

# **THE GOVERNMENT**

## **DECREE No. 50/1998/ND-CP OF JULY 16, 1998 DETAILING THE IMPLEMENTATION OF THE ORDINANCE ON RADIATION SAFETY AND CONTROL**

### **GOVERNMENT**

*Pursuant to the Law on Organization of the Government of September 30, 1992;*

*Pursuant to the Ordinance on Radiation Safety and Control of June 25, 1996;*

*At the proposal of the Minister of Science, Technology and Environment,*

### **DECREES:**

#### *Chapter I*

### **GENERAL PROVISIONS**

**Article 1.-** This Decree details the implementation of the Ordinance on Radiation Safety and Control, passed on June 25, 1996 by the Standing Committee of the National Assembly of the Socialist Republic of Vietnam.

**Article 2.-** The provisions on radiation safety and control relating to international relations shall be regulated and implemented in accordance with the provisions of the Ordinance on Radiation Safety and Control as well as other relevant provisions of Vietnamese legislation and of international treaties which Vietnam has signed or acceded to.

**Article 3.-** Terms used in this Decree shall be construed as follows:

1. *Activity* means the variable of self-radiating nuclei of the radioactive substance per second. The measuring unit is Becquerel (Bq).

2. *Natural radiation background* means radiations originating from natural sources (such as radiation from the universe, from natural radiating nuclei existing in earth and rock, air, water, human and animal bodies, materials, etc.)

3. *Irradiation* is the radiation effect on a part or the whole of a human or animal body or any object.

4. *Radiation dose* means the quantity of radiation measured at a certain location.

5. *Internal exposure* means the radiation dose irradiated by radioactive substances infiltrating into the body (through food, drink, air).

6. *External exposure* means the radiation dose irradiated by radioactive sources outside the body.

7. *Personal dose* is the radiation dose calculated separately for each individual.

8. *Collective dose* is the radiation dose calculated for a collective of people subject to an equal average dose.

9. *Dose limits* mean the prescribed value of a radiation dose.

10. *Over-exposure* means the irradiation which goes beyond the dose limit.

11. *Acute effect* is the harmful effect which occurs after a short period of time when being irradiated with a high dose.

12. *Decontamination* is the process of getting rid of or reducing the unclean radioactive substances inside or on the objects to the allowable level.

13. *Dosemeter* is the equipment or machine used to measure the radiation dose, the activity of radiation sources, to determine the radioactive isotopes, etc.

14. *Personal dosimeter* is equipment used for measurement of personal radiation dose.

15. *Radiation alarm instrument* is the equipment or machine which emits signal notifying that the radiation dose has exceeded a certain level, which may cause danger to human health.

16. *Calibration* means the comparison between meters and the standard meter or standard radiation source in order to rectify errors and ensure the reliability of the measurement by the meters.

17. *Radiation monitoring* means the control of radiation dose and/or activity so as to detect in time the change in radiation dose and radioactive waste.

18. *Radiation control area* means the area where appropriate radiation safety measures (such as restriction on exits or entries, personal radiation monitoring, special health monitoring...).

19. *Radioactive contamination*: Usually a specific activity will not exceed 70 KBq/kg; but for some reasons, the specific activity surpasses such limit.

## *Chapter II*

### **RESPONSIBILITIES TO ENSURE RADIATION SAFETY**

#### *Article 4.-*

1. Each radiation establishment shall have a manager who may be the owner, or the lawful representative of the owner or the lawful user of the establishment.

In cases where the owner doesn't manage the radiation establishment, his/her representative at law shall be the manager of the radiation establishment.

In cases where the owner is not the manager of the radiation establishment and does not have the lawful representative, the lawful user of the establishment shall be its manager.

2. The radiation establishment manager shall take the highest responsibility to ensure the radiation safety for his/her establishment and employees, the population and environment in surrounding areas, shall apply appropriate measures in order to keep radiation at the possible reasonably low level with economic and social factors being taken into account, which must not exceed the prescribed limit.

