Law of the PRC on the Prevention and Control of Radioactive Pollution

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of preventing and controlling radioactive pollution, protecting the environment, safeguarding human health, and promoting the development and peaceful use of nuclear energy and nuclear technology.

Article 2 — This Law applies to the prevention and control of radioactive pollution caused by the siting, construction, operation, and decommissioning of nuclear facilities, the development and utilization of nuclear

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technology, and the mining and metallurgy of uranium (thorium) and associated radioactive mines within the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China.

Article 3 — The state shall adopt policies and measures that are conducive to the prevention and control of radioactive pollution in the development and utilization of nuclear energy and nuclear technology. Enterprises and public institutions that make outstanding achievements in the prevention and control of radioactive pollution shall be commended and rewarded.

Article 4 — The state shall encourage and support scientific research on the prevention and control of radioactive pollution, the development and utilization of advanced technology, and the strengthening of international cooperation and exchange in the prevention and control of radioactive pollution.

Article 5 — The competent administrative department of environmental protection under the State Council shall exercise unified supervision and administration over the prevention and control of radioactive pollution nationwide. The relevant departments under the State Council shall, in accordance with their respective functions and duties, supervise and administer the prevention and control of radioactive pollution.

Chapter II — Prevention and Supervision of Radioactive Pollution

Article 6 — Any entity that causes radioactive pollution shall take effective measures to prevent and control such pollution and shall bear liability for damage caused to others in accordance with the law.

Article 7 — The state shall establish a system of standards for the prevention and control of radioactive pollution. The competent administrative department of environmental protection under the State Council shall, in accordance with the requirements of environmental safety and the state's economic and technological conditions, formulate national standards for the prevention and control of radioactive pollution.

Article 8 — The state shall implement a licensing system for sites where nuclear facilities are constructed. Entities intending to construct nuclear facilities shall submit an environmental impact report to the competent administrative department of environmental protection under the State Council before applying for the examination and approval of site selection for construction projects.

Article 9 — The state shall implement a system of permits for the safety of radiation. Entities engaging in the production, sale, and use of radioactive isotopes and radiation devices shall obtain a radiation safety permit in accordance with the law.

Article 10 — Radiation workers shall undergo training and assessment on radiation safety and protection knowledge and shall hold a certificate of qualification for radiation work.

Chapter III — Prevention and Control of Radioactive Pollution from Nuclear Facilities

Article 11 — Entities operating nuclear facilities shall, in accordance with the state provisions on the environmental management of construction projects, prepare and submit environmental impact reports, and shall not commence construction until the reports have been examined and approved.

Article 12 — Entities operating nuclear facilities shall establish and improve a system for the prevention and control of radioactive pollution, adopt measures for safety and protection, and ensure the safe operation of nuclear facilities.

Article 13 — The discharge of gaseous radioactive substances from nuclear facilities shall comply with the state discharge standards. The discharge of liquid radioactive substances from nuclear facilities shall comply with the state discharge standards. Entities operating nuclear facilities shall monitor the types, concentrations, and total amounts of radionuclides in the discharged substances and report to the competent administrative department of environmental protection.

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Article 14 — The decommissioning of nuclear facilities shall be conducted in accordance with the approved decommissioning plan. The entity operating a nuclear facility shall prepare a decommissioning plan and decommissioning environmental impact report and, upon approval, implement the decommissioning.

Chapter IV — Prevention and Control of Radioactive Pollution from Nuclear Technology Utilization

Article 15 — Entities producing, selling, or using radioactive isotopes and radiation devices shall, in accordance with the law, undergo the procedures for obtaining a radiation safety permit. The import of radioactive isotopes and radiation devices shall comply with the relevant state provisions.

Article 16 — Entities producing, selling, or using radioactive isotopes and radiation devices shall establish safety and protection systems, adopt protective measures, and conduct regular inspections of the performance of radiation protection and the safety of radiation devices.

Article 17 — The storage, transfer, and return of radioactive sources shall strictly comply with the relevant safety provisions. Entities producing radioactive sources shall, in accordance with the provisions, uniformly manage the recycling and storage of disused radioactive sources.

