Regulations on the Safety Administration of the Transport of Radioactive Materials of China (the PRC)

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the Law of the People's Republic of China on the Prevention and Control of Radioactive Pollution for the purpose of strengthening the safety administration of the transport of radioactive materials, safeguarding human health, protecting the environment, and promoting the development and peaceful use of nuclear energy and nuclear technology.

Article 2 — These Regulations shall apply to activities such as the transport of radioactive materials and the design and manufacture of transport containers for radioactive materials. The term "radioactive materials" as used in these Regulations means articles containing radionuclides whose activity and specific activity both exceed the exemption values prescribed by the State.

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Article 3 — Radioactive materials shall be classified into Category I, Category II and Category III according to their characteristics and the degree of potential hazard to human health and the environment. Category I radioactive materials mean radioactive materials such as Category I radioactive sources, high-level radioactive waste and spent fuel that produce major radiation impact on human health and the environment after release into the environment. Category II radioactive materials mean radioactive materials such as Category II and Category III radioactive sources and intermediate-level radioactive waste that produce general radiation impact on human health and the environment after release into the environment. Category III radioactive materials mean radioactive materials such as Category IV and Category V radioactive sources, low-level radioactive waste and radiopharmaceuticals that produce relatively minor radiation impact on human health and the environment after release into the environment. The specific classification and catalogue of radioactive materials shall be formulated by the nuclear safety regulatory department under the State Council together with the public security, health, customs, transport, railway, civil aviation and nuclear industry department under the State Council.

Article 4 — The nuclear safety regulatory department under the State Council shall exercise supervision and administration over the nuclear and radiation safety of the transport of radioactive materials. The public security, transport, railway, civil aviation and other relevant competent departments under the State Council shall, in accordance with these Regulations and their respective duties, be responsible for the relevant supervision and administration of the safety of the transport of radioactive materials. The environmental protection departments and the public security, transport and other relevant competent departments of the local people's governments at or above the county level shall, in accordance with these Regulations and their respective duties, be responsible for the relevant supervision and administration of the safety of the transport of radioactive materials within their respective administrative areas.

Article 5 — Dedicated packaging containers for the transport of radioactive materials (hereinafter transport containers) shall be used for transporting radioactive materials. The transport of radioactive materials and the design and manufacture of transport containers for radioactive materials shall conform to the national standards for the safety of transport of radioactive materials. The national standards for the safety of transport of radioactive materials shall be formulated by the nuclear safety regulatory department under the State Council and jointly published by the nuclear safety regulatory department under the State Council and the standardization department under the State Council. When formulating the national standards for the safety of transport of radioactive materials, the nuclear safety regulatory department under the State Council shall solicit the opinions of the public security, health, transport, railway, civil aviation and nuclear industry departments under the State Council.

Article 6 — The design and manufacture units of transport containers for radioactive materials shall establish and improve the responsibility system, strengthen quality management, and be responsible for the design and manufacture activities of transport containers for radioactive materials in which they engage. The consignor of radioactive materials (hereinafter the consignor) shall formulate emergency response plans for nuclear and radiation accidents, adopt effective radiation protection and security measures in the transport of radioactive materials, and be responsible for the nuclear and radiation safety in the transport of radioactive materials.

Article 7 — Any unit or individual has the right to report acts violating these Regulations to the nuclear safety regulatory department under the State Council or other departments performing, in accordance with law, the duty of supervision and administration of the safety of transport of radioactive materials. The department receiving the report shall investigate and handle the matter in accordance with law and keep the reporter confidential.

Chapter II — Design of Transport Containers for Radioactive Materials

Article 8 — A transport container design unit for radioactive materials shall establish, improve and effectively implement a quality assurance system, conduct design in accordance with the national standards for the safety of transport of radioactive materials, and evaluate the safety performance of the designed transport containers for radioactive materials by means of experimental verification or analytical demonstration.

Article 9 — A transport container design unit for radioactive materials shall establish and improve the archive system and, in accordance with the requirements of the quality assurance system, truthfully record the design and safety performance evaluation process of transport containers for radioactive materials. When designing a Category I radioactive material transport container, a design safety evaluation report shall be prepared; when designing a Category II radioactive material transport container, a design safety evaluation form shall be prepared.

