

**Not Validated translation of the Regulation issued by the Federal Agency for Nuclear Control on 19 June 2020 concerning Chapter 5 of the Royal Decree of 22 October 2017 on the transport of Class 7 dangerous goods, amended on 3 July 2019.**

Having regard to Chapter 5 of the Royal Decree of 22 October 2017 on the transport of Class 7 dangerous goods, Articles 63, 64, 69, 74 and 80;

Having regard to the Regulation issued by the Federal Agency for Nuclear Control concerning Chapter 5 of the Royal Decree of 22 October 2017 on the transport of Class 7 dangerous goods.

**Hereby decrees:**

Article 1. Definitions

For the purposes of the present regulation, the definitions given in Article 5 of the Royal Decree of 22 October 2017 on the transport of Class 7 dangerous goods shall apply.

In addition to these definitions, the following shall apply for the purposes of this regulation:

- 1° RD on Transport: Royal Decree of 22 October 2017 on the transport of Class 7 dangerous goods, amended on 3 July 2019;
- 2° RD on Nuclear Documents: Royal Decree of 17 October 2011 on the classification and protection of nuclear documents;
- 3° Nuclear material belonging to physical protection group B: material defined as such in the Royal Decree of 17 October 2011 on the classification and definition of security zones in nuclear installations and nuclear transport companies;
- 4° Class 7 High consequence dangerous goods: dangerous goods for which a security plan must be drawn up in accordance with the applicable international agreements and regulations governing the transportation of dangerous goods;
- 5° Infrastructure manager: any natural person or legal entity who is responsible for the terrain or building where an interruptionplace or interruptionsite is arranged and who is not a licensee;
- 6° Organiser: the organisation seeking to organise an interruptionplace or interruptionsite and submitting the application for consent or approval to the Agency.

## Art. 2. Requirements for interrupting transports (Article 80, RD on Transport)

§1. The requirements for interrupting transport operations shall be as follows:

- 1° interruptions shall be as brief as possible;
- 2° transports may only be interrupted on a terrain that is completely enclosed. In the event that the terrain is not completely enclosed, the organiser may suggest compensatory measures to prevent access by unauthorised persons. This alternative is not an option for interruptions of road transports of UN-group 3 or 4. In the event that vehicles, with the exception of those loaded solely with packages from UN-group 1, are not placed in a building during the interruption, they shall be placed out of sight of the public wherever possible;
- 3° in the case of articulated road vehicles, the trailer and its tractor shall be detached and placed at least 10 metres apart from each other. There shall be at least one available towing vehicle for every two trailers. In the event that the vehicles are placed in a closed building equipped with an alarm system, they do not need to be detached and separated as long as the vehicles are protected against theft;
- 4° in the case of road vehicles with fuel tanks that cannot be detached from the cargo space or in the case of articulated vehicles that do not need to be detached, the fire risk due to the presence of fuel shall be reduced to a minimum. This requirement does not apply if the vehicles are placed in a building in which there is a detection system and an automatic fire extinguishing system;
- 5° in the case of an event, vehicles shall be able to be moved quickly in order to prevent damage to vehicles and packages. To this end, the necessary staff shall arrive on the scene as quickly as possible and in no more than 15 minutes;
- 6° no other dangerous goods as defined in the applicable international agreements and regulations governing the transport of dangerous goods, other than Class 7 goods forming part of interrupted transports, shall be present within a radius of 10 m around the vehicle(s). If this is not possible, a risk analysis shall show that the presence of these other dangerous goods does not pose an additional risk to the packages and vehicles and/or compensatory measures shall be proposed;
- 7° during the interruption, an inventory of packages and vehicles shall be provided for the staff of the organiser, the infrastructure manager and/or the licensee, who are required to handle any events during the interruption. This inventory shall also be available to the organiser's responsible person. When the organiser is a carrier, the inventory shall be made available to the carrier's radiation protection officer and their recognised health physics expert. In the event that the interruption takes place on a licensee's terrain, the inventory shall be available to this licensee's health physics department;
- 8° emergency procedures shall be available and provided for use by the staff of the organiser, the infrastructure manager and/or the licensee so that they can deal with any incidents during the interruption;
- 9° during interruptions, the necessary security measures shall be taken in accordance with the applicable regulations. Specific measures shall be incorporated in the relevant security plans where applicable;
- 10° the organiser shall perform a workplace analysis for the purpose of assessing the dose received by staff. In the event that the organiser is a carrier, this analysis may form part of their radiation protection programme. This workplace assessment is not required for interruptions to transport of packages belonging solely to UN-group 1;
- 11° the organiser shall carry out a risk analysis for all aspects associated with the

