

【Title】 Regulation on the Administration of Transport Safety of Radioactive Articles[现行有效]

【法规标题】放射性物品运输安全管理条例 [Effective]

Date issued: 09-14-2009
Effective date: 01-01-2010
Issuing authority: State Council
Area of law: Industrial Management

发布日期: 2009-09-14
生效日期: 2010-01-01
发布部门: 国务院
类别: 工业管理

Order of the State Council
(No. 562)

国务院令
(第 562 号)

The Regulation on the Administration of Transport Safety of Radioactive Articles, which was adopted at the 80th executive meeting of the State Council on September 7, 2009, is hereby promulgated and shall come into force on January 1, 2010.

Premier Wen Jiabao
September 14, 2009

Regulation on the Administration of Transport Safety of Radioactive Articles

《放射性物品运输安全管理条例》
已经 2009 年 9 月 7 日国务院第 80 次常务会议通过，现予公布，自 2010 年 1 月 1 日起施行。

总理 温家宝
二〇〇九年九月十四日

放射性物品运输安全管理条例

Chapter I General Provisions

第一章 总 则

Article 1 This Regulation is formulated in accordance with the [Law of the People's Republic of China on Prevention and Control of Radioactive Pollution](#) for purposes of strengthening the administration of transport safety of radioactive articles, protecting human health and environment and promoting the development and peaceful utilization of nuclear energy and nuclear technology.

第一条 为了加强对放射性物品运输的安全管理，保障人体健康，保护环境，促进核能、核技术的开发与和平利用，根据《[中华人民共和国放射性污染防治法](#)》，制定本条例。

Article 2 This Regulation shall apply to the transport of radioactive articles and the design and manufacturing of transport containers for radioactive articles and other relevant activities.

第二条 放射性物品的运输和放射性物品运输容器的设计、制造等活动，适用本条例。

The term "radioactive articles" as mentioned in this Regulation shall refer to the articles containing radioactive nuclide, whose activity and specific activity are both higher than the exemption value set forth by the state.

本条例所称放射性物品，是指含有放射性核素，并且其活度和比活度均高于国家规定的豁免值的物品。

Article 3 The radioactive articles shall be classified into Categories I, II and III according to their characteristics and their extent of potential hazard to human health and environment.

第三条 根据放射性物品的特性及其对人体健康和环境的潜在危害程度，将放射性物品分为一类、二类和三类。

Radioactive articles of Category I shall refer to the radioactive articles that will cause significant effects of radiation to human health and environment

一类放射性物品，是指 I 类放射源、高水平放射性废物、乏燃料等释放

after being discharged into the environment, such as radioactive sources of Class I, high-level radioactive waste and spent fuel.

Radioactive articles of Category II shall refer to the radioactive articles that will cause ordinary effects of radiation to human health and environment after being discharged into the environment, such as radioactive sources of Class II and Class III and middle-level radioactive waste.

Radioactive articles of Category III shall refer to the radioactive articles that will cause minor effects of radiation to human health and environment after being discharged into the environment such as radioactive sources of Class IV and Class V, low-level radioactive waste and radioactive drugs.

The specific classification and directory of radioactive articles shall be formulated by the nuclear safety regulatory department under the State Council jointly with the competent departments of public security, health, customs, transport, railways, civil aviation and nuclear industry under the State Council.

Article 4 The nuclear safety regulatory department under the State Council shall conduct supervision and administration of the nuclear and radiation safety in transport of radioactive articles.

The relevant competent departments of public security, transport, railways, civil aviation, etc. under the State Council shall, in accordance with this Regulation and their respective functions, be responsible for the relevant supervision and administration of transport safety of radioactive articles.

The environmental protection administrative departments and the relevant competent departments of public security, transport, etc. under the local people's governments at and above the county level shall, in accordance with this Regulation and their respective functions, be responsible for the relevant supervision and administration of transport safety of radioactive articles within their respective administrative regions.

Article 5 To transport radioactive articles, special transport packaging containers for radioactive articles (hereinafter referred to as "transport containers") shall be used.

The transport of radioactive articles and the design and manufacturing of transport containers for radioactive articles shall conform to the national standards for safe transport of radioactive articles.

The national standards for safe transport of radioactive articles shall be formulated by the nuclear safety regulatory department under the State Council and be promulgated jointly by the nuclear safety regulatory department under the State Council and the standardization department under the State Council. The nuclear safety regulatory department under the State Council shall, when formulating national standards for safe transport of radioactive articles, solicit opinions of the competent

到环境后对人体健康和环境产生重大辐射影响的放射性物品。

二类放射性物品，是指Ⅱ类和Ⅲ类放射源、中等水平放射性废物等释放到环境后对人体健康和环境产生一般辐射影响的放射性物品。

三类放射性物品，是指Ⅳ类和Ⅴ类放射源、低水平放射性废物、放射性药品等释放到环境后对人体健康和环境产生较小辐射影响的放射性物品。

放射性物品的具体分类和名录，由国务院核安全监管部门会同国务院公安、卫生、海关、交通运输、铁路、民航、核工业行业主管部门制定。

第四条 国务院核安全监管部门对放射性物品运输的核与辐射安全实施监督管理。

国务院公安、交通运输、铁路、民航等有关主管部门依照本条例规定和各自的职责，负责放射性物品运输安全的有关监督管理工作。

县级以上地方人民政府环境保护主管部门和公安、交通运输等有关主管部门，依照本条例规定和各自的职责，负责本行政区域放射性物品运输安全的有关监督管理工作。

第五条 运输放射性物品，应当使用专用的放射性物品运输包装容器（以下简称运输容器）。

放射性物品的运输和放射性物品运输容器的设计、制造，应当符合国家放射性物品运输安全标准。

国家放射性物品运输安全标准，由国务院核安全监管部门制定，由国务院核安全监管部门和国务院标准化主管部门联合发布。国务院核安全监管部门制定国家放射性物品运输安全标准，应当征求国务院公安、卫生、交通运输、铁路、民航、核工业行业主管部门的意

departments of public security, health, transport, railways, civil aviation and nuclear industry under the State Council.

Article 6 The entities that design and manufacture the transport containers for radioactive articles shall establish and improve the responsibility system, strengthen the management of quality and be responsible for the design and manufacturing of transport containers for radioactive articles they are engaged in.

The consignors of radioactive articles (hereinafter referred to as "consignors") shall work out contingency plans for nuclear and radiation accidents, take effective radiation protection and security measures in the transport of radioactive articles, and shall be responsible for the nuclear and radiation safety in the transport of radioactive articles.

Article 7 Any entity or individual shall be entitled to report the violations of this Regulation to the nuclear safety regulatory department under the State Council or any other department performing the functions of supervision and administration of transport safety of radioactive articles according to law.

The departments which have received the reports shall investigate and deal with the cases according to law and keep secret for the informants.

Chapter II Design of Transport Containers for Radioactive Articles

Article 8 A design entity of transport containers for radioactive articles shall establish and improve and effectively implement the quality assurance system, design them according to the national standards for safe transport of radioactive articles, and evaluate the safety performance of transport containers for radioactive articles designed by it through experimental validation, analysis demonstration and other means.

Article 9 A design entity of transport containers for radioactive articles shall establish and improve a record system, and truthfully make records of the process of design and safety performance evaluation of transport containers for radioactive articles under the requirements of the quality assurance system.

When designing transport containers for radioactive articles of Category I, the design entity shall work out a design safety evaluation report. When designing transport containers for radioactive articles of Category II, the design entity shall work out a design safety evaluation report form.