Article 10 — The design of a Category I radioactive material transport container shall be submitted to the nuclear safety regulatory department under the State Council for examination and approval before being used for manufacture for the first time. To apply for approval of the design of a Category I radioactive material transport container, the design unit shall submit a written application to the nuclear safety regulatory department under the State Council together with the following materials: (1) the general design drawing and its design specification; (2) the design safety evaluation report; and (3) the quality assurance program.

Article 11 — The nuclear safety regulatory department under the State Council shall complete the examination within 45 working days from the date of acceptance of the application; where the design conforms to the national standards for the safety of transport of radioactive materials, a Category I radioactive material transport container design approval document shall be issued and the approval number announced; where the design does not conform to the national standards for the safety of transport of radioactive materials, the applying unit shall be notified in writing with an explanation of the reasons.

Article 12 — Where a design unit modifies the safety-related content of an approved Category I radioactive material transport container design, it shall re-apply to the nuclear safety regulatory department under the State Council for a Category I radioactive material transport container design approval document in accordance with the original application procedures.

Article 13 — With respect to the design of a Category II radioactive material transport container, the design unit shall, before using it for manufacture for the first time, file the general design drawing and its design specification, and the design safety evaluation form with the nuclear safety regulatory department under the State Council.

Article 14 — With respect to the design of a Category III radioactive material transport container, the design unit shall prepare a certificate document that the design conforms to the national standards for the safety of transport of radioactive materials and keep it on file for future reference.

Chapter III — Manufacture and Use of Transport Containers for Radioactive Materials

Article 15 — A transport container manufacture unit for radioactive materials shall, in accordance with the design requirements and the national standards for the safety of transport of radioactive materials, conduct quality inspection of the manufactured transport containers for radioactive materials and prepare quality inspection reports. Transport containers for radioactive materials that have not undergone quality inspection or have failed inspection shall not be delivered for use.

Article 16 — A unit engaging in Category I radioactive material transport container manufacture activities shall satisfy the following conditions: (1) having professional and technical personnel appropriate to the manufacture activities in which it engages; (2) having production conditions and testing means appropriate to the manufacture activities in which it engages; and (3) having sound management systems and a complete quality assurance system.

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Article 17 — A unit engaging in Category I radioactive material transport container manufacture activities shall apply for and obtain a Category I radioactive material transport container manufacture license (hereinafter the manufacture license). A unit applying for a manufacture license shall submit a written application to the nuclear safety regulatory department under the State Council, together with the evidentiary materials of its conformity to the conditions prescribed in Article 16 of these Regulations and the models of the transport containers it applies to manufacture. Engaging in Category I radioactive material transport container manufacture activities without a manufacture license or beyond the scope prescribed in the manufacture license is prohibited.

Article 18 — The nuclear safety regulatory department under the State Council shall complete the examination within 45 working days from the date of acceptance of the application; where the conditions are met, a manufacture license shall be issued and publicly announced; where the conditions are not met, the applying unit shall be notified in writing with an explanation of the reasons.

Article 19 — A manufacture license shall state the following contents: (1) the name, domicile and legal representative of the manufacturing unit; (2) the models of transport containers permitted to be manufactured; (3) the term of validity; and (4) the license-issuing organ, the date of issuance and the certificate number.

Article 20 — Where a Category I radioactive material transport container manufacture unit changes its unit name, domicile or legal representative, it shall, within 20 days from the date of the industrial and commercial change registration, complete the formalities for changing the manufacture license with the nuclear safety regulatory department under the State Council. Where a Category I radioactive material transport container manufacture unit changes the model of transport containers manufactured, it shall re-apply to the nuclear safety regulatory department under the State Council for a manufacture license in accordance with the original application procedures.

Article 21 — The term of validity of a manufacture license is five years. Where renewal is needed upon expiry of the term of validity of the manufacture license, the Category I radioactive material transport container manufacture unit shall file a renewal application with the nuclear safety regulatory department under the State Council six months before the expiry of the term of validity of the manufacture license. The nuclear safety regulatory department under the State Council shall make a decision on whether to approve the renewal before the expiry of the term of validity of the manufacture license.

