

قرار مجلس إدارة هيئة الرقابة النووية والإشعاعية

رقم (٥) لسنة ٢٠٢٦

مجلس الإدارة :-

- بعد الاطلاع على قانون تنظيم الأنشطة النووية والإشعاعية الصادر بالقانون رقم (٧) لسنة ٢٠١٠، والمعدل بالقانون رقم (٢١١) لسنة ٢٠١٧، ولائحته التنفيذية؛
- وعلى قرار رئيس مجلس الوزراء رقم (٢٩٢٦) لسنة ٢٠٢٢ بشأن إعادة تشكيل مجلس إدارة هيئة الرقابة النووية والإشعاعية؛
- وعلى قرار رئيس مجلس الوزراء رقم (٣٥٣٩) لسنة ٢٠٢٥ بتعيين رئيس ونائب رئيس هيئة الرقابة النووية والإشعاعية؛
- وعلى موافقة مجلس إدارة الهيئة بجلسته رقم (٣) المنعقدة بتاريخ ٢٠٢٦/٥/٦؛
- ولصالح العمل.

قـرـرـ

(المادة الأولى)

اعتماد وثيقة "سياسة الإنفاذ" المرافقة لهذا القرار.

(المادة الثانية)

يعمل بهذا القرار اعتباراً من تاريخ صدوره، وعلى جميع القطاعات والإدارات المعنية تنفيذه - كل فيما يخصه.

رئيس مجلس الإدارة

د/ هاني خضر

د/ محمد عبد الرحمن

ENFORCEMENT POLICY

1. Introduction

Nuclear and Radiological Regulatory Body (hereinafter, ENRRA) has been established by law 7/2010 on Regulating Nuclear and Radiological Activities in territory of Egypt, as an independent entity. The main function of ENRRA is to undertake all regulatory work and oversight functions related to nuclear and radiological activities to benefit from peaceful use of atomic energy, in a manner that grantee the safety and security of people, property and the environment from dangers of exposure to ionization radiation. In order to achieve its objective, it has all necessary powers for issuing, amending, suspending, renewing, withdrawing and cancellation all types of licenses.

2. Purpose of the policy

The primary goal of the enforcement policy is to promote compliance with ENRRA's mission and thus protect people and environment from harmful effects of ionizing radiation it shall not be taken as punitive action against authorized parts and their associated entities. The policy is created considering the global safety regime, in particular Principles, Requirements and recommendation of the International Atomic Energy Authority (IAEA).

3. Binding Force

This enforcement policy is binding document and shall be applied by all employees of Egyptian Nuclear and Radiological Regulatory Authority (ENRRA) who are in charge of enforcement process.

4. Enforcement Power

ENRRA is empowered by law to oversight peaceful use of nuclear and radiological activities, except X-Ray in medical application. ENRRA carries out its functions and activities independently from the licensee. Head of ENRRA is the Chairman of the Board, reported directly to the Prime Minister and has power of the Minister.

ENRRA has all the necessary legal powers to issue mandatory regulations, to issue licenses and to perform evaluations, inspections and enforcement.

Acc. to Art. 33, 35 and 37 of the law7/2010, ENRRA's inspectors are empowered to enter the premises of relevant facilities, require the authorize party to provide relevant information, collect evidence of non-compliance, perform regulatory inspections to investigate non-compliance, and take enforcement actions.

5. Enforcement Objective

The objectives of the enforcement actions are to:

- Promote, achieve and sustain compliance with the law and applied requirements;
- Protect workers, public and environment from ionizing radiation
- Ensure that the authorized party take appropriate action to deal with risks in timely manner.

6. Scope of the policy

The regulated facilities and activities under the scope of this policy are:

- Nuclear installations (nuclear power plants, research reactors, fuel cycle facilities);
- Radiation facilities and activities;
- Radiation sources
- Radioactive waste and spent fuel management facilities;
- Uranium ore mining, milling and processing;
- Transport of radioactive material.

The person or organization responsible for the non-compliances may include:

- Authorized party;
- Other non-authorized staff;
- Licensed control room staff;
- Radiation protection officer;
- Senior manager;
- Applicant for a license or authorization;
- Vendor, manufacturer or supplier;
- Contractor or sub-contractor;
- Any entity or individual performing an activity subject to the regulatory control of the regulatory body and under the legal framework.

