

REGULATIONS ON RADIATION PROTECTION FOR RADIOISOTOPES AND RADIATION-EMITTING FACILITIES

(Promulgated by the State Council as Decree No. 44 on October 24, 1989, came into force on the same date of promulgation)

Chapter I General Provisions

Article 1 The present Regulations are enacted to strengthen regulating on the radiation protection for radioisotopes and radiation-emitting facilities, to ensure safety and health of the public and persons undertaken the work with ionizing radiation, to protect environment, and to promote the utilization and development of radioisotopes and radioactive ray technologies.

Article 2 The present Regulations are applicable to the organizations and persons, that undertake manufacture, use and supply of radioisotopes and radiation-emitting facilities.

Article 3 The departments of public health, environment protection and public security under the State Council, are responsible for surveillance and supervision of the radiation protection in the activities of manufacture, use and supply of radioisotopes and radiation-emitting facilities (hereinafter referred to as radiation works), in according with their respective responsibilities and relevant enactment of the present Regulations.

Article 4 Any organizations or persons have right to accuse and take lawsuit against the behavior violating the present Regulations.

Chapter II Permission and Registration

Article 5 The State adopts a permission and registration system for the radiation works. The departments of public health and public security are responsible for issuing the Authorized Registration.

Article 6 The newly constructed, reconstructed or expanded radiation protecting facilities in a radiation working site shall be, simultaneously with the principle project, subject to design approval, construction acceptance and operation. The design of the radiation protecting facilities must be reviewed and approved by the public health department, in conjunction with the public security department in the province, autonomous region or municipality where the facilities are located. After the completion of the construction, the facilities can not be put into operation until accepted and approved by the departments of public health, public security and environmental protection, and obtained the Authorized Registration.

For the project involving treatment of radioactive liquid, gaseous and solid wastes, an environmental impact assessment document approved by the environmental protection department shall be submitted simultaneously with application. After the completion of the construction, the projects shall be accepted and approved by the departments of public health, public security and environmental protection.

Article 7 Any organization, before undertaking manufacture, use or supply of radiation-emitting facilities, shall apply for the Authorized Registration from the public health department in province, autonomous region or municipality. Any organization, before undertaking manufacture, use or supply of radioisotopes or facilities equipped with radioactive source, shall apply for the Authorized Registration from the public health department in the province, autonomous region or municipality, and shall register in the public security department at the same level. If involving the releases of the ef-

fluent of radioactive liquid, gaseous and solid wastes, the organization shall submit in advance an environmental impact assessment form (report) to the environmental protection department in corresponding province, autonomous region or municipality. The Authorized Registration can be applied only after the environmental impact assessment form (report) has been approved. Only after obtaining the Authorized Registration, the organization may undertake radiation works within the scope of the Authorized Registration.

Article 8 Any organization that apply for the Authorized Registration for radiation works shall meet essential requirements as follows:

(1) It shall have the place, installations and equipment appropriate to the radiation works to be undertaken. The corresponding information should be provided;

(2) The persons who are authorized to undertake radiation works shall have appropriate knowledge of their profession and radiation protection, and shall have good health. The corresponding certificate material should be provided;

(3) It shall have full-time or part-time management organization or persons for radiation protection, and have necessary protective goods and monitoring instruments. The name list of staff and the equipment inventory should be submitted;

(4) It shall submit documents related to strict management rules and regulations for safety and protection.

Article 9 The Authorized Registration should be reviewed and examined once every one or two years and the results should be recorded in the Authorized Registration by the original departments that issue such Authorized Registration.

If the contents of the Authorized Registration need be modified, the organization undertaking radiation works should go to the departments that issue such Authorized Registration with the Authorized Registration to implement modification formalities. When the radiation works is terminated, the organization shall implement cancellation formalities for the Authorized Registration in the departments that issue such Authorized Registration.

Chapter III Management of Radiation Protection

Article 10 The higher competent authority of the organizations undertaking radiation works is responsible for the management of radiation protection within the system of its responsibility. It should make periodic examinations regarding compliance with the State radiation protection regulations and standards within the system of its responsibility.

The responsible person of the organization undertaking radiation works should take effective measures to ensure that the radiation works are compliance with relevant the State regulations and standards on radiation protection.

Article 11 Protective facilities must be installed in the places where the radioisotopes are manufactured, used or stored, or where the radiation emitting facilities are manufactured or used. The entrance to the radiation working site shall be posted with radiological caution sign and equipped with necessary safety interlock, alarm devices or working signal.