Article 22 — A unit engaging in Category II radioactive material transport container manufacture activities shall, 30 days before the commencement of its first manufacture activity, file with the nuclear safety regulatory department under the State Council the evidentiary materials of its possession of professional and technical personnel, production conditions and testing means appropriate to the manufacture activities in which it engages, and of sound management systems and a complete quality assurance system.

Article 23 — Category I and Category II radioactive material transport container manufacture units shall, in accordance with the coding rules formulated by the nuclear safety regulatory department under the State Council, uniformly code the Category I and Category II radioactive material transport containers they manufacture, and file the coding list of transport containers for the previous year with the nuclear safety regulatory department under the State Council before January 31 of each year.

Article 24 — A unit engaging in Category III radioactive material transport container manufacture activities shall, before January 31 of each year, file the models and quantities of transport containers manufactured in the previous year with the nuclear safety regulatory department under the State Council.

Article 25 — A transport container use unit for radioactive materials shall periodically maintain and service the transport containers for radioactive materials it uses, and establish maintenance and service archives; where a transport container for radioactive materials reaches its design service life, or a safety hazard is discovered in a transport container for radioactive materials, its use shall be stopped and it shall be handled.

A Category I radioactive material transport container use unit shall also conduct a safety performance evaluation of the Category I radioactive material transport containers it uses every two years, and file the evaluation results with the nuclear safety regulatory department under the State Council.

Article 26 — Using a Category I radioactive material transport container manufactured by an overseas unit shall be subject to the examination and approval of the nuclear safety regulatory department under the State Council before its first use. A unit applying to use a Category I radioactive material transport container manufactured by an overseas unit shall submit a written application to the nuclear safety regulatory department under the State Council together with the following materials: (1) a copy of the design approval document issued by the nuclear safety regulatory department of the country where the design unit is located; (2) the design safety evaluation report; (3) evidentiary materials of the relevant performance of the manufacturing unit; (4) a quality conformity certificate; and (5) explanatory materials of conformity to the provisions of the laws and administrative regulations of the People's Republic of China and to the national standards for the safety of transport of radioactive materials or standards recognized by the nuclear safety regulatory department under the State Council. The nuclear safety regulatory department under the State Council shall complete the examination within 45 working days from the date of acceptance of the application; where the container conforms to the national standards for the safety of transport of radioactive materials, a use approval document shall be issued; where it does not conform, the applying unit shall be notified in writing with an explanation of the reasons.

Article 27 — Using a Category II radioactive material transport container manufactured by an overseas unit shall be subject to filing with the nuclear safety regulatory department under the State Council, before its first use, of the quality conformity certificate of the transport container and the explanatory materials of conformity to the provisions of the laws and administrative regulations of the People's Republic of China and to the national standards for the safety of transport of radioactive materials or standards recognized by the nuclear safety regulatory department under the State Council.

Article 28 — When handling the examination, approval and filing formalities for the use of Category I and Category II radioactive material transport containers manufactured by overseas units, the nuclear safety regulatory department under the State Council shall simultaneously determine the codes for the transport containers.

Chapter IV — Transport of Radioactive Materials

Article 29 — When consigning radioactive materials, the consignor shall hold a valid certificate of production, sale, use or disposal of radioactive materials, use transport containers appropriate to the category of the radioactive materials consigned for packaging, be equipped with the necessary radiation monitoring equipment, protective articles and anti-theft and anti-sabotage equipment, and prepare the transport specification, the nuclear and radiation accident emergency response guide, the loading and unloading operation methods and the safety protection guide. The transport specification shall include the name, quantity, physical and chemical form, and hazard risks of the radioactive materials.

Article 30 — When consigning Category I radioactive materials, the consignor shall entrust a qualified radiation monitoring institution to monitor the surface contamination and radiation levels, and the radiation monitoring institution shall issue a radiation monitoring report. When consigning Category II and Category III radioactive materials, the consignor shall monitor their surface contamination and radiation levels and prepare a radiation monitoring report. Where the monitoring results do not conform to the national standards for the safety of transport of radioactive materials, the consignment shall not be made.

Article 31 — Carrying radioactive materials shall require the transport qualification prescribed by the State. The qualification administration of carriers shall be implemented in accordance with the relevant laws and administrative regulations and the provisions of the transport, railway, civil aviation and postal departments under the State Council.

