|  |  |  |
| --- | --- | --- |
| 发文机关Promulgator | ：: | 全国人民代表大会常务委员会The Standing Committee of the National People's Congress |
| 发布日期Date of Issue | ：: | 2003.06.282003.06.28 |
| 生效日期Effective Date | ：: | 2003.10.012003.10.01 |
| 时效性Effectiveness | ：: | 现行有效Current |
| 文号No.  | ：: | 主席令第六号Presidential Decree No. 6 |

# 中华人民共和国放射性污染防治法

# Law of the People's Republic of China on Prevention and Control of Radioactive Pollution

中华人民共和国主席令第六号

Order of the President No.6

《中华人民共和国放射性污染防治法》已由中华人民共和国第十届全国人民代表大会常务委员会第三次会议于２００３年６月２８日通过，现予公布，自２００３年１０月１日起施行。

The Law of the People's Republic of China on the Prevention and Control of Radioactive Pollution, which was adopted at the 3rd session of the Standing Committee of the 10th National People's Congress on June 28, 2003, is released hereby and shall take effect as of October 1, 2003.

中华人民共和国主席 胡锦涛

President Hu Jintao

２００３年６月２８日

June 28, 2003

中华人民共和国放射性污染防治法

Law of the People's Republic of China on Prevention and Control of Radioactive Pollution

（２００３年６月２８日第十届全国人民代表大会常务委员会第三次会议通过）

(Adopted at the 3rd session of the Standing Committee of the 10th National People's Congress on June 28, 2003)

目 录

Contents

　　第一章 总 则

Chapter 1 General Provisions

　　第二章 放射性污染防治的监督管理

Chapter 2 Supervision over Prevention and Control of Radioactive Pollution

　　第三章 核设施的放射性污染防治

Chapter III Prevention and Control of Radioactive Pollution Caused by Nuclear Installations

　　第四章 核技术利用的放射性污染防治

Chapter 4 Prevention and Control of Radioactive Pollution Caused by Utilization of Nuclear Technology

　　第五章 铀（钍）矿和伴生放射性矿开发利用的放射性污染防治

Chapter 5 Prevention and Control of Radioactive Pollution During Exploitation of Uranium (Thorium) and Accompanying Radioactive Mines

　　第六章 放射性废物管理

Chapter 6 Management of Radioactive Wastes

　　第七章 法律责任

Chapter 7 Legal Liabilities

　　第八章 附 则

Chapter 8 Supplementary Provisions

第一章 总 则

Chapter 1 General Provisions

第一条   为了防治放射性污染，保护环境，保障人体健康，促进核能、核技术的开发与和平利用，制定本法。

Article 1 This Law is enacted to prevent and control radioactive pollution, protect the environment, ensure human health, and promote the development and peaceful use of nuclear energy and technology.

第二条   本法适用于中华人民共和国领域和管辖的其他海域在核设施选址、建造、运行、退役和核技术、铀（钍）矿、伴生放射性矿开发利用过程中发生的放射性污染的防治活动。

Article 2 This Law shall be applicable to the prevention and control of radioactive pollution discharged in the course of site selection, construction, operation and decommissioning of nuclear installations and in the cause of development and utilization of nuclear technology, uranium (thorium) and accompanying radioactive mines in the territory of the People's Republic of China and in the territorial waters under its jurisdiction.

第三条   国家对放射性污染的防治，实行预防为主、防治结合、严格管理、安全第一的方针。

Article 3 In prevention and control of radioactive pollution, the State applies the principles of putting prevention first, combining prevention and control measures, exercising rigorous control, and giving priority to safety.

第四条   国家鼓励、支持放射性污染防治的科学研究和技术开发利用，推广先进的放射性污染防治技术。

Article 4 The State encourages and supports scientific research in, and the development and utilization of technology for, the prevention and control of radioactive pollution, and the wide use of advanced technology in the effort.

国家支持开展放射性污染防治的国际交流与合作。

The State supports international exchange and cooperation in prevention and control of radioactive pollution.

第五条   县级以上人民政府应当将放射性污染防治工作纳入环境保护规划。

Article 5 People's governments at or above the county level shall incorporate the work for prevention and control of radioactive pollution into their plans for environmental protection.

县级以上人民政府应当组织开展有针对性的放射性污染防治宣传教育，使公众了解放射性污染防治的有关情况和科学知识。

People's governments at or above the county level shall take charge of dissemination and education aimed at preventing and controlling radioactive pollution, in order to keep the general public informed of the situation, and impart to them scientific knowledge, related to the prevention and control of radioactive pollution.

第六条   任何单位和个人有权对造成放射性污染的行为提出检举和控告。

Article 6 Every unit and individual shall have the right to report to the authorities and bring a charge against any act that causes radioactive pollution.

第七条   在放射性污染防治工作中作出显著成绩的单位和个人，由县级以上人民政府给予奖励。

Article 7 People's government at or above the county level shall give rewards to units and individuals that make outstanding achievements in prevention and control of radioactive pollution.

第八条   国务院环境保护行政主管部门对全国放射性污染防治工作依法实施统一监督管理。

Article 8 The administrative department for environmental protection under the State Council shall, in accordance with law, exercise unified supervision over the prevention and control of radioactive pollution throughout the country.

国务院卫生行政部门和其他有关部门依据国务院规定的职责，对有关的放射性污染防治工作依法实施监督管理。

The administrative department for health under the State Council as well as the relevant departments shall, in compliance with their duties defined by the State Council and in accordance with law, exercise supervision over the prevention and control of radioactive pollution.

第二章 放射性污染防治的监督管理

Chapter 2 Supervision over Prevention and Control of Radioactive Pollution

第九条   国家放射性污染防治标准由国务院环境保护行政主管部门根据环境安全要求、国家经济技术条件制定。国家放射性污染防治标准由国务院环境保护行政主管部门和国务院标准化行政主管部门联合发布。

Article 9 The administrative department for environmental protection under the State Council shall, in accordance with the requirements for environmental safety and on the basis of the economic and technological conditions of the State, formulate national standards for prevention and control of radioactive pollution. Such standards shall jointly be issued by the administrative department for environmental protection under the State Council and the administrative department for standardization under the State Council.

