

Board of Governors

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Item 3 of the agenda
(GOV/2014/59)

The Establishment of Maximum Limits for the Exclusion of Small Quantities of Nuclear Material from the Application of the Vienna Conventions on Nuclear Liability

Resolution adopted by the Board of Governors on 20 November 2014

The Board of Governors,

- (a) Being authorized under Article I.2 of the Vienna Convention on Civil Liability for Nuclear Damage of 21 May 1963, under Article I.2 of the 1997 Vienna Convention on Civil Liability for Nuclear Damage of 12 September 1997 and under Article 1.2 of the Annex to the Convention on Supplementary Compensation for Nuclear Damage of 12 September 1997, (hereinafter referred to as the “Vienna conventions on nuclear liability”), to establish maximum limits for the exclusion of small quantities of nuclear material from the application of the Vienna conventions on nuclear liability in view of the small extent of the risks involved,
- (b) Concurring with the recommendation of the International Expert Group on Nuclear Liability that such limits should be updated in respect of nuclear material in transport or use outside a nuclear installation,
- (c) Having regard to its resolution of 11 September 2007 on the establishment of maximum limits for the exclusion of small quantities of nuclear material from the application of the Vienna conventions on nuclear liability, and
- (d) Considering that the 2005 edition of the Agency’s *Regulations for the Safe Transport of Radioactive Material* (the “Transport Regulations”), which was referred to in the Annex to the abovementioned resolution, has been replaced by revised editions, the most recent of which is the 2012 edition,

1. Decides that:

(a) Nuclear material which is consigned by an operator to a recipient for use may be excluded from the application of the Vienna conventions on nuclear liability for the period it is outside a nuclear installation, provided that the consignment, when leaving a nuclear installation, complies with the provisions set forth in the Annex hereto and with the other relevant requirements of the Transport Regulations;

(b) The resolution of 11 September 2007 on the establishment of maximum limits for the exclusion of small quantities of nuclear material from the application of the Vienna conventions on nuclear liability is repealed; and

2. Requests the Director General to keep the regime thus established under review, and to provide the Board with a report on its operation, together with any necessary proposals for its amendment, if experience or changes in the Transport Regulations indicate that to be desirable.

Annex

1. General

The terms used in this Annex have the same meaning given to them in Section II of the 2012 edition of the Agency's *Regulations for the Safe Transport of Radioactive Material* (the "Transport Regulations").

2. Provisions applicable to all radionuclides

2.1 Consignments containing a single radionuclide with a total activity that is below the threshold value of 100 A₂ per conveyance are excluded from the application of the Vienna Conventions on nuclear liability.

2.2 Consignments containing mixtures of radionuclides, the identity and activity of which are known, and with a total activity per conveyance below the threshold criteria given below, are excluded from the application of the Vienna conventions on nuclear liability:

$$\sum_i \frac{B(i)}{100 \times A_2(i)} < 1$$

where B(i) is the activity of the radionuclide i contained in radioactive material and A₂(i) is the A₂ value for the radionuclide i.

2.3 In the case of consignments containing individual radionuclides or mixtures of radionuclides which are not known or for which relevant data are not available, the formula as set out in 2.2 above shall be applied by using the A₂ values given in Section IV of the 2012 edition of the Transport Regulations.

3. Specific additional provisions for fissile material

3.1 Subject to 3.2 below, fissile material is governed by the provisions of the Vienna conventions on nuclear liability.

3.2 Consignments of fissile material excepted from classification as "fissile" pursuant to the provisions of paragraphs 417 (a) to (f) of the 2012 edition of the Transport Regulations are excluded from the application of the Vienna conventions on nuclear liability.