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Article 32 — The consignor and the carrier shall train the staff directly engaged in the transport of radioactive materials in transport safety and emergency response knowledge and conduct assessment; those who fail the assessment shall not engage in the relevant work. The consignor and the carrier shall, in accordance with the national standards for the safety of transport of radioactive materials and the relevant State provisions, set up warning signs on the transport containers and means of transport for radioactive materials. The State uses satellite positioning systems to conduct online monitoring of the transport process of means of transport for Category I and Category II radioactive materials. The specific measures shall be formulated by the nuclear safety regulatory department under the State Council together with the relevant departments under the State Council.

Article 33 — The consignor and the carrier shall, in accordance with the relevant provisions of the State on the prevention and control of occupational diseases, conduct individual dose monitoring of the staff directly engaged in the transport of radioactive materials, and establish individual dose archives and occupational health surveillance archives.

Article 34 — The consignor shall submit the transport specification, radiation monitoring report, nuclear and radiation accident emergency response guide, loading and unloading operation methods and safety protection guide to the carrier, and the carrier shall examine and keep them. Where the documents submitted by the consignor are incomplete, the carrier shall not carry the goods.

Article 35 — When consigning Category I radioactive materials, the consignor shall prepare a nuclear and radiation safety analysis report for the transport of radioactive materials and submit it to the nuclear safety regulatory department under the State Council for examination and approval. The nuclear and radiation safety analysis report for the transport of radioactive materials shall include the name and quantity of the radioactive materials, the model of the transport container, the mode of transport, the radiation protection measures, the emergency measures and other contents. The nuclear safety regulatory department under the State Council shall complete the examination within 45 working days from the date of acceptance of the application; where the report conforms to the national standards for the safety of transport of radioactive materials, a nuclear and radiation safety analysis report approval document shall be issued; where it does not conform, the applying unit shall be notified in writing with an explanation of the reasons.

Article 36 — A nuclear and radiation safety analysis report approval document for the transport of radioactive materials shall state the following main contents: (1) the name, address and legal representative of the consignor; (2) the name and quantity of the radioactive materials transported; (3) the model of the transport container and the mode of transport of the radioactive materials transported; and (4) the date of approval and the term of validity.

Article 37 — Before the commencement of transport of Category I radioactive materials, the consignor shall file the nuclear and radiation safety analysis report approval document for the transport of radioactive materials and the radiation monitoring report with the environmental protection department of the people's government of the province, autonomous region or municipality directly under the Central Government at the place of commencement. The environmental protection department receiving the filing materials shall promptly notify the environmental protection departments of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government through which the radioactive materials pass and at which they arrive.

Article 38 — Transporting radioactive materials by road shall be subject to the approval of the public security organ, shall proceed according to the designated time, route and speed, shall display warning signs, and shall be accompanied by escort personnel so that the radioactive materials are under the supervision of the escort personnel. For road transport of spent fuel from nuclear reactors, the consignor shall report to the public security department under the State Council for approval. For road transport of other radioactive materials, the consignor shall report to the public security organ of the people's government at or above the county level at the place of commencement for approval. The specific measures shall be formulated by the

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public security department under the State Council in consultation with the nuclear safety regulatory department under the State Council.

Article 39 — Transporting radioactive materials by water shall be implemented in accordance with the relevant provisions of the laws, administrative regulations and rules on the transport of dangerous goods by water. Transporting radioactive materials by railway or air shall be implemented in accordance with the relevant provisions of the railway and civil aviation departments under the State Council. Mailing Category I and Category II radioactive materials is prohibited. Mailing Category III radioactive materials shall be implemented in accordance with the relevant provisions of the postal administration department under the State Council.

