

**President's Findings for the International Conference on the Safe and Secure Transport
of Radioactive Materials
October 2011**

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Introduction

On the fiftieth anniversary of the issue by the International Atomic Energy Agency (IAEA) in 1961 of its first Regulations for the Safe Transport of Radioactive Materials, an International Conference on the Safe and Secure Transport of Radioactive Materials was organized by the IAEA in Vienna from 17 to 21 October 2011.

A total of 255 nominated participants from 60 countries attended the Conference. In addition to policy and decision-makers from Member States' governments, representatives of industry and international organizations also attended and a total of 54 papers were presented.

The Conference afforded participants a valuable opportunity to discuss, in an international context, issues related to the safe and secure transport of nuclear and radioactive materials, allowing best practices to be identified and shared. The Conference also helped to identify challenges and opportunities in relation to the enhancement of transport safety and security in the future on the basis of papers contributed and the discussions held.

The basic principles outlined in the IAEA action plan on nuclear safety are fully applicable to transport safety.

The relevance of the nuclear security action plan to safe and secure nuclear transport should also be noted.

The conference considered both safety and security of transport. Although some of the findings are recorded in terms of specific safety or security language, generally the discussion covered both areas. Consequently findings dealing with either safety or security may be applicable to both.

The Conference addressed the following topics:

- Nuclear and other radioactive material in legal regulated transport
- All modes of transport
- Safety
- Security
- Communications
- Liability
- Legislative and regulatory requirements
- Effective implementation
- Industry experience
- Denial and delay of shipments
- Emergency preparedness
- The regional dimension

The conference was charged with developing recommendations to create a safe, secure and sustainable framework for the transport of radioactive material for the next 50 years. The year 2011 marks the 50th anniversary of the first IAEA regulations governing the safe transport of radioactive material. The IAEA security provisions are also mature.

The Conference findings (in no order of priority) are:

Harmonization

There must be harmonization of the framework at all levels, including at the IAEA fundamentals level.

The transport regulatory system (both safety and security) needs to be harmonized globally to avoid conflicts and varying requirements.

Harmonization between safety and security requirements should be maximized as well as Member States regulatory requirements.

Harmonization between IAEA and other UN organizations is important.

Denial of shipments

Denial of shipments continues to be a problem which must be addressed.

Denial of shipments can adversely affect security – e.g., if a package is left at a facility, it may be misplaced or abandoned. Efforts to reduce denials have both safety and security benefits.

Denial of shipments is also hindering radioactive source returns as well as beneficial uses involving radioactive material. Information on why carriers deny shipments should be developed.

The current scientific basis

A risk based graded approach to safety and security is important.

The standard transport conditions assumptions

Accidents can happen. The level of safety provided by the regulations continues to be high but the regulations should be kept under review and revised as necessary.

Security is and will remain essential. There are existing conflicts between safety and security which need to be addressed and resolved however, having regard to the necessity of confidentiality to ensure security.

Safety requirements and security recommendations

Some Member States have difficulties implementing the requirements and such difficulties should be recognized and responded to, including the need to enhance the capacity of developing countries.

Coherence between the different language versions of the safety and security requirements is important in implementation. Therefore the requirements should be drafted in clear language.

Safety and security requirements should be as consistent as possible to facilitate simultaneous application of them. This can be done within the current IAEA document structure.

Transport safety and security must be addressed with regard to relevant international instruments such as UNCLOS, SOLAS, etc. These instruments establish rights and obligations for States Party to them.

Regulations should be changed when needed, but only when needed.

Failure to consider the cost and complexity of implementation of regulations can lead to their avoidance.

UN modal bodies

Consistency between IAEA, IMO and ICAO regulations and thereafter IATA and national regulations is important to helping avoid denial of shipments and to fostering increased compliance.

National implementation and industry compliance

We must raise regulatory capacity worldwide – inter alia, this will facilitate increased access to the beneficial uses of radioactive material.

International harmonization of implementation is also important.

Ways to improve this harmonization need to be explored more fully. Ideas expressed included: use of appraisals/assessments, perhaps by including transport in existing IAEA regulatory and operational peer reviews such as Integrated Regulatory Review Services (regulators) and Operational Safety Review Teams (carriers, consignors and package

designers); and, exploring how industry/governmental partnerships might be developed and used.

Approvals should follow IAEA requirements to facilitate international transport.

Harmonizing how the regulations are implemented, including regulatory procedures and practices, is important to avoid denial of shipments.

Ideas on how to improve regulatory coordination (formal agreements among States, common practices and guides, registers of approved shippers, forums for resolution of issues, etc.) should be identified and explored for improving efficiency in the regulatory approval and authorization process.

IAEA requirements are implemented by Member States but in very different ways and with different editions of the regulations being used. This will continue to create implementation problems.

Emergency Response

Effective emergency response requires international, multi-lateral, regional and bi-lateral cooperation.

Coastal States remain concerned about lack of information which could inhibit their timely and effective response to an incident.

States should consider using the IAEA's services in emergency preparedness and emergency response.

The timely exchange of information would facilitate such response including in relation to keeping the public informed.

Liability

Nuclear liability conventions and many States' national legislation provide liability coverage in ways comparable to non-nuclear liability conventions applicable to hazardous activities.

Some States feel these conventions do not provide an adequate liability regime for transport of nuclear material.

There was agreement that INLEX should address the issues of concern for non-contracting parties to the existing convention.

Communication

Some Coastal States would like to have additional information (shipment particulars, emergency response plans, etc.) in advance of shipment transiting in their vicinity.

Concerns were expressed about the appropriateness, practicality and legal aspects of prior notification.

IMO stated that prior notification is not required for shipments under normal conditions and that any further discussions on prior notification must involve IMO.

Public awareness of measures to achieve the safe and secure transport of radioactive material is important. Opportunities to improve transparency should be explored.

Public information must reach the concerned public to be effective. It is difficult to get media coverage for a positive message.

Effective communication and transparency can reduce the public perception of the risk of radioactive material shipments.

Best practice guidelines should be developed for systematic and timely government-to-government communications to build on the current practice of voluntary exchange of information.

Regional considerations

Emerging competent authorities could greatly benefit from additional resources to assist them in the development and implementation of harmonized safety and security regulations as well as assistance in the development of in-depth knowledge through additional training, including train the trainer courses, mentoring, scientific visits and sharing of best practices.

Since many states are involved only with radioactive (non-nuclear) material transport, model regulations and recommendations limited to radioactive material would be useful.

Efforts to foster regional cooperation and coordination, including communication, would be beneficial to emerging competent authorities.

Conclusions

The record of safety and security in transport of such materials has been good, but we must never become complacent. This Conference has provided a valuable opportunity to review current practices and identify areas for improvement.

We recommend that the informal dialogue between coastal and shipping states continue its work to improve understanding of issues of concern and to look at practical ways to address them.

We urge the IAEA to take note of these findings and initiate immediate action on them in an inclusive manner; we welcome the INLEX Chairman's agreement to deal with the issues raised on transport liability.