Article 10 The design of transport containers for radioactive articles of Category I shall be reported to the nuclear safety regulatory department under the State Council for examination and approval before being manufactured for the first time.

When applying for an approval of the design of transport containers for

见。

第六条 放射性物品运输容器的设计、制造单位应当建立健全责任制度，加强质量管理，并对所从事的放射性物品运输容器的设计、制造活动负责。

放射性物品的托运人（以下简称托运人）应当制定核与辐射事故应急方案，在放射性物品运输中采取有效的辐射防护和安全保卫措施，并对放射性物品运输中的核与辐射安全负责。

第七条 任何单位和个人对违反本条例规定的行为，有权向国务院核安全监管部门或者其他依法履行放射性物品运输安全监督管理职责的部门举报。

接到举报的部门应当依法调查处理，并为举报人保密。

第二章 放射性物品运输容器的设计

第八条 放射性物品运输容器设计单位应当建立健全和有效实施质量保证体系，按照国家放射性物品运输安全标准进行设计，并通过试验验证或者分析论证等方式，对设计的放射性物品运输容器的安全性能进行评价。

第九条 放射性物品运输容器设计单位应当建立健全档案制度，按照质量保证体系的要求，如实记录放射性物品运输容器的设计和安全性能评价过程。

进行一类放射性物品运输容器设计，应当编制设计安全评价报告书；进行二类放射性物品运输容器设计，应当编制设计安全评价报告表。

第十条 一类放射性物品运输容器的设计，应当在首次用于制造前报国务院核安全监管部门审查批准。

申请批准一类放射性物品运输容器的设计，设计单位应当向国务院核安全

radioactive articles of Category I, the design entity shall make a written application to the nuclear safety regulatory department under the State Council and submit the following materials:

- (1) the general plan of design and the design description thereof;
- (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 workdays upon acceptance of an application. If the national safety standards for safe transport of radioactive articles are met, it shall issue a written approval of the design of transport containers for radioactive articles of Category I to the applicant, and announce the approval number; and if the national standards for safe transport of radioactive articles are not met, it shall notify the applicant and give reasons in writing.

Article 12 Where a design entity revises the contents relevant to safety in the approved design of transport containers for radioactive articles of Category I, it shall, according to the original application procedures, apply to the nuclear safety regulatory department under the State Council for a new written approval of the design of transport containers for radioactive articles of Category I.

Article 13 As to the design of transport containers for radioactive articles of Category II, the design entity shall, before putting the design into manufacturing for the first time, file the general plan of design, the design description, and the design safety evaluation report form with the nuclear safety regulatory department under the State Council for archival purpose.

Article 14 As to the design of transport containers for radioactive articles of Category III, the design entity shall work out evidential documents proving that the design conforms to the national standards for safe transport of radioactive articles and file them for future reference.

Chapter III Manufacturing and Utilization of Transport Containers for Radioactive Articles

Article 15 A manufacturing entity of transport containers for radioactive articles shall, according to the design requirements and the national standards for safe transport of radioactive articles, conduct quality inspection of the transport containers for radioactive articles manufactured by it and work out a quality inspection report.

No transport container for radioactive articles may be delivered for use without quality inspection or if it fails to pass the inspection.

Article 16 An entity manufacturing transport containers for radioactive articles of Category I shall possess the following conditions:

监管部门提出书面申请，并提交下列材料：

- (一) 设计总图及其设计说明书；
- (二) 设计安全评价报告书；
- (三) 质量保证大纲。

第十一条 国务院核安全监管部门应当自受理申请之日起 45 个工作日内完成审查，对符合国家放射性物品运输安全标准的，颁发一类放射性物品运输容器设计批准书，并公告批准文号；对不符合国家放射性物品运输安全标准的，书面通知申请单位并说明理由。

第十二条 设计单位修改已批准的一类放射性物品运输容器设计中有关安全内容的，应当按照原申请程序向国务院核安全监管部门重新申请领取一类放射性物品运输容器设计批准书。

第十三条 二类放射性物品运输容器的设计，设计单位应当在首次用于制造前，将设计总图及其设计说明书、设计安全评价报告表报国务院核安全监管部门备案。

第十四条 三类放射性物品运输容器的设计，设计单位应当编制设计符合国家放射性物品运输安全标准的证明文件并存档备查。

第三章 放射性物品运输容器的制造与使用

第十五条 放射性物品运输容器制造单位，应当按照设计要求和国家放射性物品运输安全标准，对制造的放射性物品运输容器进行质量检验，编制质量检验报告。

未经质量检验或者经检验不合格的放射性物品运输容器，不得交付使用。

第十六条 从事一类放射性物品运输容器制造活动的单位，应当具备下列

- (1) It has professional technical staff commensurate with the manufacturing it is engaged in;
- (2) It has production conditions and testing methods commensurate with the manufacturing it is engaged in; and
- (3) It has a sound management system and well-established quality assurance system.

Article 17 An entity manufacturing transport containers for radioactive articles of Category I shall apply for a license for manufacturing transport containers for radioactive articles of Category I (hereinafter referred to as the "manufacturing license").

An entity which applies for a manufacturing license shall make a written application to the nuclear safety regulatory department under the State Council, and submit evidential materials proving that it conforms to the conditions as prescribed in Article 16 of this Regulation and the type of the transport containers which it applies for manufacturing. It is prohibited to manufacture transport containers for radioactive articles of Category I without a manufacturing license or beyond the scope specified in the manufacturing license.

Article 18 The nuclear safety regulatory department under the State Council shall complete the examination within 45 workdays upon acceptance of an application. If the applicant meets the relevant conditions, it shall issue a manufacturing license, and make an announcement; and if the applicant fails to meet the conditions, it shall notify the applicant and give reasons in writing.

Article 19 A manufacturing license shall indicate the following:

- (1) the name, domicile and legal representative of the manufacturing entity;
- (2) the type of the transport containers approved to be manufactured;
- (3) term of validity;
- (4) the authority issuing the license, issuance date of the license and serial number of the license.

Article 20 Where a manufacturing entity of transport containers for radioactive articles of Category I changes its name, domicile or legal representative, it shall, within 20 days from the date of modifying the industrial and commercial registration, go through the formalities for modification of the manufacturing license at the nuclear safety regulatory department under the State Council.

Where a manufacturing entity of transport containers for radioactive articles of Category I changes the type of transport containers

条件:

- (一) 有与所从事的制造活动相适应的专业技术人员;
- (二) 有与所从事的制造活动相适应的生产条件和检测手段;
- (三) 有健全的管理制度和完善的质量保证体系。

第十七条 从事一类放射性物品运输容器制造活动的单位,应当申请领取一类放射性物品运输容器制造许可证(以下简称制造许可证)。

申请领取制造许可证的单位,应当向国务院核安全监管部门提出书面申请,并提交其符合本条例第十六条规定条件的证明材料和申请制造的运输容器型号。

禁止无制造许可证或者超出制造许可证规定的范围从事一类放射性物品运输容器的制造活动。

第十八条 国务院核安全监管部门应当自受理申请之日起 45 个工作日内完成审查,对符合条件的,颁发制造许可证,并予以公告;对不符合条件的,书面通知申请单位并说明理由。

第十九条 制造许可证应当载明下列内容:

- (一) 制造单位名称、住所和法定代表人;
- (二) 许可制造的运输容器的型号;
- (三) 有效期限;
- (四) 发证机关、发证日期和证书编号。

第二十条 一类放射性物品运输容器制造单位变更单位名称、住所或者法定代表人的,应当自工商变更登记之日起 20 日内,向国务院核安全监管部门办理制造许可证变更手续。

一类放射性物品运输容器制造单位变更制造的运输容器型号的,应当按照原申请程序向国务院核安全监管部门重

manufactured by it, it shall, according to the original application procedures, apply to the nuclear safety regulatory department under the State Council for a new manufacturing license.

