DGP-WG/04-WP/18
27/8/04

DANGEROUS GOODS PANEL (DGP)

MEETING OF THE WORKING GROUP OF THE WHOLE

Abu Dhabi, 4 to 8 October 2004

Agenda Item 5: Discussion of miscellaneous dangerous goods issues

DENIAL OF SHIPMENTS OF RADIOACTIVE MATERIALS

(Presented by IAEA)

1. INTRODUCTION

1.1 In response to reported instances of denials and delays of shipments of radioactive materials (Class 7 Dangerous Goods) though the shipments were being made in conformity with the applicable modal regulations of the International Civil Aviation Organisation (ICAO) and the International Maritime Organization, the International Atomic Energy Agency (IAEA) established a Fact Finding Discussion Forum, which met in London on 16 July 2004. At this Forum facts relating to such denials were discussed.

1.2 Subsequent to the London meeting and in accordance with the IAEA approved Action Plan for Safety of Transport of Radioactive Material, a consultants' meeting was convened by the IAEA during 26 to 30 July 2004 in Vienna. The consultants deliberated upon the information obtained from the Forum, the database on reported instances of denial of radioactive cargo and the reasons for such denial and suggested recommendations for addressing the issue. Additionally, the consultants recommended that the specific issues relating to denial of shipment of radioactive material be brought to the attention of ICAO for appropriate action.

1.3 The Working Group is requested to consider the issues as presented in Appendix A.

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APPENDIX A

INTERNATIONAL ATOMIC ENERGY AGENCY

Consultant Services to Address Denial of Shipments of Radioactive Materials

REQUEST TO ICAO

Status on Denial of Shipments for Radioactive Material

International Atomic Energy Agency (IAEA) 2003 General Conference
On 19 September 2003, the IAEA General Conference, in resolution GC(47))/RES/7.C,:

> *"Called for discussions to address the problems with refusal of shipments* (op. para. 13)*; and*
>
> *...requested the Agency to develop an Action Plan ...based on the results of the Conference* [International Conference on the Safety of Transport of Radioactive Material, held in Vienna from 7-11 July, 2003] (op. para. 1)*."*

Action Plan for the Safety of Transport of Radioactive Material
The Action Plan for the Safety of Transport of Radioactive Material, approved by the Board of Governors in March 2004, contained the following actions relevant to the denial of shipments:

> *"(xi) The Secretariat to establish a fact finding discussion forum addressing the concerns of relevant entities, which may include the IMO, ICAO, IATA, the International Federation of Airline Pilots' Association (IFALPA), World Customs Organization (WCO), shipping companies (with a specific focus on air and maritime carrier, ports and handling facilities), and national regulatory facilities about how delays and denials in transporting radioactive material might be alleviated (in particular for medical applications).*
>
> *(xii) The Secretariat to hold a Consultants Meeting (CSM) by August 2004 to analyse these facts and determine what actions may be taken to address them, taking into consideration the approaches identified by the working group on denial of shipments (education/communication, training; standardisation/regulation/harmonisation; facilitation and dispute resolution).*
>
> *(xiii) The Secretariat to report the summary findings to the 2004 Annual Meeting of the General Conference."*

IAEA Fact Finding Discussion Forum
The IAEA convened at the International Maritime Organization (IMO) headquarters in London 16 July 2004, a Fact Finding Discussion Forum on the delay and denial of shipments of radioactive material. The meeting was attended by 35 participants representing regulatory authorities, manufacturers or producers of radioactive

sources, carrier and other transport operators and international organizations and resulted in collection of useful data.

IMO Facilitation Committee (FAL)
At the 19-23 July 2004 FAL meeting held in London, a presentation was made at the Ship/Port Interface Working Group by the International Atomic Energy Agency on the issue of denials of shipments of radioactive materials. The action requested andagreed by the FAL included:

40 The Committee is invited to approve the report of the Group[Ship/Port Interface]*, in general and, in particular to:*

.19 request the DSC Sub-Committee to consider, at its next session, the issues relating to the transportation of Cobalt-60 with a view of confirming to the Committee that shipments of consignments of Cobalt-60, when in compliance with the relevant provisions of SOLAS chapter VII and of the IMDG Code, should not be denied on grounds of safety; and, to this end, to invite those concerned with the matter to make appropriate submission on the issue to the DSC Sub-Committee (paragraph 33);

.20 encourage the work undertaken in relation to the difficulties encountered in the shipment of consignments of Cobalt-60 within the framework of the IAEA; and to request the IAEA to inform the Organization of the outcomes of its considerations

.23 agree with the view of the Group that the Organization, in co-operation with the IAEA, if possible, should raise the matter with the World Health Organization (WHO) and should seek the support of the WHO in the efforts undertaken with a view of resolving the issue which has arisen in relation to the transportation of Cobalt-60 (paragraph 37);

International Civil Aviation Organization (ICAO) Dangerous Goods Working Group
It is noted that the ICAO Dangerous Goods Panel Working Group of the Whole, will discuss the issue of denials of shipments for radioactive material at its meeting in Abu Dhabi, 4-8 Oct. 2004.

