

**REGULATION OF THE COUNCIL OF MINISTERS**  
**of 18 January 2005 r.**

**on the positions important for ensuring nuclear safety and radiological protection and on radiological protection inspectors <sup>1)</sup>**

On the basis of Article 87 paragraph 2 of the Act of Parliament of 29 November 2000 - Atomic Law (Polish O.J. of 2004 No 161, Item 1689 and No 173 Item 1808) the following regulation is adopted:

**§ 1.**

Regulation defines the following:

- 1) types of positions in organizational entity, which are important for ensuring nuclear safety and radiological protection;
- 2) detailed terms and procedures for granting the authorizations for persons who may be employed in the positions important for ensuring nuclear safety and radiological protection;
- 3) detailed terms and procedures for granting the authorizations for radiological protection inspector;
- 4) procedures for establishing the examining board, its working procedures, and procedures for conducting the examination;
- 5) conditions which must be fulfilled by the entities conducting the training;
- 6) required training scope, program and organizational forms, and the procedure for eliciting the entry to the register of entities conducting the training, established and maintained by the President of National Atomic Energy Agency, hereafter referred to as "the Agency's President";
- 7) standard form of authorization certificate;
- 8) overall scope of duties and powers of the radiological protection inspector;
- 9) procedure for the payment of examination fee, the amount of such fee and the remuneration for the examination board.

**§ 2.**

1. Authorization to individuals, who may be employed in the positions important for ensuring nuclear safety and radiological protection, shall granted under the following conditions:
  - 1) absence of health contraindications for employment in such position, including absence of contraindications for employment in conditions of exposure to ionizing radiation, certified by authorized medical practitioner, referred to in Article 10 of the Act of Parliament of 29 November 2000 – Atomic Law, hereafter referred to as "the Act";
  - 2) acquiring education level and work experience appropriate for the position in question;
  - 3) passing the examination preceded by the training appropriate for the position in question.
2. List of positions important for ensuring nuclear safety and radiological protection, of required professional qualifications and the scope of training and examination for the candidates applying for the authorization enabling the employment in these positions, is established in Annex I to the regulation.

**§ 3.**

1. Authorization for radiological protection inspector of a specified type, depending on the type of practices involving the exposure to ionizing radiation, which would be supervised by this inspector, shall be granted under the following conditions:

- 1) acquiring education level and work experience appropriate for the position in question;
- 2) passing the examination preceded by the training appropriate for the position in question.

2. List of the types of authorization for radiological protection inspector, of required professional qualifications and the scope of training and examination for the candidates applying for the authorization for radiological protection inspector, is established in Annex II to the regulation.

#### § 4.

1. The scopes of training for the candidates applying for the authorization enabling the employment in the positions important for ensuring nuclear safety and radiological protection and for the authorization for radiological protection inspector, are established respectively in Annex III and IV to the regulation.
2. Training for the candidates applying for authorization enabling the employment in the positions important for ensuring nuclear safety and radiological protection, may be conducted by the entities, which:
  - 1) have teaching staff with university-level education, professional knowledge and experience in the field of nuclear technology and nuclear safety and radiological protection fundamentals, consistent with the scope of conducted training;
  - 2) possess, or ensure the access to, the facilities, installations and equipment enabling the conduct of practical exercises covered by the training's topics;
  - 3) develop detailed training programs, which correspond to the scopes of training referred to in paragraph 1;
  - 4) maintain the logbooks of training sessions, which contain the subject and duration time of individual sessions and the list of participants, and preserve these records for at least 5 years from the completion of the training.
3. Entity conducting the training shall be entered into the register established and maintained by the Agency's President on the application by the head of the entity conducting the training, after the Agency's President ascertains the fulfillment of conditions referred to in paragraph 2(1-3).
4. To the application referred to in paragraph 3 the head of the entity conducting the training shall enclose the documents and information confirming the compliance with terms referred to in 2(1) and 2(2), and also the training programs referred to in 2(3).
5. Entry referred to in paragraph 3 shall include:
  - 1) entity's name and headquarters;
  - 2) correspondence address, phone number, fax number, or e-mail address;
  - 3) type of training for the conduct of which the entity is authorized.
6. Head of entity conducting the training that has been entered into the register shall acquire from the Agency's President the certificate confirming this fact.
7. Training shall be conducted in the form of lectures, computational exercises, laboratory exercises or training in the workplace, depending on the scope of training.
8. Prior to the start of the training:
  - 1) candidate applying for authorization enabling the employment in the position important for ensuring nuclear safety and radiological protection, shall submit to the head of entity conducting the training the medical certificate referred to in § 2(1)(1);

- 2) candidate applying for authorization for employment as radiological protection inspector, shall submit to the head of entity conducting the training the medical certificate on the absence of contraindications for work in the conditions of exposure to ionizing radiation.
9. To the individual who has completed the training, the head of the entity conducting the training shall issue the document confirming this fact.