Article 21 The manufacturing license shall be valid for five years. Where the term of validity of a manufacturing license is expired and needs to be renewed, the manufacturing entity of transport containers for radioactive articles of Category I shall, six months before the expiry of the term of validity of the manufacturing license, submit an application for renewal to the nuclear safety regulatory department under the State Council.

The nuclear safety regulatory department under the State Council shall, before the expiry of the term of validity of the manufacturing license, make a decision on whether to approve the renewal.

Article 22 An entity manufacturing transport containers for radioactive articles of Category II shall, 30 days before the first-time manufacturing activity, file the evidential materials proving that it has professional technical staff, production conditions and testing methods commensurate with the manufacturing it is engaged in and has a sound management system and well-established quality assurance system with the nuclear safety regulatory department under the State Council for archival purpose.

Article 23 A manufacturing entity of transport containers for radioactive articles of Category I or Category II shall, according to the coding rules formulated by the nuclear safety regulatory department under the State Council, uniformly code the transport containers for radioactive articles of Category I or Category II manufactured by it, and file the coding list of transport containers in the previous year with the nuclear safety regulatory department under the State Council for archival purpose prior to January 31 each year.

Article 24 An entity manufacturing transport containers for radioactive articles of Category III shall, prior to January 31 each year, file the type and quantity of the transport containers manufactured by it in the previous year with the nuclear safety regulatory department under the State Council for archival purpose.

Article 25 An entity using transport containers for radioactive articles shall regularly maintain and repair the transport containers for radioactive articles used by it, and establish records of maintenance and repairs. If the transport containers for radioactive articles reach the designed service life, or are found to have security risks, the entity shall stop using them and dispose them.

An entity using transport containers for radioactive articles of Category I

新申请领取制造许可证。

第二十一条 制造许可证有效期为 5 年。

制造许可证有效期届满，需要延续的，一类放射性物品运输容器制造单位应当于制造许可证有效期届满 6 个月前，向国务院核安全监管部门提出延续申请。

国务院核安全监管部门应当在制造许可证有效期届满前作出是否准予延续的决定。

第二十二条 从事二类放射性物品运输容器制造活动的单位，应当在首次制造活动开始 30 日前，将其具备与所从事的制造活动相适应的专业技术人员、生产条件、检测手段，以及具有健全的管理制度和完善的质量保证体系的证明材料，报国务院核安全监管部门备案。

第二十三条 一类、二类放射性物品运输容器制造单位，应当按照国务院核安全监管部门制定的编码规则，对其制造的一类、二类放射性物品运输容器统一编码，并于每年 1 月 31 日前将上一年度的运输容器编码清单报国务院核安全监管部门备案。

第二十四条 从事三类放射性物品运输容器制造活动的单位，应当于每年 1 月 31 日前将上一年度制造的运输容器的型号和数量报国务院核安全监管部门备案。

第二十五条 放射性物品运输容器使用单位应当对其使用的放射性物品运输容器定期进行保养和维护，并建立保养和维护档案；放射性物品运输容器达到设计使用年限，或者发现放射性物品运输容器存在安全隐患的，应当停止使用，进行处理。

shall also conduct safety performance evaluation once every two years on the transport containers for radioactive articles of Category I used by it, and file the evaluation results with the nuclear safety regulatory department under the State Council for archival purpose.

Article 26 Where an entity uses the transport containers for radioactive articles of Category I manufactured by any overseas entity, it shall report to the nuclear safety regulatory department under the State Council for examination and approval before the first use.

The entity which applies for using the transport containers for radioactive articles of Category I manufactured by an overseas entity shall submit a written application to the nuclear safety regulatory department under the State Council and submit the following materials:

- (1) the photocopy of the design approval document issued by the nuclear safety regulatory department of the country where the design entity is;
- (2) a design safety evaluation report;
- (3) evidential materials of the relevant performance of the manufacturing entity;
- (4) the quality certificate; and
- (5) explanation materials proving that the transport containers conform to the laws and administrative regulations of the People's Republic of China and the national standards for safe transport of radioactive articles or the 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 workdays upon acceptance of an application. If the national standards for safe transport of radioactive articles are met, it shall issue a written approval of utilization; and if the national standards for safe transport of radioactive articles are not met, it shall notify the applicant and give reasons in writing.

Article 27 Where an entity uses transport containers for radioactive articles of Category II manufactured by an overseas entity, it shall, before first use of the transport containers, file with the nuclear safety regulatory department under the State Council the quality certificate of transport containers and the explanation materials proving that the transport containers conform to the laws and administrative regulations of the People's Republic of China and the national standards for safe transport of radioactive articles or the standards recognized by the nuclear safety regulatory department under the State Council.

Article 28 When handling the formalities for examination and approval as well as filing for using transport containers for radioactive articles of Category I or Category II that are manufactured by an overseas entity, the nuclear safety regulatory department under the State Council shall

一类放射性物品运输容器使用单位还应当对其使用的一类放射性物品运输容器每两年进行一次安全性能评价,并将评价结果报国务院核安全监管部门备案。

第二十六条 使用境外单位制造的一类放射性物品运输容器的,应当在首次使用前报国务院核安全监管部门审查批准。

申请使用境外单位制造的一类放射性物品运输容器的单位,应当向国务院核安全监管部门提出书面申请,并提交下列材料:

- (一) 设计单位所在国核安全监管部门颁发的设计批准文件的复印件;
- (二) 设计安全评价报告书;
- (三) 制造单位相关业绩的证明材料;
- (四) 质量合格证明;
- (五) 符合中华人民共和国法律、行政法规规定,以及国家放射性物品运输安全标准或者经国务院核安全监管部门认可的标准的说明材料。

国务院核安全监管部门应当自受理申请之日起 45 个工作日内完成审查,对符合国家放射性物品运输安全标准的,颁发使用批准书;对不符合国家放射性物品运输安全标准的,书面通知申请单位并说明理由。

第二十七条 使用境外单位制造的二类放射性物品运输容器的,应当在首次使用前将运输容器质量合格证明和符合中华人民共和国法律、行政法规规定,以及国家放射性物品运输安全标准或者经国务院核安全监管部门认可的标准的说明材料,报国务院核安全监管部门备案。

第二十八条 国务院核安全监管部门办理使用境外单位制造的一类、二类放射性物品运输容器审查批准和备案手续,应当同时为运输容器确定编码。

determine the codes of the transport containers at the same time.

Chapter IV Transport of Radioactive Articles

Article 29 To consign radioactive articles, the consignor shall hold a valid certificate for producing, selling, using or disposing radioactive articles, package the radioactive articles to be consigned in transport containers commensurate with their categories, arrange necessary radiation monitoring equipment, protective articles, and anti-theft and anti-sabotage equipment, and work out a transport instruction, emergency response guidelines for nuclear and radiation accidents, loading and unloading operating methods and security protection guidelines. The transport instruction shall include the name, quantity, physical and chemical form, risks of hazard, etc. of radioactive articles.

Article 30 To consign radioactive articles of Category I, the consignor shall authorize an eligible radiation monitoring institution to conduct monitoring of the surface contamination and radiation level of the radioactive articles to be consigned, and the latter shall produce a radiation monitoring report. To consign radioactive articles of Category II or Category III, the consignor shall conduct monitoring of the surface contamination and radiation level of the radioactive articles to be consigned and work out a radiation monitoring report. If the monitoring results do not meet the national standards for safe transport of radioactive articles, the radioactive articles shall not be consigned.

