

REGULATION

Detecting and handling of orphan sources

*(In accompaniment with Decision No 146/2007/QĐ-TTg
by the Prime Minister dated 4 September 2007)*

Chapter I

GENERAL PROVISIONS

Article 1. Scope and Subject

This regulation specifies responsibilities of Vietnamese organisations and individuals, foreign organisations and individuals, overseas resident Vietnamese individuals (hereinafter referred to as organisations, individuals) in detecting and handling radioactive sources that were not under control of competent authorities or organisations, individuals possessing the source or being authorised to manage, use the source (hereinafter referred to as orphan sources).

Article 2. Definitions

The following definitions apply for the purpose of this Regulation:

1. **Orphan sources** mean radioactive sources that have been:

- a) Stolen;
- b) Lost;
- c) Abandoned;
- d) Misplaced;
- đ) Illegally transferred;
- e) Illegally stored, used.

2. **Detecting/discovering orphan sources** means the detecting/discovering radioactive substances and suspected objects containing radioactive substances under one of the cases specified Item 1 of this Article.

3. **Handling orphan sources** means bringing the source under regulatory control and applying necessary measures for decontamination.

Article 3. Principles in reporting information and handling orphan sources

1. Information on orphan sources shall be reported to the competent authority.

2. The handling of orphan sources shall be carried out in a prompt and safe manner.

Article 4. Database on orphan sources

1. Database on orphan sources is part of the database used for the State management in radiation and nuclear safety and control.

2. The database on orphan sources shall be regularly updated from the following information sources:

- a) Results from investigation and records relating to radioactive sources;
- b) Reports on inspection of radiation safety;
- c) Reports of orphan sources from scrap metal dealers and steel producers or discovery by equipment installed at ports;
- d) Reports from custom offices, police, border control army and relevant offices at ports or organisations, individuals;
- đ) Information on stolen, lost, abandoned, misplaced, unknown owner sources and illegally transferred, stored and used sources that have been found;
- e) Notification from medical facilities of injured patients likely due to radiation exposure;
- g) Notification from organisations, individuals of abnormal radiation levels;
- h) Reports on handling orphan sources that have been found;
- i) Other information sources.

3. The Ministry of Science and Technology shall have the responsibility:

a) To establish and maintain the database specified in Item 1 of this Article;

b) To provide guidance to Departments of Science and Technology on the implementation of the provision specified in Item 5 of this Article.

4. Ministries and relevant agencies shall provide the Ministry of Science and Technology with the information specified in Item 2 of this Article for the national database.

5. Departments of Science and Technology shall have the responsibility:

a) To establish and maintain their local database on radiation and nuclear safety and control;

b) To provide information for the national database on radiation and nuclear safety and control, including information on orphan sources;

c) To use the national database for the provincial management on radiation and nuclear safety and control.

Article 5. Funding for detecting and handling orphan sources

1. Funding from the State budget shall be allocated to the competent authority for equipment and operating cost to be used for detection and handling of orphan sources.

2. The Ministry of Finance shall, in coordination with the Ministry of Science and Technology, specify details of financial mechanism to effectively use the funding in detecting and handling orphan sources.

3. Owners or licensees of radioactive sources shall bear the cost for searching and handling their radioactive sources if the source is in situations specified in Paragraphs a, b, c and d of Item 1 Article 2 of this Regulation.

Chapter II

RESPONSIBILITY FOR SEARCHING FOR ORPHAN SOURCES

Article 6. Responsibility for searching for orphan sources

1. The Ministry of Science and Technology shall be responsible, in coordination with relevant Ministries, Agencies and City/Provincial People's Committees, for:

a) Developing and organising programs for disseminating knowledge and information to raise awareness of orphan sources and responsibilities of organisations, individuals when orphan sources were found;

b) Organising the collection and investigation of information to find orphan sources;

c) Developing and organising the implementation of measures to search for orphan sources when receiving information relating to the orphan sources.

2. Ministries, ministerial-level agencies, Governmental Agencies and City/Provincial People's Committees shall cooperate with the Ministry of Science and Technology to implement the measures specified in Item 1 of this Article.

3. Custom offices shall, in coordination with the State Authority on radiation and nuclear safety and control, apply appropriate equipment and necessary measures to detect and control radioactive sources at ports.