第十条   国家建立放射性污染监测制度。国务院环境保护行政主管部门会同国务院其他有关部门组织环境监测网络，对放射性污染实施监测管理。

Article 10 The State establishes a system for monitoring radioactive pollution. The administrative department for environmental protection under the State Council shall, in conjunction with the relevant departments under the State Council, form an environmental monitoring network to monitor and control radioactive pollution.

第十一条   国务院环境保护行政主管部门和国务院其他有关部门，按照职责分工，各负其责，互通信息，密切配合，对核设施、铀（钍）矿开发利用中的放射性污染防治进行监督检查。

Article 11 The administrative department for environmental protection under the State Council and the relevant departments under the State Council shall, in accordance with their division of duties and respective responsibilities and by exchanging information and acting in close co-ordination, conduct supervision and inspection of the prevention and control of radioactive pollution discharged by nuclear installations and in the course of exploiting uranium (thorium) mines.

县级以上地方人民政府环境保护行政主管部门和同级其他有关部门，按照职责分工，各负其责，互通信息，密切配合，对本行政区域内核技术利用、伴生放射性矿开发利用中的放射性污染防治进行监督检查。

The administrative departments for environmental protection under the local people's government at or above the county level and the relevant departments at the same level shall, in accordance with their division of duties and respective responsibilities and by exchanging information and acting in close co-ordination, conduct supervision and inspection of the prevention and control of radioactive pollution discharge in the cause of utilizing nuclear technology and exploiting accompanying radioactive mines in their respective administrative regions.

监督检查人员进行现场检查时，应当出示证件。被检查的单位必须如实反映情况，提供必要的资料。监督检查人员应当为被检查单位保守技术秘密和业务秘密。对涉及国家秘密的单位和部位进行检查时，应当遵守国家有关保守国家秘密的规定，依法办理有关审批手续。

When conducting on-the-spot inspections, the supervisors and inspectors shall produce their identification documents. The units under inspection must give a truthful report of the situation and provide the necessary information. The supervisors and inspectors shall keep confidential the technological and business secrets of the units under inspection. When conducting inspection of the units and locations related to State secrets, they shall observe relevant State regulations for guarding State secrets and go through the relevant formalities of examination and approval in accordance with law.

第十二条   核设施营运单位、核技术利用单位、铀（钍）矿和伴生放射性矿开发利用单位，负责本单位放射性污染的防治，接受环境保护行政主管部门和其他有关部门的监督管理，并依法对其造成的放射性污染承担责任。

Article 12 Units that operate nuclear installations, utilize nuclear technology, or exploit uranium (thorium) and accompanying radioactive mines shall be responsible for prevention and control of radioactive pollution in their own units, subject themselves to supervision by the administrative department for environmental protection and the relevant departments and, in accordance with law, bear the responsibility for radioactive pollution caused.

第十三条   核设施营运单位、核技术利用单位、铀（钍）矿和伴生放射性矿开发利用单位，必须采取安全与防护措施，预防发生可能导致放射性污染的各类事故，避免放射性污染危害。

Article 13 Units that operate nuclear installations, utilize nuclear technology, or exploit uranium (thorium) and accompanying radioactive mines shall adopt safety and protective measures to prevent the occurrence of any kind of accident that may lead to radioactive pollution and to avoid hazards incurred by such pollution.

核设施营运单位、核技术利用单位、铀（钍）矿和伴生放射性矿开发利用单位，应当对其工作人员进行放射性安全教育、培训，采取有效的防护安全措施。

Units that operate nuclear installations, utilize nuclear technology, or exploit uranium (thorium) and accompanying radioactive mines shall provide their workers with education and training in safety from radiation and adopt effective protective and safety measures.

第十四条   国家对从事放射性污染防治的专业人员实行资格管理制度；对从事放射性污染监测工作的机构实行资质管理制度。

Article 14 The State applies a qualification control system among the professionals engaged in the prevention and control of radioactive pollution, as well as among the institutions engaged in monitoring of radioactive pollution.

第十五条   运输放射性物质和含放射源的射线装置，应当采取有效措施，防止放射性污染。具体办法由国务院规定。

Article 15 For transport of radioactive material and radiation-emitting devices containing radioactive sources, effective measures shall be adopted to prevent radioactive pollution. The specific measures shall be formulated by the State Council.

第十六条   放射性物质和射线装置应当设置明显的放射性标识和中文警示说明。生产、销售、使用、贮存、处置放射性物质和射线装置的场所，以及运输放射性物质和含放射源的射线装置的工具，应当设置明显的放射性标志。

Article 16 Radioactive material and radiation-emitting devices shall be attached with clear radiation labels and warning descriptions in Chinese. The places where radioactive material and radiation-emitting devices are produced, marketed, used, stored or disposed of and the means of transport for radioactive material and radiation-emitting devices containing radioactive sources shall be put with clear marks of radiation.

第十七条   含有放射性物质的产品，应当符合国家放射性污染防治标准；不符合国家放射性污染防治标准的，不得出厂和销售。

Article 17 Products containing radioactive material shall conform to national standards for prevention and control of radioactive pollution; products that do not conform to such standards shall not leave the factory or be put on the market.

使用伴生放射性矿渣和含有天然放射性物质的石材做建筑和装修材料，应当符合国家建筑材料放射性核素控制标准。

Slag from accompanying radioactive mines and stone materials containing natural radioactive substances shall be used for construction and refurbishing in conformity with the national standards for the control of radioactive nuclides in construction materials.

第三章 核设施的放射性污染防治

Chapter III Prevention and Control of Radioactive Pollution Caused by Nuclear Installations

第十八条   核设施选址，应当进行科学论证，并按照国家有关规定办理审批手续。在办理核设施选址审批手续前，应当编制环境影响报告书，报国务院环境保护行政主管部门审查批准；未经批准，有关部门不得办理核设施选址批准文件。

Article 18 The site for nuclear installations shall be selected on the basis of scientific demonstration, and the formalities of examination and approval shall be gone through in accordance with relevant State regulations. Before going through the examination and approval formalities for selection of the site for nuclear installations, an environmental impact report shall be prepared and submitted to the administrative department for environmental protection under the State Council for examination and approval; without approval, the relevant department shall not issue approval documents for selection of such a site.