3. The Ministry of Science, Technology and Environment shall study and submit necessary amendments to the provisions of the Ordinance on Radiation Safety and Control regarding the radiation establishment manager's powers.

#### *Article 5.-*

1. The radiation establishment manager shall issue a written decision to appoint the radiation safety officer of the establishment in order to perform the tasks defined in the Article 11 of the Ordinance on Radiation Safety and Control.

Depending on the establishment's activity scale, the manager shall set up an appropriate radiation safety section.

2. The radiation establishment manager shall set up a radiation incident prevention and combat team suitable to the activity scale of the establishment. This team shall be provided with necessary equipment and regular training.

#### *Article 6.-*

1. The radiation establishment manager shall not be entitled to recruit any person under 18 or suffering from diseases or handicaps forbidden to work as

radiation personnel according to the Ministry of Health's stipulations.

2. Persons aged under 18, who are probationers or apprentices, shall be allowed to work only in the radiation control areas under the guidance of instructors.

#### *Article 7.-*

1. The radiation establishment manager shall have to annually inventory all radioactive sources, radiation apparatus, radioactive substances, radioactive waste, which are being managed by his/her establishment, and report thereon to the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment, and to his/her immediate high-level agency.

2. The radiation establishment manager shall have to submit the annual report on radiation safety status at his/her establishment to the Ministry of Science, Technology and Environment and to his/her immediate high-level agency.

*Article 8.-* The radiation establishment manager shall have to annually organize training course(s) for reviewing radiation safety regulations, updating new basic knowledges on radiation safety then, basing him/her-self on results of examination and periodical medical checkups, issue certificates permitting employees to continue working at the establishment. Personnel holding permits for conducting special radiation work must also attend such course(s).

*Article 9.-* The radiation establishment manager shall have to:

1. Organize the medical examination when recruiting radiation personnel.

2. Monitor the radiation personnel's health and organize medical examinations for them once every 6 months as stipulated by the Ministry of Health.

3. Provide the radiation personnel with protective means, personal dosimeters and compel them to use such equipment while performing radiation work.

4. Make the assessment of personal dose for radiation personnel at least once every 3 months at the institutions designated by the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment.

5. Keep the records on the radiation personnel's medical check-ups and personal doses for 30 years after

they move to perform non-radiation jobs or retire. In cases where the establishment has its license withdrawn, its manager shall still have to retain all the above-mentioned dossiers. In cases where the establishment dissolves, goes bankrupt or terminates its operation, the above-said dossiers must be handed over to radiation personnel.

**Article 10.-**

1. When detecting that the radiation dose at the establishment exceeds the prescribed normal working level but not the prescribed limit, the manager shall have to promptly investigate the cause and take remedial measures in time.

2. When a radiation worker is exposed to a dose beyond the annual dose limit, the manager shall have to:

a/ Send him/her to a specialized medical institution for examination and health monitoring;

b/ Investigate the cause and apply remedial measures;

c/ Assign him/her appropriate work in order to keep the personal dose below the prescribed limit.

3. When a female radiation worker is in the pregnancy or nursing period, the manager shall have to assign her any non-radiation job.

**Article 11.-**

1. The radiation establishment manager shall have to equip him-/herself with a dosimeter for monitoring regularly the radiation dose in the work place and around the establishment.

2. Any important radiation establishment having accelerator, nuclear reactor, industrial irradiator, teletherapy... must be equipped with the radiation alarm instrument.

3. Any radiation establishment with low radiation danger which can not equip itself with a dosimeter, shall have to use the radiation monitoring services.

**Article 12.-** The manager shall have to examine and calibrate radiation monitor, teletherapy and radiation apparatus once every 12 months. Any instrument which is newly imported or repaired shall be calibrated before being put to use.

**Article 13.-**

1. Establishments providing services in personal dosimetry, and/or maintenance and calibration of

radiation meters shall have to meet all the prescribed conditions and register their operations with the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment and shall be entitled to provide the above-said services after being granted operation licenses.

