

Cabinet Resolution No [27] of 2015

Concerning Administrative Penalties on Violating the Conditions of the Licenses issued by the Federal Authority for Nuclear Regulation

The Cabinet,

- Having considered the provisions of the Constitution;
- Federal Law No. (1) of 1972 Concerning the Functions of the Ministries and Powers of Ministers and amending laws thereof;
- Federal Law by Decree No. (6) of 2009 Concerning the Peaceful Uses of Nuclear Energy;
- Federal Law No. (1) of 2011 Concerning the Public Revenues of the State;
- Federal Law by Decree No. (8) of 2011 on the Rules for Drafting the Public Budget and Balance Sheet Rules; and
- Federal Law by Decree No. (8) of 2014 Concerning Licenses and Services Fees Provided by the Federal Authority for Nuclear Regulation
- Further to the proposal of the Minister of Finance and the Cabinet's approval,

Has decided the following:

Article (1)

In applying this Resolution, the following terms shall have the following meaning unless the context specifies otherwise:

- Law : Federal Law by Decree No. (6) of 2009 Concerning the Peaceful Uses of Nuclear Energy.
- Authority : Federal Authority for Nuclear Regulation.
- Board : Board of Management of the Authority.
- Licence : The approval issued by the Authority granting authorization to the Licensee to perform one or more specific Regulated Activities relating to a Facility or Activity, or any other authorization granted by the Authority to the applicant to have the responsibility for the sitting, Design, Construction, Commissioning, Operation or Decommissioning of a nuclear installation or granted to carry out any Activity related to management of Nuclear Spent Fuel or of Radioactive Waste, pursuant to the provisions of the Law.
- Person : Natural or judicial person whether in public or private sector.
- Licensee : A person holding a valid Licence according to the provisions of the Law.



- Operator : Any Person authorized and/or responsible for Nuclear Safety, radiation Safety, Radioactive Waste Safety or transport Safety when undertaking activities in relation to any Nuclear Facilities or any Sources of Ionizing Radiation. This includes private individuals, governmental bodies, consignors or carriers, Licensees, hospitals and self-employed persons, pursuant to the provisions of the Law.
- Inspectors : Personnel of the Authority authorised to conduct regulatory inspection, prepare reports and prove Violations on activities subject to the control of the Authority pursuant to the provisions of the Law
- Table : Radioactive sources categorization Table attached to this Resolution.

Article (2)

Without prejudice to any stricter penalty provided for in any other legislation, the corresponding Administrative fines shall be imposed on the Operator or Licensee, upon committing or recommitting any Violation of the Violations, as set forth in the table hereunder:

| No | Violation Description | Fine for Committed Violation | | Fine for Repeated Violation | |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------|-----------------------------|----------------|
| | | Legal Person | Natural Person | Legal Person | Natural Person |
| 1 | A member of the public is exposed to radiation that exceeds the appropriate dose limit (1mSv), the equivalent dose limit for the lens of the eye per year (15 mSv) or the equivalent dose limit for any part of the skin per year (50 mSv). | 250,000 | 100,000 | 750,000 | 250,000 |
| 2 | Exposure of a worker to radiation that exceeds the relevant dose limits by no more than (50 mSv) a year, and (100 mSv) in five years. | 100,000 | 20,000 | 300,000 | 60,000 |
| 3. | Exposure of a worker to radiation that exceeds the relevant dose limit for the lens of the eye by more than (50 mSv) a year and (100 mSv) in five years, or exceeds the | 200,000 | 40,000 | 600,000 | 120,000 |

