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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**

Denial of shipment

Transmitted by the expert from Australia

References:

IAEA TM-28826 – Technical meeting on Denials of shipments of radioactive material - Report of Meeting, 8 to 12 May 2006.

IAEA TM-33059 – International Steering Committee on denials of shipments of radioactive material - Working Paper 05: Action taken on denial of shipment, 14-16 November 2006.

IAEA TM-33059 – International Steering Committee on denials of shipments of radioactive material – Draft Action Plan, 14-16 November 2006.

IAEA TM-33059 – International Steering Committee on denials of shipments of radioactive material – Draft Report of Meeting, 15 December 2006.

UN/SCETDG/30/INF.66 - (IAEA) Note on Delay and Denial of Shipment of Radioactive Material.

ST/SG/AC.10/C.3/60 – Report of the Sub-Committee of Experts on its 30th session.

Introduction

1. The expert from Australia has followed the denial of shipment issue with interest and appreciates the support shown by the Sub-Committee and the work being done at the IAEA to remove barriers to the transport of radioactive material. The IAEA Transport Safety Standards Committee (TRANSSC) papers submitted in respect of this work have been studied by the Australian Transport Competent Authority Working Group (TCAWG) for Radioactive Material.

2. Having examined the IAEA working documents listed above, the TCAWG noted that the path being followed involves consultation and education combined with recording details of instances of denial of shipments and identifying inconsistencies between national regulations and the IMDG code in the transport of Class 7 material. These steps are reflected in the six areas of work in the draft action plan (as detailed in UN/SCETDG/30/INF66):

AWARENESS: Establish a method of recording sustainability problems in transport of radioactive material in order to make international organisations and Member States aware of the events, their consequences, the underlying issues and their resolution.

TRAINING: Improve the understanding of service providers and other major stakeholders so that they find it easier to comply with Class 7 regulations and their concerns may be allayed.

COMMUNICATION: Educate service providers.

LOBBYING: Marketing, outreach and promotion of industries requiring transport of radioactive material, and for promoting a positive image of radioactive material use.

ECONOMIC: Identify and reduce economic burdens causing sustainability problems.

HARMONISATION: Notify the relevant UN Agency as to where differences of interpretation or additional requirements result in denial, with a view to encouraging discussion amongst Member States. Industry should do so in the form of a 'generic denials report'.

3. While recognising the merit in these steps, particularly determining where inconsistencies exist between international and national regulation, the expert from Australia considers that additional work is necessary in order to ascertain what barriers exist.

4. Reporting instances of denial will provide essential data on the nature of individual situations where the transport of radioactive material is denied or restricted. However, the TCAWG consider this to be a reactive response. In isolation it is likely to be an inefficient approach, as it requires denial events to have occurred before barriers to transport can be identified.

5. The TCAWG considers that an additional approach running parallel with recording incidents of denial would be desirable. The intent is that this mechanism would determine where access problems exist before shipment takes place. It was also considered that this approach would assist in resolving some of the perception issues that carriers have. For example, many ship operators are unwilling to carry Class 7 cargoes that may restrict their ability to enter ports or have the potential to cause the undue delay of other cargo that is carried on board. Such complications can have a significant effect on the profitability of particular trades and make the

carriage of radioactive material unattractive, even though it attracts relatively higher freight rates.

Suggested development of an Access Road Map

6. The TCAWG has suggested that members of the IAEA be asked to examine their own jurisdictions and compile an access road map that details:

- (a) The types of radioactive material imported, exported or transhipped through their ports and airports;
- (b) Details of restrictions or bans, regulatory or otherwise, that are imposed on the transport of radioactive material with respect to inward and outward shipment through individual ports and airports; including:
 - (i) Transshipment through individual ports and airports; and
 - (ii) Over flight, land bridging or transport in territorial waters.

7. While it is considered desirable that this information be categorised on the basis of the applicable UN number it is recognised that this could be an overly onerous task. As a result it was suggested the information provided should be categorised under radioactive sources such as medical isotopes, ores and radioactive fuels/high level radioactive materials. Further it was noted that the collection of the data and compilation of this information into a usable form would take time and require regular updating to be effective. It was envisaged that this work would provide two significant benefits:

- (a) It would provide an access map for carriers and shippers allowing more effective transport planning; and
- (b) It would assist in identifying where problems exist before transport takes place allowing liaison/negotiation to occur before problems are identified.

Submissions made to TRANSSC

8. The Australian delegate at TRANSSC has submitted the following recommendations to the 14th session of TRANSSC for inclusion in the “International Steering Committee on denials of shipments of radioactive material Action Plan”:

- “1. TRANSSC Members investigate the ports and airports within their respective jurisdictions with a view to compiling an access road map that details:
 - (a) the types of radioactive material imported, exported or transhipped through their ports and airports;
 - (b) restrictions or bans, regulatory or otherwise that are imposed on the transport of radioactive material with respect to inward and outward shipment through individual ports and airports including:

- (i) transshipment through individual ports and airports; and
 - (ii) over flight, land bridging or transport in territorial waters.
- 2. TRANSSC Members initially investigate major ports and airports and provide information on other transport gateways as it becomes available.
- 3. Once compiled, the access information be published and regularly updated to:
 - (a) ensure that data is current; and
 - (b) allow for the publication of additional information as it becomes available.”.

Summary of Australia’s view

9. Australia strongly encourages TRANSSC members to investigate the ports and airports within their jurisdictions with a view to compiling an access roadmap identifying acceptable routes and entry points for various types of radioactive materials. This approach would enable denial of shipment bottlenecks to be identified before a denial of shipment event occurred, and facilitate negotiation with ports or identification of alternative transport routes prior to shipment.

Action requested of the Sub-Committee

10. The expert from Australia requests that the Sub-Committee consider this item and indicate its support for the action Australia has taken in presenting this proposal to TRANSSC.