7. Roles and Responsibilities

7.1. Roles and Responsibilities of Decision makers and senior management

- Approve written processes with all inputs, procedures and steps to implement the policy;
- Delegate authority to the appropriate decision maker based on level of responsibility;
- Approve the final enforcement action;
- Meet with senior authorized party management, when necessary, to emphasize the significance of a particular enforcement action and to discuss any required short, interim and long-term corrective actions when the necessary corrective action is complex.

7.2.Roles and Responsibilities of Inspection and Enforcement department head

- Determine whether the recommended enforcement action is correct, valid and consistent with enforcement policy and process;
- Ensure applicability of the regulatory requirements;
- Ensure appropriateness and timeliness of corrective actions;
- Ensure adequate documentation of the facts associated with the non-compliance.
- Manage the record of the enforcement actions and all supporting records and documentation;
- Disseminate information and actions to the appropriate organizational units responsible for other core regulatory processes;
- Draft revision of enforcement policy within the regular review interval or more frequently, if required;
- Periodically conduct an evaluation of the enforcement policy and process implementation and make improvements.

7.3.Roles and Responsibilities of Inspectors

- Identify potential non-compliances within the law, regulations, authorization conditions or other regulatory requirements;
- Document the facts of the non-compliance and the corresponding requirements which have been breached. This may be in an inspection report or other document;
- Review the immediate and planned corrective actions, including for timeliness;
- Evaluate the non-compliance to determine if the immediate risk is significant enough to warrant immediate enforcement action when allowed by the legislative framework, as appropriate;
- Communicate to the authorized party and to others in the regulatory body;
- Evaluate the significance of the non-compliance;
- Collect relevant documentation and evidence to be consulted and preserved related to the non-compliance.

7.4.Roles and Responsibilities of assessors

- Identify findings which may trigger enforcement actions (in some cases, such as authorization reviews, identify and document the facts of the non-compliance);
- Evaluate the significance of the non-compliance;
- Identify the relevant legal and regulatory basis;
- Ensure appropriateness and timeliness of corrective actions;
- Carry out investigation procedures to develop evidence.

7.5.Roles and Responsibilities of legal affair's staff

- Support the evaluation and identification, if necessary, of the legislative or regulatory requirements that have been breached;
- Confirm or seek sufficient evidence to support the enforcement actions;

- Provide legal guidance, in accordance with the law and applicable regulatory framework, on the proposed enforcement action;
- Communicate legal information to the parties concerned, if necessary;
- Support the investigation process to implement action and in the appeal stage to ensure due process;
- Assess the case for legal sufficiency, if needed, to be presented in the court of law.

8. Enforcement Principles

In order to achieve the enforcement objective, ENRRA's inspectors are committed to the following principals:

- Enforcement action shall be proportionate to the level of risk arising from noncompliance to the obligatory requirements;
- Enforcement action shall follow consistent approach for similar circumstance;
- Enforcement action shall be communicated transparently and deal with facts.
- Enforcement actions by ENRRA and acceptance of corrective actions from authorized party shall be in the public interest
- Inspectors shall Exercise their powers only for the purposes for which they were delegated;
- The inspector must ensure that the licensee is aware of his rights to defend his position and to appeal.
- Inspectors are accountable to the public for their action

9. Strategy to assess the significance of non-compliance

In order to assess the significance of non-compliance the following factors are considered:

- Actual safety consequences
- Potential safety consequences
- Nature of discovery
- Number or recurrence of non-compliances
- Impact on the regulatory process
- Willfulness

10. Enforcement actions

Enforcement is used after amicable instruments have been exhausted or when amicable instruments could not achieve enforcement objectives.

Enforcement actions can range from written request to take corrective action; written warning to take a higher level of enforcement; orders to curtail activity; orders of authorization modification, suspension, and revocation; and recommend penal action to be taken by court as prescribed in the law.

The enforcement actions shall be commensurate with the seriousness of the violations. ENRRA may impose monetary penalties accompanied with the above-mentioned enforcement actions, based on significant of non-compliance with the requirements and authorization conditions.

11. Expertise for Enforcement

ENRRA is committed to ensure and enhance the expertise of its inspectors to be able to implement the enforcement procedures in accordance with the legislation and this enforcement policy.

In order to be efficient and effective in implementation of the enforcement actions, ENRRA evaluates its objectives through KPIs and provides training through its center of excellency for inspection process, enforcement process, applied legislations, risk assessment, communication skills and safety culture.

12. Publicity

ENRRA will make publicly available information on the serious violations in the regulated installations, that may pose a threat to workers, public or environment.