第十九条   核设施营运单位在进行核设施建造、装料、运行、退役等活动前，必须按照国务院有关核设施安全监督管理的规定，申请领取核设施建造、运行许可证和办理装料、退役等审批手续。

Article 19 Before construction, fuel loading, operation or decommissioning of nuclear installations, the units that operates nuclear installations shall, in accordance with regulations of the State Council on supervision of nuclear installation safety, apply for a licence for construction and operation of nuclear installations and go through the formalities of examination and approval for fuel loading and decommissioning.

核设施营运单位领取有关许可证或者批准文件后，方可进行相应的建造、装料、运行、退役等活动。

The unit that operates nuclear installations shall, only after obtaining the relevant licence or approval document, proceed to construct nuclear installations, load fuel, operate or decommission such installations accordingly.

第二十条   核设施营运单位应当在申请领取核设施建造、运行许可证和办理退役审批手续前编制环境影响报告书，报国务院环境保护行政主管部门审查批准；未经批准，有关部门不得颁发许可证和办理批准文件。

Article 20 Before applying for a licence for construction and operation of nuclear installations or going through the formalities of examination and approval for their decommissioning, the unit that operates the nuclear installations shall prepare an environmental impact report and submit it to the administrative department for environmental protection under the State Council for examination and approval; in the absence of such approval, the relevant department shall not issue the licence or approval document.

第二十一条   与核设施相配套的放射性污染防治设施，应当与主体工程同时设计、同时施工、同时投入使用。

Article 21 The facilities for prevention and control of radioactive pollution in support of nuclear installations shall be designed, constructed and put into operation simultaneously with the main part of the project.

放射性污染防治设施应当与主体工程同时验收；验收合格的，主体工程方可投入生产或者使用。

The facilities for prevention and control of radioactive pollution shall be checked and accepted simultaneously with the main part of the project. Only after they are accepted as qualified may the main part of the project be put into production or operation.

第二十二条   进口核设施，应当符合国家放射性污染防治标准；没有相应的国家放射性污染防治标准的，采用国务院环境保护行政主管部门指定的国外有关标准。

Article 22 Imported nuclear installations shall conform to the national standards for prevention and control of radioactive pollution; where there are no such standards appropriate to the imported nuclear installations, relevant foreign standards designated by the administrative department for environmental protection under the State Council shall be used.

第二十三条   核动力厂等重要核设施外围地区应当划定规划限制区。规划限制区的划定和管理办法，由国务院规定。

Article 23 Planned restricted zones shall be delimited on the periphery of nuclear power plants and other important nuclear installations. Measures for delimiting and controlling the planned restricted zones shall be formulated by the State Council.

第二十四条   核设施营运单位应当对核设施周围环境中所含的放射性核素的种类、浓度以及核设施流出物中的放射性核素总量实施监测，并定期向国务院环境保护行政主管部门和所在地省、自治区、直辖市人民政府环境保护行政主管部门报告监测结果。

Article 24 The unit that operates nuclear installations shall monitor the types and concentration of radionuclides in the environment surrounding the nuclear installations as well as the total quantity of the radionuclides in the effluents from the nuclear installations and shall, at regular intervals, report the monitoring results to the administrative department for environmental protection under the State Council and to such department under the people's government of a province, autonomous region, or municipality directly under the Central Government where the unit is located.

国务院环境保护行政主管部门负责对核动力厂等重要核设施实施监督性监测，并根据需要对其他核设施的流出物实施监测。监督性监测系统的建设、运行和维护费用由财政预算安排。

The administrative department for environmental protection under the State Council shall be responsible for supervisory monitoring of the nuclear power plants and other important nuclear installations and, where necessary, for monitoring of the effluents from other nuclear installations. The expenses for construction, operation and maintenance of the system for supervisory monitoring shall be covered by the financial budget.

第二十五条   核设施营运单位应当建立健全安全保卫制度，加强安全保卫工作，并接受公安部门的监督指导。

Article 25 Operators of nuclear facilities shall establish a sound security and safeguard system, enhance security and safeguard work, and accept the supervision and guidance of public security departments.

核设施营运单位应当按照核设施的规模和性质制定核事故场内应急计划，做好应急准备。

The business operator of a nuclear facility shall develop an on-site emergency plan according to the size and nature of the nuclear facility to ensure emergency preparedness.

出现核事故应急状态时，核设施营运单位必须立即采取有效的应急措施控制事故，并向核设施主管部门和环境保护行政主管部门、卫生行政部门、公安部门以及其他有关部门报告。

In the event of an emergency, the unit that operates nuclear installations shall immediately take effective emergency measures to keep the accident under control and shall report the matter to the department in charge of nuclear installations, the administrative departments for environmental protection, for health and for public security and to the other departments concerned.

第二十六条   国家建立健全核事故应急制度。

Article 26 The State establishes a sound emergency system for nuclear accidents.

核设施主管部门、环境保护行政主管部门、卫生行政部门、公安部门以及其他有关部门，在本级人民政府的组织领导下，按照各自的职责依法做好核事故应急工作。

The department in charge of nuclear installations, the administrative departments for environmental protection, for health and for public security and the other departments concerned shall, under the coordination and leadership of the people's government at the same level, in compliance with their respective duties and in accordance with law, successfully cope with emergencies caused by nuclear accidents.

中国人民解放军和中国人民武装警察部队按照国务院、中央军事委员会的有关规定在核事故应急中实施有效的支援。

The Chinese People's Liberation Army and the Chinese People's Armed Police Force shall, in accordance with the relevant regulations of the State Council and the Central Military Commission of the People's Republic of China, render effective assistance in nuclear accident emergency.

第二十七条   核设施营运单位应当制定核设施退役计划。

Article 27 Operators of nuclear facilities shall formulate plans for the decommissioning of nuclear facilities.