Article 31 To carry radioactive articles, the carrier shall obtain the transport qualification as prescribed by the state. The administration of qualifications of carriers shall be governed by the relevant laws and administrative regulations and the provisions of the competent departments of transport, railways, civil aviation, and postal service under the State Council.

Article 32 The consignors and carriers shall conduct trainings on transport safety and emergency response for the staff members directly engaged in transport of radioactive articles, and conduct assessment. The staff members failing to pass the assessment shall not engage in the relevant work.

The consignors and carriers shall, according to the national standards for safe transport of radioactive articles and the relevant provisions of the state, set warning signs on transport containers and vehicles of radioactive articles.

The state shall use the global positioning system to conduct online

第四章 放射性物品的运输

第二十九条 托运放射性物品的，托运人应当持有生产、销售、使用或者处置放射性物品的有效证明，使用与所托运的放射性物品类别相适应的运输容器进行包装，配备必要的辐射监测设备、防护用品和防盗、防破坏设备，并编制运输说明书、核与辐射事故应急响应指南、装卸作业方法、安全防护指南。

运输说明书应当包括放射性物品的品名、数量、物理化学形态、危害风险等内容。

第三十条 托运一类放射性物品的，托运人应当委托有资质的辐射监测机构对其表面污染和辐射水平实施监测，辐射监测机构应当出具辐射监测报告。

托运二类、三类放射性物品的，托运人应当对其表面污染和辐射水平实施监测，并编制辐射监测报告。

监测结果不符合国家放射性物品运输安全标准的，不得托运。

第三十一条 承运放射性物品应当取得国家规定的运输资质。承运人的资质管理，依照有关法律、行政法规和国务院交通运输、铁路、民航、邮政主管部门的规定执行。

第三十二条 托运人和承运人应当对直接从事放射性物品运输的工作人员进行运输安全和应急响应知识的培训，并进行考核；考核不合格的，不得从事相关工作。

托运人和承运人应当按照国家放射性物品运输安全标准和国家有关规定，在放射性物品运输容器和运输工具上设置警示标志。

国家利用卫星定位系统对一类、二

monitoring of transport process of transport vehicles of radioactive articles of Category I and Category II. The specific measures shall be formulated by the nuclear safety regulatory department under the State Council jointly with the relevant departments under the State Council.

Article 33 The consignors and carriers shall, according to the relevant provisions of the state on prevention and control of occupational diseases, conduct personal dosage monitoring on the staff members directly engaged in transport of radioactive articles, and establish personal dosage records and occupational health care records.

Article 34 A consignor shall provide the transport instruction, radiation monitoring report, emergency response guidelines for nuclear and radiation accidents, loading and unloading operating methods and security protection guidelines to the carrier, and the latter shall check and keep the aforesaid documents. If the documents submitted by the consignor are incomplete, the carrier shall not undertake the transport.

Article 35 To consign radioactive articles of Category I, the consignor shall work out a report on nuclear and radiation safety analysis for the transport of radioactive articles, and report it to the nuclear safety regulatory department under the State Council for examination and approval. The report on nuclear and radiation safety analysis for the transport of radioactive articles shall include the name and quantity of radioactive articles, type of transport containers, transport means, radiation protection measures, emergency response measures, etc.

The nuclear safety regulatory department under the State Council shall complete the examination within 45 workdays upon acceptance of an application. If the national standards for safe transport of radioactive articles are met, it shall issue a written approval of the report on nuclear and radiation safety analysis; and if the national standards for safe transport of radioactive articles are not met, it shall notify the applicant and give reasons in writing.

Article 36 A written approval of the report on nuclear and radiation safety analysis for the transport of radioactive articles shall mainly bear the following:

- (1) the name, domicile and legal representative of the consignor;
- (2) the name and quantity of the radioactive articles to be transported;
- (3) the type of the transport containers for radioactive articles and the transport means; and
- (4) the approval date and the term of validity.

Article 37 Before the radioactive articles of Category I are transported, the

类放射性物品运输工具的运输过程实行在线监控。具体办法由国务院核安全监管部门会同国务院有关部门制定。

第三十三条 托运人和承运人应当按照国家职业病防治的有关规定，对直接从事放射性物品运输的工作人员进行个人剂量监测，建立个人剂量档案和职业健康监护档案。

第三十四条 托运人应当向承运人提交运输说明书、辐射监测报告、核与辐射事故应急响应指南、装卸作业方法、安全防护指南，承运人应当查验、收存。托运人提交文件不齐全的，承运人不得承运。

第三十五条 托运一类放射性物品的，托运人应当编制放射性物品运输的核与辐射安全分析报告书，报国务院核安全监管部门审查批准。

放射性物品运输的核与辐射安全分析报告书应当包括放射性物品的品名、数量、运输容器型号、运输方式、辐射防护措施、应急措施等内容。

国务院核安全监管部门应当自受理申请之日起 45 个工作日内完成审查，对符合国家放射性物品运输安全标准的，颁发核与辐射安全分析报告批准书；对不符合国家放射性物品运输安全标准的，书面通知申请单位并说明理由。

第三十六条 放射性物品运输的核与辐射安全分析报告批准书应当载明下列主要内容：

- （一）托运人的名称、地址、法定代表人；
- （二）运输放射性物品的品名、数量；
- （三）运输放射性物品的运输容器型号和运输方式；
- （四）批准日期和有效期限。

第三十七条 一类放射性物品启运

consignor shall file the written approval of the report on nuclear and radiation safety analysis for the transport of radioactive articles and the radiation monitoring report with the environmental protection administrative department of the people's government of the province, autonomous region or municipality directly under the Central Government of the place of departure for archival purpose.

The environmental protection administrative department which has received the filing materials shall timely inform the environmental protection administrative departments of the people's governments of the provinces, autonomous regions or municipalities directly under the Central Government of the places where the radioactive articles are transported through and the place of destination of the relevant information.

Article 38 The transport of radioactive articles by road shall be subject to the approval by the public security organ, and the vehicles shall run at the specified time, route and speed with warning signs, and shall be equipped with escort personnel to keep the radioactive articles under the supervision of the escort personnel.

If the nuclear reactor spent fuels are transported by road, the consignor shall report to the public security department under the State Council for approval. If other radioactive articles are transported by road, the consignor shall report to the public security organ of the people's government at or above the county level of the place of departure for approval. The specific measures shall be formulated by the public security department under the State Council jointly with the nuclear safety regulatory department under the State Council.

Article 39 The transport of radioactive articles by waterway shall be governed by the relevant provisions of the laws, administrative regulations and rules on transport of dangerous goods by waterway.

The transport of radioactive articles by railway or air shall be governed by the relevant provisions of the competent department of railways or civil aviation under the State Council.

It is prohibited to mail radioactive articles of Category I and Category II. The mailing of radioactive articles of Category III shall be governed by the relevant provisions of the postal administrative department under the State Council.

Article 40 An entity producing, selling, using or disposing radioactive articles may, in accordance with the [Regulation of the People's Republic of China on Road Transport](#), apply to the road transport administrative institution of the people's government at the level of a city divided into districts for the qualification for non-business road transport of dangerous goods to transport the radioactive articles of its own, and undertake the consignor's and carrier's obligations as prescribed in this Regulation.