Chapter V — Prevention and Control of Radioactive Pollution from Uranium Mining and Metallurgy

Article 18 — Entities engaged in uranium (thorium) mining and metallurgy shall, in accordance with the state provisions on the environmental management of construction projects, prepare and submit environmental impact reports, and shall not commence construction until the reports have been examined and approved.

Article 19 — Entities engaged in uranium (thorium) mining and metallurgy shall adopt measures for the prevention and control of radioactive pollution, including measures for radiation protection, waste management, decommissioning, and monitoring of radioactive contamination.

Article 20 — The decommissioning of uranium (thorium) mines and metallurgy facilities shall be conducted in accordance with the approved decommissioning plan and environmental impact report. Entities shall restore the environment of the decommissioned sites in accordance with the relevant state provisions.

Chapter VI — Management of Radioactive Waste

Article 21 — Entities producing radioactive waste shall, in accordance with the relevant state provisions on the prevention and control of radioactive pollution, treat and dispose of radioactive waste, and shall not discharge it without treatment or without meeting the discharge standards.

Article 22 — The state shall implement a system of centralized disposal of radioactive waste. The establishment of centralized radioactive waste disposal facilities shall comply with the requirements of the national plan for the disposal of radioactive waste and shall be subject to examination and approval in accordance with the law.

Article 23 — The state shall prohibit the import of radioactive waste into the territory of the People’s Republic of China. The state shall strictly control the transboundary movement of radioactive isotopes and radiation devices.

Chapter VII — Legal Liability

Article 24 — Where an entity, in violation of this Law, commits any of the following acts, the competent administrative department of environmental protection or other relevant departments shall, in accordance with their functions and duties, order it to cease the illegal act, make rectification within a prescribed time limit, and impose a fine: (1) failing to prepare an environmental impact report, or failing to have the report

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examined and approved, or commencing construction without authorization; (2) engaging in the production, sale, or use of radioactive isotopes and radiation devices without obtaining a radiation safety permit in accordance with the law; (3) failing to monitor the discharge of radioactive substances or failing to report in accordance with the provisions; (4) failing to treat radioactive waste in accordance with the relevant state provisions on the prevention and control of radioactive pollution, or discharging radioactive waste without treatment or without meeting the discharge standards; (5) conducting improper storage, transfer, or return of radioactive sources.

Article 25 — Where an entity, in violation of this Law, causes a radioactive pollution accident, the competent administrative department of environmental protection shall impose a fine in accordance with the law; where the circumstances are serious, the radiation safety permit shall be revoked. Where the accident causes damage to others, the entity shall bear civil liability in accordance with the law.

Article 26 — Where an entity, in violation of this Law, imports radioactive waste into the territory of the People's Republic of China, or illegally transports radioactive waste into or through the territory of the People's Republic of China, the customs shall return the radioactive waste and impose a fine; where the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 27 — Where staff members of the competent administrative department of environmental protection or other relevant departments, in violation of this Law, abuse their powers, neglect their duties, or commit malpractice for personal gain in the supervision and administration of the prevention and control of radioactive pollution, they shall be subject to administrative sanctions in accordance with the law; where the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter VIII — Supplementary Provisions

Article 28 — The following terms as used in this Law shall have the following meanings: (1) "radioactive pollution" refers to the presence of radionuclides or radiation in the environment due to human activities that exceed state standards and thereby endanger human health or the ecological environment; (2) "nuclear facilities" refer to nuclear power plants, nuclear heat supply stations, nuclear steam supply stations, and other nuclear reactors, and supporting facilities; (3) "nuclear technology utilization" refers to the utilization of sealed radioactive sources, unsealed radioactive sources, and radiation devices in medical treatment, industry, agriculture, geological survey, scientific research, teaching, and other fields; (4) "radioactive isotopes" refer to a certain type of element that produces radioactive decay, including sealed radioactive sources and unsealed radioactive sources; (5) "radiation devices" refer to devices that can produce ionizing radiation, such as X-ray machines, accelerators, and neutron generators; (6) "radioactive waste" refers to materials containing radionuclides or contaminated by radionuclides whose concentration or specific activity exceeds the state-prescribed clearance levels and which are no longer to be used.

Article 29 — The prevention and control of radioactive pollution caused by military facilities and equipment shall be separately prescribed by the State Council and the Central Military Commission.

Article 30 — This Law shall come into force on October 1, 2003.

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