Article 40 — Units producing, selling, using or disposing of radioactive materials may, in accordance with the Road Transport Regulations of the People's Republic of China, apply to the road transport administrative organ of the people's government of a city divided into districts for non-commercial road dangerous goods transport qualification to transport their own radioactive materials, and bear the obligations of the consignor and the carrier prescribed in these Regulations. A unit applying for non-commercial road dangerous goods transport qualification for radioactive materials shall satisfy the following conditions: (1) holding a valid certificate of production, sale, use or disposal of radioactive materials; (2) having transport containers for radioactive materials meeting the requirements prescribed in these Regulations; (3) having professional and technical personnel with radiation protection and safety protection knowledge and drivers who have passed examinations; (4) having transport means, facilities and equipment that meet the safety protection requirements for the transport of radioactive materials and have passed testing; (5) being equipped with the necessary protective articles and monitoring instruments that have passed periodic verification in accordance with law; and (6) having transport safety and radiation protection management rules and regulations and nuclear and radiation accident emergency measures. The specific conditions for non-commercial road dangerous goods transport qualification for radioactive materials shall be formulated by the transport department under the State Council together with the nuclear safety regulatory department under the State Council.

Article 41 — Where Category I radioactive materials are transported from abroad to the territory of the People's Republic of China, or transported through the territory of the People's Republic of China, the consignor shall prepare a nuclear and radiation safety analysis report for the transport of radioactive materials and submit it to the nuclear safety regulatory department under the State Council for examination and approval. The examination and approval procedures shall be implemented in accordance with paragraph 3 of Article 35 of these Regulations. Where Category II and Category III radioactive materials are transported from abroad to the territory of the People's Republic of China, or transported through the territory of the People's Republic of China, the consignor shall prepare a radiation monitoring report for the transport of radioactive materials and file it with the nuclear safety regulatory department under the State Council. When the consignor, carrier or their agent completes the relevant formalities with customs, it shall submit the nuclear and radiation safety analysis report approval document for the transport of radioactive materials or the filing certificate of the radiation monitoring report for the transport of radioactive materials issued by the nuclear safety regulatory department under the State Council.

Article 42 — The emergency response plans for sudden environmental incidents organized and prepared by the people's governments at or above the county level shall include the contents of emergency response to nuclear and radiation accidents that may occur in the transport of radioactive materials.

Article 43 — Where a nuclear or radiation accident occurs in the transport of radioactive materials, the carrier and the consignor shall, in accordance with the requirements of the nuclear and radiation accident emergency response guide, properly carry out the accident emergency work and immediately report to the environmental protection department of the people's government at or above the county level at the place where the accident occurred. The environmental protection department receiving the report shall

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immediately dispatch personnel to the scene to conduct on-site investigation, adopt effective measures to control the impact of the accident, promptly report to the people's government at the same level, and notify the public security, health, transport and other relevant departments at the same level. The people's government at or above the county level receiving the report and its relevant departments shall properly carry out emergency work in accordance with the emergency response plans, and promptly report the nuclear and radiation accident information in accordance with the State provisions on graded reporting of sudden incidents. The emergency preparedness and response for nuclear accidents in the transport of spent fuel from nuclear reactors shall also comply with the relevant State provisions on nuclear emergency.

Chapter V — Supervision and Inspection

Article 44 — The nuclear safety regulatory department under the State Council and other departments performing, in accordance with law, the duty of supervision and administration of the safety of transport of radioactive materials shall, in accordance with their respective duties, exercise supervision and inspection over the safety of transport of radioactive materials. The nuclear safety regulatory department under the State Council shall notify the environmental protection departments of the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government at the places where the design and manufacture units are located and through which the radioactive materials are transported of the design and manufacture of Category I, Category II and Category III radioactive material transport containers it has approved or filed and of the transport of radioactive materials. The environmental protection departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall strengthen supervision, inspection and supervisory monitoring of the safety of transport of radioactive materials within their respective administrative areas. The inspected unit shall provide cooperation, truthfully report the situation and provide the necessary materials, and shall not refuse or obstruct.

Article 45 — When the nuclear safety regulatory department under the State Council, the environmental protection departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, and other departments performing, in accordance with law, the duty of supervision and administration of the safety of transport of radioactive materials conduct supervision and inspection, the supervisory and inspection personnel shall be not fewer than two persons and shall present valid administrative law enforcement certificates. The staff members of the nuclear safety regulatory department under the State Council, the environmental protection departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, and other departments performing, in accordance with law, the duty of supervision and administration of the safety of transport of radioactive materials shall bear the duty of confidentiality with respect to the trade secrets they come to know in supervision and inspection.

