

(This is an unofficial translation of the text effective on May 31, 2016)

Government Decree no. 490/2015 (XII. 30.)

on the reports and interventions regarding missing, found or seized nuclear and other radioactive materials and other actions pertaining to radioactive materials following their report

Based on the powers granted by Section 67 *k*) of Act CXVI of 1996 on atomic energy and acting in its role specified in Section 15 (1) of the Fundamental Law of Hungary, the Government decrees the following:

1. Interpretative provisions

Section 1. For the purpose of this decree:

1. *nuclear forensic test*: a test designed to determine the type, category, origin and other conclusive characteristics of nuclear materials;
2. *radiation gate*: an automatic equipment designed to detect the passing of radioactive materials at the control point and, depending on its design, may be suitable to inspect cargo or personnel and detect any hidden radioactive materials;
3. *radiation gate operator*: pursuant to the act on atomic energy, any natural person or legal entity with the exception of the permit holder using a radiation gate in the territory of Hungary to perform its activities or a handheld instrument to conduct dose rate monitoring.

2. Common provisions pertaining to missing nuclear and other radioactive as well as other found radioactive materials

Section 2. (1) If the missing nuclear and other radioactive material (hereinafter: missing material) or the found nuclear and other radioactive material (hereinafter: found material) is suitable to cause a nuclear emergency, the acting authority shall notify the locally competent unit of the central disaster management authority.

(2) After notification, the measures listed in the National Nuclear Accident Intervention and Action Plan shall be implemented.

(3) The Hungarian Atomic Energy Authority (hereinafter: HAEA) shall use the data sheet specified by the International Atomic Energy Agency to forward data on missing and found materials to the Incident and Trafficking Database on the nuclear protection and illegal distribution of nuclear and other radioactive materials (hereinafter: IAEA ITDB).

3. Measures pertaining to missing materials

Section 3. (1) In order to identify the location of the missing material and bringing under supervision, the permit holder shall, as part of the Workplace Radiation Protection Regulations, develop an action plan and provide for the means required to implement the plan.

(2) Based on the action plan specified in paragraph (1), the permit holder shall carry out all the actions required to locate the missing material within the site or at other authorised sites immediately after the absence is detected.

Section 4. (1) Within the scope of missing nuclear material and the application of atomic energy, the user of atomic energy shall, without delay, inform HAEA when starting the search for radioactive radiation sources or radioactive waste classified in category 1, 2 and 3 pursuant to Government Decree 190 of 2011 (IX. 19.) Korm. on the physical protection in the use of atomic energy and related authorization, reporting and controlling system (hereinafter: Physical Protection Decree).

(2) If the actions taken by the user of the atomic energy with regards to search and supervision fail to produce any results within half an hour, the user of the atomic energy shall notify HAEA, which will conduct an on-site inspection without delay.

(3) If, in addition that inspection, instrument tests not available to HAEA become necessary, HAEA shall review the result of the search conducted within the site by the permit holder by requesting assistance from the Centre for Energy Research of the

Hungarian Academy of Sciences (hereinafter: CER HAS) for nuclear materials, or from the National Radiation Hygiene Preparedness Service of the National Research Directorate for Radiobiology and Radiohygiene of the National Public Health Center (NRHPS) for radioactive materials, and, if needed, broadens the search to outside the site, about which HAEA shall inform the locally competent unit of the official disaster management authority.

(4) If the actions taken by the permit holder to locate the missing radioactive radiation source classified in category 4 and 5 or the radioactive waste classified in category 4 of the Physical Protection Decree within the context of the application of atomic energy fail to produce results in 24 hours, the permit holder shall immediately notify HAEA, which will then conduct an inspection as indicated in paragraphs (2) and (3) above.

(5) HAEA shall prepare a protocol about the on-site inspection.

Section 5. (1) If the search for the nuclear or other radioactive material in any category fails, HAEA will notify the National Police Headquarters (hereinafter: ORFK), the Constitution Protection Office (AH) and the locally competent unit of the official disaster management authority by sending the protocol containing the outcome of the inspection and the causes.

(2) Pursuant to the legislative provisions on central registration of radioactive and nuclear materials, HAEA shall amend the central and the affected local records in a decision, and shall launch enforcement proceedings against the permit holder as per the government decree on protection against ionising radiation and the related permit, reporting and inspection system.

4. Measures pertaining to found materials

Section 6. (1) If the user of atomic energy or any authority detects a found material inside the site of the permit holder that is not included in the local registry, they shall immediately notify HAEA, which then will immediately conduct a site inspection.

(2) If the site inspection justifies it, HAEA will notify ORFK.

(3) In the event the assets of HAEA are insufficient to conduct such an inspection, they shall notify CER HAS for nuclear materials or NRHPS for radioactive materials, which then will conduct the tests required for the categorisation of the found material within the context of atomic energy as per the Physical Protection Decree.

(4) HAEA shall prepare a protocol about the site inspection and send it to ORFK and AH.