2. After their examination and assessment of personal doses, the establishments providing personal dosimetry services shall have to submit the radiation dose records to the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment and concerned radiation establishment(s).

**Article 14.-** The radiation establishment manager shall have to apply measures for radioactive waste management and treatment according to the regulations of the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment.

**Article 15.-** When a radiation establishment dissolves, goes bankrupt or terminates its operation, in order to ensure the radiation safety:

1. The manager shall have to:

a/ Send a report thereon to his/her direct managing agency and the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment, enclosed with the following documents:

- The inventory of radiation apparatus, radioactive sources, radioactive substances, radioactive waste according to inventory forms specified by the Ministry of Science, Technology and Environment;

- The plan for settling the radiation apparatus, radioactive sources, radioactive substances, radioactive waste.

b/ To hand over the health and personal dose records to radiation personnel;

c/ To ensure the radiation safety until being recognized as having been out of any responsibility by the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment.

2. The direct managing agency shall have to direct and supervise the radiation establishment manager in applying necessary measures to ensure the radiation safety until the establishment is recognized as having been out of any responsibility.

3. The Ministry of Science, Technology and Environment shall have to:

a/ Consider and approve the plan submitted by the manager;

b/ Organize the evaluation of the safe handling of radiation apparatus, radioactive sources, radioactive substances, radioactive waste and radiation establishment;

c/ Recognize by a decision that the radiation establishment will be out of any responsibility for ensuring the radiation safety.

#### **Article 16.-**

1. The annual dose limit for radiation personnel is 20 mSv, and for people is 1 mSv. These limits include external dose and internal dose, except for the natural radiation background.

2. The Ministry of Science, Technology and Environment shall specify other dose limits.

**Article 17.-** The Ministry of Science, Technology and Environment shall define the safety standards for radioactive sources, radiation apparatus, radiation establishments, radioactive substances, radioactive waste, and radiation practices.

### **Chapter III**

## **RESPONSIBILITIES FOR HANDLING RADIATION INCIDENT**

**Article 18.-** Levels of radiation incident:

**Level 1. Unexpected radiation incident is an incident which occurs when:**

1. The apparatus operates beyond the prescribed operating regime;

2. Considerable damage is caused to the safety system; radioactive release spreads in the establishment; personnel are over-exposed to radiation.

**Level 2. Serious radiation incident is an incident which occurs when:**

1. The safety systems are no longer effective; the establishment is subject to serious radioactive contamination radiation personnel's health is acutely affected;

2. Off-site radioactive release has exposed many persons to a personal radiation dose of up to 1 mSv.

**Level 3. A particularly serious radiation incident:**

1. A particularly serious radiation incident posing

no considerable danger to areas outside the establishment is a radiation incident which occurs when:

a/ The reactor core or safety system is considerably damaged; radiation personnel are exposed to a fatal dose;

b/ External radioactive release has exposed many people to a radiation dose of from 1 to 10 mSv.

2. A particularly serious radiation incident causing considerable danger to the outside of the establishment is a radiation incident which occurs when:

a/ The reactor core or safety systems is seriously damaged; radiation workers are exposed to a fatal dose;

b/ External radioactive release has exposed many people to a personal radiation dose of 10 mSv or more.

**Article 19.-** When a radiation incident occurs, the radiation establishment manager shall have to:

1. Quickly locate the incident site, assess its causes, characteristics and development in order to apply remedial measures according to the drawn-up plan:

a/ If the incident is at level 1, manpower and means in the establishment must be quickly mobilized so as to overcome the incident and seek ways to check it from spreading, to minimize possible consequences, to provide the first-aid to overexposed victims, to isolate the danger area, to monitor the development of the incident, to continuously control the radiation doses, to make report and submit it to his/her direct managing agency and the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment. If he/she deems incapable of overcoming the incident, he/she must report immediately to the higher-level agencies for timely support. Pending the support, he/she must continue organizing the handling of the incident and constantly inform such agencies thereof.