Article 46 — Where, in supervision and inspection, an approved Category I radioactive material transport container design is found to have a major design safety defect, the nuclear safety regulatory department under the State Council shall order the cessation of the manufacture or use of that model of transport container and revoke the Category I radioactive material transport container design approval document.

Article 47 — Where, in supervision and inspection, the transport of radioactive materials is found not to conform to the national standards for the safety of transport of radioactive materials, or a Category I radioactive material transport container manufacture unit is found not to conform to the conditions prescribed in the manufacture license, rectification within a prescribed time limit shall be ordered; where the transport of radioactive materials is found to possibly cause nuclear or radiation hazards to human health and the environment, the cessation of transport shall be ordered.

Article 48 — The nuclear safety regulatory department under the State Council, the environmental protection departments of the people's governments of provinces, autonomous regions and municipalities directly

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under the Central Government, and other departments performing, in accordance with law, the duty of supervision and administration of the safety of transport of radioactive materials shall not charge monitoring fees for monitoring the transport of radioactive materials. The nuclear safety regulatory department under the State Council, the environmental protection departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, and other departments performing, in accordance with law, the duty of supervision and administration of the safety of transport of radioactive materials shall strengthen the training of supervisory and administrative personnel in radiation protection and safety protection knowledge.

Chapter VI — Legal Liability

Article 49 — Where the nuclear safety regulatory department under the State Council, the environmental protection departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, or other departments performing, in accordance with law, the duty of supervision and administration of the safety of transport of radioactive materials commit any of the following acts, sanctions shall be imposed in accordance with law on the directly responsible persons in charge and other directly responsible persons; where the act of the directly responsible persons in charge and other directly responsible persons constitutes a crime, criminal responsibility shall be investigated in accordance with law: (1) failing to make an administrative license decision or handle approval documents in accordance with these Regulations; (2) failing to investigate and handle acts discovered to violate these Regulations, or failing to handle reports in accordance with law; (3) failing to perform, in accordance with law, the emergency duties for nuclear and radiation accidents in the transport of radioactive materials; (4) charging monitoring fees for monitoring the transport of radioactive materials; or (5) committing other acts of failing to perform supervision and administration duties in accordance with law.

Article 50 — Where a transport container design or manufacture unit for radioactive materials commits any of the following acts, the nuclear safety regulatory department under the State Council shall order it to stop the illegal act and impose a fine of not less than RMB 500,000 but not more than RMB 1,000,000; where there are illegal gains, the illegal gains shall be confiscated: (1) using a Category I radioactive material transport container design that has not obtained a design approval document for manufacture; or (2) using an approved Category I radioactive material transport container design with modified safety-related content for manufacture without re-obtaining a design approval document.

Article 51 — Where a transport container design or manufacture unit for radioactive materials commits any of the following acts, the nuclear safety regulatory department under the State Council shall order it to stop the illegal act and impose a fine of not less than RMB 50,000 but not more than RMB 100,000; where there are illegal gains, the illegal gains shall be confiscated: (1) using a Category II or Category III radioactive material transport container design that does not conform to the national standards for the safety of transport of radioactive materials for manufacture; or (2) using a Category II radioactive material transport container design that has not been filed for manufacture.

Article 52 — Where a transport container design unit for radioactive materials commits any of the following acts, the nuclear safety regulatory department under the State Council shall order it to make corrections within a prescribed time limit; where corrections are not made within the time limit, a fine of not less than RMB 10,000 but not more than RMB 50,000 shall be imposed: (1) failing to conduct a safety performance evaluation of the design of a Category II or Category III radioactive material transport container; (2) failing to truthfully record the design and safety performance evaluation process of a Category II or Category III radioactive material transport container; or (3) failing to prepare a certificate document that the design of a Category III radioactive material transport container conforms to the national standards for the safety of transport of radioactive materials and keep it on file for future reference.