前，托运人应当将放射性物品运输的核与辐射安全分析报告批准书、辐射监测报告，报启运地的省、自治区、直辖市人民政府环境保护主管部门备案。

收到备案材料的环境保护主管部门应当及时将有关情况通报放射性物品运输的途经地和抵达地的省、自治区、直辖市人民政府环境保护主管部门。

第三十八条 通过道路运输放射性物品的，应当经公安机关批准，按照指定的时间、路线、速度行驶，并悬挂警示标志，配备押运人员，使放射性物品处于押运人员的监管之下。

通过道路运输核反应堆乏燃料的，托运人应当报国务院公安部门批准。通过道路运输其他放射性物品的，托运人应当报启运地县级以上人民政府公安机关批准。具体办法由国务院公安部门商国务院核安全监管部门制定。

第三十九条 通过水路运输放射性物品的，按照水路危险货物运输的法律、行政法规和规章的有关规定执行。

通过铁路、航空运输放射性物品的，按照国务院铁路、民航主管部门的有关规定执行。

禁止邮寄一类、二类放射性物品。邮寄三类放射性物品的，按照国务院邮政管理部门的有关规定执行。

第四十条 生产、销售、使用或者处置放射性物品的单位，可以依照《[中华人民共和国道路运输条例](#)》的规定，向设区的市级人民政府道路运输管理机构申请非营业性道路危险货物运输资质，运输本单位的放射性物品，并承担本条例规定的托运人和承运人的义务。

An entity applying for the qualification for non-business road transport of dangerous goods for transporting radioactive articles shall meet the following conditions:

- (1) It holds a valid certificate for producing, selling, using or disposing radioactive articles;
- (2) It has transport containers for radioactive articles which meet the requirements of this Regulation;
- (3) It has professional technical staff members who have the knowledge about radiation protection and security and drivers who have passed the examination;
- (4) It has transport vehicles, facilities and equipment which meet the requirements for safety in transport of radioactive articles and pass the testing;
- (5) It is equipped with necessary protective articles and monitoring instruments passing the regular test; and
- (6) It has the rules for the management of transport safety and radiation protection and emergency response measures for nuclear and radiation accidents.

The specific conditions for the qualifications for non-business road transport of dangerous goods of radioactive articles shall be formulated by the transport administrative department under the State Council jointly with the nuclear safety regulatory department under the State Council.

Article 41 Where the radioactive articles of Category I are transported to or via the territory of the People's Republic of China, the consignor shall work out a report on nuclear and radiation safety analysis for the transport of radioactive articles and submit it to the nuclear safety regulatory department under the State Council for examination and approval. The examination and approval procedures shall be governed by Paragraph 3 of Article 35 in this Regulation.

Where the radioactive articles of Category II or category III are transported to or via the territory of the People's Republic of China, the consignor shall work out a radiation monitoring report on the transport of radioactive articles, and file it with the nuclear safety regulatory department under the State Council for archival purpose.

When the consignor or the carrier or the agent thereof handles the relevant formalities at the customs office, it shall submit the written approval of the report on nuclear and radiation safety analysis for the transport of radioactive articles issued by the nuclear safety regulatory department under the State Council or filing certificate of the radiation monitoring report on the transport of radioactive articles.

Article 42 A contingency plan for environmental emergencies worked out by the people's government at or above the county level shall include emergency response to possible nuclear and radiation accidents in the transport of radioactive articles.

申请放射性物品非营业性道路危险货物运输资质的单位，应当具备下列条件：

（一）持有生产、销售、使用或者处置放射性物品的有效证明；

（二）有符合本条例规定要求的放射性物品运输容器；

（三）有具备辐射防护与安全防护知识的专业技术人员和经考试合格的驾驶人员；

（四）有符合放射性物品运输安全防护要求，并经检测合格的运输工具、设施和设备；

（五）配备必要的防护用品和依法经定期检定合格的监测仪器；

（六）有运输安全和辐射防护管理规章制度以及核与辐射事故应急措施。

放射性物品非营业性道路危险货物运输资质的具体条件，由国务院交通运输主管部门会同国务院核安全监管部门制定。

第四十一条 一类放射性物品从境外运抵中华人民共和国境内，或者途经中华人民共和国境内运输的，托运人应当编制放射性物品运输的核与辐射安全分析报告书，报国务院核安全监管部门审查批准。审查批准程序依照本条例第三十五条第三款的规定执行。

二类、三类放射性物品从境外运抵中华人民共和国境内，或者途经中华人民共和国境内运输的，托运人应当编制放射性物品运输的辐射监测报告，报国务院核安全监管部门备案。

托运人、承运人或者其代理人向海关办理有关手续，应当提交国务院核安全监管部门颁发的放射性物品运输的核与辐射安全分析报告批准书或者放射性物品运输的辐射监测报告备案证明。

第四十二条 县级以上人民政府组织编制的突发环境事件应急预案，应当包括放射性物品运输中可能发生的核与辐射事故应急响应的内容。

Article 43 In the case of a nuclear and radiation accident in the transport of radioactive articles, the carrier and the consignor shall, according to the requirements of the emergency response guidelines for nuclear and radiation accidents, do a good job in emergency response, and immediately report it to the environmental protection administrative department of the people's government at or above the county level of the place where the accident has occurred. The environmental protection administrative department receiving the report shall immediately assign staff members to the scene to make on-site investigation and take effective measures to control the effects of the accident, and shall timely report to the people's government at the corresponding level and notify the relevant competent departments of public security, health, transport, etc. at the same level.

The people's government at or above the county level and the relevant competent departments receiving the report shall, according to the contingency plan, do a good job in emergency response, and timely report the information on the nuclear and radiation accident according to the provisions of the state on level-by-level reporting of emergencies. The emergency preparation and response to the nuclear accidents in the transport of nuclear reactor spent fuels shall also observe the relevant provisions of the state on nuclear emergency response.

Chapter V Supervision and Inspection

Article 44 The nuclear safety regulatory department under the State Council and other departments performing the functions of supervision and administration of transport safety of radioactive articles according to law shall conduct supervision and inspection of transport safety of radioactive articles according to their respective functions.

The nuclear safety regulatory department under the State Council shall notify the environmental protection administrative departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government of the places where the design entities or manufacturing entities are located and where the radioactive articles are transported through of the information on design and manufacturing of transport containers for radioactive articles of Categories I, II and III which have been approved by it or filed with it and the information on transport of the radioactive articles. The environmental protection administrative departments of people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall strengthen the supervision and inspection and supervisory monitoring of transport safety of radioactive articles. The entities being inspected shall provide assistance, truthfully report the circumstances, provide necessary information and shall not refuse or hinder the supervision and inspection.

第四十三条 放射性物品运输中发生核与辐射事故的，承运人、托运人应当按照核与辐射事故应急响应指南的要求，做好事故应急工作，并立即报告事故发生地的县级以上人民政府环境保护主管部门。接到报告的环境保护主管部门应当立即派人赶赴现场，进行现场调查，采取有效措施控制事故影响，并及时向本级人民政府报告，通报同级公安、卫生、交通运输等有关主管部门。

接到报告的县级以上人民政府及其有关主管部门应当按照应急预案做好应急工作，并按照国家突发事件分级报告的规定及时上报核与辐射事故信息。

核反应堆乏燃料运输的核事故应急准备与响应，还应当遵守国家核应急的有关规定。

第五章 监督检查

第四十四条 国务院核安全监管部门和其他依法履行放射性物品运输安全监督管理职责的部门，应当依据各自职责对放射性物品运输安全实施监督检查。

国务院核安全监管部门应当将其已批准或者备案的一类、二类、三类放射性物品运输容器的设计、制造情况和放射性物品运输情况通报设计、制造单位所在地和运输途经地的省、自治区、直辖市人民政府环境保护主管部门。省、自治区、直辖市人民政府环境保护主管部门应当加强对本行政区域放射性物品运输安全的监督检查和监督性监测。

被检查单位应当予以配合，如实反映情况，提供必要的资料，不得拒绝和阻碍。

Article 45 When the nuclear safety regulatory department under the State Council, the environmental protection administrative department of the people's government of a province, autonomous region or municipality directly under the Central Government or any other department performing the functions of supervision and administration of transport safety of radioactive articles according to law conducts supervision and inspection, the supervision and inspection staff members shall not be less than two, who shall produce valid certificates for administrative law enforcement.