b/ If the incident is at level 2, he/she must immediately notify the incident site to the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment, his/her direct managing agency, the People's Committees of district/provincial town (hereafter referred collectively to as the district level) and of province/city directly under the Center Government (hereafter referred collectively to as the provincial level), where the incident occurs so as to get timely assistance and, depending on the seriousness of the incident, to let the People Committee of the district or provincial level notify the local population thereof; to overcome the event

as specified for the level 1; to evacuate personnel from the establishment if necessary; to isolate the entire establishment and maintain strict security, if the radiation danger widely spreads.

c/ If the incident is at level 3, he/she must quickly act as specified for level 2 incident; propose to the competent authorities to evacuate local population from dangerous areas if he/she deems necessary and take measures for the strict management of the environment.

2. Create favorable conditions for functional bodies to participate in overcoming the incident and to follow their instructions.

3. To fully, accurately and promptly provide necessary data to his/her direct managing agency, the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment, the radiation safety and control inspectorate. In case of a level 2 or level 3 incident, he/she must maintain constant communication with the above-said agencies in order to report on the development of the situation and receive necessary instructions.

4. To submit detailed report on the incident to his/her direct managing agency, the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment, the Ministry of Labor, War Invalids and Social Affairs, the People's Committee of the province where the radiation incident occurred. In case of urgent situation, the manager may report by phone, but shall later have to make a written report for files keeping.

Content of the initial urgent report includes:

- Full name, position of report maker;
- Name of the radiation establishment, full and exact address of the incident site;
- Time when the incident occurred;
- Important developments in the radiation incident area;
- Predictive cause of the incident;
- Full name, telephone number of the manager of the establishment where the incident occurred.

**Article 20.-**

1. The Ministry of Science, Technology and Environment shall set up the emergency team including members nominated by the Ministry of Science, Technology and Environment, the Ministry

of Public Security, the Ministry of Labor, War Invalids and Social Affairs, the Ministry of Defense and the Ministry of Health. This emergency team shall be provided with necessary protective equipment and machinery and with regular drills.

2. Upon receiving the urgent report on radiation incident, the Ministry of Science, Technology and Environment shall establish a steering board for overcoming the incident, consisting of competent representatives of relevant ministries, branches and localities, to be led by the Ministry of Science, Technology and Environment. This ministry shall send the emergency team and experienced experts to help the establishment overcome the incident; and at the same time appoint competent officials to monitor the incident and keep constant contact with the establishment in order to grasp the situation and to pass necessary instructions.

3. The steering board and emergency team shall be given full powers and priority in using the quickest transport means while performing their duty.

4. In case of a particularly serious radiation incident, the Ministry of Science, Technology and Environment shall have to promptly report in detail to the Prime Minister for instruction.

5. The Ministry of Science, Technology and Environment shall have to provide official information on the radiation incident to the mass media.

6. The Ministry of Science, Technology and Environment shall organize the implementation of international agreements relating to radiation incident which Vietnam has signed or acceded to.

7. The Ministry of Science, Technology and Environment shall have to study and elaborate the provisions on settling the consequences of radiation incidents which shall be submitted to the Government for further submission to the National Assembly Standing Committee for supplement to the Ordinance on Radiation Safety and Control.

**Article 21.-** Upon receiving an urgent report on radiation incident:

1. The ministry, branch and agency which directly manages the establishment shall have to:

a/ Immediately send specialists to the establishment, helping it overcome the incident;

b/ Appoint competent officials to follow the situation and keep constant contact with the

establishment in order to grasp the situation and pass necessary instructions.

2. The Ministry of Health shall have to:

a/ Give first-aid to the victims in time;

b/ Examine and monitor the health of persons who are affected by the incident.