IAEA Consultants Meeting
An IAEA Consultants Meeting was held in Vienna 26-30 July 2004. It was tasked with reviewing all data collected including that from the Fact Finding Discussion Forum (FFDF) sponsored by the IAEA at the IMO headquarters in London and proposing potential solutions. The report of this meeting is attached. (see Appendix B).

Specific Issues of Interest
We would like to draw to your attention specific issues of interest from the Consultants Meeting Report:

- where shipments of radioactive materials are carried out in compliance with the IAEA Transport Regulations, there is no reason to refuse these shipments on safety grounds. On the basis of the information received, of the reported instances of denials, none involved the failure to comply with the IAEA regulations;
- the information obtained at the Fact Finding Discussion Forum was valuable and the convening of further for a is likely to be of continued benefit;
- denials are occurring in all parts of the world with consequences of a) preventing of medical isotopes that are essential for immediate delivery of healthcare (nuclear medicine and cancer therapy), b) disrupting the use of Class 7 materials used for industrial purposes, and,

c)prohibiting the acceptance of such material in one part of the transport chain (e.g. airports) can impact other parts of the transport cycle;

- the majority of the instances related to denial of shipments by airline operators were related to the medical isotope industry;
- many medical isotopes have a very short useful life, and since there are few producing countries, there is reliance on air shipment to distribute to a worldwide market before they are rendered useless;
- this is an ongoing issue and is being discussed in the appropriate fora.

Actions for Consideration by ICAO
We would like to request that ICAO should:

- communicate to the International Airline Transport Association (IATA) and the International Federation of Airline Pilots Associations (IFALPA) to clarify to its members the correct separation rules for transport of radioactive material, animals, passengers and crews;
- support the inter-agency meetings since they are a beneficial forum to discuss issues such as denials of shipment and request that they be promoted;
- support the shortened training plan, distributed by the IAEA, and make it widely available; and
- support the communication resource to be made available by the IAEA and make it widely available.

The IAEA will have considered this issue at its General Conference 20-24 Sep. 2004 and will provide status report for the 4-8 Oct. 2004 meeting of the ICAO Dangerous Goods Panel Working Group of the Whole. The IAEA will assume a coordination role on the issue of denials of shipments for radioactive material.

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APPENDIX B

INTERNATIONAL ATOMIC ENERGY AGENCY

Consultant Services to Address Denial of Shipments of Radioactive Materials

DENIAL OF SHIPMENTS
REPORT OF CONSULTANTS MEETING

Report of the Consultants Meeting to Address Denial of Shipments of Radioactive Material

General Background

A Consultants Meeting (CM) to address denial of shipments of radioactive material was held at the Headquarters of the International Atomic Energy Agency (Agency) in Vienna from 26-30 July 2004. The Action Plan for the Safety of Transport of Radioactive Material (AP) in Action xii required the convening of this CM. The Terms of Reference of the Meeting were:

1. To review all information on denial and delays of shipments of radioactive material, medical and non-medical consignments;
2. To analyse the facts and other information obtained in the Fact-Finding Discussion Forum held in London 16 July 2004;
3. To determine the actions to be taken to address these facts taking into consideration identified approaches such as education / communication, training, standardization /regulations / harmonization, facilitation and dispute resolution;
4. To produce a report that will be presented to the Agency's General Conference in September 2004; and
5. To develop further guidance at a Technical Meeting to be held in Autumn 2004, if appropriate.

Participants

A list of participants appears in Appendix 1[1].

Opening Remarks

Opening remarks were made by Mr. M. Wangler, Head, Safety of Transport of Radioactive Materials Unit, Division of Radiation, Transport and Waste Safety. He welcomed participants to the CM and introduced the Chair, Mr. Jim Stewart, United Kingdom and Secretary, Mr. Ray Clark, Canada. The amended agenda was adopted (Appendix 2). The amended Terms of Reference were adopted (Appendix 3).

Presentation of Papers

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[1] *Secretarial note.— Appendices referred to in this appendix are available upon request.*

Mr. Wangler presented Working Paper No. 3, Report of Fact-Finding Discussion Forum (Appendix 4). At the Fact Finding Discussion Forum (FFDF) potential denials were categorized into 3 headings (i.e. regulation, harmonization and specific problems). A history on the issue of denials of shipments of radioactive material as it relates to Agency activities is included in Working Paper No. 3.