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Article 53 — Where a transport container manufacture unit for radioactive materials commits any of the following acts, the nuclear safety regulatory department under the State Council shall order it to stop the illegal act and impose a fine of not less than RMB 500,000 but not more than RMB 1,000,000; where there are illegal gains, the illegal gains shall be confiscated: (1) engaging in Category I radioactive material transport container manufacture activities without obtaining a manufacture license; (2) continuing to engage in Category I radioactive material transport container manufacture activities without completing the renewal formalities as prescribed upon expiry of the term of validity of the manufacture license; (3) engaging in Category I radioactive material transport container manufacture activities beyond the scope prescribed in the manufacture license; (4) changing the model of Category I radioactive material transport containers manufactured without re-obtaining a manufacture license as prescribed; or (5) delivering for use a Category I radioactive material transport container that has not undergone quality inspection or has failed inspection. Where a party commits any of the acts in items (3), (4) and (5) of the preceding paragraph and the circumstances are serious, the manufacture license shall be revoked.

Article 54 — Where a Category I radioactive material transport container manufacture unit changes its unit name, domicile or legal representative without completing the manufacture license change formalities in accordance with law, the nuclear safety regulatory department under the State Council shall order it to make corrections within a prescribed time limit; where corrections are not made within the time limit, a fine of RMB 20,000 shall be imposed.

Article 55 — Where a transport container manufacture unit for radioactive materials commits any of the following acts, the nuclear safety regulatory department under the State Council shall order it to stop the illegal act and impose a fine of not less than RMB 50,000 but not more than RMB 100,000; where there are illegal gains, the illegal gains shall be confiscated: (1) failing to file the relevant evidentiary materials with the nuclear safety regulatory department under the State Council as prescribed before the commencement of the first manufacture activity of a Category II radioactive material transport container; or (2) delivering for use a Category II or Category III radioactive material transport container that has not undergone quality inspection or has failed inspection.

Article 56 — Where a transport container manufacture unit for radioactive materials commits any of the following acts, the nuclear safety regulatory department under the State Council shall order it to make corrections within a prescribed time limit; where corrections are not made within the time limit, a fine of not less than RMB 10,000 but not more than RMB 50,000 shall be imposed: (1) failing to uniformly code the Category I and Category II radioactive material transport containers it manufactures as prescribed; (2) failing to file the coding list of the Category I and Category II radioactive material transport containers it manufactures with the nuclear safety regulatory department under the State Council as prescribed; or (3) failing to file the models and quantities of the Category III radioactive material transport containers it manufactures with the nuclear safety regulatory department under the State Council as prescribed.

Article 57 — Where a transport container use unit for radioactive materials fails to conduct a safety performance evaluation of the Category I radioactive material transport containers it uses as prescribed, or fails to file the evaluation results with the nuclear safety regulatory department under the State Council, the nuclear safety regulatory department under the State Council shall order it to make corrections within a prescribed time limit; where corrections are not made within the time limit, a fine of not less than RMB 10,000 but not more than RMB 50,000 shall be imposed.

Article 58 — Where a party uses a Category I radioactive material transport container manufactured by an overseas unit without obtaining a use approval document as prescribed, the nuclear safety regulatory department under the State Council shall order it to stop the illegal act and impose a fine of not less than RMB 500,000 but not more than RMB 1,000,000. Where a party uses a Category II radioactive material transport container manufactured by an overseas unit without completing the filing formalities as prescribed, the nuclear safety regulatory department under the State Council shall order it to stop the illegal act and

impose a fine of not less than RMB 50,000 but not more than RMB 100,000.

Article 59 — Where the consignor fails to prepare the transport specification for radioactive materials, the nuclear and radiation accident emergency response guide, the loading and unloading operation methods or the safety protection guide as prescribed, the nuclear safety regulatory department under the State Council shall order it to make corrections within a prescribed time limit; where corrections are not made within the time limit, a fine of not less than RMB 10,000 but not more than RMB 50,000 shall be imposed. Where the consignor fails to file the nuclear and radiation safety analysis report approval document for the transport of radioactive materials or the radiation monitoring report as prescribed, the environmental protection department of the people's government of the province, autonomous region or municipality directly under the Central Government at the place of commencement shall order it to make corrections within a prescribed time limit; where corrections are not made within the time limit, a fine of not less than RMB 10,000 but not more than RMB 50,000 shall be imposed.