interruption;

12° if applicable, the licensee's recognised health physics expert shall grant their consent to the interruptionplace and the safety and radiation protection equipment present at this location during the interruption.

In the event that the organiser of the interruptionplace has appointed their own recognised health physics expert, the latter shall also give their consent.

In addition, the recognised health physics expert of each carrier seeking to interrupt a transport at this place shall grant their consent to the location and the safety and radiation protection equipment present during the interruption. This consent may be valid for a single interruption or may be a more generic consent covering a number of interruptions of different types of transport operations;

13° the Agency and the recognised health physics experts involved shall be informed prior to a potential interruption. They shall be notified as soon as possible and no later than two hours before the start of the interruption on an interruptionplace known to the Agency. In the case of transports requiring notification in accordance with Art. 12 of the Regulation issued by the Federal Agency for Nuclear Control concerning Chapter 4 of the Royal Decree of 22 October 2017 concerning the transport of Class 7 dangerous goods, the interruption shall be notified at least 48 hours (two working days) beforehand.

§2. The organiser shall obtain the Agency's consent before a transport can be interrupted on an interruptionplace. To this end, the organiser shall send a written request to the Agency demonstrating that the conditions referred to in §1 have been met.

This request shall be submitted electronically to the following address: [transport@fanc.fgov.be](mailto:transport@fanc.fgov.be), using the form in Attachment 1, at least 72 hours (three working days) before a first interruption. The Agency shall confirm in writing whether or not the interruptionplace can be used. The Agency may set down any conditions and restrictions in this confirmation letter. The Agency shall notify the applicant in writing if it is of the opinion that the conditions are not satisfied in full.

The request for consent shall be signed by the legal representative of the organiser or the responsible person for the interruptionplace and, where applicable, the responsible person of the infrastructure manager or the licensee.

The request shall also be signed by the recognised health physics expert of the organiser of the interruptionplace if they have appointed their own expert.

In the event that the request is submitted electronically:

- 1° it shall be sent by e-mail, including the following information in the e-mail subject line: "request for consent to interruption site" – "applicant name";
- 2° the form and its attachments are attached as separate documents in pdf format.

§3. The notification mentioned in §1, 13° shall be sent to the Agency using the form in Attachment 2.

Notifications shall be sent by e-mail to the following address: [prementions@fanc.fgov.be](mailto:prementions@fanc.fgov.be).

If sending the notification by e-mail contravenes with the provisions relating to information

protection as described in the RD on Nuclear Documents, the notification shall be submitted in accordance with the provisions of the RD on Nuclear Documents.

