

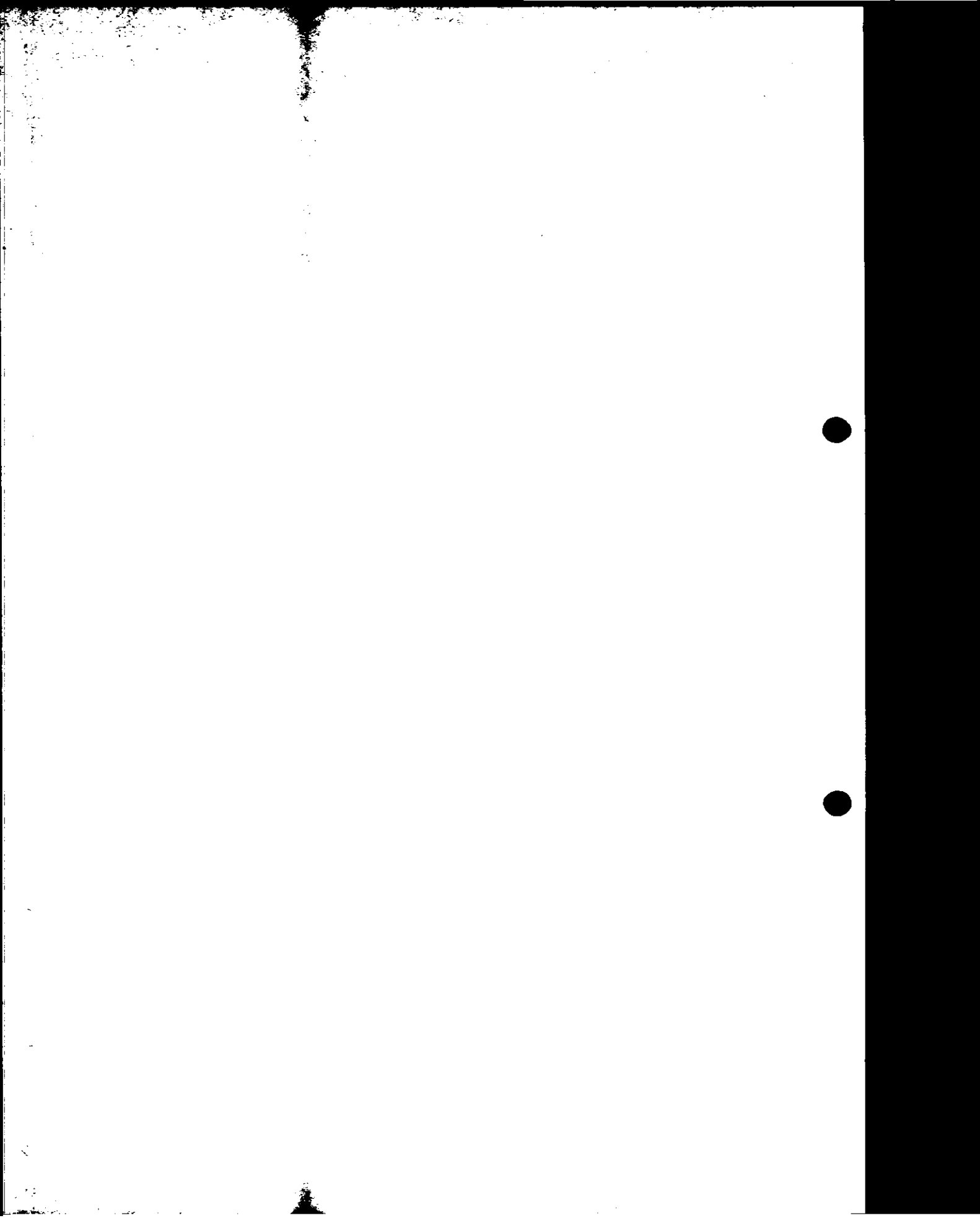
# NUCLEAR LAW

## Bulletin

S U P P L E M E N T T O N ° 3

AUSTRIA: BILL ON RADIATION PROTECTION

April 1969



A U S T R I A

FEDERAL BILL REGARDING MEASURES FOR  
PROTECTING THE LIFE AND HEALTH OF PERSONS AND THEIR  
DESCENDANTS AGAINST INJURY BY IONIZING RADIATIONS  
(LAW ON RADIATION PROTECTION)<sup>(1)</sup>

The National Council decides:

PART I

General Provisions

Scope

Section 1

The present Federal Act regarding measures for protecting the life and health of persons and their descendants against injury by ionizing radiations shall apply to:

- (a) the building and operation of installations in which radioactive materials are to be handled or radiation-emitting equipment is to be housed;
- (b) the handling of radioactive materials, the functioning of equipment producing or utilizing radiation and the conditions of approval of the different types of sources of radiation;

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<sup>(1)</sup> Unofficial translation by the Secretariat.

- (c) official monitoring of the environment for radioactive contamination, and the necessary protection and safety measures.

