

ETHIOPIA

NEGARIT GAZETA OF THE TRANSITIONAL GOVERNMENT OF ETHIOPIA

PROCLAMATION NO. 79/1993

PROCLAMATION ON RADIATION PROTECTION

WHEREAS, there is a need for using radiation and radio-isotopes in the Nation's socio-economic development and such use is increasing from time to time with the attendant risks of damage to health, property and the environment, unless proper and effective protection schemes are introduced;

WHEREAS, it is essential to establish an Authority that controls and supervises activities involving all sources of radiation and to lay down laws governing such activities in order to minimise any associated hazards while allowing such activities to be carried out for the benefit of the public;

NOW, THEREFORE, in accordance with Article 9 (d) of the Transitional Period Charter, it is hereby proclaimed as follows:

PART ONE GENERAL

1. *Short Title*

This Proclamation may be cited as the "Radiation Protection Proclamation No. 79/1993".

2. *Definitions*

In this Proclamation, unless the context otherwise requires:

1. "atomic energy" means all types of energy emitted from radioisotopes, nuclear reactions, x-ray equipment, and other technical apparatus emitting ionising radiation.
2. "Commission" or "Commissioner" means the Ethiopian Science and Technology Commission or Commissioner of the Ethiopian Science and Technology Commission, respectively;
3. "ionising radiation" or "radiation" means gamma rays, x-rays, or corpuscular radiations which are capable of producing ions in matter either directly or indirectly.
4. "exemption level" means a quantity or radioactivity below 3.7 kilobecquerel or a specific radioactivity below 74 becquerel per gram.
5. "exposure" means exposure to ionising radiation from sources both external and internal to the body or incorporated within the body.
6. "person" means a natural or juridical person.
7. "radiation hazard" means any injury or bodily or mental deficiency or abnormality due to exposure, or contamination of the environment or property with radioactive materials.
8. "radioactive material" means any material emitting ionising radiation above the defined exemption level.
9. "radiation protection" means the task of protecting radiation workers and the public from unnecessary exposure by the accurate measurement of radiation and the design and use of methods to reduce this radiation.
10. "radiation worker" means any person potentially exposed to ionising radiation as a result of his/her occupation.

11. "radiological work" means work involving the use of radioactive materials, x-ray equipment or other machines capable of emitting ionising radiation.
 12. "sealed source" means any radiation source consisting of a radioactive substance enclosed in a housing or arranged in such other way that there is no risk of the substance being liberated or otherwise becoming accessible to direct contact during normal use.
3. *Scope of Application*
1. The provisions of this Proclamation shall be applicable to all sources of ionising radiation above the exemption level.
 2. The provision herein above shall not extend to:
 - a) radioactive substances found in nature;
 - b) uranium or thorium or compounds thereof which are intended for use in laboratories and chemical analysis institutions for demonstration or teaching purposes;
 - c) sealed sources or any apparatus or article containing a sealed source, provided that the dose rate at 10 cm from the source does not exceed 1 micro sievert per hour (MSv/hr) and that the source activity does not exceed 3.7 kilobecquerel.

PART TWO
NATIONAL RADIATION PROTECTION AUTHORITY

4. *Establishment*
1. There is hereby established a National Radiation Protection Authority (hereinafter referred to as the Authority) as an autonomous public authority having its own legal personality.
 2. The Authority shall be accountable to the Commission.
5. *Head Office*
- The Authority shall have its head office in Addis Ababa and may establish branch offices elsewhere as necessary.
6. *Objectives of the Authority*
- The objectives of the Authority shall be to:
1. render radiation protection services;
 2. regulate, control and supervise radiological work and all activities relating to the acquisition, use, transportation and disposal of radioactive substances, x-ray equipment and other machines capable of emitting ionising radiation; and
 3. promote and encourage research and development in radiation protection.
7. *Powers and Duties of the Authority*
- The Authority shall have powers and duties to:
1. formulate radiation protection policies and submit to the government for approval;
 2. issue guidelines, rules, and directives for the implementation of policies concerning radiation protection and follow up their implementation;
 3. establish a system for coordinating public and private activities with a view to ensuring radiation safety;
 4. issue, renew, suspend, or revoke licenses pursuant to this proclamation and impose any necessary conditions on any license so granted;
 5. prescribe or amend, directives and conditions required for radiation protection practices;
 6. prescribe fees for services it renders in accordance with this proclamation;