The staff members of the nuclear safety regulatory department under the State Council, the environmental protection administrative departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government and other departments performing the functions of supervision and administration of transport safety of radioactive articles according to law shall bear the obligation of keeping confidential the business secrets they have access to in supervision and inspection.

Article 46 If the approved design of transport containers for radioactive articles of Category I is found to have a serious flaw in design safety in supervision and inspection, the nuclear safety regulatory department under the State Council shall order the termination of the manufacturing or use of such type of transport containers, and revoke the written approval of the design of transport containers for radioactive articles of Category I.

Article 47 If, in supervision and inspection, a transport activity of radioactive articles is found to fall under any of the circumstances of failing to meet the national standards for safe transport of radioactive articles or a manufacturing entity of transport containers for radioactive articles of Category I is found to fall under any of the circumstances of failing to meet the conditions as specified in the manufacturing license, the relevant department shall order the violator to make rectifications within a prescribed time limit. If the transport activities of radioactive articles are found to cause possible nuclear and radiation damage to human health and environment, the relevant department shall order the termination of transport.

Article 48 The nuclear safety regulatory department under the State Council, the environmental protection administrative departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, and other departments performing the functions of supervision and administration of transport safety of radioactive articles according to law shall not charge monitoring fees when conducting monitoring of the transport of radioactive articles.

第四十五条 国务院核安全监管部门和省、自治区、直辖市人民政府环境保护主管部门以及其他依法履行放射性物品运输安全监督管理职责的部门进行监督检查，监督检查人员不得少于 2 人，并应当出示有效的行政执法证件。

国务院核安全监管部门和省、自治区、直辖市人民政府环境保护主管部门以及其他依法履行放射性物品运输安全监督管理职责的部门的工作人员，对监督检查中知悉的商业秘密负有保密义务。

第四十六条 监督检查中发现经批准的一类放射性物品运输容器设计确有重大设计安全缺陷的，由国务院核安全监管部门责令停止该型号运输容器的制造或者使用，撤销一类放射性物品运输容器设计批准书。

第四十七条 监督检查中发现放射性物品运输活动有不符合国家放射性物品运输安全标准情形的，或者一类放射性物品运输容器制造单位有不符合制造许可证规定条件情形的，应当责令限期整改；发现放射性物品运输活动可能对人体健康和环境造成核与辐射危害的，应当责令停止运输。

第四十八条 国务院核安全监管部门和省、自治区、直辖市人民政府环境保护主管部门以及其他依法履行放射性物品运输安全监督管理职责的部门，对放射性物品运输活动实施监测，不得收取监测费用。

国务院核安全监管部门和省、自治区、直辖市人民政府环境保护主管部门

The nuclear safety regulatory department under the State Council, the environmental protection administrative departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, and other departments performing the functions of supervision and administration of transport safety of radioactive articles according to law shall strengthen trainings on radiation protection and security for the supervision and administration staff.

Chapter VI Legal Liabilities

Article 49 Where the nuclear safety regulatory department under the State Council, an environmental protection administrative department of the people's government of a province, autonomous region or municipality directly under the Central Government, or any other department performing the functions of supervision and administration of transport safety of radioactive articles according to law commits any of the following acts, the directly responsible person in charge and other directly liable persons shall be subject to disciplinary sanctions according to law; and if the directly responsible person in charge and other directly liable persons constitute a crime, they shall be subject to criminal liabilities according to law:

- (1) failing to grant administrative license or failing to handle the approval documents according to this Regulation;
- (2) failing to investigate and punish the violations of this Regulation or failing to handle the received reports according to law;
- (3) failing to perform the functions of emergency response to nuclear and radiation accidents in the transport of radioactive articles according to law;
- (4) charging monitoring fees when conducting monitoring of transport of radioactive articles; or
- (5) other acts of failing to perform the functions of supervision and administration according to law.

Article 50 Where a design or manufacturing entity of transport containers for radioactive articles 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 more than 500,000 yuan and less than 1,000,000 yuan upon it; and if there is any illegal gain, such illegal gain shall be confiscated:

- (1) putting into manufacturing the design of transport containers for radioactive articles of Category I which has no written approval of design; or
- (2) revising the contents relevant to safety in the approved design of transport containers for radioactive articles of Category I, and putting the revised design into manufacturing without obtaining a new written approval of design.

以及其他依法履行放射性物品运输安全监督管理职责的部门，应当加强对监督管理人员辐射防护与安全防护知识的培训。

第六章 法律责任

第四十九条 国务院核安全监管部门和省、自治区、直辖市人民政府环境保护主管部门或者其他依法履行放射性物品运输安全监督管理职责的部门有下列行为之一的，对直接负责的主管人员和其他直接责任人员依法给予处分；直接负责的主管人员和其他直接责任人员构成犯罪的，依法追究刑事责任：

（一）未依照本条例规定作出行政许可或者办理批准文件的；

（二）发现违反本条例规定的行为不予查处，或者接到举报不依法处理的；

（三）未依法履行放射性物品运输核与辐射事故应急职责的；

（四）对放射性物品运输活动实施监测收取监测费用的；

（五）其他不依法履行监督管理职责的行为。

第五十条 放射性物品运输容器设计、制造单位有下列行为之一的，由国务院核安全监管部门责令停止违法行为，处 50 万元以上 100 万元以下的罚款；有违法所得的，没收违法所得：

（一）将未取得设计批准书的一类放射性物品运输容器设计用于制造的；

（二）修改已批准的一类放射性物品运输容器设计中有关安全内容，未重新取得设计批准书即用于制造的。

Article 51 Where any design or manufacturing entity of transport containers for radioactive articles 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 more than 50,000 yuan and less than 100,000 yuan upon it; and if there is any illegal gain, such illegal gain shall be confiscated:

- (1) putting into manufacturing the design of transport containers for radioactive articles of Category II or Category III which fails to meet the national standards for safe transport of radioactive articles; or
- (2) putting into manufacturing the design of transport containers for radioactive articles of Category II which fails to be filed for archival purpose.

Article 52 Where a design entity of transport containers for radioactive articles commits any of the following acts, the nuclear safety regulatory department under the State Council shall order it to make rectifications within a prescribed time limit. If it fails to make rectifications within the prescribed time limit, a fine of more than 10,000 yuan and less than 50,000 yuan shall be imposed upon it:

- (1) failing to conduct safety performance evaluation on the design of transport containers for radioactive articles of Category II or Category III;
- (2) failing to truthfully record the process of design and safety performance evaluation of transport containers for radioactive articles of Category II or Category III; or
- (3) failing to work out the evidential documents proving that the design of transport containers for radioactive articles of Category III conforms the national standards for safe transport of radioactive articles and failing to file the documents for future reference.