### Human exposure to ionizing radiations

#### Section 2

1. Human exposure to ionizing radiations shall be kept as low as possible and maintained within the maximum permissible radiation doses set by the present Federal Act; any unnecessary exposure shall be avoided.
2. Ionizing radiations shall be applied to the human body for medical purposes only, and solely to the extent justified by existing medical and scientific knowledge.

### Definitions

#### Section 3

For the purposes of the present Federal Act:

- (a) "ionizing radiations" means high-energy photon emission (X-rays and gamma-rays) or particle radiation capable of producing ions;
- (b) "sources of radiation" means radioactive materials or radiation-emitting equipment;
- (c) "radioactive materials" means materials which, through spontaneous nuclear phenomena, emit ionizing radiations. This designation extends to materials or objects containing radioactive materials or having such materials on their surface;
- (d) "radiation-emitting equipment" means equipment designed to produce ionizing radiations or giving off such radiation while in operation, insofar as such ionizing radiation is not produced by spontaneous nuclear phenomena;
- (e) "the handling of radioactive materials" means the mining, production, storage, transport, consigning, receiving, processing, use and disposal of radioactive materials and any other operation involving radioactive materials during which radiation may be released;
- (f) "radiation dose" means the amount of ionizing radiation received by the human body in excess of natural background radiation;
- (g) the term "radiation zone" designates a zone in which individuals may be exposed to doses of radiation in excess of the levels generally considered permissible, in the light of existing scientific knowledge, with respect to the protection of their own or their descendants' life or health; and
- (h) the term "controlled zone" designates any part of a radiation zone within which persons may be exposed, while working or in training, to radiation doses sufficiently in excess of the levels generally considered permissible, in the light of existing scientific knowledge, with respect to the protection of their own or their

descendants' life or health as to necessitate medical surveillance and regular measurement by physical techniques;

- (i) the term "surveillance zone" designates any part of a radiation zone within which persons may be exposed, while working or in training, to radiation doses in excess of the levels generally considered permissible, in the light of existing scientific knowledge, with respect to the protection of their own or their descendants' life or health, but not constituting a controlled zone within the meaning of sub-paragraph (h) above;
- (j) the term "occupationally exposed persons" denotes both persons employed in controlled zones or repeatedly handling unsealed radioactive materials in excess of fixed activity limits and radiation protection officers;
- (k) the term "radiation protection officer" designates, in the context of a given operation, any person physically and intellectually capable of performing this function, who, having demonstrated an adequate knowledge of radiation protection, has been made responsible for ensuring such protection.

#### Section 4

The authorities shall, in the light of the latest scientific knowledge, issue regulations setting the permissible radiation doses for the zones defined in Sections 3(g), (h) and (i), together with the permissible activity levels of unsealed radioactive materials for the purposes of Section 3(j).

### PART II

#### The building of installations

#### Authorization and notification

#### Section 5

1. Authorization shall be required for the building of installations in which radioactive materials are to be handled or radiation-emitting equipment is to be housed, and the operation of which requires, from the time of building, suitable measures to ensure adequate protection of the life or health of persons and their descendants against injury by ionizing radiations. It shall be prohibited to build such installations before authorization has been granted.

2. The building of installations of the type defined in paragraph 1 above for use in a branch of activity covered by the "Gewerbeordnung" (Industrial Trade Code) shall be subject to approval, as stipulated in Article 25 of said Code. Such approval shall be granted only in compliance with the procedure set out in Articles 28 to 31 of the Code, and shall also be in lieu of the authorization referred to in paragraph 1.

3. Authorization as referred to in paragraph 1 or approval in lieu of such authorization under the terms of paragraph 2 above, shall be granted on condition that:

- (a) adequate precautions have been taken, having regard to the proposed site, to protect the life or health of persons and their descendants against injury by ionizing radiations;
- (b) the applicant's reliability is established in relation to the branch of activity in which he plans to engage. Under no circumstances shall this quality of the applicant be challenged once established.

4. The official notification that the authorization referred to in paragraph 1 or approval in lieu thereof under paragraph 2 has been granted shall, when appropriate, stipulate what conditions and obligations must be met in order to ensure that the life and health of persons and their descendants are protected against injury by ionizing radiations. The official notification of approval shall stipulate that it is in lieu of the authorization referred to in Section 5(1) of the present Act.

5. In the event that even the aforesaid conditions and obligations should not suffice to ensure adequate protection for the life or health of persons and their descendants against injury by ionizing radiations, the authorization referred to in paragraph 1, or approval in lieu of such authorization under paragraph 2, shall be refused.

6. In requesting authorization under paragraph 1 or approval in lieu of such authorization under paragraph 2, applicants shall submit such documentation as may be needed to appraise their proposals including a detailed description of the installation complete with plans, a description of the type of operations to be engaged in, and a statement of the radiation protection measures envisaged.