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| | equivalent dose by (500 mSv) a year at any point on the hands, feet or skin. | | | | |
| 4. | Loss of control by the Licensee over any of the radioactive sources listed in category (1) of the Table. | 250,000 | 100,000 | 750,000 | 250,000 |
| 5. | Loss of control by the Licensee over any of the radioactive sources listed in category (2) and (3) in the Table. | 150,000 | 60,000 | 450,000 | 180,000 |
| 6. | Loss of control by the Licensee over any of the radioactive sources listed in category (4) and (5) in the Table. | 50,000 | 20,000 | 150,000 | 60,000 |
| 7. | Loss of control by the Licensee over any of special fissionable material or source material. | 150,000 | 50,000 | 450,000 | 150,000 |
| 8. | Preparing to transport any radioactive material contrary to the packaging approved by the Authority. | 50,000 | 10,000 | 150,000 | 30,000 |
| 9. | Transporting any of the radioactive material without placing warning signs approved by the Authority for transportation means. | 75,000 | 40,000 | 200,000 | 100,000 |
| 10 | Transporting radioactive materials in violation of the transport security plan approved by the Authority. | 100,000 | 40,000 | 300,000 | 120,000 |
| 11. | Exceeding by a nuclear facility of the allowed limit of radioactive waste discharge. | 500,000 | / | 1,500,000 | / |
| 12 | Exceeding by another entity, other than the nuclear facility, of the allowed limit of radioactive waste discharge. | 100,000 | / | 300,000 | / |

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| 13. | Failure to report to the Authority any accidents envisaged in the License conditions. | 100,000 | / | 300,000 | / |
| 14. | Failure to report to the Authority any unplanned events envisaged in the License conditions. | 20,000 | / | 60,000 | / |
| 15. | Failure to follow safety, security or safeguards plans and arrangements provided for in the License application that has already been reviewed and assessed by the Authority. | 100,000 | 40,000 | 300,000 | 120,000 |
| 16. | Implementation of any modifications that could have a significant impact on safety, security or safeguards without a prior approval of the Authority. | 300,000 | 100,000 | 750,000 | 200,000 |
| 17. | Failure to submit reports required by License conditions and regulations approved by the Authority. | 100,000 | 25,000 | 300,000 | 50,000 |
| 18. | Delay in submission of reports required by License conditions and regulations approved by the Authority. | 20,000 | 4,000 | 60,000 | 12,000 |
| 19. | Failure to maintain documents and records required by the License conditions and regulations approved by the Authority for this purpose. | 100,000 | 25,000 | 300,000 | 75,000 |
| 20. | Failure to allow timely access for inspectors to relevant facilities and locations, documents or information. | 100,000 | 25,000 | 300,000 | 75,000 |
| 21. | Hindering safeguards inspections or complementary access required by the Comprehensive Safeguards | 200,000 | 50,000 | 600,000 | 150,000 |

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| | Agreement with the International Atomic Energy Agency (IAEA). | | | | |
| 22. | Failure of the Licensee to implement its commitments during the conduct by the Authority of complementary access and assessment required by the License conditions. | 100,000 | 25,000 | 300,000 | 75,000 |
| 23. | Delay of the Licensee in implementing its commitments during the conduct by the Authority of complementary access and assessment required by the License conditions. | 20,000 | 5,000 | 60,000 | 15,000 |
| 24. | Failure to implement a corrective action requested by the Authority to remedy deficiencies that affect safety, security or safeguards. | 250,000 | 100,000 | 750,000 | 300,000 |
| 25. | Delay in implementation of a corrective action requested by the Authority to remedy deficiencies that affect safety, security or safeguards. | 25,000 | 5,000 | 75,000 | 15,000 |
| 26. | Delay in renewing the License. | 10,000 a day from the day on which License expires, with a maximum of 500,000. | / | 10,000 a day from the day on which License expires, with a maximum of 500,000 and closing of the installation. | / |

Article (3)

- a) The Authority may suspend or revoke the Licence or any part thereof, if committing or re-committing any of the Violations provided for in Article (2) of this Resolution will cause any of the circumstances provided for in Article (31) of the Law.
- b) Without prejudice to the provisions of Item (a) of this article, the Authority may notify the Licensee in writing, before the Authority decides to suspend or revoke the Licence or any part thereof, of the necessity to rectify the cause of the Violation according to the period it determines for this purpose. The Licensee must respond in writing to such notification on the actions to be taken to rectify the cause of the Violation. If the Authority decides to suspend or revoke the License or any part thereof, the Authority's decision in this regard shall be final.

Article (4)

- a) In addition to the Administrative fines provided for in Article (2) of this Resolution, the Authority may impose corrective actions on the Operator or the Licensee for committing any conducts or actions contrary to the provisions of the Law or regulations and resolutions issued by the Authority.
- b) The Inspectors of the Authority shall prove all Violations committed contrary to the provisions of this Resolution pursuant to the provisions of the Law and in compliance with the relevant regulation issued by the Board for this purpose.
- c) In addition to the Administrative penalties provided for in this Resolution, the Operator or the Licensee shall be committed to indemnify the Authority for all costs and expenses incurred by the Authority during the inspection and for proving Violations. The Authority's estimation in relation to such costs and expenses shall be final and without prejudice to any penalties or fines stipulated by any other legislation.