核设施的退役费用和放射性废物处置费用应当预提，列入投资概算或者生产成本。核设施的退役费用和放射性废物处置费用的提取和管理办法，由国务院财政部门、价格主管部门会同国务院环境保护行政主管部门、核设施主管部门规定。

The expanses for decommissioning of nuclear installations and for disposing of radioactive waste shall be withdrawn in advance and shall be included in the budgetary estimates of investment or in production costs. The measures for withdrawal and control of the money to defray the expenses for decommissioning of nuclear installations and for disposal of radioactive waste shall be formulated by the department of finance and the department for pricing under the State Council, in conjunction with the administrative department for environmental protection and the department in charge of nuclear installations under the State Council.

第四章 核技术利用的放射性污染防治

Chapter 4 Prevention and Control of Radioactive Pollution Caused by Utilization of Nuclear Technology

第二十八条   生产、销售、使用放射性同位素和射线装置的单位，应当按照国务院有关放射性同位素与射线装置放射防护的规定申请领取许可证，办理登记手续。

Article 28 Any unit that produces, sells or uses radioisotopes and radiation-emitting devices shall, in accordance with the regulations of the State Council regarding protection against radiation released by radioisotopes and radiation-emitting devices, apply for a licence and go through the formalities of registration.

转让、进口放射性同位素和射线装置的单位以及装备有放射性同位素的仪表的单位，应当按照国务院有关放射性同位素与射线装置放射防护的规定办理有关手续。

Any unit that transfers ownership of or imports radioisotopes and radiation-emitting devices and any unit that is equipped with radioisotope instruments shall, in accordance with the regulations of the State Council regarding protection against radiation released by radioisotopes and radiation-emitting devices, go through the relevant formalities.

第二十九条   生产、销售、使用放射性同位素和加速器、中子发生器以及含放射源的射线装置的单位，应当在申请领取许可证前编制环境影响评价文件，报省、自治区、直辖市人民政府环境保护行政主管部门审查批准；未经批准，有关部门不得颁发许可证。

Article 29 Any unit that produces, sells and uses radioisotopes, accelerators, neutron generators and radiation-emitting devices containing radioactive sources shall, before applying for a licence, draw up an environmental impact assessment document and submit it to the administrative department for environmental protection under the people's government of a province, autonomous region, or municipality directly under the Central Government for examination and approval; in the absence of such approval, the relevant department shall not issue the licence.

国家建立放射性同位素备案制度。具体办法由国务院规定。

The State establishes a system for radioisotope registration. The specific measures shall be formulated by the State Council.

第三十条   新建、改建、扩建放射工作场所的放射防护设施，应当与主体工程同时设计、同时施工、同时投入使用。

Article 30 The facilities for protection against radiation at the workplace releasing radiation that is to be constructed, reconstructed, or expanded shall be designed, constructed and put into operation simultaneously with the main part of the project.

放射防护设施应当与主体工程同时验收；验收合格的，主体工程方可投入生产或者使用。

The facilities for protection against radiation shall be checked and accepted simultaneously with the main part of the project; only after they are accepted as qualified may the main part of the project be put into production or operation.

第三十一条   放射性同位素应当单独存放，不得与易燃、易爆、腐蚀性物品等一起存放，其贮存场所应当采取有效的防火、防盗、防射线泄漏的安全防护措施，并指定专人负责保管。贮存、领取、使用、归还放射性同位素时，应当进行登记、检查，做到账物相符。

Article 31 Radioisotopes shall be stored separately and shall not be placed together with flammable, explosive and corrosive substances, etc; at the places where they are stored, effective safety and protective measures shall be taken against fire, theft and leakage of radioactive rays, and a person shall be designated to be in charge of the storage of the radioisotopes. When radioisotopes are stored, taken, used and returned, they shall be registered and checked, so that the registration shall agree with the radioisotopes.

第三十二条   生产、使用放射性同位素和射线装置的单位，应当按照国务院环境保护行政主管部门的规定对其产生的放射性废物进行收集、包装、贮存。

Article 32 Any unit that produces or uses radioisotopes and radiation-emitting devices shall, in accordance with the regulations of the administrative department for environmental protection under the State Council, collect, package and store any radioactive waste produced.

生产放射源的单位，应当按照国务院环境保护行政主管部门的规定回收和利用废旧放射源；使用放射源的单位，应当按照国务院环境保护行政主管部门的规定将废旧放射源交回生产放射源的单位或者送交专门从事放射性固体废物贮存、处置的单位。

Any units that produces radioactive sources shall, in accordance with the regulations of the administrative department for environmental protection under the State Council, retrieve and utilize disused radioactive sources; any unit that uses radioactive sources shall, in accordance with the regulations of the administrative department for environmental protection under the State Council, return disused radioactive sources to the unit that produces such sources or send such sources to the unit that is specialized in storing or disposing of solid radioactive waste.

第三十三条   生产、销售、使用、贮存放射源的单位，应当建立健全安全保卫制度，指定专人负责，落实安全责任制，制定必要的事故应急措施。发生放射源丢失、被盗和放射性污染事故时，有关单位和个人必须立即采取应急措施，并向公安部门、卫生行政部门和环境保护行政主管部门报告。

Article 33 Any unit that produces, sells, uses, or stores radioactive sources shall establish a sound security and safeguard system, designate a person to take charge, implement the security responsibility system, and formulate necessary contingency measures against accidents. When radioactive sources are missing or stolen or an accident causing radioactive pollution occurs, the unit and individuals concerned shall immediately adopt contingency measures and report the matter to the public security department and the administrative departments for health and for environmental protection.

公安部门、卫生行政部门和环境保护行政主管部门接到放射源丢失、被盗和放射性污染事故报告后，应当报告本级人民政府，并按照各自的职责立即组织采取有效措施，防止放射性污染蔓延，减少事故损失。当地人民政府应当及时将有关情况告知公众，并做好事故的调查、处理工作。

After receiving the report of the missing or theft of radioactive sources or the accident causing radioactive pollution, the public security department and the administrative departments for health and for environmental protection shall report the matter to the people's government at the same level and, in compliance with their respective responsibilities, immediately make arrangements and take effective measures to prevent the spread of radioactive pollution and lighten the losses caused by the accident. The local people's government shall promptly inform the public of the situation and conscientiously investigate and deal with the accident.