7. Experts shall be required to determine whether the prior conditions set out in Section 3(a) are fulfilled.

8. Such additional measures designed to protect the life and health of persons and their descendants against injury by ionizing radiations may also be imposed, with all due consideration for vested rights, as may be required in the light of the practical experience or scientific knowledge gained during building.

#### Operation of installations

##### Section 6

- 1. Installations covered by Section 5 may be operated only after an operating permit has been granted following inspection and, where necessary, operating trials have been carried out.
- 2. Such operating permits shall be granted on condition that:
  - (a) the installation has been built in compliance with the provisions of the present Federal Act and with any conditions and obligations imposed under Section 5(4) and (8);
  - (b) a radiation protection officer has been appointed; and
  - (c) regular operation of the installation entails no hazard from ionizing radiations to the life or health of persons and their descendants.

3. With due regard to the authorization referred to in Section 5(1) or the approval in lieu of such authorization referred to in Section 5(2), operating conditions and obligations to be complied with in order to ensure that the life and health of persons and their descendants are protected against injury from ionizing radiations may be stipulated in the official notification of the granting of the operating permit. When the branch of activity and the required radiation protection measures so warrant, the presence of other persons demonstrating on adequate knowledge of radiation protection may be made compulsory in the notification.

4. If the conditions in paragraph 2 are met only by certain parts of the installation or for an operating capacity smaller than envisaged, the operating permit may be limited in consequence.

5. If the conditions in paragraph 2 are not fulfilled and a limited permit under paragraph 4 is not granted, the operating permit shall be withheld pending elimination of the defects observed.

6. Applicants shall submit the necessary documentation with their request for an operating permit, including a detailed description of the operations they intend to engage in and a statement of the radiation protection measures envisaged. Applications for permits shall mention the name of the radiation protection officer; in addition, applicants shall produce due proof of compliance with any conditions and obligations imposed under Sections 5(4) and (8).

#### Section 7

1. The operation of installations in which radioactive materials are to be handled or radiation-emitting apparatus is to be housed, the building and operation of which are not covered by Sections 5 and 6, shall be subject to an operating permit. Such installations must not be brought into service before the permit has been granted.

2. Installations referred to in paragraph 1 above and intended for use in a branch of activity covered by the Industrial Trade Code, shall be subject to prior approval, under Article 25 of the aforesaid Code. Such approval shall be in lieu of the permit referred to in paragraph 1.

3. The operating permit referred to in paragraph 1 or approval in lieu thereof under paragraph 2 shall be granted on condition that:

- (a) adequate precautions have been taken, having regard to the proposed site, in order to protect the life and health of persons and their descendants against injury by ionizing radiations;
- (b) a radiation protection officer has been appointed;
- (c) the applicant's reliability is established in relation to the branch of activity in which he intends to engage. Under no circumstances shall this quality of the applicant be challenged once established.

4. The official notification that the operating permit referred to in paragraph 1 or approval in lieu thereof under paragraph 2, has been granted may stipulate the conditions and obligations to be complied with in order to ensure that the life or health of persons and their descendants are protected against injury by ionizing radiations. Should the activity envisaged and the required radiation protection measures so warrant, the

notification may stipulate that other persons demonstrating an adequate knowledge of radiation protection in their field of activity must be present. The official notification of the granting of approval under the terms of paragraph 2 shall stipulate that such approval is in lieu of the operating permit referred to in Section 7(1) of the present Act.

5. If the conditions set out in paragraph 3 are met for certain parts of the installation only or for an operating capacity smaller than that envisaged, the operating permit or approval may be limited in consequence.

6. If the conditions set out in paragraph 3 are not met and a limited operating permit or approval is not granted under paragraph 5, the operating permit or approval shall be withheld until elimination of the defects observed.

7. In requesting an operating permit or approval, applicants must submit the necessary documentation, including a detailed description of the activity which they intend to engage in and a statement of the radiation protection measures envisaged. Applications for permits shall mention the name of the radiation protection officer.

#### Modification or enlargement of installations

#### Section 8

Sections 5 to 7 shall apply to any modification in or enlargement of an installation in which radioactive substances are handled or radiation-emitting apparatus is housed, when such modifications or enlargement are such as to entail an additional hazard to the life or health of persons and their descendants.

#### Change in authorization holder

#### Section 9

1. Any authorization granted under Sections 5 to 7 may be transferred to another holder without losing its validity.

2. The successor shall immediately inform the authorities of the change of holder and submit evidence of reliability. Certified proof of this quality shall be required. Failing this, the authorities shall prohibit the person in question from continuing to operate the installation. Should the decision be appealed, its effect shall not be stayed thereby.

#### Other cases involving the handling of radioactive materials or the operating of radiation-emitting equipment

#### Section 10

1. Authorization shall also be required for the handling of radioactive materials or the operating of radiation-emitting equipment,

not requiring special installations subject to authorization or approval under Sections 5 or 7.

