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**COMMITTEE OF EXPERTS ON THE TRANSPORT OF
DANGEROUS GOODS AND ON THE GLOBALLY
HARMONIZED SYSTEM OF CLASSIFICATION
AND LABELLING OF CHEMICALS**

Sub-Committee of Experts on the
Transport of Dangerous Goods

Thirty-first session
Geneva, 2-6 July 2007
Item 7 of the provisional agenda

**HARMONIZATION WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)
REGULATIONS FOR THE SAFE TRANSPORT OF RADIOACTIVE MATERIAL**

Sustaining shipments

Transmitted by the World Nuclear Transport Institute (WNTI)

The problem

1. A worrisome trend for global supply of Class 7 radioactive materials is that some shipping companies, air carriers, ports and terminals, have instituted policies of not accepting radioactive materials.
2. Many things can affect the willingness of carriers to accept Class 7 consignments- maybe the potential service providers are unsure about insurance implications. Perhaps they worry about the perception of other customers whose goods they want to carry. Maybe they think special handling procedures or reporting requirements are too complicated, or too onerous. Perhaps they are put off by problems with ports, or terminals, which themselves are not prepared to accept Class 7 cargoes, or raise seemingly complex issues.
3. Experience in some regions has shown that service availability and acceptance levels have rapidly declined in recent years. Consignors increasingly confront departure, transit, trans-shipment, and discharge limitations or restrictions. It is difficult sometimes to get a clear

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understanding, and, therefore, consistent interpretation of the regulations, within and between jurisdictions.

4. The problems of denial and delay are not specific to select sectors of radioactive materials transport. The hazards associated with the transport of such materials are related to the properties of the consignment, and not to its end use. Certain materials are time urgent; for example, consignments having a short half life intended for medical applications. Other materials also can be time sensitive; for example, those that are related to inventory holdings of essential materials for electric power generation, or the requirement to ship certain materials for repair to maintain production.

Industry efforts

5. The World Nuclear Transport Institute (WNTI) represents forty-three member companies world wide involved in or dependent on the safe, efficient and reliable transport of radioactive materials. Its membership is drawn from a wide range of industry sectors, including major utilities, fuel producers and fabricators, transport companies, package producers and producers of large sources. WNTI created a Carriers Working Group in 2001 and more recently established an industry-led Sustaining Shipments Task Force to address the subject in a pro-active and positive way. We prefer to accentuate the positive; hence the name “Sustaining Shipments” rather than “Denial and Delay”.

6. First, WNTI has sought, on behalf of its industry members, to support international efforts to address the issues of denial and delay at the International Atomic Energy Agency, and also, in modal organisations such as the International Maritime Organization (IMO) and International Civil Aviation Organization (ICAO). We were pleased to be invited to participate in the recently formed IAEA Steering Committee on transport denials, the WNTI Secretary General was selected as a Deputy Chair of the Committee at its first meeting November 2006. We have initiated exchanges with port authorities in a number of countries. We meet with the insurance industry, maritime authorities and liner services.

6. Within WNTI we are developing an “Industry Knowledge Base” which will include straight-forward, plain-speaking, factual information in such subject areas as insurance requirements, the international nuclear liability regime as it applies to transport, the physical properties and packaging characteristics of Class 7 materials, radiation protection requirements, segregation distances on carriers. We want to equip WNTI member companies to give information and assurance to potential service providers to allay any potential concerns. We also are exploring development of information and education modules that we will make available to our industry members to support their dealings with service providers.

Some suggestions for further action

8. Just as the problems of denial and delay are varied and multi-layered, so too are the possibilities for responding to them at international, regional, national and local levels. The following suggestions may indeed reflect to varying degrees efforts already being made in various quarters.

Cast the training net wider

9. WNTI applauds the IAEA programme of training in transport safety regulation, and the training programmes of many other authorities. We have indicated to the IAEA industry's preparedness, through the WNTI, to support its training programme with the provision of trainers drawn from industry, who can bring the operational experience to the table. We would suggest broadening the scope of such training courses to include a wide cross-section of stakeholders, including not only nuclear regulatory competent authorities but also, other authorities from within government having a potential impact on Class 7 transports such as customs, security and health officials. We also would encourage greater efforts to include representatives from industry whose job it is to operate within the regulations including transport service providers, cargo handlers, port and terminal officials.

Joined-up regulation

10. We make frequent reference to national competent authorities in government whose responsibility it is to regulate for Class 7 transport safety. In reality, there are many beyond nuclear regulatory authorities who have authority in areas that can impact directly on the ability to transport safely and cost effectively such as security, customs or health officials. It emerges from industry experiences that sometimes joined-up regulation is not always apparent or easily accessed. It may be that a security official on the ground at an international border crossing may interpret requirements in a different way from authorities at the centre. The rationale for where maritime requirements end, and inland waterway requirements begin, may not be well understood by all.

11. There appears to be a fairly widespread view among potential transport service providers that the transport safety and security regulatory regimes are onerous or too complicated. It is the operator who experiences at first hand the differences of interpretation and approach within and between national jurisdictions. Such differences potentially can jeopardise safety and adversely affect cost-effective transport through confusion, duplication of effort, delays in obtaining approvals, and inefficiencies for both industry and the authorities.

Greater harmony through harmonisation

12. The foundation for the transport safety regulatory regime are the over-arching United Nations Model Regulations and the IAEA Class 7 Transport Safety Regulations (TS-R-1). While the regulations are reviewed every two years, this does not imply that they should change substantially every two years. The World Nuclear Transport Institute has for long espoused the principle, "change if necessary, but not necessarily change". Stability in the international transport safety regulatory regime enhances safety through predictability and familiarity. This in turn gives assurance to transport service providers, WNTI welcomes this. Progress made to increase harmonisation among international instruments and, in some cases, regionally between national jurisdictions. This is a welcome effort which should be supported. More intensive formal exchanges between the major international institutions including the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods, the IAEA and the modal organisations can only be to the good.

Keep it simple

13. Clarity and even, simplicity, in the iteration of the regulations and their supporting guidance material would assist in making them more user-friendly and help to avoid confusion that can impact both on safety, and the willingness of carriers to accept Class 7 consignments. In this regard, to the extent that domestic regulations can actually be a direct reference to international regulations helps. Indeed, actually repeating the language of international regulations in national regulations can enhance clarity and thereby, increase understanding.

Remain beyond reproach

14. The consignors and transport industry must continue their efforts so that packages and associated documents can always be unhesitatingly accepted by the carriers, the harbours and the airports. Regulations must be strictly implemented. Packages must be perfectly identified, labelled, and clean. Documents must relate to the consignment, be comprehensive, legible and unambiguous. WNTI will continue to encourage this message of common sense.

To conclude

15. Clearly there is no one answer or solution to the many problems of denial and delay. But, all who care about making the benefits of the peaceful uses of the atom available to where they are wanted the world over have an interest in sustaining cost-effective transport options. If denials and delays of shipments are to be overcome, however, then all stakeholders, intergovernmental organisations, national governments and industry, must work together, without let up, to exchange experiences, ideas and to develop responses.
