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MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR, RADIATION, TRANSPORT AND WASTE SAFETY

TRANSPORT SAFETY

(Secretariat responses to transport safety issues of Member States)

I. ESTABLISHING TRANSPORT SAFETY STANDARDS

Background

1. In July 1959, ECOSOC requested the United Nations Secretary-General to inform the IAEA of its desire that the IAEA be entrusted with the drafting of recommendations on the transport of radioactive material. The IAEA, which is authorized by its Statute¹ to establish standards of safety, first issued Regulations for the Safe Transport of Radioactive Material (hereinafter "Transport Regulations") in 1961. The Transport Regulations have been published periodically since that time, the latest edition being issued in 1996.

2. In September 2000, the General Conference, in resolution GC(44)/RES/17, requested the Secretariat to continue its work of reviewing and revising the Transport Regulations, "on the basis of a schedule consistent with the regulations revision schedules of the international modal organizations", with a view to issuing a revised edition every two years, as necessary, beginning in 2003.

Action by the Secretariat

3. On 16 November 2000, the Secretariat outlined to Member States its plans for acting on resolution GC(44)/RES/17. It stated that the goal was indeed to issue a revised edition of the Transport Regulations every two years, as necessary, beginning in 2003. The chart in the Attachment to this document depicts the new review and revision process.

¹ Article III.A.6.

4. The review and revision of the 1996 edition of the Transport Regulations resulted in 212 proposals from Member States and international organizations, which were posted by the Secretariat on the Agency transport safety web site² for comment by Member States and the relevant international organizations. A “revision panel” examined the proposals and comments thereon in September 2000, and made recommendations to the Transport Safety Standards Committee (TRANSSC).

5. In February 2001, TRANSSC considered the recommendations from the revision panel and agreed that 34 of the 212 proposals were acceptable for consideration in preparing the next edition of the Transport Regulations. Twenty-two of these were simply errata or clarification of existing requirements, whereas only 12 proposals involve changes in requirements. These 12 proposals were made available to Member States for comment during the first half of 2001.

6. In November 2001, comments received from Member States with regard to these 12 proposed changes will be considered by a second revision panel, which will prepare a comprehensive summary of all approved and recommended changes for incorporation into the draft 2003 edition of the Transport Regulations. This draft will be considered respectively by TRANSSC in March 2002 and the Commission on Safety Standards (CSS) in May 2002 before being submitted to the September session of the Board of Governors. The revised Transport Regulations will be published in 2003.

7. In accordance with the schedule for considering the need to revise the IAEA Transport Regulations biennially, the Secretariat is preparing to request in January 2002 proposals for changes to the draft 2003 edition, with a view to possibly publishing an edition in 2005.

Developing Safety Guides in support of the Transport Regulations

8. Two documents in support of the Transport Regulations are expected to be issued in 2001:

- (a) “*Advisory Material for the IAEA Regulations for the Safe Transport of Radioactive Material (1996 Edition)*” — IAEA Safety Standards Series No. TS-G-1.1; and
- (b) “*Planning and Preparing for Emergency Response to Transport Accidents Involving Radioactive Material*” — IAEA Safety Standards Series No. TS-G-1.2.

² <http://www.iaea.or.at/ns/rasanet/programme/radiationsafety/transportsafety/transsaf.htm#Top>.

II. PROVIDING FOR THE APPLICATION OF THE TRANSPORT REGULATIONS

Incorporating the Transport Regulations into international regulatory documents relating to the transport of dangerous goods

Background

9. In September 1998, the General Conference, in resolution GC(42)/RES/13, requested the Director General to maintain close liaison, pursuant to the Board's recommendation, with international organizations concerned with the safety of transport of radioactive material.

Action by the Secretariat

10. Since 1996, the Secretariat has worked closely with the international modal organizations on the incorporation of the Transport Regulations requirements into those organizations' regulatory documents relating to the transport of dangerous goods. This has involved interfacing with the United Nations Economic and Social Council's Committee of Experts on the Transport of Dangerous Goods, which in 1999 issued revised *Recommendations on the Transport of Dangerous Goods – Model Regulations*. The Model Regulations were used by the international modal organizations ICAO, IATA, IMO and UN/ECE/ITC (The UN Economic Commission for Europe's Inland Transport Committee) in developing the latest editions of their regulatory documents. A cross-comparison of the content of those documents has been placed on the Agency's transport safety web site.

11. By 1 July 2001, the international modal organizations had all incorporated the requirements of the 1996 edition of the Transport Regulations into their respective regulatory documents using the format recommended in the Model Regulations. These requirements became mandatory for air transport on 1 July 2001, and will become mandatory for the other transport modes on 1 January 2002. The Secretariat continues to co-operate on the incorporation of the revisions to the Transport Regulations into the appropriate editions of the Model Regulations.

Adopting and applying the Transport Regulations in Member States

Background

12. In resolution GC(44)/RES/17, the General Conference encouraged Member States whose national regulatory documents governing the transport of radioactive materials were not in conformity with the 1996 edition of the Transport Regulations to bring them into conformity with it and Member States which did not have national regulatory documents governing the transport of radioactive materials to adopt such documents, ensuring that they were in conformity with the 1996 edition, with a view to completing that action during 2001.

Action by the Secretariat

13. A publication providing guidance on “*Arrangements for transition from the 1985 Edition (as amended 1990) to the 1996 Edition of the IAEA Transport Regulations*” (IAEA-TECDOC-1194) was published in January 2001 and has been placed on the Agency’s transport safety web site.