7. carry out inspection and take appropriate measures to ensure compliance with radiation protection legislation directives and conditions;
8. prescribe criteria and issue permits for the importation of radioactive materials and radiation emitting equipment;
9. have research and other investigations be carried out relating to radiation protection and take measures or advise on measures to be taken based on the findings thereof;
10. advise the government in matters related to atomic energy and radiation;
11. organise and promote the dissemination of information on radiation protection and related matters through training courses, seminars, lectures, pamphlets and the like;
12. set up an emergency squad for accidents involving ionising radiation;
13. cooperate with local, foreign and international organizations having similar objectives;
14. prepare guidelines for granting fringe benefits to radiation workers in consultation with the appropriate authorities, and follow up the implementation thereof;
15. own property and sue and be sued in its own name;
16. exercise such other activities as necessary for attaining its objectives.

8. *Organization of the Authority*

The Authority shall have:

1. a National Radiation Protection Board (hereinafter referred to as the "Board");
2. a General Manager;
3. a Chief Radiation Protection Officer, Radiation Protection Officers and such other staff as may be required; and
4. Radiation Protection and Health Physics Laboratories.

9. *Members of the Board*

The Board shall have the following members:

1. the Commissioner of Science and TechnologyChairman
2. the Vice Minister of the Ministry of HealthVice Chairman
3. The Vice Minister of the Ministry of AgricultureMember
4. the Vice Minister for Higher Education "
5. the Vice Minister of the Ministry of Industry..... "
6. the Vice Minister of the Ministry of Internal Affairs ... "
7. the Vice Minister for Labour and Social Affairs "
8. the Vice Minister of the Ministry of Mines and Energy "
9. the Vice Minister of the Ministry of Natural Resources
Development and Environmental Protection "
10. the Vice Minister of the Ministry of Works and
Urban Development "
11. a senior scientist appointed by the Board "
12. the General ManagerMember and Secretary

10. *Powers and duties of the Board*

The board shall have powers and duties to:

1. formulate policies and issue guidelines, rules and directives for the implementation of these policies;
2. approve directives and conditions prescribed or amended for radiation protection practices upon submission by the General Manager;
3. prescribe application and license forms, fees and fines upon the recommendation of the General Manager;
4. review reports and approve the plans, work programmes, budget and internal regulations of the Authority;
5. receive and decide on appeals by license holders and other concerned parties against decisions by the General Manager;

6. elect a senior scientist referred to in Article 9.11 who will serve for up to two years, with renewals at its discretion.
 7. recommend to the Government the revision of this proclamation and regulations issued thereunder when deemed necessary.
11. *Meetings of the Board*
1. The Board shall meet at least once in six months and on such occasions as the Chairman may decide.
 2. There shall be a quorum where a simple majority of the members of the Board are present;
 3. Decisions shall be made by majority vote and in case of a tie the Chairman shall have a casting vote.
 4. The Board shall determine its own internal rules and regulations.
12. *The General Manager*
1. The General Manager shall be appointed by the Government upon the recommendation of the Commissioner.
 2. The General Manager shall be the chief executive of the Authority, and subject to the general directives of the board, be responsible for its proper administration and operation.
 3. Without limiting the generality provided in sub-article 2 of this Article, the General Manager shall:
 - a) exercise the powers and duties of the Authority referred to under Article 7;
 - b) employ and administer personnel in accordance with the basic principles of public service laws;
 - c) submit the reports, plans, work programmes, budget and internal regulations of the Authority to the Board;
 - d) effect expenditure in accordance with the approved budget and work programme of the Authority;
 - e) represent the Authority in all its relations with third parties;
 - f) notify the Commission forthwith in cases of radiation accidents and emergencies beyond the means of the Authority.
 4. The General Manager may delegate part of his powers and duties to the officials and other staff of the Authority when he deems it appropriate for the efficient execution of the work of the Authority; provided however, that delegation given in place of the General Manager for a period of more than 30 days, shall be subject to the approval of the Commissioner.
13. *The Chief Radiation Protection Officer*
1. The Chief Radiation Protection Officer shall be appointed by the Government upon the recommendation of the General Manager.
 2. The Chief Radiation Protection Officer will be in charge of the Radiation Protection and Health Physics Laboratories and all technical and scientific activities of the Authority, as well as discharging any other duties assigned to him by the General Manager.
14. *The Radiation Protection Officers*
1. Every Radiation Protection Officer shall be provided with a certificate of authorization signed by the General Manager and the Chief Radiation Protection Officer and shall, if so required, produce the said certificate when exercising his powers under the law.
 2. Every Radiation Protection Officer shall exercise such powers and perform duties provided in radiation protection legislation and other functions assigned to him by the Chief Radiation Protection Officer.