Article 53 Where a manufacturing entity of transport containers for radioactive articles 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 more than 500,000 yuan and less than 1,000,000 yuan. If there is any illegal gain, such illegal gain shall be confiscated:

- (1) manufacturing transport containers for radioactive articles of Category I without obtaining a manufacturing license;
- (2) upon expiry of the term of validity of the manufacturing license, continuing the manufacturing of transport containers for radioactive articles of Category I without handling the formalities for renewal according to the relevant provisions;
- (3) manufacturing transport containers for radioactive articles of Category I beyond the scope as specified in the manufacturing license;
- (4) failing to obtain a new manufacturing license according to the relevant provisions after changing the type of the transport containers for

第五十一条 放射性物品运输容器设计、制造单位有下列行为之一的，由国务院核安全监管部门责令停止违法行为，处 5 万元以上 10 万元以下的罚款；有违法所得的，没收违法所得：

（一）将不符合国家放射性物品运输安全标准的二类、三类放射性物品运输容器设计用于制造的；

（二）将未备案的二类放射性物品运输容器设计用于制造的。

第五十二条 放射性物品运输容器设计单位有下列行为之一的，由国务院核安全监管部门责令限期改正；逾期不改正的，处 1 万元以上 5 万元以下的罚款：

（一）未对二类、三类放射性物品运输容器的设计进行安全性能评价的；

（二）未如实记录二类、三类放射性物品运输容器设计和安全性能评价过程的；

（三）未编制三类放射性物品运输容器设计符合国家放射性物品运输安全标准的证明文件并存档备查的。

第五十三条 放射性物品运输容器制造单位有下列行为之一的，由国务院核安全监管部门责令停止违法行为，处 50 万元以上 100 万元以下的罚款；有违法所得的，没收违法所得：

（一）未取得制造许可证从事一类放射性物品运输容器制造活动的；

（二）制造许可证有效期届满，未按照规定办理延续手续，继续从事一类放射性物品运输容器制造活动的；

（三）超出制造许可证规定的范围从事一类放射性物品运输容器制造活动的；

（四）变更制造的一类放射性物品运输容器型号，未按照规定重新领取制造许可证的；

radioactive articles of Category I; or

(5) delivering for use the transport containers for radioactive articles of Category I which have not been subject to quality inspection or fail to pass the inspection.

If an entity commits any of the acts as prescribed in Items (3), (4) and (5) of the preceding Paragraph, and the circumstances are serious, its manufacturing license shall be revoked.

Article 54 If a manufacturing entity of transport containers for radioactive articles of Category I changes its name, domicile or legal representative, and fails to handle the formalities for modification of the manufacturing license according to law, the nuclear safety regulatory department under the State Council shall order it to make rectifications within a prescribed time limit. If it fails to make rectifications within the prescribed time limit, a fine of 20,000 yuan shall be imposed upon it.

Article 55 Where a manufacturing entity of transport containers for radioactive articles 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 more than 50,000 yuan and less than 100,000 yuan. If there is any illegal gain, such illegal gain shall be confiscated:

(1) failing to file the relevant evidential materials with the nuclear safety regulatory department under the State Council for archival purpose according to the relevant provisions before the transport containers for radioactive articles of Category II are manufactured for the first time; or
(2) delivering for use the transport containers for radioactive articles of Category II or Category III which have not been subject to quality inspection or fail to pass the inspection.

Article 56 Where a manufacturing entity of transport containers for radioactive articles commits any of the following acts, the nuclear safety regulatory department under the State Council shall order it to make rectifications within a prescribed time limit. If it fails to make rectifications within the prescribed time limit, a fine of more than 10,000 yuan and less than 50,000 yuan shall be imposed upon it:

(1) failing to uniformly code the manufactured transport containers for radioactive articles of Category I or Category II according to the relevant provisions;
(2) failing to file the coding list of transport containers for radioactive articles of Category I or Category II with the nuclear safety regulatory department under the State Council for archival purpose according to the relevant provisions; or
(3) failing to file the type and quantity of transport containers for radioactive articles of Category III with the nuclear safety regulatory department under the State Council for archival purpose according to the

(五) 将未经质量检验或者经检验不合格的一类放射性物品运输容器交付使用的。

有前款第（三）项、第（四）项和第（五）项行为之一，情节严重的，吊销制造许可证。

第五十四条 一类放射性物品运输容器制造单位变更单位名称、住所或者法定代表人，未依法办理制造许可证变更手续的，由国务院核安全监管部门责令限期改正；逾期不改正的，处 2 万元的罚款。

第五十五条 放射性物品运输容器制造单位有下列行为之一的，由国务院核安全监管部门责令停止违法行为，处 5 万元以上 10 万元以下的罚款；有违法所得的，没收违法所得：

（一）在二类放射性物品运输容器首次制造活动开始前，未按照规定将有关证明材料报国务院核安全监管部门备案的；

（二）将未经质量检验或者经检验不合格的二类、三类放射性物品运输容器交付使用的。

第五十六条 放射性物品运输容器制造单位有下列行为之一的，由国务院核安全监管部门责令限期改正；逾期不改正的，处 1 万元以上 5 万元以下的罚款：

（一）未按照规定对制造的一类、二类放射性物品运输容器统一编码的；

（二）未按照规定将制造的一类、二类放射性物品运输容器编码清单报国务院核安全监管部门备案的；

（三）未按照规定将制造的三类放射性物品运输容器的型号和数量报国务院核安全监管部门备案的。

relevant provisions.

Article 57 Where an entity using transport containers for radioactive articles fails to conduct safety performance evaluation on the transport containers for radioactive articles of Category I used by it according to the relevant provisions, or fails to file the evaluation results with the nuclear safety regulatory department under the State Council for archival purpose, the nuclear safety regulatory department under the State Council shall order it to make rectifications within a prescribed time limit. If it fails to make rectifications within the prescribed time limit, a fine of more than 10,000 yuan and less than 50,000 yuan shall be imposed upon it.

Article 58 Where an entity uses the transport containers for radioactive articles of Category I manufactured by an overseas entity without obtaining a written approval of utilization according to the relevant provisions, the nuclear safety regulatory department under the State Council shall order it to stop the illegal act, and impose a fine of more than 500,000 yuan and less than 1,000,000 yuan upon it.

Where an entity uses the transport containers for radioactive articles of Category II manufactured by an overseas entity without handling the filing formalities according to the relevant provisions, the nuclear safety regulatory department under the State Council shall order it to stop the illegal act, and impose a fine of more than 50,000 yuan and less than 100,000 yuan upon it.

Article 59 Where a consignor fails to work out a transport instruction of radioactive articles, emergency response guidelines for nuclear and radiation accidents, loading and unloading operating methods, and security protection guidelines, the nuclear safety regulatory department under the State Council shall order it to make rectifications within a prescribed time limit. If it fails to make rectifications within the prescribed time limit, a fine of more than 10,000 yuan and less than 50,000 yuan shall be imposed upon it.

Where a consignor fails to file the written approval of the report on nuclear and radiation safety analysis for the transport of radioactive articles or the radiation monitoring report for archival purpose according to the relevant provisions, the environmental protection administrative department of the people's government of the province, autonomous region or municipality directly under the Central Government of the place of departure shall order it to make rectifications within a prescribed time limit. If it fails to make rectifications within the prescribed time limit, a fine of more than 10,000 yuan and less than 50,000 yuan shall be imposed upon it.