#### **§ 5.**

Training shall be finalized by the examination, conducted by appropriate examination commission.

#### **§ 6.**

1. Examination required for acquiring the authorization enabling the employment in the positions important for ensuring nuclear safety and radiological protection may be taken by individuals who did not completed the training, if in the last 12 months preceding the application for admittance to examination they were employed in the position important for ensuring nuclear safety and radiological protection and are applying again for the authorization for employment in the same position or in the position for which the same scope of training is required.
2. Examination required for acquiring the authorization for employment as radiological protection inspector may be taken by individuals who did not completed the required training, if:
  - 1) on the date of submitting the application for admittance to examination they did have the authorization for employment as radiological protection inspector issued by the Agency's President, and are applying for authorization of the same type; or
  - 2) within the last 5 years they have completed university-level studies in the fields that in their curriculum comprise the issues of dosimetry and radiological protection, including practical sessions in exposure conditions, at the minimal teaching load of 30 hours of lectures and 30 hours of exercises, preceded by a lecture and exercises in physics, including modern physics, or
  - 3) have university-level education and at least 3-year experience in work in the conditions of exposure to ionizing radiation, gained in organizational entity conducting practices requiring a licence referred to in Article 4(1) of the Act, within the last 5 years preceding the date of submitting the application for admittance to examination.
3. In the cases referred to in paragraphs 2 and 3, the application for admittance to examination, together with the documentation confirming the compliance with the conditions for admittance to examination, shall be submitted to the Agency's President, who shall verify whether the applicant fulfills these conditions and shall admit him, or refuse to admit, to the examination.
4. The Agency's President shall notify the applicant of the admittance or non-admittance to the examination without completing the training within 30 days from the date when the application has been submitted, and in the event of admittance to the examination - stating the date and place of examination.

#### **§ 7.**

1. Individual who did not take the examination at the time established by the Agency's President, or who did not take the examination according to the provisions of § 5, may – within 1 month from the date of this examination – apply to the Agency's President for setting a new examination date, and if this individual did pay the examination fee, this fee shall be credited to the examination conducted at other time.
2. Application for setting a new examination date can be submitted at most twice.

#### **§ 8.**

1. Members of the examination commissions shall be appointed and recalled by the Agency's President, from among the experts in the field of nuclear safety and radiological protection.
2. Examinations shall be conducted by:

- 1) examination commission competent for authorizations enabling the employment in the positions important for ensuring nuclear safety and radiological protection;
  - 2) examination commission competent for authorizations for employment as radiological protection inspector.
3. Examination commissions referred to in paragraph 2 shall be composed of 14 members, including the chairperson, three deputies and secretary.
4. Two commission members shall be appointed by the Agency's President in agreement with the Minister for National Defense, and two – in agreement with the Minister competent for home affairs.
5. Examination commission shall conduct the examination in the strength of three to five members, including the chairperson or the deputy, and if the examination is taken by:
- 1) professional soldier – including one commission member appointed in agreement with the Minister for National Defense;
  - 2) functionary of services subordinated to, or supervised by, the Minister competent for home affairs – including one commission member appointed in agreement with this Minister.
6. Examination commission chairperson shall set the examination roster referred to in paragraph 5 and shall select from these people the chairperson of the examination roster.
7. Examination commissions shall:
- 1) prepare examination questions, taking into account the scopes of training referred to in § 4(1);
  - 2) conduct examinations;
  - 3) grade the written and oral part of the examination.
8. Examination commission shall take the decisions by ordinary majority of votes of the members of examination roster conducting the examination. In the case of even vote distribution, the issue shall be decided by the vote of examination roster chairperson.
9. Examination commission shall draw up the examination report, which shall contain:
- 1) designation of the commission in accordance with paragraph 2;
  - 2) report number and date;
  - 3) first name, last name, birth date and place, and PESEL number of examined individual;
  - 4) subjects of the computational part of written examination, and its results;
  - 5) content of the questions for oral part of the examination and the number of credit points received by the examined for the answer to each of these questions;
  - 6) information whether the examined individual did, or did not, pass this examination;
  - 7) first names, last names and signatures of the examination roster chairperson and members.

## **§ 9.**

1. Examination shall comprise the issues contained in the scope established for a given type of training, in accordance with § 4(1).
2. Examination shall consist of a written part, which includes a set of 30 test questions and 3 computational problems or problem questions, and of an oral part, composed of 5 questions.
3. Written part of the examination shall last 120 minutes, including:
  - 1) 60 minutes for the test;
  - 2) 60 minutes for computational problems or problem questions.
4. For the written part of the examination the examination commission shall grant:
  - 1) 1 credit point for each correct answer to the test question;
  - 2) from 0 to 10 credit points for each computational problem or problem question.

