

## **REGULATION BY THE COUNCIL OF MINISTERS of 4 November 2008**

### **on physical protection of nuclear material and nuclear facilities**

Pursuant to Article 42 of the Atomic Law Act of Parliament of 29 November 2000 (Journal of Laws of 2007, No 42, Item 276 and of 2008, No 93, Item 538) it is hereby ordered as follows:

**§ 1.** This regulation shall lay down:

- 1)** types of technical and organizational measures concerning physical protection;
- 2)** nuclear material subject to physical protection classified into categories;
- 3)** method for conducting periodical inspection of physical protection

**§ 2. 1.** Organizational measures related to physical protection shall include in particular:

**1)** description of restrictions and control system providing access to a nuclear facility and other places where nuclear material is stored by indicating areas as referred to in § 6;

**2)** basing on current emergency assessment, a description of method concerning:

**a)** physical protection of nuclear facility and nuclear material at the time of its manufacturing, processing, storing, using, trade and also disposal,

**b)** placement of protective measures and devices, their operating and interacting methods and placement method regarding security guards as required,

**c)** procedure in case of emergency or radiological event,

**d)** procedure in case of acts of theft, terror, diversion and sabotage and occurrence of such acts,

**e)** procedure in case of attempts at entry or stay of unauthorized persons in the area as referred to in § 6;

**3)** agreeing procedures with regard to delivery, hand-over, convoy and protection of nuclear material at the time of transportation.

**2.** Technical measures related to physical protection shall include in particular the use of:

**1)** measures for the protection of areas as referred to in § 6 against access of unauthorized persons including in particular mechanical measures such as fences, walls, ceilings, doors, gates, protection for window, roof, ventilation openings, certified armoured cases, steal-clad caskets, special locks and padlocks;

**2)** electrical installations including alarm systems signalling emergency and systems used for observation and recording and also for communication.

**§ 3.** To perform organizational and technical measures, as referred to in § 2, the following aspects shall be taken into consideration:

**1)** location of nuclear facility and other installations where nuclear material is stored including its movement;

**2)** categories of nuclear material;

**3)** form of nuclear material;

**4)** placement of devices, installations or parts thereof, important in the process of manufacturing, processing, storing, using and storing and disposing of nuclear material;

**5)** basic design emergency including a description of potential threats, in particular consisting in an attempt at theft of nuclear material, sabotage, terror or diversion;

**6)** monitoring nuclear safety of a nuclear facility and other installations where nuclear material is stored;

**7)** rules of property protection provided for in separate provisions.

**§ 4.** Nuclear material subject to physical protection and its classification into categories shall be defined in an attachment to this regulation.

**§ 5. 1.** Physical protection level of nuclear material shall be conditional on nuclear material category.

**2.** If at the same place nuclear material is kept which is classified into different categories, organizational and technical measures shall be applied which are intended for nuclear material requiring higher protection level.

**§ 6. 1.** The following areas shall be demarcated in a nuclear facility and in other installations where nuclear material is stored:

- 1)** area of strict protection where nuclear material of I category is kept;
- 2)** internal area where nuclear material of II category is kept;
- 3)** protected area where nuclear area of III category is kept.

**2.** The area of strict protection may also be demarcated in a place where nuclear material of II or III category is kept and the internal area – in a place where nuclear material of III category is kept.

**3.** Depending on the impact of particular installations and devices located at a nuclear facility on nuclear safety, the areas as referred to in Section 1 shall also be demarcated in places where these installations and devices are located, even though there is no nuclear material in the said areas.

**§ 7. 1.** Access to areas as referred to in § 6 is only possible after obtaining the authorization hereinafter referred to as „*the identity card*” issued by the head of an organizational unit.

**2.** Depending on the area where an authorized person is granted access, there shall be the following types of identity cards:

**1)** AA type name identity card – allowing for unlimited, permanent access to the areas as referred to in § 6;

**2)** A type name identity card – allowing for unlimited, permanent access to the internal area and protected area;

**3)** B type name identity card – allowing for unlimited, temporary access to the protected area;

**4)** C type identity card – allowing for a single access to a particular area after obtaining a consent of the head of organizational unit or person authorized by the head and under supervision of a holder of a name identity card which allows for an access to this area.

**3.** A and AA identity cards shall include the following elements:

- 1)** name and surname of a person authorized;
- 2)** validity date and identity card number;
- 3)** photograph of an authorized person;
- 4)** job title of a person authorized;
- 5)** hologram.

**4.** B type identity card shall contain name and surname of a person authorized, validity date and identity card number.

**5.** C type identity card shall contain validity date, identity card number and designation of area to which access is authorized in accordance with the identity card.

**6.** The head of organizational unit shall maintain records concerning persons authorized to access to the areas as referred to § 6, including data contained in identity cards issued to the persons, and in case of C type identity card also name and surname of a person to whom an identity card was issued, his/her residence address or address of institution he/she represents.

**§ 8.** The physical protection of protected area shall consist in particular in applying the following technical measures as referred to in § 2 Section 2, Item 1:

- 1)** protective measures as referred to in § 2, Section 2, Item 1;
- 2)** devices used for monitoring places where nuclear material is located.

**§ 9.** The physical protection of internal area shall consist in applying measures as referred to in § 8, and additionally in:

- 1)** restricting the number of persons in the area;
- 2)** recording persons entering and leaving the area;
- 3)** recording and organizing the movement of vehicles entering and leaving the area.

**§ 10.** The physical protection of the area of strict protection shall consist in applying measures as referred to in § 8 and 9 above, and additionally in:

- 1) order concerning no entry of private vehicles in the area;
- 2) monitoring by security services persons in this area;
- 3) patrolling the area by security service;
- 4) providing permanent communication with the nearest police unit.