2. Such authorization shall be granted on condition that:

- (a) adequate precautions have been taken to protect the life and health of persons and their descendants against injury by ionizing radiations;
- (b) a radiation protection officer has been appointed;
- (c) the applicant's reliability is established in relation to the branch of activity which he intends to engage in. Under no circumstances shall this quality of the applicant be challenged once established.

3. The official notification of the grant of authorization may specify the conditions and obligations to be complied with in order to protect the health or life of persons and their descendants against injury by ionizing radiations.

4. If the conditions set out in paragraph 2 are not fulfilled, authorization shall be withheld.

5. Applicants for authorization must submit the necessary documentation with their request, including a detailed description of the type of operation they intend to engage in and a statement of the radiation protection measures envisaged. Applications must specify the name of the radiation protection officer.

#### Further provisions

##### Section 11

If, after the granting of authorization in due and proper form under Sections 6, 7 or 10, it is ascertained that despite compliance with the required conditions and obligations the health or life of persons and their descendants are not sufficiently protected against injury by ionizing radiations, the right to operate may be made contingent upon compliance with further obligations, with all due consideration for vested rights.

#### Expiry of authorization

##### Section 12

1. The official notification of the grant of authorization shall specify the lapse of time within which the activities covered thereby must be completed. The time limit shall take account of the type and size of the undertaking. It shall not exceed:

- (a) one year from the granting of authorization to the time construction begins;

- (b) five years from beginning to end of construction;
- (c) one year from the granting of the operating permit to the time the installation is commissioned.

2. The authorization shall expire at the end of the period specified under paragraph 1 if the activity for which it was granted has not been undertaken or completed within that period.

3. Authorizations granted under Sections 6, 7 or 10 shall expire if the activity they cover is interrupted for more than three years.

4. Expiry of the authorization shall be evidenced by official decision.

5. Should unforeseen difficulties prevent their being met, the time limits set by the authorities under paragraph 1 may be extended if a request is made before the authorization expires; the authorization shall be automatically extended pending an official decision on such a request.

#### Waiver of compulsory authorization

##### Section 13

1. The authorities may, in the light of scientific knowledge, issue a regulation waiving the compulsory authorization referred to in Sections 7 or 10 for the handling of radioactive materials or the operating of radiation-emitting equipment in cases where the ionizing radiations so produced cannot endanger the life or health of persons or their descendants.

2. The compulsory authorization referred to in Sections 7 or 10 shall also be waived for the handling of radioactive materials or the operating of radiation-emitting apparatus when radiation sources of types officially approved under Section 19 are involved.

3. The compulsory permit shall also be waived for the handling of radioactive materials in the course of transport, insofar as such transport is governed by the regulations applying to the transport of goods by road, rail, waterway or air or by parcel post.

4. When radioactive materials are handled or radiation-emitting equipment is operated regularly, as part of an occupation subject to licensing on account of the special hazards occasioned by ionizing radiations to the life or health of persons and their descendants, it shall not be necessary to apply for authorization under Section 10.

#### Cases in which a person is no longer reliable

##### Section 14

1. Should the holder of an authorization granted under Sections 5 to 7 prove to be no longer reliable, the authorities shall forbid him from continuing to operate.

2. Should the holder of an authorization granted under Section 10 prove to be no longer reliable, the authorities shall withdraw his authorization.

#### Persons required on the premises

##### Section 15

1. Holders of authorizations granted under Sections 6, 7 or 10 shall see to it that the required number of persons having the knowledge and responsibility to apply appropriate radiation protection regulations are present when the installation is in operation. ~~Section 6(2)(b); Section 6(3); Section 7(3)(b); Section 7(4); Section 10(2)(b)~~.

2. In the case of installations which, even when not in operation, entail specific dangers, a person having the knowledge and responsibility to apply appropriate radiation protection regulations may be required to remain on a stand-by basis.

#### Change of radiation protection officer

##### Section 16

1. Holders of authorization granted under Sections 6, 7 or 10 shall immediately notify the authorities of any change of radiation protection officer, submitting the necessary documentation along with this notification.

2. If the person whose name has been given is not qualified for the post, the authorities shall, within four weeks, forbid any further operation of the installation (Sections 6 and 7) or any further handling of radio-active materials or operating of radiation-emitting equipment (Section 10).

#### Suspension of operations and measures in case of imminent danger

##### Section 17

1. The operation of installations within the meaning of Sections 6 or 7, the handling of radioactive materials or the operation of radiation-emitting equipment within the meaning of Section 10 shall be forbidden should failure to meet one of the conditions for authorization entail dangers for the health or life of persons and their descendants.

2. The operation of installations within the meaning of Sections 6 or 7, the handling of radioactive materials and the operating of radiation-emitting equipment in the sense of Section 10 shall not be resumed until the authorities have established that the defects motivating the suspension have been removed.