For any radiation works implemented in outdoors or field, a controlled area for safety and protection shall be designated and posted with danger signs. If necessary, dedicated persons should be arranged for safe guard.

Any radioisotope experiments in the surface water and underground water shall be subject to approval beforehand by the departments of environmental protection and public health in the province where the experiment will be carry out.

Article 12 Radioisotopes shall not be stored together with articles of combustible, explosive or corrosive nature, and the storage site shall be protected against fire, stealing or leakage by taking effective safety measures. Radioisotopes should be secured and managed by dedicated persons. Radioisotopes shall be registered and examined on the occasions of storage, receipt, use or return to ensure the

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conformity between account and physical inventories.

Article 13 Any organization or persons undertaking purchase, sale, transfer, allocation or borrowing of radioisotopes shall have the Authorized Registration. And their activities are limited within the scope prescribed in the Authorized Registration and shall be on file in the departments of public health and public security at the same level. It is strictly forbidden to undertake above-mentioned activities without authorization or beyond the scope prescribed in the Authorized Registration.

Article 14 Any organization or persons who import instruments equipped with radioisotopes shall register and be on file in departments of public health, public security and environmental protection at provincial level. Any organization or persons who import minerals, products or consumer goods containing radioactivity beyond the level of exemption shall make application for radiation monitoring and examination to the public health department at the level of province, where the Custom is located.

If involving releases of the effluent of radioactive liquid, gaseous or solid wastes, the organization or persons who undertake product processing by using abroad materials that contain radioactive substance shall submit in advance the environmental impact assessment form (report) to the environmental protection department in the province, autonomous region or municipality where the organization or persons reside. After approved, the organization or persons can apply the Authorized Registration in the public health department at or above county level, and should register in the public security department at the same level.

Article 15 If radioisotopes or empty containers which previously contained radioisotopes are to be shipped, carried or exclusive transported, they shall be packed in accordance with the State relevant regulations of transportation and the dose shall be measured. The transportation is not allowed until examined by the departments of transportation and public health at or above the county level.

Article 16 To manufacture appliances equipped with radioisotopes, or radiation-emitting facilities or radiation protection devices shall be in conformity to the requirements for radiation protection. Any product that does not meet the standard can not be out of the factory.

Article 17 To manufacture consumer goods or materials that contain radioactive substance, or electric products that accompanied with generating X-rays, shall be in conformity to the requirements for radiation protection. Any product that does not meet the standard can not be sold in the market.

Article 18 Irradiation for food, drugs, cosmetics, medical appliances and other products applied to human body by radioisotopes or radiation-emitting facilities shall comply with the provisions of the State regulations and standards for public health.

Article 19 During medical diagnosis, therapy or examination for persons who accept examination or patients by using radioisotopes or radiation-emitting facilities, exposure doses shall be strictly controlled and all unnecessary exposures be avoided.

Article 20 Any organization undertaking radiation works shall strictly implement the State regulations concerning personnel dose monitoring and health management for radiation workers.

Article 21 All persons who has undertaken or will undertake radiation works shall accept physical examination, and accept training and education on the knowledge of radiation protection and laws and regulations. Only the qualified persons are permitted to undertake radiation works.

Chapter IV Management of Radiation Accidents

Article 22 The State manages the accidents of radioisotopes and radiation-emitting facilities (hereinafter referred to as radiation accidents) at different levels, and adopts a system of report and case investigation.

Article 23 Any organization in which a radiation accident has occurred shall immediately take protective measures to control the consequences of the accident and to protect the site of the accident, and shall report to the departments of public health and public security at or above the county level. In case of the contamination to the environment by the accident, the organization shall report to the local

environmental protection department at the same time.

Article 24 The organization or persons that be responsible for the radiation accident shall pay compensation for the economic loss and the expenses of medical examinations and treatment costs of the victims, and defray all the expenses of handling the radiation accident. However, in case of proving that the damage was caused deliberately by the victims themselves, the organization or persons will not bear the responsibility of compensation.

Chapter V Supervision of Radiation Protection

Article 25 The public health departments at or above the county level are responsible, in their respective Jurisdiction, for the supervision of radiation protection for the radioisotopes and radiation-emitting facilities. On them devolve the main responsibilities of:

- (1) supervising and inspecting radiation works;
- (2) organizing and implementing the regulations for radiation protection;
- (3) investigating and handling radiation accidents jointly with other departments concerned;
- (4) organizing the publicity and training in radiation protection, and education in relevant laws and regulations;
- (5) settling the disputes concerning supervision of radiation protection.