第五章 铀（钍）矿和伴生放射性矿开发利用的放射性污染防治

Chapter 5 Prevention and Control of Radioactive Pollution During Exploitation of Uranium (Thorium) and Accompanying Radioactive Mines

第三十四条   开发利用或者关闭铀（钍）矿的单位，应当在申请领取采矿许可证或者办理退役审批手续前编制环境影响报告书，报国务院环境保护行政主管部门审查批准。

Article 34 Any unit that intends to exploit or close down uranium (thorium) mines shall, before applying for a mining licence or going through the formalities of examination and approval for decommissioning, prepare an environmental impact report and submit it to the administrative department for environmental protection under the State Council for examination and approval.

开发利用伴生放射性矿的单位，应当在申请领取采矿许可证前编制环境影响报告书，报省级以上人民政府环境保护行政主管部门审查批准。

Any unit that intends to exploit accompanying radioactive mines shall, before applying for a mining licence, prepare an environmental impact report and submit it to the administrative department for environmental protection under the people's government at or above the provincial level for examination and approval.

第三十五条   与铀（钍）矿和伴生放射性矿开发利用建设项目相配套的放射性污染防治设施，应当与主体工程同时设计、同时施工、同时投入使用。

Article 35 The facilities for prevention and control of radioactive pollution to be built in support of a construction project for the exploitation of uranium (thorium) and accompanying radioactive mines shall be designed, constructed and put into operation simultaneously with the main part of the project.

放射性污染防治设施应当与主体工程同时验收；验收合格的，主体工程方可投入生产或者使用。

The facilities for prevention and control of radioactive pollution shall be checked and accepted simultaneously with the main part of the project. Only after they are accepted as qualified may the main part of the project be put into production or operation.

第三十六条   铀（钍）矿开发利用单位应当对铀（钍）矿的流出物和周围的环境实施监测，并定期向国务院环境保护行政主管部门和所在地省、自治区、直辖市人民政府环境保护行政主管部门报告监测结果。

Article 36 Any unit that exploits uranium (thorium) mines shall monitor the effluents from the uranium (thorium) mines and the surrounding environment and shall, at regular intervals, report the monitoring results to the administrative department for environmental protection under the State Council and to such a department under the people's government of a province, autonomous region, or municipality directly under the Central Government where the unit is located.

第三十七条   对铀（钍）矿和伴生放射性矿开发利用过程中产生的尾矿，应当建造尾矿库进行贮存、处置；建造的尾矿库应当符合放射性污染防治的要求。

Article 37 Tailings repositories shall be constructed for the storage and disposal of Tailings produced in the course of exploitation of uranium (thorium) and accompanying radioactive mines; such repositories constructed shall conform to the requirements for prevention and control of radioactive pollution.

第三十八条   铀（钍）矿开发利用单位应当制定铀（钍）矿退役计划。铀矿退役费用由国家财政预算安排。

Article 38 Any unit that exploits uranium (thorium) mine shall draw up plans for decommissioning of uranium (thorium) mines. The expenses for decommissioning uranium mines shall be covered by the State financial budget.

第六章 放射性废物管理

Chapter 6 Management of Radioactive Wastes

第三十九条   核设施营运单位、核技术利用单位、铀（钍）矿和伴生放射性矿开发利用单位，应当合理选择和利用原材料，采用先进的生产工艺和设备，尽量减少放射性废物的产生量。

Article 39 Any unit that operates nuclear installations, utilizes nuclear technology, or exploits uranium (thorium) and accompanying radioactive mines shall rationally select and use raw and processed materials and adopt advanced production techniques and equipment in order to reduce as far as possible the quantity of radioactive waste produced.

第四十条   向环境排放放射性废气、废液，必须符合国家放射性污染防治标准。

Article 40 Any unit that discharges gaseous or liquid radioactive waste into the environment shall conform to the national standards for prevention and control of radioactive pollution.

第四十一条   产生放射性废气、废液的单位向环境排放符合国家放射性污染防治标准的放射性废气、废液，应当向审批环境影响评价文件的环境保护行政主管部门申请放射性核素排放量，并定期报告排放计量结果。

Article 41 Any unit producing gaseous or liquid radioactive waste that discharges such waste into the environment in conformity with the national standards for prevention and control of radioactive pollution shall apply for discharge quantity of radionuclides to the administrative department for environmental protection that is in charge of examination and approval of the environmental impact assessment documents and shall, at regular intervals, report the discharge quantity calculated.

第四十二条   产生放射性废液的单位，必须按照国家放射性污染防治标准的要求，对不得向环境排放的放射性废液进行处理或者贮存。

Article 42 Any unit that produces liquid radioactive waste shall, in accordance with the requirements of the national standards for prevention and control of radioactive pollution, treat or store the liquid radioactive waste that is not allowed to be discharged into the environment.

产生放射性废液的单位，向环境排放符合国家放射性污染防治标准的放射性废液，必须采用符合国务院环境保护行政主管部门规定的排放方式。

Any unit producing liquid radioactive waste that discharges such waste into the environment in conformity with the national standards for prevention and control of radioactive pollution shall adopt the means of discharge that conforms to the regulations of the administrative department for environmental protection under the State Council.

禁止利用渗井、渗坑、天然裂隙、溶洞或者国家禁止的其他方式排放放射性废液。

The use of seepage wells or pits, natural crevices or karst caves or other means prohibited by the State for discharge of liquid radioactive waste shall be prohibited.

第四十三条   低、中水平放射性固体废物在符合国家规定的区域实行近地表处置。

Article 43 Low- and medium- level solid radioactive waste shall be disposed of near the surface of the areas that conform to State regulations.

高水平放射性固体废物实行集中的深地质处置。

High-level radioactive solid wastes shall be subject to centralized deep geological disposal.

α放射性固体废物依照前款规定处置。

Solid alpha-radioactive waste shall be disposed of in accordance with the provisions of the preceding paragraph.

禁止在内河水域和海洋上处置放射性固体废物。

Disposal of radioactive solid waste in inland waters and seas is prohibited.

第四十四条   国务院核设施主管部门会同国务院环境保护行政主管部门根据地质条件和放射性固体废物处置的需要，在环境影响评价的基础上编制放射性固体废物处置场所选址规划，报国务院批准后实施。

Article 44 The department for nuclear installations under the State Council shall, in conjunction with the administrative department for environmental protection under the State Council, on the basis of geological factors and the need of disposal of solid radioactive waste and on the basis of the environmental impact assessment, draw up plans for selecting places for disposing of solid radioactive waste, and shall have the plans implemented after obtaining approval of the State Council.