**§ 11. 1.** Nuclear material of I-III category shall be physically protected at the time of international and national shipment and within the area of organizational units, subject to § 15:

2. For the purpose of nuclear material shipment, it shall be necessary in particular to:

- 1) avoid regularity in the performance of shipment;
- 2) limit access to information concerning shipment in a manner which ensures its safety

3. The physical protection of nuclear material during its shipment shall require a prior agreement between a supplier, consignee and carrier with regard to the time, place and manner of hand-over of nuclear material and its protection and also other necessary information regarding material shipped.

4. In case of international transportation of nuclear material, the carrier shall be obliged to provide competent authorities of Border Guard and Customs Service with early information concerning place and time when the vehicle carrying nuclear material is expected to cross the national border.

5. If nuclear material of different categories is shipped together, organizational and technical measures shall be applied for nuclear material requiring a higher protection level.

**§ 12.** The physical protection of nuclear material classified into III category during international and national shipment shall in particular consist in applying the following organizational and technical measures:

- 1) providing communication with the nearest police unit along the transportation route;
- 2) planning transportation so that it is conducted in the shortest time possible taking account of alternative routes;
- 3) agreeing point where information concerning the shipment will be exchanged and providing such information;
- 4) enclosing a bill of consignment specifying the category of shipped nuclear material;
- 5) fulfilling requirements provided for in the provisions on shipment of dangerous goods;
- 6) providing monitoring of shipment along the transportation route.

**§ 13.** The physical protection of nuclear material classified into II category during international and national shipment shall consist in applying the measures as referred to in § 12, and additionally in:

- 1) loading nuclear material:
  - a) in case of road transportation – in a separate means of transport,
  - b) in case of railway transportation – in a separate carriage;
- 2) providing protection of shipment by security service;
- 3) establishing a transportation control centre which provides permanent monitoring of the means of transport and safety status and communication with a carrying vehicle, its security, police, as well as the sender and consignee.

**§ 14.** The physical protection of materials classified into I category during international and national shipment shall consist in applying the measures as referred to in § 12 and 13, and additionally in loading nuclear material in a separate means of transport under non-stop supervision of security service.

**§ 15. 1.** Natural uranium in the amount exceeding 500 kilograms, transported in the form other than ore or its residues shall also be physically protected during international and national shipment.

2. The physical protection of uranium, as referred to in Section 1, shall be subject to a prior agreement between a supplier, consignee and carrier concerning the time, place and method of hand-over of nuclear material and its protection and also other necessary information concerning shipped material.

**§ 16. 1.** The physical protection of nuclear material during its shipment within the area of organizational unit shall consist in applying at least the following protection measures:

- 1) agreeing route and method of transport;
- 2) ensuring for the time of shipment a limited access to places where the route is situated.

**2.** The physical protection of nuclear material classified into I and II category during its shipment within the area of organizational unit shall additionally require:

**1)** the use of separate means of transport;

**2)** that at least two members of security service, provided with the permanent communication with a person responsible for the security of organizational unit, convoy such shipment.

**§ 17. 1.** A periodical control of physical protection system shall be carried out by the President of national Atomic Energy Agency or person authorized by the President hereinafter referred to as „*the controller*”.

**2.** The control, as referred to in Section 1, shall be carried out in a manner which makes it possible to assess the current status of physical protection at the organizational unit and compare it with the physical protection system applicable at this unit.

**3.** The controller shall be authorized to:

**1)** request from the head of controlled organizational unit to provide information and documents concerning physical protection system;

**2)** perform actions necessary to define technical condition of protective measures and electronic devices and also their proper use and management;

**3)** control documentation concerning all past occurrences in emergency system and method for recording such occurrences.

**4.** The controlling activities shall be carried out in the presence of the head of organizational unit or a person authorized by the head.

**§ 18.** The head of controlled organizational unit shall be obliged to provide the controller with proper facilities and conditions necessary to carry out the control.

**§ 19. 1.** Having performed the control, the controller shall draw up a control protocol in two counterparts.

**2.** After the controller and head of organizational unit or person authorized by the head have signed the control protocol, one copy of the control protocol shall be delivered to the head of controlled organizational unit.

**§ 20.** In matters concerning the method of conducting periodical control of physical protection system, in the scope not regulated by this regulation, the provisions of the Atomic Law Act of 29 November with regard to inspections of nuclear safety and radiological protection by nuclear regulatory authorities shall apply.

**§ 21.** The regulation by the Council of Ministers of 27 April 2004 on physical protection of nuclear material (Journal of Laws, No 98, Item 983) shall become invalid.

**§ 22.** The regulation shall come into force on 25 December 2008.

## Attachment

### to the regulation by the Council of Ministers of 4 November 2008 (Item 1295)

#### NUCLEAR MATERIAL SUBJECT TO PHYSICAL PROTECTION AND ITS CLASSIFICATION INTO CATEGORIES

No.	Nuclear material	Form	Categories		
			I	II	III
1	2	3	4	5	6
1	Plutonium	non-irradiated	2 kg or more	less than 2 kg, but more than 500 g	500 g or less, but more than 15g
2	Uranium-235	non-irradiated: - uranium with enrichment of 20% U-235 or more	5 kg or more	less than 5 kg, but more than 1 kg	1 kg or less, but more than 15g
		- enriched uranium below 20 % U-235, but not less than 10%		10 kg or more	less than 10 kg, but more than 1 kg
		- uranium enriched above natural content of U-235 in uranium, but less than 10% U-235			10 kg or more
3	Uranium-233	non-irradiated	2 kg or more	less than 2 kg, but more than 500 g	500 g or less but more than 15 g
4	Irradiated fuel			depleted or natural uranium, thorium or low-enriched fuel (below 10% of fissile ingredient)	