Article 26 The environment protection departments in provinces, autonomous regions and municipalities exercise supervision over the releases of the effluents of radioactive liquid, gaseous and solid wastes in the use of radioisotopes or radiation-emitting facilities containing radiation source. On them devolve the main responsibilities of:

- (1) conducting review and approval of the environmental impact assessment form (report);
- (2) undertaking investigation, examination and approval with regard to the treatment of liquid, gaseous and solid wastes;
- (3) supervising and monitoring the releases of the effluents of liquid, gaseous and solid wastes;
- (4) handling accidents involving radioactive contamination to the environment jointly with the departments concerned.

Article 27 The public security department at or above the county level shall be responsible for the supervision and management of safety and security in the use of radioisotopes. On them devolve the main responsibilities of

- (1) registering radioisotopes and radiation sources;
- (2) inspecting the security in holding and storing radioisotopes and radiation sources;
- (3) taking part in handling radiation accidents.

Article 28 Radiation protection supervisors are designated in public health departments at or above the county level. Those who serve as radiation protection supervisors shall be professionals having experience in radiation protection and specific qualifications. The public health departments at the provincial level appoint the radiation protection supervisors.

Article 29 Radiation protection supervisors are authorized, in accordance with the provisions, to supervise and inspect radiation works within their respective jurisdiction, and may, in accordance with the provisions, collect samples and ask for relevant information, while the organizations concerned must not refuse such requests. For any withhold information, the supervisors shall follow the regulations for safeguarding secrets of the State in dealing with classified material and bear the responsibility of maintaining secrecy.

Article 30 Radiation protection supervisors shall observe law and discipline strictly, enforce the law justly and shall not be derelict in their duties and not engage in self-seeking.

Chapter VI Penalty

Article 31 The public health department at or above the county level may, in accordance with the seriousness of the case, issue a warning to a organization or person who has violated the present

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Regulations, and impose an order to make improvements within a prescribed time, to suspend work or business operation for rectification, or impose a fine and confiscate the unlawful income, or go so far as to, jointly with public security department, applying administrative sanction of revoking the Authorized Registration.

Any organization or persons responsible for any accident of environmental contamination during release of effluents of radioactive liquid, gaseous or solid wastes, shall be punished by the environmental protection department of respective province or autonomous region or municipality in accordance with the relevant provisions of the State regulations for environmental protection.

Article 32 Any party who refuses to accept the administrative sanction imposed by the departments of public health or environmental protection may, within fifteen days of receiving the notice thereof, apply to the administration department at the level next higher than that of the penalty-issuing administration department for reconsideration; but the party concerned shall forthwith carry out the decisions on controlling measures for radiation protection. Any party who refuses to accept the reconsideration decision may, within fifteen days of receiving the notice of the reconsideration decision, bring a lawsuit before a court of law. If a party neither serves the punishment nor brings a lawsuit before a court of law within the prescribed time, the administration department that has made the decision on punishment may apply to a court for compulsory execution.

Article 33 Any person who, in violation of the present Regulations, gives rise to an radiation accident without serious consequences, shall be punished by the public security department in accordance with the Regulations for Management of Public Order and Penalty. If the consequences of the accident are serious enough to constitute a crime, the responsible person shall be prosecuted for his/her criminal responsibility by judicial organs in accordance with law. Any person who engages in sabotage or intentionally injures other people by means of radioisotopes or radiation-emitting facilities, thereby constituting a crime, shall be prosecuted for his/her criminal responsibility by judicial organs in accordance with law.

Chapter VI Supplementary Provisions

Article 34 The following terms used in the present Regulations have the meanings hereby assigned to them.

“Radioisotopes” means any radioactive substance except such used as nuclear fuel, nuclear raw material or nuclear material.

“Radiation-emitting facilities” means X-ray equipment, accelerators and neutron generators.

“Electric devices generating concomitant X-rays” means such devices that do not serve the purpose of generating X-rays, but do generate X-rays in the course of manufacture or use.

Article 35 The public health administration department under the State Council shall, jointly with environmental protection department and public security department, formulate the implementing rules for the of the present Regulations.

Article 36 The public health administration department under the State Council jointly with environmental protection department and public security department shall be responsible for interpreting the present Regulations.

Article 37 The present Regulations shall go into effect on the day of issuance. The Provisions for Hygienic Protection in Work with Radioisotopes promulgated by Ministry of Public Health, Ministry of Public Security and State Scientific and Technological Commission on February 24, 1979, shall be invalidated as of the day the present Regulations come into force.