3. Should a decision under paragraph 1 be appealed, the decision shall not be stayed thereby.

## Section 18

1. In case of imminent danger created by an installation in which radioactive materials are handled or radiation-emitting equipment is housed, the authorities shall take all appropriate measures to avert the danger. To this end, they may issue provisional instructions and, after consulting the radiation protection officer, act in compliance with Section 4 of the "Verwaltungsvollstreckungsgesetz" (V.V.G.) of 1950 (Act on the implementation of official regulations) concerning procedures for acting on behalf of those concerned.

2. Interim instructions issued under paragraph 1 shall be immediately enforceable within the meaning of Section 8(2) of the V.V.G. of 1950.

### Official approval of models of different types of instruments or equipment

## Section 19

1. Models of instruments containing radioactive materials or of radiation-emitting equipment shall be approved by administrative decision provided the intensity of radiation does not exceed the values set by regulation.

2. Models of instruments containing radioactive substances shall receive official approval only if the radioactive materials remain confined within an airtight, solid, inactive encapsulation which under normal operating conditions offers full protection against the accidental release of radioactive materials.

3. The regulations referred to in paragraph 1 above shall specify the intensity of radiation at a given distance from the surface in such a way as to ensure adequate protection of the life or health of persons and their descendants against injury by ionizing radiations, insofar as existing scientific knowledge permits.

4. Applications for official approval of a model shall be accompanied by an expert report from an officially recognized testing laboratory certifying that the conditions set out in paragraphs 1 and 2 are met. Applicants shall submit along with their requests any documents of use in making an appraisal, including a detailed description of the instrument containing radioactive materials or the radiation-emitting equipment, together with a set of plans and a statement of the use envisaged. Where appropriate, a detailed statement shall be given of the radiation protection features it is intended to provide.

5. In granting approval, the authorities shall stipulate the characteristics of the model, the purposes for which it may be used, and the conditions and obligations governing its use.

6. Instruments or radiation-emitting equipment covered by paragraph 1 above shall not be distributed or used within this country before approval is granted.

## Section 20

1. In the case of instruments containing radioactive materials or of radiation-emitting equipment releasing intensities in excess of the limit set by regulation under Section 19, models may be approved by administrative decisions upon request by one of the persons mentioned in Section 21, on condition that:

- (a) such instruments or equipment are built in keeping with the provisions of the present Federal Act or with any regulations issued pursuant thereto for the protection of the life or health of persons and their descendants against injury by ionizing radiations;
- (b) they meet technical operating safety norms;
- (c) their use is without danger.

2. Models of instruments containing radioactive substances shall receive official approval only if the radioactive substances remain confined within an airtight, solid, inactive encapsulation which under normal operating conditions offers full protection against the accidental release of radioactive materials.

3. Applications for approval of a model must be accompanied by an expert report from an officially recognized testing laboratory certifying that the conditions set out in paragraphs 1 and 2 are met. Applicants must submit with their request all documents of use in making an appraisal, including a detailed description of the instrument containing radioactive materials or of the radiation-emitting apparatus, together with a set of plans and a statement of the use envisaged. Where appropriate, a description of the radiation protection features it is intended to provide shall also be submitted.

4. In granting approval, the authorities shall specify the characteristics of the model, the use for which it is authorized and the conditions and obligations governing its use.

5. Approval of a model under paragraphs 1 to 4 above shall not constitute a waiver of the authorizations referred to in Sections 5, 6, 7 and 10 of the present Federal Act.

## Section 21

Applications for the approval of models of radiation sources shall be made to the authorities by the manufacturer, or in the case of foreign manufacturers, by their official agents in Austria.

## Section 22

1. Manufacturers of approved models, or in the case of foreign manufacturers, their agents in Austria, shall be required to attach to each article of an approved series a certificate containing:

- (a) the series number of the article;
- (b) a statement that the model has been granted official approval (with the date of approval) and that the article in question corresponds to such model;

- (c) the authorized use;
- (d) the officially imposed conditions and obligations to be observed in using the article;
- (e) the formalities necessary to comply with the officially imposed conditions and obligations entailed by the use of the article;
- (f) the manufacturer's recommendations for implementing the measures of control imposed by the authorities.

2. Users shall be required to observe the obligations and conditions of use prescribed by the authorities in approving the model.

### Trade in radioactive materials

#### Section 23

Whoever buys or sells radioactive materials shall be required to keep a record of their nature and amount and of the name and address of the supplier or customer. Such records must be accessible at all times to administrative bodies and must be produced to the authorities upon request. They shall be kept for five years after the date of the last entry.

#### Section 24

Radioactive materials, the handling of which is subject to authorization under Sections 6, 7 or 10 shall be sold only to persons authorized under the terms of the aforementioned Sections 6, 7 or 10 to handle such types and amounts of radioactive materials.

### Compulsory notification

#### Section 25

1. The authorities must be notified immediately of the possession of radioactive materials or of radiation-emitting equipment not subject to authorization under Sections 6, 7 or 10.

