

ORDINANCE NO. 51/MON

OF THE MINISTER OF NATIONAL DEFENCE

of 17 September 2003

on the manner of exercising the provisions of the Act – Atomic Law in organizational entities subordinate to the Minister of National Defence

Military Healthcare Board

Pursuant to Article 132 of the Act of 29 November 2000 — Atomic Law (Dz. U. of 2001, no. 3, item 18, no. 100, item 1085 and no. 154, item 1800 and of 2002, no. 74, items 676 and no. 135, item 1145), it is hereby ordered as follows:

§ 1.

The provisions of the Act of 29 November 2000 — Atomic Law (Dz. U. of 2001, no. 3, item 18, no. 100, item 1085 and no. 154, item 1800 and of 2002, no. 74, items 676 and no. 135, item 1145), hereinafter referred to as the “Act”, shall apply to military organizational entities carrying out activities related to the peaceful use of atomic energy.

§ 2.

The provisions of the Act and of legal acts issued on its basis relating to:

1)

the head of an organizational entity - shall apply accordingly to the head of a military organizational entity, i.e. a military entity's (institution's) commander (director, commandant);

2)

an employee - shall apply accordingly to a soldier performing active military service and a person employed in the organizational entities referred to in § 1;

3)

dose limits established for:

a)

persons employed in conditions of exposure to ionizing radiation - shall apply to soldiers performing military service in such conditions in military organizational entities,

b)

the general population - shall apply to soldiers performing military service in military organizational entities not employed in conditions of exposure to ionizing radiation.

§ 3.

The head of the military organizational entity shall be competent to apply for licenses for military organizational entities to carry out the activities specified in Article 4 Section 1 of the Act or to register the performance of such activities.

§ 4.

Military organizational entities, regardless of the compliance with the relevant conditions, rules and requirements established pursuant to:

1)

Article 40 Section 1 of the Act - shall ensure physical protection of nuclear materials through undertakings provided for in the regulations of the Armed Forces of the Republic of Poland, regulations on the organization and operation of convoys and on civil guards;

2)

Articles 28, 40 Section 1, 45 Section 3 and 63 Section 3 of the Act - shall ensure compliance with the requirements established in separate provisions:

a)

on the accounting and control of nuclear materials, sources of ionizing radiation and military X-ray laboratories and X-ray devices,

b)

for military dosimetric equipment used in radiation protection and for the recording of dosimetric measurements.

§ 5.

1.

In the proceedings against a military organizational unit:

1)

before submitting the application referred to in § 3 Section 1, and the application to issue the order and approval referred to in Article 39 of the Act - the head of the military organizational entity shall request an opinion from the General Karol Kaczkowski Military Institute of Hygiene and Epidemiology;

2)

the license referred to in Article 5 Section 3 of the Act shall be granted by the competent military sanitary inspector after consulting the General Karol Kaczkowski Military Institute of Hygiene and Epidemiology by keeping - on the basis of the scope of responsibility - the register referred to in Article 5 Section 4 of the Act.

2.

The provision of Section 1 shall apply accordingly to the performance of the state nuclear safety and radiation protection inspection tasks in military organizational entities.

§ 6.

1.

The provisions of the Act on the qualifications of employees hired in positions of significant importance for ensuring nuclear safety and radiation protection, as well as authorizations to work with nuclear material, ionizing radiation sources or radioactive waste shall apply to professional soldiers performing military service in such positions or performing such activities in military organizational entities.

2.

The absence of contraindications to perform service in conditions of exposure to ionizing radiation, in relation to soldiers referred to in Section 1, shall be established by the competent military healthcare institution.

§ 7.

Heads of military organizational entities shall provide the President of the National Atomic Energy Agency for approval a training programme on nuclear safety and

radiation protection, pursuant to Article 11 Section 3 of the Act, as appropriate to the type of activity carried out, via the Chief of the Directorate for Defence Against Weapons of Mass Destruction or the Military Chief Sanitary Inspector, according to their competence.

§ 8.

1.

The competent superior officers shall issue appropriate orders and instructions to exercise in military organizational entities the provisions referred to in Article 7 Sections 2-4 and Article 12 Sections 1-2 of the Act, on professional soldiers performing military service in conditions of exposure to ionizing radiation, as well as those responsible in military organizational entities for the state of protection against ionizing radiation in X-ray laboratories using X-ray devices with an energy of up to 300 KeV (kiloelectron volts).

2.

Representatives appointed by the President of the National Atomic Energy Agency in agreement with the Minister of National Defence shall also participate in the work of the examination boards established to test the knowledge and skills of soldiers referred to in Section 1. Candidates for the positions referred to in Article 12 Section 1 of the Act shall be nominated - as appropriate to the field of activity - by the Chief of the Directorate for Defence Against Weapons of Mass Destruction or the Military Chief Sanitary Inspector.

§ 9.

Training of persons responsible for the state of radiation protection in military organizational entities within the scope of their competence shall be organized by:

1)

the Chief of the Directorate for Defence Against Weapons of Mass Destruction, or

2)

the Director of the General Karol Kaczkowski Military Institute of Hygiene and Epidemiology.

§ 10.

The Head of the Central Contamination Analysis Centre is responsible for the collection and evaluation of measurement data of the airborne radioactive contamination monitoring system operated by the Polish Armed Forces. The system's measurement data is disclosed to the President of the National Atomic Energy Agency.

§ 11.

1.

With regard to the inspection activities referred to in Article 63 Section 2 of the Act, the radiation protection inspectors of the Directorate for Defence Against Weapons of Mass Destruction and the radiation protection specialists of the General Karol Kaczkowski Military Institute of Hygiene and Epidemiology shall cooperate with the nuclear regulatory inspectors and the competent military sanitary inspectors.

2.

In the course of carrying out statutory tasks or tasks ordered by the Military Chief Sanitary Inspector within the scope of the provisions of the Act, radiation protection specialists of the General Karol Kaczkowski Military Institute of Hygiene and Epidemiology use an authorization to perform inspection activities issued by the Military Chief Sanitary Inspector.

§ 12.

1.

Individual radiation supervision of military organizational entities' employees is carried out by the General Karol Kaczkowski Military Institute of Hygiene and Epidemiology.

2.

The joint register of doses referred to in Article 21 Section 1 of the Act shall be kept by the General Karol Kaczkowski Military Institute of Hygiene and Epidemiology - for employees of military organizational entities.

§ 13.

It is established that entities carrying out the activities specified in Articles 21 Section 2 and 27 Section 2 of the Act at the Ministry of National Defence, in addition to the requirements specified in these Articles, require notification by the Minister of National Defence.

14.

This Decree shall enter into force 14 days after its promulgation.