Article 60 — Where the consignor or carrier commits acts in the transport of radioactive materials that violate the provisions of the relevant laws and administrative regulations on the transport of dangerous goods, the transport, railway, civil aviation and other relevant departments shall impose penalties in accordance with law. Where a party mails radioactive materials in violation of the relevant laws and administrative regulations, the public security organ and the postal administration department shall impose penalties in accordance with law. Where radioactive materials are found in mailed inbound articles, customs shall handle the matter in accordance with the provisions of the relevant laws and administrative regulations.

Article 61 — Where the consignor consigns Category I radioactive materials without obtaining the nuclear and radiation safety analysis report approval document for the transport of radioactive materials, the nuclear safety regulatory department under the State Council shall order it to stop the illegal act and impose a fine of not less than RMB 500,000 but not more than RMB 1,000,000.

Article 62 — Where a party commits any of the following acts in transporting radioactive materials by road, the public security organ shall order correction within a prescribed time limit and impose a fine of not less than RMB 20,000 but not more than RMB 100,000; where a crime is constituted, criminal responsibility shall be investigated in accordance with law: (1) transporting radioactive materials by road without the approval of the public security organ; (2) a transport vehicle failing to proceed according to the designated time, route or speed, or failing to display warning signs; or (3) failing to be accompanied by escort personnel, or the radioactive materials being out of the supervision of the escort personnel.

Article 63 — Where the consignor commits any of the following acts, the environmental protection department of the people's government of the province, autonomous region or municipality directly under the Central Government at the place of commencement shall order it to stop the illegal act and impose a fine of not less than RMB 50,000 but not more than RMB 200,000: (1) failing to monitor the surface contamination and radiation levels of the radioactive materials consigned as prescribed; (2) delivering for consignment radioactive materials that, upon monitoring, do not conform to the national standards for the safety of transport of radioactive materials; or (3) issuing a false radiation monitoring report.

Article 64 — Where a party transports radioactive materials from abroad to the territory of the People's Republic of China, or transports radioactive materials through the territory of the People's Republic of China, without obtaining the nuclear and radiation safety analysis report approval document for the transport of radioactive materials or the filing certificate of the radiation monitoring report for the transport of radioactive materials, customs shall order the consignor to return the radioactive materials and impose penalties in accordance with the customs laws and administrative regulations; where a crime is constituted, criminal responsibility shall be investigated in accordance with law. Where the consignor is unknown, the carrier shall bear the responsibility of returning the radioactive materials or bear the disposal expenses of the radioactive materials.

Article 65 — Where a nuclear or radiation accident is caused in the transport of radioactive materials in violation of these Regulations, the environmental protection department of the local people's government at or above the county level shall impose a fine calculated at 20 percent of the direct loss caused by the nuclear or radiation accident; where a crime is constituted, criminal responsibility shall be investigated in accordance with law. Where the consignor or carrier fails to properly carry out the accident emergency work and report the accident in accordance with the requirements of the nuclear and radiation accident emergency response guide, the environmental protection department of the local people's government at or above the county level shall impose a fine of not less than RMB 50,000 but not more than RMB 200,000. Where a nuclear or radiation accident causes damage to others, civil liability shall be borne in accordance with law.

Article 66 — Where a party refuses or obstructs the supervision and inspection by the nuclear safety regulatory department under the State Council or other departments performing, in accordance with law, the duty of supervision and administration of the safety of transport of radioactive materials, or resorts to fraud in accepting supervision and inspection, the supervisory and inspection department shall order correction and impose a fine of not less than RMB 10,000 but not more than RMB 20,000; where the act constitutes a violation of public security administration, the public security organ shall impose a public security administration penalty in accordance with law; where a crime is constituted, criminal responsibility shall be investigated in accordance with law.

Chapter VII — Supplementary Provisions

Article 67 — The supervision and administration of the safety of transport of military radioactive materials shall be implemented in accordance with Article 60 of the Law of the People's Republic of China on the Prevention and Control of Radioactive Pollution.

Article 68 — These Regulations shall be implemented as of January 1, 2010.

Disclaimer: This document is an unofficial English translation of a Chinese administrative regulation, prepared for general informational and reference purposes only. It is not an official translation and has no legal effect. While every effort has been made to ensure accuracy, the official Chinese text is the sole authoritative version. Readers should consult qualified legal counsel before relying on this translation for any legal matter.