3. The Ministry of Public Security shall have to:

a/ Immediately send competent officials to the establishment to help it overcome the incident and maintain security in the area;

b/ Coordinate with the Ministry of Science, Technology and Environment in investigating the cause of the incident; in case of an act of sabotage or negligence of responsibility, thus causing serious damage, to compile dossiers to examine for penal liability.

4. The Ministry of Labor, War Invalids and Social Affairs shall have to send State labor inspectors to the establishment for coordinating with radiation safety inspectors of the Ministry of Science, Technology and Environment in investigating cases of labor accident relating to radiation, which have caused death or serious radiation overexposure to radiation personnel.

5. The district/provincial People's Committees shall have to:

a/ Immediately send competent officials to help the establishment overcome the incident;

b/ Create favorable conditions for functional bodies to overcome the incident.

**Article 22.-** In case of a level 3 radiation incident (particular serious radiation incident) defined at Point 2, Article 18, apart from the measures provided for in Article 20 and Article 21 of this Decree:

The Ministry of Science, Technology and Environment shall urgently notify the incident to the People's Committee of the province where the incident occurred, which shall assume the prime responsibility and coordinate with the Ministry of Science, Technology and Environment as well as relevant agencies in evacuating the local population from the dangerous areas.

The Ministry of Health shall decide to allow or not allow the use of food, foodstuffs and drinking water in areas affected by the radiation incident;

The Ministry of Defense shall mobilize resources for overcoming the incident.

#### *Chapter IV*

### **DECLARATION, GRANTING OF REGISTRATION PAPERS AND LICENSES**

**Article 23.-** Organizations and/or individuals possessing radiation establishments, radioactive sources, radioactive waste or carrying out radiation work shall have to declare with the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment under the latter's guidance.

**Article 24.-** Organizations and/or individuals possessing radiation establishments, radioactive sources, radioactive waste or carrying out radiation practices shall have to apply for registration papers for their radioactive sources, for site of storage of radioactive waste according to the provisions in Article 24 of the Ordinance on Radiation Safety and Control.

The dossiers of application for registration papers shall be submitted to the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment.

Such a dossier shall include:

- The application for registration paper(s);
- The declaration;
- Copy of the record of radioactive sources/or radiation equipment.

**Article 25.-** Organizations and/or individuals possessing radiation establishments, radioactive sources, radioactive waste or carrying out radiation practices shall have to apply for the license for the establishment's operation, the license for carrying out radiation work (production, use, import, export, transportation... of radioactive sources) according to the provisions in Article 24 of the Ordinance on Radiation Safety and Control.

The dossiers of application for licenses shall be submitted to the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment; for cases specified in Clause 2 of Article 35 of this Decree, the dossiers shall be submitted to the Ministry of Health.

Such a dossier shall include:

- The application for licenses;
- The declaration;
- The written evaluation of radiation safety and environment impact regarding radiation safety;

- The report on test and acceptance of the capital construction part of the newly constructed establishment;

- Copy of the decision on establishing the radiation establishment.

#### **Article 26.-**

1. An employee wishing to perform a special radiation work specified in Article 24 of the Ordinance on Radiation Safety and Control shall have to submit the dossier of license application to State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment.

Such a dossier shall include:

- The application for license to perform special radiation work;

- Copies of diploma, appropriate professional certificates;

- Health certificate.

2. The special radiation work specified in Clause 1, Article 24 of the Ordinance on Radiation Safety and Control shall include:

- Installation, operation, repairing, overcoming failure of nuclear reactor, accelerator, teletherapy, semi-industrial or industrial irradiator, industrial scanner;

- Radioisotope production;

- Decontamination and overcoming radiation incidents of from level-2 upward, as defined in Article 18 of this Decree, for areas of radioactive contamination.

**Article 27.-** Organizations and/or individuals possessing radiation establishments, radioactive sources, radioactive waste or carrying out radiation practices, that had existed or operated before January 1, 1997, but failed to declare apply for registration papers and licenses, shall have to comply with the Ordinance on Radiation Safety and Control and this Decree.