5. Admittance to the oral part of examination shall be granted on the condition of obtaining at least 40 credit points for the written part of examination, including at least 20 credit points for the test and at least 20 credit points for computational problems or problem questions.
6. In the oral part of examination the examination commission shall grant from 0 to 5 credit points for each question.
7. Examination shall be considered as passed successfully if the examined obtains at least 15 credit points for oral examination.
8. Individual who failed to pass the examination, within 6 months from the date of the examination may apply to the Agency's President for establishing the date for repeated examination.
9. Examining commission shall issue to the individual who passed the examination the document certifying this fact.

#### **§ 10.**

1. Examination fee shall be equal to 30% of the minimal working pay, published under Article 2(5) of the Act of Parliament of 10 October 2002 on the minimal salary for work (O.J. No 200 Item 1679) for the year when the examination is conducted.
2. The fee referred to in paragraph 1 shall be paid to the income sub-account of the National Atomic Energy Agency's current account, and the proof of this payment shall be presented by the examined to the examining commission, prior to the start of examination.
3. The amount of examination fee and the number of bank account referred to in paragraph 2 shall be published in the Public Information Bulletin on the subject pages of the Agency's President.

#### **§ 11.**

1. Remuneration for the examination commission member included in the examination roster conducting the examination, shall be the following:
  - 1) 125 PLN for the participation in the written part of the examination;
  - 2) 21 PLN for each examined individual, who takes the oral part of the examination.
2. Examination commission member shall be entitled to the reimbursement of the costs of travel and lodgings established according to the regulations on the reimbursement of expenses related to official domestic travel, issued under Article 77<sup>5</sup> § 2 of the Labor Code.

#### **§ 12.**

1. Application to the Agency's President for granting the authorization shall contain:
  - 1) first name, last name, birth date and place, and PESEL number of the individual applying for the authorization;
  - 2) information on the kind and type of the authorization, for which this individual is applying;
  - 3) address for correspondence;
  - 4) information on this individual's course of professional employment.
2. Individual submitting the application referred to in paragraph 1 shall enclose with the application the following documents related to the person who applies for granting the authorization:
  - 1) document stating that the examination has been successfully passed;
  - 2) medical certificate stating the absence of contraindications for work in the conditions of exposure to ionizing radiation, and in the case of authorizations enabling the employment in the positions important for ensuring nuclear safety and radiological protection – also the absence of medical contraindications for work in the position covered by the authorization for which this individual is applying;
  - 3) copies of the diplomas or certificates which confirm acquired level of education;
  - 4) documents confirming the required work experience acquired in the conditions of exposure to ionizing radiation;

- 5) in the event of application for the authorization for radiological protection inspector – the statement on possessing full legal competence.
3. Application referred to in paragraph 1 shall be submitted 6 months from the date of the examination.
4. In the case of individuals admitted to the examination without required training, the application for granting the authorization does not have to be accompanied by the documents enclosed to the application for admittance to the examination.
5. Individuals who at the date of submitting the application for admittance to the examination did have valid authorization:
  - 1) enabling the employment in the positions important for ensuring nuclear safety and radiological protection and apply for the authorization for employment in the same position;
  - 2) for radiological protection inspector and apply for the same type of authorization for radiological protection inspector- shall be exempted from the obligation to submit the documents referred to in paragraph 2(3) and 2(4) with the application for granting the authorization.

### § 13.

1. Authorizations for individuals who may be employed in the positions important for ensuring nuclear safety and radiological protection and authorizations for radiological protection inspectors shall be granted for the period of 5 years.
2. Authorizations for individuals who may be employed in the positions important for ensuring nuclear safety and radiological protection in nuclear facilities shall be granted for the period of 3 years.
3. Standard certificate of granting the authorization enabling the employment in the position important for ensuring nuclear safety and radiological protection is established in Annex V to the regulation.
4. Standard certificate of granting the authorization for radiological protection inspector is established in Annex VI to the regulation.