有关地方人民政府应当根据放射性固体废物处置场所选址规划，提供放射性固体废物处置场所的建设用地，并采取有效措施支持放射性固体废物的处置。

The local people's governments concerned shall, in accordance with the plans for selecting places for disposing of solid radioactive waste, provide land for construction of such places and take effective measures in support of the disposal of solid radioactive waste.

第四十五条   产生放射性固体废物的单位，应当按照国务院环境保护行政主管部门的规定，对其产生的放射性固体废物进行处理后，送交放射性固体废物处置单位处置，并承担处置费用。

Article 45 Any unit that produces solid radioactive waste shall, in accordance with the regulations of the administrative department for environmental protection under the State Council and after treating the solid radioactive waste produced, send for disposal such waste to a unit that disposes of solid radioactive waste and shall pay the fee for disposal.

放射性固体废物处置费用收取和使用管理办法，由国务院财政部门、价格主管部门会同国务院环境保护行政主管部门规定。

Administrative measures for collection and use of the fees for disposal of solid radioactive waste shall be formulated by the department of finance and the department for pricing, in conjunction with the administrative department for environmental protection under the State Council.

第四十六条   设立专门从事放射性固体废物贮存、处置的单位，必须经国务院环境保护行政主管部门审查批准，取得许可证。具体办法由国务院规定。

Article 46 The establishment of a specialized unit for storage and disposal of solid radioactive waste shall be subject to examination and approval by the administrative department for environmental protection under the State Council before obtaining a licence. The specific measures shall be formulated by the State Council.

禁止未经许可或者不按照许可的有关规定从事贮存和处置放射性固体废物的活动。

Engaging in activities for the storage or disposal of solid radioactive waste without a licence or at variance with the relevant provisions of the licence is prohibited.

禁止将放射性固体废物提供或者委托给无许可证的单位贮存和处置。

Sending solid radioactive waste to a unit without a license for storage or disposal or entrusting such a unit with the same is prohibited.

第四十七条   禁止将放射性废物和被放射性污染的物品输入中华人民共和国境内或者经中华人民共和国境内转移。

Article 47 Importing into or transferring from the territory of People's Republic of China radioactive waste or radioactive- contaminated goods is prohibited.

第七章 法律责任

Chapter 7 Legal Liabilities

第四十八条   放射性污染防治监督管理人员违反法律规定，利用职务上的便利收受他人财物、谋取其他利益，或者玩忽职守，有下列行为之一的，依法给予行政处分；构成犯罪的，依法追究刑事责任：

Article 48 Any staff member exercising supervision over the prevention and control of radioactive pollution who, in violation of the provisions of law, commits one of the following acts by taking advantage of his position to accept or receive money or things of value from another person or seek other benefits, or neglecting his duty shall be given an administrative sanction in accordance with law; and if the violation constitutes a crime, he shall be investigated for criminal responsibility in accordance with law:

（一）对不符合法定条件的单位颁发许可证和办理批准文件的；

1. issuing a licence or approval document to a unit that does not meet the statutory requirements;

（二）不依法履行监督管理职责的；

(II) Failing to perform duties of supervision and administration according to law;

（三）发现违法行为不予查处的。

(III) failing to investigate or deal with any found illegal act.

第四十九条   违反本法规定，有下列行为之一的，由县级以上人民政府环境保护行政主管部门或者其他有关部门依据职权责令限期改正，可以处二万元以下罚款：

Article 49 Any unit that, in violation of the provisions of this Law, commits one of the following acts shall be instructed by the administrative department for environmental protection under the people's government at or above the county level or by a relevant department, in compliance with its functions and powers, to rectify within a time limit and it may be fined not more than CNY20,000:

（一）不按照规定报告有关环境监测结果的；

1. Not complying the provisions in reporting the relevant environmental monitoring results;

（二）拒绝环境保护行政主管部门和其他有关部门进行现场检查，或者被检查时不如实反映情况和提供必要资料的。

(II) refusing to accept on-the- spot inspection by the administrative departments for environmental protection and by relevant departments or during inspection failing to give a truthful report of the situation and to provide the necessary data.

第五十条   违反本法规定，未编制环境影响评价文件，或者环境影响评价文件未经环境保护行政主管部门批准，擅自进行建造、运行、生产和使用等活动的，由审批环境影响评价文件的环境保护行政主管部门责令停止违法行为，限期补办手续或者恢复原状，并处一万元以上二十万元以下罚款。

Article 50 Any unit that, in violation of the provisions of this Law, constructs or operates a project or produces or uses a project without drawing up an environmental impact assessment document or without obtaining approval of such document by the administrative department for environmental protection shall be instructed by the administrative department for environmental protection, which examines and gives approval to environmental impact assessment documents, to cease the violation, to go through the formalities within a time limit, or put the project back to its original state and shall, in addition, be fined not less than 10,000 yuan but not more than 200,000 yuan.

第五十一条   违反本法规定，未建造放射性污染防治设施、放射防护设施，或者防治防护设施未经验收合格，主体工程即投入生产或者使用的，由审批环境影响评价文件的环境保护行政主管部门责令停止违法行为，限期改正，并处五万元以上二十万元以下罚款。

Article 51 Where, in violation of the provisions of this Law, the facilities for prevention and control of radioactive pollution or the facilities for protection against radiation are not constructed, or the main part of the project is put into production or operation when the said facilities are not accepted as qualified, the administrative department for environmental protection, which examines and gives approval to environmental impact assessment documents, shall order cessation of the violation, set a time limit on its rectification and, in addition, impose a fine of not less than 50,000 yuan but not more than 200,000 yuan.

第五十二条   违反本法规定，未经许可或者批准，核设施营运单位擅自进行核设施的建造、装料、运行、退役等活动的，由国务院环境保护行政主管部门责令停止违法行为，限期改正，并处二十万元以上五十万元以下罚款；构成犯罪的，依法追究刑事责任。

Article 52 Any unit operating nuclear installations that, in violation of the provisions of this Law and without obtaining a license or approval, constructs, loads fuel into, operates or decommissions nuclear installations shall be instructed by the administrative department for environmental protection under the State Council to cease the violation and to rectify within a time limit and shall, in addition, be fined not less than 200,000 yuan but not more than 500,000 yuan. If the violation constitutes a crime, it shall be investigated for criminal responsibility in accordance with law.