**Article 28.-** The term of a license is stipulated as follows:

1. Establishment using nuclear reactor, accelerator, multipurpose irradiation facilities including radiation therapy: 5 years

2. Other radiation establishments: 3 years

3. Employees carrying out special radiation work: 3 years

4. Radiation work not defined in Clauses 1 and 2 of this Article: the term shall be determined appropriately according to types of work.

**Article 29.-** Organizations and individuals wishing to extend their licenses shall fulfil the extension procedure no later than 60 days before the expiry of the licenses.

A dossier of application for license extension shall include:

- The application for the extension;

- The written evaluation of radiation safety of the establishment during the licensed term, especially concerning radiation incidents and remedial measures.

#### **Article 30.-**

1. When wishing to upgrade, to expand the scope and purpose of operation of his/her establishment beyond the license stipulations, to upgrade the radiation facility beyond the contents of the registration paper, the radiation establishment manager shall submit the dossier of application for license to the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment.

Such a dossier shall include:

- The application for the license to upgrade, expand the scope and purpose of operation of the radiation establishment beyond the license stipulations (or to upgrade the radiation facility);

- Project for upgrading, expanding the operation scope and purpose (or upgrading radiation safety);

- Radiation safety report;

- The written evaluation of environment impact regarding radiation safety when putting the establishments or the facility into operation.

2. For radiation establishments and facilities mentioned in Clause 1 of this Article, the manager of the radiation establishment shall fulfil the procedures to apply for the amendment to the license or for new registration paper.

Such dossier shall include:

- The application for amendment to the license or for new registration paper;

- The report on test and acceptance regarding radiation safety for items mentioned in Clause 1 of this Article.

#### **Article 31.-**

1. Organizations and/or individuals applying for

registration papers, licenses, license extension or amendments shall have to pay evaluation charges and fees according to the provisions of law.

2. The Ministry of Finance shall, in cooperation with the Ministry of Science, Technology and Environment, determine the amount of fees and charges to be paid by for organizations and/or individuals mentioned in Clause 1 of this Article, and stipulate the management and use of such fees and charges.

**Article 32.-** The operation license of the radiation establishment, the license for carrying out radiation work or the license for radiation workers to carry out special radiation work shall be revoked in the following cases:

1. Organizations and/or individuals that are no longer qualified or violate the radiation safety regulations causing damage to people and environment, violates conditions specified in licenses but fail to rectify it within the timelimit specified in the notice of the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment. Such timelimit shall not exceed 30 days.

2. The radiation establishment dissolves or goes bankrupt.

**Article 33.-** The investment projects for the construction of installations using radioactive sources, radiation apparatus must be evaluated in term of their technology and radiation safety conditions by the State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment.

### *Chapter V*

## **STATE MANAGEMENT RESPONSIBILITY FOR RADIATION SAFETY AND CONTROL**

**Article 34.-**

1. The Ministry of Science, Technology and Environment shall be responsible to the Government for the exercise of unified State management over radiation safety and control throughout the country, responsible for the organizing and directing all radiation safety and control activities within the scope of its functions and duties as follows:

a/ To draft legal documents on radiation safety and control and the system of radiation safety

standards, and submit them to the Government for promulgation, or promulgate by itself according to its competence;

b/ To draw up and submit to the Government plans an radiation safety and control;

c/ To organize the declaration, issuance of registration papers and licenses, the extension, amendment and withdrawal of registration papers and licenses for radiation establishments, radioactive sources and radiation work in the fields of industry, agriculture, health service, education, construction, communication and transport, national defense, police... according to the provisions in the Chapter IV of this Decree; to instruct on the conditions in the cases of exemption of declaration, exemption of registration papers and exemption of license; to instruct on the contents, procedures, dossiers and forms related to declaration, registration and licensing;

d/ To organize the evaluation of radiation safety before granting registration papers and/or licenses, the extension and/or amendment of registration papers, licenses; to organize the evaluation of the site for the construction of radiation establishment, the design of radiation establishment, the design of radiation safety means and other cases specified by law;