### § 14.

1. Radiological protection inspector, who holds authorization of the type appropriate for the practices conducted by organizational entity, shall exercise internal supervision over the compliance with the requirements of nuclear safety and radiological protection in this entity.
2. Scope of duties of the radiological protection inspector shall include in particular the supervision over the organizational entity compliance with conditions of the licence for practices involving the exposure to ionizing radiation, including:
  - 1) supervision over conducting the practices in compliance with work instruction, and over maintaining the documentation related to nuclear safety and radiological protection, including that related to the workers and other individuals present on-site in exposure conditions, with the exception of radiological protection of the patients undergoing therapy and diagnostics involving the use of ionizing radiation;
  - 2) supervision over compliance with the conditions for admitting the workers for employment in a given work position from the viewpoint of nuclear safety and radiological protection;
  - 3) development of the program for dosimetric measurements in the workplace and that for measuring and recording individual doses, and submitting them for approval by the head of organizational entity;
  - 4) cooperation with the on-site work safety and hygiene service, with the individuals implementing the program for nuclear safety and radiological protection, and with the services for fire and environmental protection within the scope of protection against ionizing radiation;

- 5) delivering to the head of organizational entity the opinions on radiation protection, in accordance with the nature of practices and the type of held authorization;
- 6) submitting to the head of organizational entity the request for discontinuation of work conducted in exposure conditions in the event of infringement of licence conditions or other rules for protection against ionizing radiation;
- 7) supervising the activities resulting from the on-site emergency management plan in the event of radiation emergency occurring on the organizational entity site.

#### **§ 15.**

Scope of authority of the radiological protection inspector shall include in particular:

- 1) submitting to the head of organizational entity the request for modification of workers' working conditions, in particular in the situation when such request is justified by the results of individual dose measurements;
- 2) delivering to the head of organizational entity, within the framework of tests and verification of the protective equipment and measuring instruments, the opinion on the effectiveness of measures and techniques for protection against ionizing radiation, and on the operability and proper use of measuring instruments;
- 3) verification of the workers' qualifications in the field of nuclear safety and radiological protection, and delivering to the head of organizational entity the inferences from such activities;
- 4) submitting to the head of organizational entity the request for modifications in work instructions, if proposed modifications do not increase the authorized limits established in the licence;
- 5) in the case referred to in § 14(2)(6) – notify the licensing body of the request.

#### **§ 16.**

1. Authorizations granted under the provisions of the order of the President of National Atomic Energy Agency of 28 July 1987 on the types of positions important for ensuring nuclear safety and radiological protection (Polish Monitor No 27 Item 215 and of 1997 No 73 Item 698), with the exception of authorizations for employment in the position of radiological protection inspector, shall correspond to the authorizations established in this regulation, in accordance with Annex VII to the regulation.
2. Authorizations for employment in the position of radiological protection inspector granted under the provisions of the regulation referred to in paragraph 1, requiring specialized training:
  - 1) type C, C.2 – shall be treated in the same way as the authorizations established in this regulation as IOR-1 type;
  - 2) type B, B.1, B.2 - shall be treated in the same way as the authorizations established in this regulation as IOR-3 type.

#### **§ 17.**

1. Individuals who under the provisions of the regulation of the Council of Ministers of 6 August 2002 on the types of positions important for ensuring nuclear safety and radiological protection, detailed procedures and terms for granting these authorizations to the individuals who may be employed in these positions, and on detailed procedures and terms for granting the authorizations for radiological protection inspector (O.J. No 145 Item 1217) have been granted the authorization for IOR-1 radiological protection inspector, shall be regarded as holding the authorizations for radiological protection inspector of the type IOR-1 and IOR-0, as defined for the purposes of this regulation.
2. Individuals, who under the regulation referred to in paragraph 1 have been granted the authorization for employment as the operator of accelerator or of equipment for tele-radiotherapy and brachytherapy involving radioactive sources in a given organizational entity, shall be regarded

as holding the authorization for employment in this organizational entity in the position of the operator of accelerator used for medical purposes and the equipment for tele-radiotherapy, and in the position of the operator of accelerator used for other than medical purposes, including the operator of accelerator used for vehicle control at border-crossing points, as defined for the purposes of this regulation.

**§ 18.**

Regulations shall enter into force after 14 days from the date of its publication.<sup>2)</sup>

---

<sup>1)</sup> *Regulation constitutes the transposition of Directive 96/29/Euratom of 13 May 1996 on basic safety standards for health protection of workers and members of general public against ionizing radiation, (EU) O.J. L 159 of 29.06.1996, p. 1.*

<sup>2)</sup> *From the date of entry into force of this regulation, the regulation of the Council of Ministers of 6 August 2002 on the types of positions important for ensuring nuclear safety and radiological protection, detailed procedures and terms for granting these authorizations to the individuals who may be employed in these positions, and on detailed procedures and terms for granting the authorizations for radiological protection inspector (O.J. No 145 Item 1217), which continued to be valid under Article 4 of the Act of Parliament of 12 March 2004 on the amendment of the Atomic Law and of the act on fiscal charge (O.J. No 70 Item 632) shall be repealed.*