3. Without limiting the generality provided in sub-article 2 of this Article, any Radiation Protection Officer shall have the power to:
 - a) enter, inspect and examine any premises or part thereof, vehicle, vessel, boat aircraft or any carriage of any description in or upon which he has reasonable cause to believe that radioactive material or any source of dangerous radiation is stored, used, transported or disposed of;
 - b) require the production of any license authorizing the use of radioactive materials or sources of dangerous ionising radiation and any register, certificate, notice or document kept in pursuance of radiation protection legislation and directives, and to inspect, examine or take a copy thereof;
 - c) make such enquiries and examinations as may be necessary to ascertain whether the provisions of radiation protection legislation and directives have been complied with;
 - d) examine, either alone or in the presence of any other person as he thinks fit, any person with respect to matters under radiation protection legislation and directives or to require such person to be examined provided that no person shall be compelled to answer any questions or give any evidence tending to incriminate himself;
 - e) require to be carried out such medical examinations as may be necessary in the discharge of the duties imposed upon him.

15. *Radiation Protection and Health Physics Laboratories*
The functions and activities of the Authority's laboratories will be defined and regulated by guidelines approved by the Board.

16. *The Budget of the Authority*
 1. The budget of the Authority shall be from the following sources:
 - a) the budget allocated to it by the Government;
 - b) the fees collected in accordance with this Proclamation; and
 - c) other sources.
 2. The money referred to in the sub-article (1) of this Article shall be kept in a bank account opened in its own name and shall be expended for the carrying out its duties.

PART THREE
MISCELLANEOUS PROVISIONS

17. *Requirement for Licenses*
The importation, exportation, manufacture, possession, sale, use, storage, transportation or disposal of radioactive materials or devices emitting ionising radiation shall only be based on licenses issued by the Authority.

18. *Issuance and Content of a License*
 1. An application for a license shall be made in a prescribed form together with any required documents upon payment of a fee and be filed with the Authority.
 2. A license may be granted to specific institutions, organisations, groups or natural persons that meet the Authority's criteria.
 3. A license shall specify the purpose, the duration for and the conditions under which it is issued.
 4. A license may also cover activities involving diverse or repeated lots of radioactive materials as listed in the license.
 5. A license may contain any conditions as the Authority deems necessary for the purposes of radiation protection.
 6. All persons employed by the owner of a license and engaged in radiological work shall

posses a certificate of registration issued by the Authority. When appropriate, the Authority may require that one of these persons shall serve as a radiation safety officer within the facility.

19. *Renewal of and Reapplication for a License*

1. An application for the renewal of a license shall be submitted to the Authority on the prescribed form.
2. A license may be renewed with or without variation f its contents.
3. Reapplication for a license shall be required in cases of:
 - a) use of different or significantly modified premises or devices is intended;
 - b) use of different radioactive substances or larger quantities of such substances;
or
 - c) changes likely to affect protection requirements which have taken place at the site of the premises or their surroundings.