14. The Secretariat reminded Member States in a Note Verbale (720-J1.30) in November 2000 that it stood ready to assist them either in bringing their national regulatory documents into conformity with the 1996 edition of the Transport Regulations or in adopting national regulatory documents which were in conformity with the 1996 edition at the outset. In that connection, it invited Member States to have key regulatory personnel trained in the application of the regulations through regional courses planned for 2001 and beyond.

15. In a later Note Verbale (J1.31, March 2001), the Secretariat requested the authorities concerned in each Member State to communicate, by 30 June 2001, information about: the national law designating the competent authority; the designated competent authority; the applicable national documents, and plans for adopting the 1996 edition of the Transport Regulations. As of 11 July 2001, only 39 Member States had responded. The information received is being posted on the pages of the Agency’s transport safety web site, which will be periodically updated.³

Conducting the Transport Safety Appraisal Service (TranSAS)

Background

16. The Transport Safety Appraisal Service (TranSAS) was initiated in response to a request made in General Conference resolution GC(42)/RES/13.⁴ The first TranSAS mission, to Slovenia, took place in June 1999. A report summarizing the mission findings was, with the consent of the Government of Slovenia, made available in September 2000 to the General Conference.

17. In September 2000, the General Conference, in resolution GC(44)/RES/17, commended those Member States which had already made use of TranSAS and encouraged other Member States to avail themselves of it.

Action by the Secretariat

18. A brochure describing revised TranSAS procedures has been prepared by the Secretariat.

19. The Secretariat, in accordance with resolution GC(44)RES/17, is required to organize and carry out TranSAS missions “within available resources”. If requesting countries are not prepared to meet the costs of the missions, it is virtually impossible for the Secretariat to finance them. However, if the requests are made by developing Member States, consideration

³ <http://www.iaea.or.at/ns/rasanet/programme/radiationsafety/transportafety/adoptionoftransportregs.htm>.

⁴ See in this connection document GC(43)/9, paragraph 6.

could be given to meeting them within the framework of the Technical Co-operation Programme. The Secretariat has been endeavouring to secure resources for requests for TranSAS missions from Brazil and Turkey and, given the importance attached by Member States to TranSAS, it decided in June 2001 to use, exceptionally, savings from other activities in Programme I (Radiation Safety) to meet those requests. A preliminary mission to Turkey is now scheduled for 1–5 October 2001, and it is expected that, if the necessary resources are secured, a full-scale mission to Brazil will have been completed by the end of 2001.

20. In a letter of 6 July 2001 addressed to the Director General, the United Kingdom requested “*that the Agency conduct a TranSAS Mission related to the maritime transport of radioactive material...to review the legislative and administrative procedures in place to ensure that the maritime transport of radioactive material is regulated in a manner consistent with the IAEA transport regulations, most notably those deriving from the International Maritime Organisation.*” Discussions have been initiated with the United Kingdom authorities regarding this request.

III. SAFETY IN THE INTERNATIONAL TRANSPORT OF RADIOACTIVE MATERIAL

Background

21. In operative paragraph 8 of resolution GC(44)/RES/17, the General Conference called for “*efforts, at the international, regional and bilateral level, to examine and further improve measures and international regulations relevant to the international maritime transport of radioactive material and spent fuel, consistent with international law,*” and stressed “*the importance of having effective liability measures in place*”. This call was echoed by the United Nations Commission on Sustainable Development in April 2001. A number of States have, at various regional meetings, also considered this issue and called for existing relevant safety mechanisms to be applied strictly. At the same time, the World Nuclear Transport Institute has stated that the safety record of such shipments “*is impressive and is backed by a rigorous, international framework that has been in place and continuously reviewed for several decades*”.

Action by the Secretariat

22. The Secretariat is planning to convene a Conference on the Safety of Transport of Radioactive Material early in 2003. The Conference will establish a platform for discussing all aspects of safety in the international transport of radioactive material.

23. The Secretariat has continued working with IMO and has proposed to IMO’s Subcommittee on Dangerous Goods, Solid Cargoes and Containers revisions to its emergency management schedules so that these will be consistent with the requirements of the 1996 edition of the Transport Regulations, which were adopted at its July 2001 meeting. In addition, the Secretariat recently issued a jointly sponsored survey of documentation relating to marine transport environments, and it will soon be publishing, as an IAEA-TECDOC, the results of a co-ordinated research project on the “*Severity of accidents in the maritime transport of radioactive material*”.

24. A workshop on legal issues was held as part of a regional training course on transport safety held in Sydney, Australia, in late 2000. The issues addressed included: State legislation for the transport of radioactive material, structuring a national competent authority for the safe transport of radioactive material, requirements for air and sea transport, customs requirements, international legal instruments, and liability and insurance during the transport of radioactive material.

25. In January 2001, the Secretariat discussed with a delegation of the Government of Panama the following issues: the basis for radiological protection during transport; the structure and contents of and the planned adoption schedule for the Transport Regulations; TranSAS; and legal, liability and insurance issues relating to transit of the Panama Canal.

IV. SUGGESTED ACTION BY THE BOARD

26. It is suggested that the Board, taking note of the actions taken by the Secretariat, encourage Member States:

- to continue supporting the present review and revision cycle, which will lead to the 2003 edition of the Transport Regulations, and to prepare complete proposals for the forthcoming revision cycle, which may lead to a 2005 edition;
- to expeditiously complete the incorporation into their national regulatory documents of the requirements in the 1996 edition of the Transport Regulations; and
- in the light of the limited response to the March 2001 survey concerning adoption of the Transport Regulations referred to in paragraph 15, to expeditiously provide information as requested in that survey.

Revision Process for Transport Regulations