2. The following shall be exempt from notification:

- (a) the possession of radioactive materials, if the ionizing radiations which may be released when they are handled do not exceed the values fixed by regulation;
- (b) the possession of instruments containing radioactive materials or of radiation-emitting equipment of a model officially approved under Section 19 and exempted by the approving authority from the compulsory notification requirement.

3. In setting the values appearing in the regulations issued under paragraph 2(a), the need for protecting the life and health of persons and their descendants against harm from ionizing radiations should be considered in the light of existing scientific knowledge.

## Loss or finding of radioactive substances

### Section 26

1. The loss or finding of radioactive substances the possession of which is subject at least to notification (Section 25) should be reported immediately to the nearest safety authority.
2. Paragraph 1 above does not apply to the premises occupied by installations subject to authorization under Sections 6, 7 or 10, in case of loss or finding of radioactive materials the handling of which is covered by such authorization; however, the radiation protection officer must be immediately informed of such loss or finding.

## PART III

### Protection Rules

#### General provisions regarding radiation protection

### Section 27

When handling radioactive materials or operating radiation-emitting equipment, suitable working procedures and protective measures should be adopted in order to ensure that:

- (a) the radiation dose to which persons are exposed is kept as low as possible;
- (b) the danger of radioactive materials being absorbed by the human body is kept to a minimum;
- (c) the amounts of radioactive materials released into the air, water or ground are kept as small as possible.

### Section 28

Persons shall remain in controlled zones only if their presence is absolutely indispensable.

### Section 29

Persons working in radiation zones shall be informed by the radiation protection officer of the potential danger they incur by remaining in such zones. Such persons shall be required to observe the rules of conduct laid down by the radiation protection officer.

### Physical fitness

#### Medical surveillance and monitoring

### Section 30

1. Activities involving occupational exposure shall be performed only by persons whose physical fitness therefor has been established by medical examination.

2. A medical certificate containing the results of the medical examination shall be drawn up not more than two months before the person reports for duty.

3. Persons who have not yet reached their 18th birthday, pregnant women and nursing mothers shall not work in radiation zones.

### Section 31

1. Occupationally exposed persons shall undergo regular medical examinations.

2. In case of radiation-induced impairment to the health of such a person, a medical examination shall be ordered immediately. In addition, the incident shall be reported to the authorities.

3. Occupationally exposed persons no longer working in radiation zones or whose engagement is terminated shall be required to undergo a medical examination (termination examination).

4. If the results of this examination so warrant, such persons may be required to undergo further medical examinations at a later date.

### Section 32

1. The authorization holder or his employer shall see to it that the medical examinations referred to in Sections 30 and 31 above are carried out. In the case of persons no longer required by employment contract to undergo a termination examination or further examinations under Section 31(3) and (4), such examinations shall be ordered by the authorities.

2. If the person undergoing such examinations holds accident insurance under the social security scheme, one-third of the cost of the medical examinations referred to in Sections 30 and 31 above shall be borne by the employer, one-third by the local agency of the accident insurance fund and one-third by the Federal Government. If the person undergoing examination does not hold accident insurance under the social security scheme, two-thirds of the ensuing costs shall be paid by the person himself and one-third by the Federal Government, with the latter bearing the full cost when the examinee is a trainee. The procedure for paying such costs shall be determined by regulation.

### Section 33

1. If there is reason to suspect that the health of a non-occupationally exposed person may have been impaired by radiation, a medical examination shall be ordered immediately by the permit holder or his employer. In the case of an impairment to health sustained as the result of an activity subject to authorization under the terms of the present Federal Act by a person not bound by an employment contract to the employer engaging in this activity, the medical examination shall be ordered by the authorities.

2. If the results of the examination referred to in paragraph 1 so warrant, such persons may be required to undergo further medical examinations later on.

3. Insofar as the cost of the medical examinations referred to in paragraphs 1 and 2 above and the procedure for paying such costs is concerned, Section 32(2) shall apply by analogy, except that the cost of examinations ordered by the authorities shall be borne in full by the Federal Government, unless stipulated otherwise in the Act on third party liability in the field of nuclear energy (BGBl. No. 117/1964).

#### Section 34

The radiation dose received by occupationally exposed persons shall be monitored by physical methods.

#### Section 35

1. The medical examinations referred to in Sections 30, 31 and 33 above shall be performed by officially recognized doctors or hospitals.
2. In view of the object of these examinations, the doctors considered for official recognition must have the requisite knowledge for evaluating impairment to the life or health of persons and their descendants as a result of ionizing radiations.
3. Hospitals considered for official recognition must have on their staff a doctor with the requisite knowledge defined in paragraph 2 above.
4. Whenever official recognition is granted or withdrawn, notification must be made to the Association of Austrian doctors.