20. *Amendment, Suspension and Revocation of a License*

1. A license issued in accordance with this Proclamation may be:
 - a) amended at any time or written notice to the holder by the Authority, if in its opinion, the amendment is necessary for the purposes of public safety;
 - b) suspended or revoked where the conditions prescribed for radiation protection are not complied with or where this is otherwise found to be called for from the point of view of radiation protection.
2. Where a license is suspended or revoked, the holder shall take such steps as may be prescribed by the Authority to ensure that no radiation hazards occur.

21. *Duties and Responsibilities of License Holders and other Concerned Parties*

1. The holder of a license shall be responsible for ensuring that exposure to ionising radiation resulting directly or indirectly from the licensed activity shall be kept as low as reasonably practicable below the prescribed limits.
2. The owner of the facility shall appoint an experienced person in radiation health and safety measures as radiation safety officer of the facility
3. The owner of the facility and the radiation safety officer shall ensure that:
 - a) any person using or working in the facility is supplied with at least one monitoring device any other protective accessories necessary to carry out radiological work with the lowest reasonably achievable risk.
 - b) radiation workers employed within the facility are given proper instructions on radiation safety measures and receive a medical checkup every six months.
4. The holder of a license, the radiation safety officer, or any person involved in radiological work, shall report to the Authority forthwith:
 - a) Any cases of overexposure to ionising radiation, in any case not later than 24 hours after such an occurrence has come to his knowledge, and fully comply with any emergency measures as may be prescribed by the Authority.
 - b) Any loss, theft, or diversion for unauthorised purposes of any radioactive material or other radiation emitting equipment, in any case not later than 24 hours after such an occurrence has come to his knowledge.
 - c) The owner of any radioactive material or any ionising radiation emitting equipment, his agent or employee shall furnish the means required by a Radiation Protection Officer as may be necessary for entry, inspection, examination, enquiry, the taking of samples or otherwise for the exercise of his duties under this Proclamation.
6. On the death of someone who holds a license under this Proclamation, whoever is responsible for the estate shall promptly notify the Authority of the death.

22. *Rights of License Holders and Other Concerned Parties*
1. Appeals against the decisions made by the Authority pursuant to this Proclamation may be submitted to the Board within 30 days from the date of notification of the decision. The Board's decisions in these matters shall be final.
 2. On the death of the licensee, the license shall remain valid, in so far as it confers the right to possess radioactive substances, x-ray equipment or other ionising radiation emitting equipment, for the deceased's estate until three months after death.
23. *Engagement in Radiological Work and Medical Examination*
1. No one shall be engaged in radiological work who is under 18 years of age or is not found by medical examination to be free from disease or weakness which could be considered to make him particularly vulnerable to the health hazards involved in the work.
 2. Any person engaged in radiological work shall, in addition to the periodic examination prescribed in this Proclamation, undergo medical examination as may be required by the Authority. The Authority has the right to bar any person who fails to observe this requirement from further radiological work.
 3. When a person engaged in radiological work, or any person who because of his work may have otherwise been exposed to ionising radiation, shows signs of injury which may be suspected of having been caused by such radiation, the license holder has the responsibility to immediately make arrangements for the medical examination of the person concerned.
24. *Obligation of Confidentiality*
- No person who has obtained confidential information in the course of the implementation of the Proclamation, or regulations or directives issued thereunder, shall disclose such information to any other person unless this is necessary for the implementation of the Proclamation, regulations or directives.
25. *Transitory Provision*
- Any person who has in his possession or custody or under his control any radioactive material or other ionising radiation emitting equipment prior to the coming into force of this Proclamation shall submit an application for a license within three months of its effective date.
26. *Penalty*
- Any person who contravenes the provisions of this Proclamation or the regulations issued thereunder shall be prosecuted in accordance with the Penal Code of Ethiopia.
27. *Powers to Issue Regulations*
- The Council of Ministers may issue such regulations as are necessary for the implementation of this Proclamation.
28. *Effective Date*
- This Proclamation shall come into force on the date of its publication in the Negarit Gazeta.
Done at Addis Ababa, this 22nd day of December 1993.

*MELES ZENAWI
PRESIDENT OF THE TRANSITIONAL
GOVERNMENT OF ETHIOPIA*