4. Steel producers using scrap metals shall have appropriate equipment to detect radioactive sources.

5. Scrap metal dealers shall apply appropriate measures to detect radioactive sources.

6. The Ministry of Science and Technology shall provide technical and professional supports to Custom offices at ports in detecting radioactive sources specified in Item 3 of this Article and provide guidance on equipment and measures applied for detecting radioactive sources specified in Items 4 and 5 of this Article.

Article 7. Responsibilities of organisations, individuals when discovering or having information on orphan sources

1. Organisations, individuals when discovering or having information on an orphan source, shall immediately report to the nearest police, Department of Science and Technology or Vietnam Agency for Radiation and Nuclear Safety and Control.

2. The police when discovering or receiving information on an orphan source, shall immediately report to the Department of Science and Technology or Vietnam Agency for Radiation and Nuclear Safety and Control.

3. Custom offices, border control army and port control agencies when detecting a radioactive source is illegally transferred, transported cross border, shall retain the source and immediately report to the Department of Science and Technology or Vietnam Agency for Radiation and Nuclear Safety and Control.

4. Medical facilities when detecting patients likely injured due to radiation exposure to radioactive sources shall immediately report to the

Department of Science and Technology or Vietnam Agency for Radiation and Nuclear Safety and Control.

5. Steel producers and scrap metal dealers when discovering a radioactive source shall immediately report to the nearest police, the Department of Science and Technology or Vietnam Agency for Radiation and Nuclear Safety and Control.

Chapter III

HANDLING ORPHAN SOURCES THAT HAVE BEEN FOUND

Article 8. Responsibilities for handling found orphan sources

1. Departments of Science and Technology when having found an orphan source shall in coordination with relevant organisations take the following actions:

- a) Providing guidance to related organisations, individuals to immediately implement safety and security measures;
- b) Implementing measures specified in Item 1 of Article 9 of this Regulation;
- c) Reporting to the Ministry of Science and Technology of the discovery and measures that have been applied.

2. Departments of Science and Technology when receiving information on an orphan source shall in coordination with relevant organisations take the following actions:

- a) Verifying the information;
- b) Organising searching for the source if the information is confirmed;
- c) Immediately reporting to the Ministry of Science and Technology of the information and measures that have been applied to search for the source.

3. The Ministry of Science and Technology shall direct the Vietnam Agency for Radiation and Nuclear Safety and Control to provide guidance and assist Departments of Science and Technology to implement provisions specified in Items 1 and 2 of this Article.

4. Provincial Police Department shall coordinate with the Department of Science and Technology to conduct investigation to identify the owner of the source.

5. Organisations, individuals after reporting of the orphan source shall follow directions of competent authority in ensuring the safety and security of the source.

Article 9. Measures for handling orphan sources

1. In the case that the radioactive source was stolen, lost, abandoned or misplaced, the Departments of Science and Technology shall, in coordination with relevant agencies, organise the verification of information on orphan source, and search for and recover the radioactive source into an interim storage and identify the owner so as to return the source to its owner.

2. After 30 days the source is in storage, if the owner of the source cannot be identified, the Departments of Science and Technology shall report to the Ministry of Science and Technology in order to bring the orphan source into safe and secure conditions.

3. In the case that the radioactive sources were illegally transferred, stored or used, the State Authority shall apply enforcement and request organisation, individuals apply for a license as specified by law;

4. In the case that orphan sources caused contamination, Provincial Departments of Science and Technology shall apply necessary measures to imitigate potential hazouds to the people and the environment.

Chapter IV

AWARDING AND VIOLATION HANDLING

Article 10. Awarding

Organisations, individuals who discovered and immediately reported to the authorities of the information on orphan sources and actively involved in searching for the source shall be awarded in accordance with laws.

Article 11. Violation Handling

1. Organisations, individuals who violate provisions of the Regulation shall, depending on the nature and seriousness of the violation and its consequences, be administratively sanctioned, legally disciplined and compensate for the loss if any in accordance with laws.

2. Any person due to their lack of responsibility, abuse of their position or power to obstruct the searching, detecting and handling of orphan sources shall, depending on the nature and seriousness of the violation and its consequences, be administratively sanctioned, disciplined and compensate for the loss if any in accordance with laws.

Chapter V
IMPLEMENTATION PROVISIONS

Article 12. The Ministry of Science and Technology shall provide guidance and organise the implementation of this Regulation.

Any issues arise during the implementation of this Regulation shall be informed to the Ministry of Science and Technology to be reported to the Prime Minister./.

THE PRIME MINISTER

(signed)

Nguyễn Tấn Dũng