#### Special provisions concerning radiation protection

#### Section 36

In the light of existing scientific knowledge and insofar as necessary to protect the life or health of persons and their descendants against injury by ionizing radiations, the authorities shall issue regulations concerning:

- the requirements to be met by installations and radiation sources subject to authorization;
- the knowledge required of radiation protection officers and other persons responsible for such protection;
- the precautions, measures of surveillance and other measures to be taken in handling radioactive materials or operating radiation-emitting equipment;
- the precautions to be observed during operations involving the release of radiation;
- the radiation doses to which the human body may be exposed;
- the procedure for medical surveillance and physical monitoring, the interpretation and recording of the results of such surveillance and the measures to be taken in the light of these results;

- the form in which should be drafted recommendations and notifications concerning the handling and activity of radioactive materials, when no permit is required therefor.

#### PART IV

##### Radioactive contamination of the environment:

##### monitoring by the authorities; protection and safety measures

##### Monitoring by the authorities

#### Section 37

1. The Federal Minister for Social Affairs shall be responsible for routine monitoring of the radioactive contamination of the air, rain and other precipitations, ground and surface waters, soil, foodstuffs and farm products, as may be necessary to protect the life or health of persons and their descendants, in the light of current scientific knowledge and technology. Where required for routine monitoring of the environment, the Federal Minister for Social Affairs shall set up monitoring stations attached to the local authorities. The laboratories of the Federal Public Health Agency, the "Zentralanstalt für Meteorologie und Geodynamik" (Central Meteorological and Geodynamics Agency), the "Bundesanstalt für Wasserbiologie und Abwasserforschung" (Federal Institute for Water Biology and Research on Effluents), the relevant university departments and other bodies specialized in this area shall take part in routine monitoring operations and in the inspection of foodstuffs and farm products.

2. When a case of radioactive contamination is suspected, the local authorities shall see to it that the necessary tests and observations are made over and above the routine monitoring procedure. In the case of installations under the surveillance of the mining authorities, this task shall devolve upon the mines inspectorate. If the local authorities do not have properly qualified services, they may call upon the Federal Constabulary or the Federal Police to assist in recording and measuring the radiation emitted.

3. If a case of radioactive contamination endangering the life or health of persons or their descendants is suspected, the services responsible for taking observations shall have power, if necessary, to enter or pass through private property, even against the will of the persons having the lawful use thereof.

##### Protection and safety measures

#### Section 38

1. If the radiation from contamination by radioactive materials reaches a level of intensity at which the life or health of persons and their descendants may be endangered, insofar as is scientifically known, the "Landeshauptmann" (provincial governor) shall be notified; in addition to implementing the provisions of Sections 17 and 18, this official

shall take any other protective and safety measures which may be necessary.

2. Protective and safety measures within the meaning of paragraph 1 shall include restrictions on the movements of persons and objects, such as confining people to their homes, isolating people and objects, limiting the carriage of persons and goods, curtailing sales of foodstuffs and farm products and the use of water, evacuating certain zones or forbidding entry thereto, rendering dangerous objects harmless, quarantining and, if necessary, destroying animals and disposing of the bodies.

3. If such protective and safety measures are to be applied to the population at large, they shall be publicized as rapidly and on as wide a scale as possible, e.g. by posters in public places, radio or television.

4. The "Landeshauptmann" may call on the local authorities to implement protective and safety measures. If these authorities do not have adequately qualified services, the Federal Constabulary and the Federal Police shall assist in seeing that these measures are applied.

5. In case of imminent danger, protection and safety measures may be carried out, even if the person concerned objects, by force if need be.

#### PART V

#### Provisions of a penal nature

#### Section 39

1. Persons building an installation of the type referred to in Section 5, operating an installation of the type covered by Sections 6 or 7, handling radioactive substances or operating radiation-emitting equipment without authorization under the present Federal Act shall be guilty of an offence and shall be liable to a fine of up to 100,000 schillings or imprisonment for up to three months.

2. Holders of authorizations granted under the terms of Sections 5, 6, 7 or 10 who infringe by act or by omission:

- (a) the provisions of Sections 2(2), 9(2), 15(1), 16(1), 17(2), 23, 24, 28, 29, 30, 31(1),(2) and (3), 33(1) first sentence, 34; or unless otherwise stipulated in paragraph 3;
- (b) regulations pursuant to the present Federal Act;
- (c) orders issued under the present Federal Act or under any regulations made pursuant thereto,

shall be guilty of an offence and shall be liable to a fine of up to 30,000 schillings or imprisonment for up to six weeks.

3. Persons contravening the provisions of Sections 19(6) or 22, regulations made pursuant to Sections 19 to 22 of the present Federal Act, or orders or regulations made pursuant to the aforementioned provisions, shall be guilty of an offence and shall be liable to a fine of up to 10,000 schillings or imprisonment for up to two weeks.

4. The provisions of paragraphs 2 and 3 are applicable to wage earners in cases of deliberate offences; these shall be punishable with a maximum fine of 1,000 schillings or imprisonment for a maximum period of three days.

5. Persons contravening the provisions of Sections 25 or 26 shall be guilty of an offence and shall be liable to a fine of up to 1,000 schillings or imprisonment for up to three days.