e/ To organize the system of statistics and filing records on radiation establishments, radioactive sources, radiation apparatus, personal doses;

f/ To organize and direct the elaboration of plans for preventing and combating radiation incidents, and overcoming consequences thereof;

g/ To organize research and application of scientific and technological advances in the field of radiation safety;

h/ To organize the training of personnel working in the field of radiation safety and control;

i/ To organize the education, propagation and popularization of knowledges about radiation safety and control;

j/ To build and develop the material and technical foundations for radiation safety and control activities; to organize the environmental radiation monitoring, personal dosimetry services, control and calibration of dosimeters, measurement of activity of radioactive sources...

k/ To guide and inspect ministries, branches, localities, organizations and individuals in the implementation of the Ordinance on Radiation Safety and Control; to perform and organize the specialized

inspection on radiation safety and control;

l/ To submit to the Government proposals on Vietnam's participation in international organizations; signing of or acceding to international agreements on radiation safety, nuclear safety; to carry out international activities related to radiation safety and/or nuclear safety;

m/ To resolve complaints and/or denunciations; to deal with violations of legislation radiation safety and control according to law.

2. The State management agency in charge of radiation safety and control under the Ministry of Science, Technology and Environment shall act as the body assisting the Minister of Science, Technology and Environment in the exercise of State management function over radiation safety and control in the whole country.

**Article 35.-** The Ministry of Health shall have to coordinate with the Ministry of Science, Technology and Environment in performing the following tasks:

1. To elaborate radiation safety standards for radioactive pharmaceuticals, foods, foodstuffs, drinking water and guidances for safety in diagnosis and treatment by radiation;

2. To issue licenses for circulation of radioactive pharmaceuticals and irradiated products; pharmaceutical products, medical devices, food, foodstuffs, cigarette;

3. To organize specialized health stations for medical examination and health care for radiation personnel; to give first-aid and treatment to overdose-exposed persons or patient of radiation diseases; to organize periodical examination for detection of occupational diseases by radiation; •

4. To issue the list of diseases and/or handicaps banned from working with radiation.

**Article 36.-** The Ministry of Labor, War Invalid and Social Affairs shall have to coordinate with the Ministry of Health, the Vietnam Confederation of Labor and the Ministry of Science, Technology and Environment in elaborating and submitting to the Government for promulgation or promulgate by itself according to its power, policies and regimes for radiation personnel.

**Article 37.-** The Ministry of Public Security shall have to coordinate with the Ministry of Science, Technology and Environment in organizing:

1. The inspection of the observance of law

provisions on the transportation of radioactive substances, radioactive waste and radioactive sources.

2. The investigations of the losses of radioactive sources, the illegal trading, trafficking and use of radioactive sources.

**Article 38.-** The Ministry of Trade shall issue permits for the export and/or import of radioactive sources, radiation apparatus, complete equipment, technological chains using radioactive sources only after obtaining the written consent from the Ministry of Science, Technology and Environment.

**Article 39.-** The Ministry of Planning and Investment shall issue investment licenses or approval decision for construction of projects, technological chains using radioactive sources only after obtaining the license of the Ministry of Science, Technology and Environment.

**Article 40.-**

1. The Customs offices shall not accomplish customs procedures for radioactive sources and goods containing radioactive substances without the license of the Ministry of Science, Technology and Environment. In case of the lack of conditions for clearance of the customs procedures, they shall promptly inform the Ministry of Science, Technology and Environment thereof for coordinated handling.

2. The Customs offices shall inspect and supervise the transportation of radioactive sources at border gates.

3. The Ministry of Science, Technology and Environment shall issue technical regulations in order to ensure safe transport of radioactive substances (including radioactive sources and waste).