Art. 3. Requirements to be observed during interrupted transports on a recognised interruptionsite (Article 63, RD on Transport)

The requirements to be observed during an interrupted transport on a recognised interruptionsite are as follows:

- 1° the requirements listed in Article 2 §1, 1° to 11° of this regulation;
- 2° an appropriate area shall be delimited around the vehicles so as to respect the limit of 5  $\mu\text{Sv/h}$  within which no activities may be carried out during the interruption. This is not required when interrupting transports of UN-group 1 packages or transports of packages with an I-white label. Outside this delimited area or in the vicinity of vehicles around which the delimited area is not required, activities shall be limited as far as possible in order to guarantee radiation protection of the staff and to prevent that activities posing an increased risk to the packages and vehicles. The activities performed shall be subject to a risk analysis;
- 3° in addition to the required regulatory signalisation of the vehicles, the presence of radioactive material shall be indicated as specified in the regulation;
- 4° if the interruption relates to Class 7 high consequence dangerous goods, a permanent guard shall be provided. If it is not possible to provide such a guard, compensatory measures shall be taken. In the case of nuclear material belonging to physical protection group B, this guard is already specified in the relevant regulations;
- 5° in the case of an interruption involving transports of nuclear material belonging to physical protection group B, the security plans of the carrier and the organiser of the transport interruption site shall be aligned;
- 6° the recognised health physics expert of the organiser and, if applicable, of the licensee shall give their consent to the interruption location and the safety and radiation protection equipment of this location during the interruption.  
In addition, the recognised health physics expert of each carrier seeking to interrupt transport at the interruptionsite shall give their consent to the interruption location and the safety and radiation protection equipment of this location during the interruption. This consent may be valid for a single interruption or may be a more generic consent covering a number of interruptions to different types of transport operations;
- 7° the Agency and the relevant recognised health physics experts shall be informed prior to a potential interruption. They shall be notified as soon as possible and no later than two hours before the start of the interruption at an interruptionsite recognised by the Agency. In the case of transports requiring notification in accordance with Art. 12 of the Regulation issued by the Federal Agency for Nuclear Control concerning Chapter 4 of the Royal Decree of 22 October 2017 concerning the transport of Class 7 dangerous goods, the interruption shall be notified at least 48 hours (two working days) beforehand.

Art. 4. Application for recognition of an interruptionsite (Article 64, RD on Transport)

The application shall be submitted electronically - using the form in Attachment 3 - to the following address: transport@fanc.fgov.be.

If this e-mail contravenes with the provisions relating to information protection as described in the RD on Nuclear Documents, the application shall be made in accordance with the provisions of the RD on Nuclear Documents.

The application shall be signed by the legal representative of the organiser and the head of the Health Physics Department and, if applicable, the responsible person of the infrastructure manager or the licensee.

The application shall also be signed by the recognised health physics expert, who shall certify that:

- 1° health physics controls will be ensured;
- 2° the information specified in the application has been verified and deemed correct by the recognised health physics expert.

If the application is submitted electronically:

- 1° the application shall be sent by e-mail with the following information in the e-mail subject line: "Recognition application for an interruption site" – "Applicant name";
- 2° the form and the appendixes shall be attached as separate documents in pdf format.

Art. 5. Amendments to the enacting terms of the recognition decree (Article 69, RD on Transport)

Applications for amendments to the enacting terms of the recognition decree shall be submitted using the same form and using the same modalities as the initial application. This application shall specify any amendments with respect to the information included in the previous recognition decree.

Art. 6. Amendments to information and/or data submitted in the application for recognition and which do not change the enacting terms of the recognition decree (Article 74, RD on Transport)

The following changes to information submitted in the recognition application and which are not likely to change the enacting terms of the recognition decree shall be notified in writing to the Agency without delay:

- 1° changes to the organisation of the responsible functions;
- 2° changes to the organisation of the health physics department, including the names of:
  - i. the recognised health physics expert or recognised health physics organisation and;
  - ii. the radiation protection officer(s);
- 3° changes to the radiation protection programme;
- 4° changes to emergency procedures;
- 5° changes to the organisation of the interruptionsite.

Art. 7. The Regulation issued by the Federal Agency for Nuclear Control on 13 December 2017 concerning Chapter 5 of the Royal Decree of 22 October 2017 on the transport of Class 7 dangerous goods is hereby repealed.
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Signed by the Director General in Brussels on 19 June 2020.

Frank Hardeman

Translation