第五十三条   违反本法规定，生产、销售、使用、转让、进口、贮存放射性同位素和射线装置以及装备有放射性同位素的仪表的，由县级以上人民政府环境保护行政主管部门或者其他有关部门依据职权责令停止违法行为，限期改正；逾期不改正的，责令停产停业或者吊销许可证；有违法所得的，没收违法所得；违法所得十万元以上的，并处违法所得一倍以上五倍以下罚款；没有违法所得或者违法所得不足十万元的，并处一万元以上十万元以下罚款；构成犯罪的，依法追究刑事责任。

Article 53 Any unit that, in violation of the provisions of this Law, manufactures, sells, uses, transfers, imports or stores radioisotopes or radiation-emitting devices or is equipped with instruments of radioisotopes shall be instructed by the administrative department for environmental protection under the people's government at or above the county level or a relevant department, in compliance with its functions and powers, to cease the violation and to rectify within a time limit; if it fails to comply at the expiration of the time limit, it shall be instructed to suspend production and operation or its licence shall be revoked; the unlawful gains, if any, shall be confiscated; if the unlawful gains exceed 100,000 yuan, it shall, in addition, be fined not less than the amount of such gains but not more than five times that amount; if there are no unlawful gains or such gains are less than 100,000 yuan, it shall, in addition, be fined not less than 10,000 yuan but not more than 100,000 yuan. If the violation constitutes a crime, it shall be investigated for criminal responsibility in accordance with law.

第五十四条   违反本法规定，有下列行为之一的，由县级以上人民政府环境保护行政主管部门责令停止违法行为，限期改正，处以罚款；构成犯罪的，依法追究刑事责任：

Article 54 Any unit that, in violation of the provisions of this Law, commits one of the following acts shall be instructed by the administrative department for environmental protection under the people's government at or above the county level to cease the violation and to rectify within a time limit and shall be fined. If the violation constitutes a crime, it shall be investigated for criminal responsibility in accordance with law:

（一）未建造尾矿库或者不按照放射性污染防治的要求建造尾矿库，贮存、处置铀（钍）矿和伴生放射性矿的尾矿的；

1. failing to construct a tailings repository, or failing to do so in conformity with the requirements for prevention and control of radioactive pollution, for storage and disposal of uranium (thorium) and accompanying radioactive mine tailings;

（二）向环境排放不得排放的放射性废气、废液的；

2. discharging into the environment gaseous and liquid radioactive waste that is not allowed to be discharged;

（三）不按照规定的方式排放放射性废液，利用渗井、渗坑、天然裂隙、溶洞或者国家禁止的其他方式排放放射性废液的；

(III) failing to discharge liquid radioactive waste in accordance with relevant regulations but using, instead, seeping wells, seeping pits, natural crevices or limestone caves to discharge liquid radioactive waste or other means prohibited by the State;

（四）不按照规定处理或者贮存不得向环境排放的放射性废液的；

(IV) failing to treat or store, in accordance with relevant regulations, liquid radioactive waste that is prohibited from being discharged into the environment;

（五）将放射性固体废物提供或者委托给无许可证的单位贮存和处置的。

(V) sending solid radioactive waste to a unit without a licence for storage or disposal or entrusting such a unit with the same.

有前款第（一）项、第（二）项、第（三）项、第（五）项行为之一的，处十万元以上二十万元以下罚款；有前款第（四）项行为的，处一万元以上十万元以下罚款。

For any violation as mentioned in (1), (2), (3) and (5) of the preceding paragraph, a fine of not less than 100,000 yuan but not more than 200,000 yuan shall be imposed; for any violation as mentioned in (4) of the preceding paragraph, a fine not less than 10,000 yuan but not more than 100,000 yuan shall be imposed.

第五十五条   违反本法规定，有下列行为之一的，由县级以上人民政府环境保护行政主管部门或者其他有关部门依据职权责令限期改正；逾期不改正的，责令停产停业，并处二万元以上十万元以下罚款；构成犯罪的，依法追究刑事责任：

Article 55 Any unit that, in violation of the provisions of this Law, commits one of the following acts shall be instructed by the administrative department for environmental protection under the people's government at or above the county level or a relevant department, in compliance with its functions and powers, to rectify within a time limit; if it fails to comply at the expiration of the time limit, it shall be instructed to suspend production and operation and shall, in addition, be fined not less than CNY20,000 but not more than CNY100 ,000. If the violation constitutes a crime, it shall be investigated for criminal responsibility in accordance with law:

（一）不按照规定设置放射性标识、标志、中文警示说明的；

1. failing to place radiation labels or marks or warning descriptions in Chinese in accordance with relevant regulations;

（二）不按照规定建立健全安全保卫制度和制定事故应急计划或者应急措施的；

2. failing to establish a sound security and safeguard system and to draw up contingency plans or take contingency measures against accidents in accordance with relevant regulations;

（三）不按照规定报告放射源丢失、被盗情况或者放射性污染事故的。

(III) failing to report, as required, the missing or theft of radioactive sources or an accident causing radioactive pollution.

第五十六条   产生放射性固体废物的单位，不按照本法第四十五条的规定对其产生的放射性固体废物进行处置的，由审批该单位立项环境影响评价文件的环境保护行政主管部门责令停止违法行为，限期改正；逾期不改正的，指定有处置能力的单位代为处置，所需费用由产生放射性固体废物的单位承担，可以并处二十万元以下罚款；构成犯罪的，依法追究刑事责任。

Article 56 Any unit producing solid radioactive waste that fails to have the waste it produces disposed of in accordance with the provisions of Article 45 of this Law, it shall be instructed by the administrative department for environmental protection, which examines and approves the environmental impact assessment document concerning the unit's project, to cease the violation and to rectify within a time limit; if it fails to comply at the expiration of the time limit, the said department shall designate a unit that has the capability for such disposal to do it, the expenses incurred shall be paid by the unit that produces the solid radioactive waste, and it may, in addition, be fined not more than 200,000 yuan. If a crime is constituted, criminal responsibility shall be investigated in accordance with law.

