted uranium-hexafluoride:	
2.1.	issuance of new license certificate	1371
2.2.	extension of valid license certificate, issuance of validity clause	819
3.	Design of low dispersible radioactive material: issuance of new license certificate, extension of valid license certificate	773
4.	Design of special form material: issuance of new license certificate, extension of valid license certificate	506
5.	Transport license according to a separate agreement of transport of fissile material, which maximum quantity exceeds the fissile material licensing level	883
6.	Transport license according to a separate agreement of transport of non-fissile material, or fissile material which maximum quantity does not exceed the fissile material licensing level	506
7.	Approval of the calculation of A1 and A2 values	303
8.	Transport license, if the laws on the transport of dangerous goods require special license for the transport	506

Annex 4 to Ministerial decree 51/2013. (IX. 6.) NFM

**Reporting of an accident occurring during the transport of radioactive materials or an extraordinary event in connection with the transport of radioactive materials to the Hungarian Atomic Energy Authority (within 10 hours after the event)**

(The reporting form is immediately forwarded to the National Radiation Duty Service by the HAEA. The report assists the compilation of the notification to be provided to the International Atomic Energy Agency within 24 hours.)

1. Transported radioactive materials:

Radioactive material	activity [Bq]	date when activity measured	UN number

2. Venue of the extraordinary event or nuclear accident (hereinafter referred to as event):
  3. Date and time of the event:
  4. Short description of the event:
  5. Conditions of the package after the event:
  6. Organizations notified after the event:
  7. Organization arrived on the scene after the notification:
  8. On-scene actions, description of other primary response and consequence elimination activities:
  9. If measurement or other fact indicates that release of radiative material from the package occurred:
  10. Measured or estimated quantity of released radioactive materials (if appropriate):
  11. If measurement or other fact indicates that the radiation shielding capability of the package was degraded:
  12. If measurement or other fact indicates that someone was subject to radiation exposure exceeding the relevant dose limits:
  13. Can be assumed that more countries are affected by the event:
  14. Can be assumed that a sabotage, a malicious act with radioactive material or unauthorized removal of radioactive material occurred:
- Filled by (name, signature): .....
- Company name, fax and/or phone number: .....

**Guidance how to fill in the reporting form**

The reporting form shall be filled in any case when such extraordinary or unplanned event or a nuclear accident occurs during the transport of radioactive materials, which entails non-compliance with the transport regulations, including the potential evolution of more severe events connected to radioactive materials, e.g. release of radioactive materials to the environment. Such event may adversely affect safety and may result in unplanned exposure to the population.

The form should be sent to the address published on the HAEA website.

1. The type of the radioactive material (isotope, physical form, waste or NORM), activity, date of activity measured and the UN number of the package can be found in the transport documents and additional document.
2. The venue of the event (country, settlement). If it cannot be clearly identified, then the venue of observation shall be provided.
3. Date and time of the event. If it cannot be determined, then the time period within which the event might occur shall be provided.
4. Description of the nuclear accident or extraordinary event, recent events and conditions leading thereto.
5. Description of the condition of the package, the damages occurred thereto.
6. The list of organizations notified within 10 hours (or until filling in of this form) after the event.
7. Any authority notified within 10 hours of the event (or until filling in of this form) which arrived to the scene.
8. Description of actions implemented by experts arrived to the scene in order to mitigate, eliminate the consequences of the event, and those additional actions recommended.
9. Yes. / No. / Cannot be decided based on the available information.
10. Estimated quantity of the released part of the entire transported radioactive isotope quantity. If the authorities arrived to the scene conducted instrumental measurements, then the value of measured activity (Bq) and/or dose rate.
11. Yes. / No. / Cannot be decided based on the available information.
12. If the authorities arrived to the scene conducted instrumental measurements, then the value of measured dose rate.
13. Yes. / No. / Cannot be decided based on the available information.
14. Sabotage, malicious act with radioactive material or unauthorized removal of radioactive material can be assumed e.g. if malevolent action cannot be excluded based on the damage.