Section 7. (1) If it may be assumed that any material found outside the site of the permit holder by any person is a radioactive material or is contaminated with such a material, the locally competent unit of the official disaster management authority notified immediately shall inform NRHPS, CER HAS, HAEA and AH.

(2) The locally competent unit of the official disaster management authority shall conduct site measurements, take any necessary measures to protect the population, and seize the found material.

(3) NRHPS shall identify the found material and determine the actions by which the material may be placed under the supervision of the authority.

(4) If the inspection completed by NRHPS presumes that the seized found material qualifies as a nuclear substance and reinforcement of its local protection is justifiable, it shall immediately notify CER HAS, which then shall carry out the on-site tests required for the categorisation of the found material.

(5) The locally competent unit of the official disaster management authority shall send the protocol of the proceedings to HAEA, NRHPS, CER HAS, ORFK and AH.

Section 8. (1) HAEA shall develop and publish on its website recommendations to radiation gate operators on how to prepare emergency plans for alerts.

(2) The radiation gate operator may request information from the standby duty officer of NRHPS. If the alert is not triggered by a material with above-average concentration of natural radioisotopes, the operator of the radiation gate shall take action to notify the local unit of the official disaster management authority.

(3) After being notified by the radiation gate operator, the locally competent unit of the official disaster management authority shall conduct measurements on site and, based on the readings, will take immediate measures to protect the public and also notify NRHPS, CER HAS and HAEA, and, if necessary, act according to Section 7 (2)–(4).

5. Additional measures pertaining to seized nuclear and other radioactive materials

Section 9. (1) CER HAS, or NRHPS in cases specified in Section 7 (3) and (4), shall have the seized nuclear or other radioactive material (hereinafter: seized material) transported from the place it was seized to the temporary storage at the site of CER HAS.

(2) The local expert on site shall determine the radiological safety and other conditions for the transportation of the material from the site to the designated storage. If the material cannot be transported in compliance with the requirements stipulated in Act LXXXIX of 2015 on the announcement of and certain issues of the application in Hungary of Annexes A and B to the European Agreement concerning the International Transportation of Dangerous Goods by Road (hereinafter referred to as ADR), the material shall be transported while the official disaster management authority provides escort and supervision.

(3) By a detailed analysis of the seized material transported to its site, CER HAS shall conduct a detailed analysis to determine the data required to enter the material in the central registry in compliance with the legislative provisions on the central registration of radioactive and nuclear materials, and shall carry out the nuclear forensic tests ordered by HAEA or the authority investigating the case.

(4) CER HAS shall prepare a protocol of the results of the detailed tests and, based on those, issue an expert opinion. CER HAS shall send the expert opinion to ORFK, AH, HAEA, the local unit of the official disaster management authority as well as NRHPS.

Section 10. (1) Based on the central registry of radioactive and nuclear materials, HAEA shall, with the involvement of ORFK or the foreign partner authorities, take action to identify the owner of the seized material.

(2) If the owner of the seized material can be identified, HAEA will demand that the owner take possession of the material or place it in storage. If the owner is outside the free zone of the European Union, the demand shall be also sent to the Central Office of the National Tax and Customs Administration.

(3) If the owner cannot be identified, HAEA will issue a decision.

(4) Based on the decision of HAEA, CER HAS shall issue a certificate of analysis to the seized material, enter it in its local registry, and send a report to HAEA.

(5) Based on the report and the certificate of analysis in Section 4 above, HAEA shall enter the seized material in the central registry.

(6) CER HAS shall take action to use the materials suitable for utilisation.

(7) If the material cannot be utilised, CER HAS shall hand over the material to Radioaktív Hulladékot Kezelő Közhasznú Nonprofit Kft. The costs of disposal of the material shall be covered by HAEA. The costs thereby incurred shall be taken into account in the budget of HAEA for next year and reimbursed to HAEA from the central budget.

6. Measures pertaining to seized nuclear and other radioactive materials

Section 11. (1) If the enforcement proceeding initiated against the permit holder by HAEA for violation of legislative provisions or the permit fails, HAEA repeals the permit and seizes the nuclear and other radioactive material possessed by the permit holder. HAEA shall inform ORFK about the actions taken.

(2) HAEA will order the placement of the seized nuclear or other radioactive material in a radioactive waste storage and the payment of costs by the permit holder. Transportation to the radioactive waste storage shall take place immediately after the seizure and the necessary tests but no later than 60 days. The permit holder shall cover all costs related to transportation and seizure.

(3) After the material is seized, HAEA shall modify the central and the affected local registries in line with the legislative provisions on the central registration of radioactive and nuclear materials.

(4) If the permit holder is in a situation threatening with insolvency or is insolvent, payment for the costs specified in paragraph (2) shall be enforced during the bankruptcy or winding-up proceedings.

7. Closing provisions

Section 12. This Decree shall enter into force on 1 January 2016.

Section 13.¹

Section 14. This government decree is issued to comply with Sections 92–95 of Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom.

¹Based on Section 12 (2) of Act CXXX of 2010, Section 13 is hereby repealed.