**Article 41.-**

1. The ministries, the ministerial-level agencies and agencies attached to the Government shall, within their respective functions, duties and powers, have to coordinate with the Ministry of Science, Technology and Environment in performing the State management over radiation safety and control in establishments under their management as follows:

a/ To promulgate, according to their respective competence, legal documents on radiation safety and control within the branch in accordance with the Ordinance on Radiation Safety and Control and this Decree.

b/ To direct and inspect the observance of law

provisions, plans and measures on radiation safety and control within the branch.

2. The Ministry of Public Security and the Ministry of National Defense shall have to ensure radiation safety for their radiation establishments, radiation-related activities under their management, which require confidentiality.

#### **Article 42.-**

1. The People's Committees of the provinces and cities directly under the Central Government shall have to perform the State management over radiation safety and control in their respective localities.

2. The provincial/municipal Departments of Science, Technology and Environment shall have to assist the provincial/municipal People's committees in performing the State management over radiation safety and control within their respective localities.

The duties, powers and organization of the provincial/municipal Department of Science, Technology and Environment in the field of radiation safety and control shall be specified by the People's Committees of the provinces and cities directly under the Central Government under the guidance of the Ministry of Science, Technology and Environment.

### **Chapter VI**

## **INSPECTION AND DEALING WITH VIOLATIONS**

**Article 43.-** Radiation safety and control inspectorate is the specialized inspectorate in the field of radiation safety and control within the system of specialized science, technology and environment State inspectorates of the Ministry of Science, Technology and Environment.

The Ministry of Science, Technology and Environment shall be responsible to the Government for the organization and guidance of the performance of specialized radiation safety and control inspection function according to the following tasks:

1. To control and inspect the implementation of the Ordinance on Radiation Safety and Control throughout the country.

2. To control and inspect the observance of law provisions on radiation safety and control by radiation establishments.

3. To coordinate with inspectors of other

ministries, the State labor inspectors, environment inspectors in performing the task of control and inspection of labor safety, labor hygiene and environmental protection in performing radiation work.

4. To investigate radiation incidents and coordinate with labor safety inspectors of the Labor, War Invalids and Social Affairs Services in investigating case of labor accidents related to radiation, causing serious overexposure or death to radiation worker(s).

5. The Ministry of Science, Technology and Environment shall submit to the Government the annual report on radiation safety and control situation (the quantity, use, import and preservation of radioactive sources...) throughout the country.

#### **Article 44.-**

1. Regular radiation safety inspections shall be carried out to implement the inspection program and plans approved by the Ministry of Science, Technology and Environment.

2. Irregular radiation safety inspections shall be carried out when solving complaints and/or denunciations; when the Ministry of Science, Technology and Environment discovers signs of violation against the Ordinance on Radiation Safety and Control; or at the request of the Government, State Inspectorate.

**Article 45.-** The Minister of Science, Technology and Environment shall stipulate the organization, duties, power and operation of the specialized radiation safety and control inspectorate; issue the regulation on the operation of the radiation safety and control inspectorate in accordance with the Ordinance on Radiation Safety and Control and the Ordinance on Inspectorate.

**Article 46.-** Organizations and/or individuals violating the Ordinance on Radiation Safety and Control and this Decree shall, depending on the seriousness and nature of the violations, be disciplined, administratively sanctioned or examined for penal liability as prescribed by law.

For violations of stipulations in licenses or violations which are causing or will cause radiation incidents, the competent bodies or inspectors shall have to immediately issue decisions to temporarily suspend part or the whole of the work in order to avoid serious consequences.

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*Chapter VII***IMPLEMENTATION PROVISIONS**

*Article 47.-* This Decree shall take effect 15 (fifteen) days after its signing. All previous provisions contrary to this Decree shall be repealed.

*Article 48.-* The Ministry of Science, Technology and Environment shall have to guide in detail the implementation of this Decree.

*Article 49.-* The ministers, heads of the ministerial-level agencies, heads of the agencies attached to the Government and presidents of the People's Committees of the provinces and cities directly under the Central Government shall have to implement this Decree.

*For the Government*  
*Prime Minister*  
**PHAN VAN KHAI**