第五十七条   违反本法规定，有下列行为之一的，由省级以上人民政府环境保护行政主管部门责令停产停业或者吊销许可证；有违法所得的，没收违法所得；违法所得十万元以上的，并处违法所得一倍以上五倍以下罚款；没有违法所得或者违法所得不足十万元的，并处五万元以上十万元以下罚款；构成犯罪的，依法追究刑事责任：

Article 57 Any unit that, in violation of the provisions of this Law, commits one of the following acts shall be instructed by the administrative department for environmental protection under the people's government at or above the provincial level to suspend production or operation or its license shall be revoked; its unlawful gains, if any, shall be confiscated; if the unlawful gains exceed 100,000 yuan, it shall, in addition, be fined not less than the amount of such gains but not more than five times that amount; if there are no unlawful gains or such gains are less than 100,000 yuan, it shall, in addition, be fined not less than 50,000 yuan but not more than 100,000 yuan. If the violation constitutes a crime, it shall be investigated for criminal responsibility in accordance with law:

（一）未经许可，擅自从事贮存和处置放射性固体废物活动的；

1. engaging in activities to store and dispose of solid radioactive waste without a licence;

（二）不按照许可的有关规定从事贮存和处置放射性固体废物活动的。

(II) failing to store and dispose of solid radioactive waste in accordance with the provisions of the licence.

第五十八条   向中华人民共和国境内输入放射性废物和被放射性污染的物品，或者经中华人民共和国境内转移放射性废物和被放射性污染的物品的，由海关责令退运该放射性废物和被放射性污染的物品，并处五十万元以上一百万元以下罚款；构成犯罪的，依法追究刑事责任。

Article 58 Any unit that imports radioactive waste or radioactive-contaminated goods into the territory of the People's Republic of China or transfers such waste or goods from the territory of the People's Republic of China shall be instructed by the Customs to send back such waste or goods and shall, in addition, be fined not less than CNY500,000 but not more than CNY1,000,000. If a crime is constituted, criminal responsibility shall be investigated in accordance with law.

第五十九条   因放射性污染造成他人损害的，应当依法承担民事责任。

Article 59 Where radioactive pollution causes harm to people, civil responsibility shall be borne in accordance with law.

第八章 附 则

Chapter 8 Supplementary Provisions

第六十条   军用设施、装备的放射性污染防治，由国务院和军队的有关主管部门依照本法规定的原则和国务院、中央军事委员会规定的职责实施监督管理。

Article 60 Supervision over the prevention and control of radioactive pollution caused by military installations and equipment shall be conducted by the relevant departments under the State Council and the armed forces, in accordance with the principles prescribed by this Law and in compliance with their duties assigned by the State Council and the Central Military Commission.

第六十一条   劳动者在职业活动中接触放射性物质造成的职业病的防治，依照《中华人民共和国职业病防治法》的规定执行。

Article 61 Occupational diseases which the workers are afflicted with due to their contact with radioactive material in their work shall be prevented and controlled in accordance with the provisions of the Law of the People's Republic of China on the Prevention and Treatment of Occupational Diseases.

第六十二条   本法中下列用语的含义：

Article 62 For purposes of this Law, the definitions of the following terms are:

（一）放射性污染，是指由于人类活动造成物料、人体、场所、环境介质表面或者内部出现超过国家标准的放射性物质或者射线。

1. "Radioactive pollution" refers to the presence of radioactive substances or rays, caused by human activities, in excess of State norms on the surface of or inside the mediums of materials, the human body, places, or the environment.

（二）核设施，是指核动力厂（核电厂、核热电厂、核供汽供热厂等）和其他反应堆（研究堆、实验堆、临界装置等）；核燃料生产、加工、贮存和后处理设施；放射性废物的处理和处置设施等。

(II) "Nuclear facilities" refers to nuclear power plants (nuclear power plants, nuclear thermal plants, nuclear steam and heat supply plants, etc.) and other reactors (research reactors, experimental reactors, critical devices, etc.); facilities for the production, processing, storage and reprocessing of nuclear fuel; facilities for treating and disposing of radioactive waste; etc.

（三）核技术利用，是指密封放射源、非密封放射源和射线装置在医疗、工业、农业、地质调查、科学研究和教学等领域中的使用。

(III) The utilization of nuclear technologies refers to the use of sealed or unsealed radioactive source or radioactive ray devices in the fields of medical treatment, industry, agriculture, geological survey, scientific research and teaching, etc.

（四）放射性同位素，是指某种发生放射性衰变的元素中具有相同原子序数但质量不同的核素。

(IV) The radioisotope refers to the nuclide, which has the same atomic number with any other one and different mass from any other one, in the radioactive element in which the radioactive decay occurs.

（五）放射源，是指除研究堆和动力堆核燃料循环范畴的材料以外，永久密封在容器中或者有严密包层并呈固态的放射性材料。

(V) "Radioactive source" refers to radioactive material permanently sealed in a vessel or tightly clad in a solid state, with the exception of material found in nuclear fuel cycles of research reactors and power reactors.

（六）射线装置，是指Ｘ线机、加速器、中子发生器以及含放射源的装置。

(VI) "Radiation-emitting devices" refer to X-ray machines, accelerators, neutron generators and devices containing radioactive sources.

（七）伴生放射性矿，是指含有较高水平天然放射性核素浓度的非铀矿（如稀土矿和磷酸盐矿等）。

(VII) "Associated radioactive mines" refer to non-uranium mines containing relatively high concentrations of natural radionuclides (such as rare earth mines and phosphate mines).

（八）放射性废物，是指含有放射性核素或者被放射性核素污染，其浓度或者比活度大于国家确定的清洁解控水平，预期不再使用的废弃物。

(VIII) "Radioactive waste" refers to waste that contains, or is contaminated by, radionuclides at concentrations or activities greater than the clearance level established by the State, and which is expected not to be used again.

第六十三条   本法自２００３年１０月１日起施行。

Article 63 This Law shall go into effect as of October 1, 2003.