Article (5)

The Cabinet shall have the power to amend any of the Administrative fines provided in this Resolution whether by addition, omission or amendment.

Article (6)

The Administrative fines specified in this Resolution will be collected pursuant to procedures to be determined by the Ministry of Finance in this respect.

Article (7)

- a. The Board shall have the right to amend, as appropriate, the Radioactive Sources Categorisation provided in the Table.
- b. The Board shall issue the necessary resolutions to implement the provisions of this Resolution.

Article (8)

This Resolution shall be published in the Official Gazette and shall become effective on the day following its publication.

Mohammed bin Rashid Al Maktoum

The Prime Minister

Issued at:

Dated: 18 Shawwal 1436 H

Corresponding to: 3 August 2015

Table: Radioactive Sources Categorisation
Annexed to Cabinet Resolution No [27] of 2015

| Category | Typical sources and practices | Typical radionuclides and their activities in TBq | |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------|
| 1 | <ul style="list-style-type: none"> - Radioisotope thermoelectric generators (RTGs) - Irradiators - Teletherapy sources - Fixed, multi-beam teletherapy (gamma knife) sources | Co-60 | > 3.0E+01 |
| | | Sr-90 | > 1.0E+03 |
| | | Cs-137 | > 1.0E+02 |
| | | Pu-238 | > 6.0E+01 |
| 2 | <ul style="list-style-type: none"> - Industrial gamma radiography sources - High/medium dose rate brachytherapy sources | Co-60 | 3.0E-01 to 3.0E+01 |
| | | Sr-90 | 1.0E+01 to 1.0E+03 |
| | | Cs-137 | 1.0E+00 to 1.0E+02 |
| | | Ir-192 | 8.0E-01 to 8.0E+01 |
| | | Pu-238 | 6.0E-01 to 6.0E+01 |
| 3 | <ul style="list-style-type: none"> - Fixed industrial gauges that incorporate high activity sources - Well logging gauges | Co-60 | 3.0E-02 to 3.0E-01 |
| | | Sr-90 | 1.0E+00 to 1.0E+01 |
| | | Cs-137 | 1.0E-01 to 1.0E+00 |
| | | Pu-238 | 6.0E-02 to 6.0E-01 |
| | | Am-241/Be | 6.0E-02 to 6.0E-01 |
| | | Cf-252 | 2.0E-02 to 2.0E-01 |
| 4 | <ul style="list-style-type: none"> - Low dose rate brachytherapy sources (except eye plaques and permanent implants) - Industrial gauges that do not incorporate high activity sources - Moisture/density gauges - Bone densitometers - Static eliminators | Co-60 | 3.0E-04 to 3.0E-02 |
| | | Kr-85 | 3.0E-01 to 3.0E+01 |
| | | Sr-90 | 1.0E-02 to 1.0E+00 |
| | | I-125 | 2.0E-03 to 2.0E-01 |
| | | Cs-137 | 1.0E-03 to 1.0E-01 |
| | | Po-210 | 6.0E-04 to 6.0E-02 |
| | | Ra-226 | 4.0E-04 to 4.0E-02 |
| | | Pu-238 | 6.0E-04 to 6.0E-02 |
| | | Am-241 | 6.0E-04 to 6.0E-02 |

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|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 | <ul style="list-style-type: none"> - Low dose rate brachytherapy eye plaques and permanent implant sources - X ray fluorescence (XRF) devices - Electron capture devices - Mossbauer spectrometry sources - Positron emission tomography (PET) check sources | <p>Co-57</p> <p>Co-60</p> <p>Ge-68</p> <p>Sr-90</p> <p>Cs-137</p> <p>Pu-238</p> | <p>Exempt to 7.0E-03</p> <p>Exempt to 3.0E-04</p> <p>Exempt to 7.0E-03</p> <p>Exempt to 1.0E-02</p> <p>Exempt to 1.0E-03</p> <p>Exempt to 6.0E-04</p> |
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