6. Persons who, despite earlier warnings, contravene the protective and safety measures prescribed under Section 38, shall be guilty of an offence and shall be liable to a fine of up to 30,000 schillings or imprisonment for up to six weeks.

7. Both imprisonment and a fine may be inflicted in all cases.

## PART VI

### Transitional and final provisions

#### Section 40

1. Whoever at the time the present Federal Act comes into force is engaged in activities requiring authorization or notification under this Act, shall declare them to the relevant local authorities within six months of the date at which the said Act comes into effect and, if such activities are subject to authorization, apply at the same time for the authorization. If the local authorities referred to in Section 41 are not empowered to grant such authorization, they shall transmit the application immediately to the relevant authorities.

2. Pending action on the application submitted under the terms of paragraph 1, the applicant may pursue the aforementioned activity as before, provided all measures necessary to ensure compliance with the radiation protection rules enunciated in the present Federal Act or in regulations made pursuant thereto are taken immediately and, at the very latest, within one year of the date on which the present Act takes effect.

3. Pending action on the application submitted under the terms of paragraph 1, the authorities shall be empowered to order measures for eliminating any anomalies constituting a potential hazard to the life or health of persons and their descendants.

#### Section 41

1. The initial responsibility for implementing Parts I to III of the present Federal Act and any regulations pursuant thereto rests, save any provision to the contrary in paragraph 2, with:

(i) the Federal Minister, as regards:

(a) nuclear reactors;

(b) the handling of radioactive materials involved in the fabrication of nuclear fuels or the processing of irradiated fuels;

- (c) particle accelerators;
- (d) official approval of models (Sections 19 and 20);
- (e) official recognition under Section 35;
- (ii) the "Landeshauptmann", as regards:
  - (a) installations covered by Sections 5 and 6, except as regards installations within the meaning of sub-paragraphs (a) to (c) of paragraph (i);
  - (b) radiological equipment containing tubes with input voltages of over 150,000 volts;
- (iii) the local authorities in all other cases.

2. The cases covered by paragraphs (ii) and (iii) of subsection (1) are initially a matter for:

- (a) the mines inspectorate, in the case of installations under the supervision of the mining authorities;
- (b) the authorities initially responsible under the terms of Articles 141 to 143 of the Industrial Trade Code and any regulations pursuant thereto, in the case of installations covered by the aforesaid Code.

3. When certain parts of an installation are initially a matter for several authorities under the terms of subsections 1 or 2, the jurisdiction over the entire installation shall in all cases lie with the highest such authority.

4. The official channels for implementing the present Federal Act and any regulations pursuant thereto shall lead up to the competent Federal Minister.

5. The competent Federal Minister within the meaning of subsections 1(i) and 4 shall be:

- (a) in all cases not covered by the rules given in (b) and (c) hereunder, the Federal Minister for Social Affairs;
- (b) in regard to installations under the supervision of the mining authorities, the Federal Minister for Trade, Crafts and Industry, being the highest authority for the mines;
- (c) in regard to industries covered by the Industrial Trade Code, the Federal Minister for Trade, Crafts and Industry, except for the approval of models (Sections 19 and 20).

6. The implementation of Part V of the present Federal Act is initially a matter for the local authorities and, in the case of installations under the supervision of the mining authorities, for the mines inspectorate.

7. The duties and prerogatives of the authorities responsible for the protection of wage earners shall not be affected by the present Federal Act. Before any decisions or measures are taken pursuant to the present

Act or to implementing regulations regarding the protection of wage earners, these authorities shall be given an opportunity to state their views and make suggestions. Where such authorities do not exist, the protection of wage earners shall be ensured by the local labour inspectorate, as provided for in the Act regarding the supervision of labour.

8. The duties and prerogatives of the authorities, as defined in the legislation on water, veterinary services, forests and the protection of plant life, shall not be affected by the present Federal Act.

#### Section 42

1. The present Federal Act shall come into force on 1st January 1971.
2. Implementing regulations pursuant to the present Federal Act may be issued prior to such date, but shall not become effective before the Act itself.

#### Section 43

The following authorities shall be responsible for applying the present Federal Act.

1. In regard to installations under the supervision of the mining authorities, the Federal Minister for Trade, Crafts and Industry, being the highest authority for the mines.
2. In regard to questions concerning the protection of wage earners and to installations covered by the Industrial Trade Code, the Minister for Social Affairs in conjunction with the Federal Minister for Trade, Crafts and Industry.
3. In regard to installations covered by the Industrial Trade Code but not covered by subsection 2, the Federal Minister for Trade, Crafts and Industry in conjunction with the Federal Minister for Social Affairs.
4. In all other cases covered by Sections 32(2) and 33(3), the Federal Minister for Social Affairs in conjunction with the Federal Minister of Finance and, as regards installations covered by the Industrial Trade Code, with the Federal Minister for Trade, Crafts and Industry, and in cases covered by Sections 37(2), second sentence, and 38(4), second sentence, in conjunction with the Federal Minister of the Interior.