Article 60 Where a consignor or a carrier violates the relevant provisions on the administration of transport of dangerous goods in laws and administrative regulations in the transport of radioactive articles, the

第五十七条 放射性物品运输容器使用单位未按照规定对使用的一类放射性物品运输容器进行安全性能评价,或者未将评价结果报国务院核安全监管部门备案的,由国务院核安全监管部门责令限期改正;逾期不改正的,处1万元以上5万元以下的罚款。

第五十八条 未按照规定取得使用批准书使用境外单位制造的一类放射性物品运输容器的,由国务院核安全监管部门责令停止违法行为,处50万元以上100万元以下的罚款。

未按照规定办理备案手续使用境外单位制造的二类放射性物品运输容器的,由国务院核安全监管部门责令停止违法行为,处5万元以上10万元以下的罚款。

第五十九条 托运人未按照规定编制放射性物品运输说明书、核与辐射事故应急响应指南、装卸作业方法、安全防护指南的,由国务院核安全监管部门责令限期改正;逾期不改正的,处1万元以上5万元以下的罚款。

托运人未按照规定将放射性物品运输的核与辐射安全分析报告批准书、辐射监测报告备案的,由启运地的省、自治区、直辖市人民政府环境保护主管部门责令限期改正;逾期不改正的,处1万元以上5万元以下的罚款。

第六十条 托运人或者承运人在放射性物品运输活动中,有违反有关法律、行政法规关于危险货物运输管理规

relevant competent department of transport, railways, or civil aviation, etc. shall punish it according to law.

Whoever mails radioactive articles in violation of the relevant laws and administrative regulations shall be punished by the public security organ and the postal administrative department according to law. Where radioactive articles are found in the articles mailed to the territory of China, the customs office shall handle the case according to the relevant laws and administrative regulations.

Article 61 Where a consignor consigns the radioactive articles of Category I without obtaining a written approval of the report on nuclear and radiation safety analysis for the transport of radioactive articles, the nuclear safety regulatory department under the State Council shall order it to stop the illegal act, and impose a fine of more than 500,000 yuan and less than 1,000,000 yuan upon it.

Article 62 Where an entity transporting radioactive articles by road falls under any of the following acts, the public security organ shall order it to make rectifications within a prescribed time limit, and impose a fine of more than 20,000 yuan and less than 100,000 yuan upon it. If any crime is constituted, its criminal liability shall be investigated for according to law:

- (1) transporting radioactive articles by road without approval of the public security organ;
- (2) the transport vehicles failing to run at the specified time, route or speed or failing to hang warning signs; or
- (3) failing to be equipped with escort personnel or the radioactive articles are out of the supervision of the escort personnel.

Article 63 Where a consignor commits any of the following acts, the environmental protection administrative department of the people's government of the province, autonomous region or municipality directly under the Central Government of the place of departure shall order it to stop the illegal act and impose a fine of more than 50,000 yuan and less than 200,000 yuan upon it.

- (1) failing to conduct monitoring of the surface contamination and radiation level of the consigned radioactive articles according to the relevant provisions;
- (2) delivering for consignment the radioactive articles which are found not to meet the national standards for safe transport of radioactive articles through the monitoring; or
- (3) issuing a false radiation monitoring report.

Article 64 Where an entity transports overseas radioactive articles to or via the territory of the People's Republic of China without obtaining a written approval of the report on nuclear and radiation safety analysis for

定行为的，由交通运输、铁路、民航等有关主管部门依法予以处罚。

违反有关法律、行政法规规定邮寄放射性物品的，由公安机关和邮政管理部门依法予以处罚。在邮寄进境物品中发现放射性物品的，由海关依照有关法律、行政法规的规定处理。

第六十一条 托运人未取得放射性物品运输的核与辐射安全分析报告批准书托运一类放射性物品的，由国务院核安全监管部门责令停止违法行为，处 50 万元以上 100 万元以下的罚款。

第六十二条 通过道路运输放射性物品，有下列行为之一的，由公安机关责令限期改正，处 2 万元以上 10 万元以下的罚款；构成犯罪的，依法追究刑事责任：

- （一）未经公安机关批准通过道路运输放射性物品的；
- （二）运输车辆未按照指定的时间、路线、速度行驶或者未悬挂警示标志的；
- （三）未配备押运人员或者放射性物品脱离押运人员监管的。

第六十三条 托运人有下列行为之一的，由启运地的省、自治区、直辖市人民政府环境保护主管部门责令停止违法行为，处 5 万元以上 20 万元以下的罚款：

- （一）未按照规定对托运的放射性物品表面污染和辐射水平实施监测的；
- （二）将经监测不符合国家放射性物品运输安全标准的放射性物品交付托运的；
- （三）出具虚假辐射监测报告的。

第六十四条 未取得放射性物品运输的核与辐射安全分析报告批准书或者放射性物品运输的辐射监测报告备案证

the transport of radioactive articles or the filing certificate for the radiation monitoring report on the transport of radioactive articles, the customs office shall order the consignor to return the radioactive articles, and impose a punishment upon it according to the customs laws and administrative regulations. If any crime is constituted, it shall be subject to criminal liability according to law. If the consignor is unclear, the carrier shall bear the liability for returning such radioactive articles or pay the disposal fees of such radioactive articles.

Article 65 Where any violator of this Regulation causes any nuclear and radiation accident in the transport of, radioactive article, he environmental protection administrative department of the people's government at or above the county level shall impose a fine which shall be calculated according to 20% of the direct loss caused by the nuclear and radiation accident. If a crime is constituted, the violator shall be subject to criminal liability according to law.

Where a consignor or a carrier fails to do a good job in the emergency response and fails to report the accident under the requirements of the emergency response guidelines for nuclear and radiation accidents, the environmental protection administrative department of the people's government at or above the county level shall impose a fine of more than 50,000 yuan and less than 200,000 yuan.

Where a nuclear and radiation accident causes damages to others, the relevant party shall bear the civil liability.

Article 66 Where any entity refuses or hinders the supervision and inspection of the nuclear safety regulatory department under the State Council or any other department performing the functions of supervision and administration of transport safety of radioactive articles according to law, or practices fraud in the supervision and inspection, the supervision and inspection department shall order it to make rectifications, and impose a fine of more than 10,000 yuan and less than 20,000 yuan upon it. If it constitutes an act in violation of public security administration, the public security organ shall impose a public security administrative punishment. If a crime is constituted, it shall be subject to criminal liability according to law.

Chapter VII Supplementary Provisions

Article 67 The supervision and administration of transport safety of military radioactive articles shall be governed by [Article 60](#) of the [Law of the People's Republic of China on Prevention and Control of Radioactive Pollution](#).

Article 68 This Regulation shall come into force on January 1, 2010.

明，将境外的放射性物品运抵中华人民共和国境内，或者途经中华人民共和国境内运输的，由海关责令托运人退运该放射性物品，并依照海关法律、行政法规给予处罚；构成犯罪的，依法追究刑事责任。托运人不明的，由承运人承担退运该放射性物品的责任，或者承担该放射性物品的处置费用。

第六十五条 违反本条例规定，在放射性物品运输中造成核与辐射事故的，由县级以上地方人民政府环境保护主管部门处以罚款，罚款数额按照核与辐射事故造成的直接损失的 20% 计算；构成犯罪的，依法追究刑事责任。

托运人、承运人未按照核与辐射事故应急响应指南的要求，做好事故应急工作并报告事故的，由县级以上地方人民政府环境保护主管部门处 5 万元以上 20 万元以下的罚款。

因核与辐射事故造成他人损害的，依法承担民事责任。

第六十六条 拒绝、阻碍国务院核安全监管部门或者其他依法履行放射性物品运输安全监督管理职责的部门进行监督检查，或者在接受监督检查时弄虚作假的，由监督检查部门责令改正，处 1 万元以上 2 万元以下的罚款；构成违反治安管理行为的，由公安机关依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

第七章 附 则

第六十七条 军用放射性物品运输安全的监督管理，依照《[中华人民共和国放射性污染防治法](#)》第六十条的规定执行。

第六十八条 本条例自 2010 年 1 月 1 日起施行。

© Copyright Chinalawinfo Co., Ltd
database@chinalawinfo.com