Mr. Nandakumar presented Working Paper No. 4, Report of International Maritime Organisation (IMO) Facilitation Committee (FAL) (Appendix 5) that had been convened in London 19-23 July 2004. It was noted that the FAL agreed to a standardized information sheet for arrival at ports. This information sheet was amended to include the notification for only Class 7 (radioactive material) cargo. The FAL meeting agreed that the issue of denial of radioactive material be included on the agenda of the IMO Sub-Committee on Dangerous Goods, Solid Cargoes, and Containers (DSC) meeting in London 27 Sep. - 1 Oct. 2004. The DSC meeting coincides with the Agency's Review Panel meeting in Vienna thereby impacting the participation of radioactive material experts at the DSC. It was agreed by the CM that a separate cover sheet be prepared by the CM for this DSC meeting updating on the results of this meeting After further discussion it was also decided that a similar cover sheet would be prepared for a denial of shipment submission to the International Civil Aviation Organization (ICAO) Dangerous Goods Panel Working Group of the Whole in Abu Dhabi 4-8 Oct. 2004.

Mr. Wangler presented Working Papers Nos. 5 and 6, Omnibus Paper (original) and Omnibus Paper 2 (Appendixes 6 and 7). It was noted that with respect to naturally occurring radioactive material (NORM), a proposal for amendment of the IAEA regulations, TS R-1, had been submitted to the Agency. Mr. Wangler confirmed receipt of the proposed change.

Mr. Stewart presented Working Paper No. 7, Database of Denials of Shipments (not included as Appendix due to sensitivity of information). This database includes approximately 100 events on perceived denials submitted by shippers and Member States. The data is presented in 3 formats: by airline, by mode and by half-life. It was noted that the database does not include carriers, airports or ports that do accept radioactive material shipments without problems. It was suggested that a database be developed of carriers, routes, etc. that do accept radioactive material shipments.

Mr. Agarwal presented Working Paper No. 8, Denial of Shipment of Radioactive Material – Presentation by India (Appendix 8). Mr. Agarwal highlighted the inter-regulatory issues (e.g. customs and excise).

Mr. Stewart presented Working Paper No. 9, UK Department for Transport Press Lines (Appendix 9) prepared for media interview requests.

Mr. Colgan presented Working Paper No. 10, Omnibus Papers 3 (Appendix 10).

Mr. Wangler presented Working Paper No. 11, New Zealand Presentation at the Fact-Finding Discussion Forum (Appendix 11).

Mr. John Wheatley, Safety and Security of Sources, Nuclear Safety and Radioactive Waste Division presented Working Paper No. 12, Report of the Meeting of Technical and Legal Experts to Develop Internationally harmonized Guidance for the Import and Export of Radioactive Sources in Accordance with the Requirements of the current Code of Conduct on the Safety and Security of Radioactive Sources, TM26603 (Appendix 12). Of particular interest was that Category 1 and 2 sources would require prior notification by the exporting State and consent by the importing State (as appropriate). The provisions of the relevant international standards relating to transport of radioactive material govern transit and transshipment.

The draft Guidance on the import/export of radioactive sources will be presented to the September 2004 Board of Governors and General Conference. The working paper indicates that in the draft Guidance, the language used in paragraph 17 as it pertains to transit and transhipment should be kept under review given developments in other fields of the Agency such as the transport of radioactive material. Specific subparas. related to the transport of radioactive material are: 9(a), 9(b), 12(a), 12(b), 14(c) and 17. The draft Guidance will be published shortly and reviewed in 2008.

Working Arrangements

All working papers were reviewed and a table of perceived problems regarding denials of shipments was prepared. Working groups were established to assign a categorization of the perceived problems: Working Group A – regulatory and modal issues (Appendix 13); and Working Group B - perception and policy issues (Appendix 14) and the results of this categorization are included in their reports.

Working Groups A and B met during the week to assign the categorizations to the perceived denials and to develop possible solutions. A brief plenary session was held on Wednesday AM to receive a status on the working groups' activities. A full report by the Working Groups was made on Wednesday afternoon. Plenary met on Thursday to discuss the results of the Working Groups. The meeting report was reviewed by plenary on Friday. The meeting was adjourned at 1645 on Friday.

Plenary Discussions

Background

A multi-faceted approach was taken by the CM in addressing denial problems and in regard to the prospect of further denials occurring. It was agreed that certain denials occur because of a lack of proper information on: (a) the importance of the shipments, (b) the safety of the shipments and (c) an understanding of what is required to handle radioactive material thereby emphasizing the importance of fostering a better understanding of this material and how it is transported.

It was also recognised that denials occur because of administrative and regulatory burdens so that addressing these issues and harmonising the regulations will make the carriage of radioactive material efficient without compromising safety.

Finally, it was recognised that denials occur because there is no effective and defined way for shippers to seek resolution of denials or policies that restrict the shipment of radioactive materials.

Possible Actions

Plenary discussed Working Group reports and developed lists of possible actions from which a list of recommended actions was distilled.

1. Education/Communication/Training

a. Training – Action

C The Agency should develop a simplified training course and document for functionaries other than competent authorities using the IAEA-TECDOC 1067 as its basis;

- The Agency should assist this work, to solicit Member States and other organisations to provide examples of training programs that could be part of a half-day course specific for radioactive material, which could be part of dangerous goods training. These examples should be distributed to modal organisations;
- The Agency, through its regional training courses, should bring the issue of denial of shipments to the attention of the regional Competent Authorities;
- The Agency and Member States should examine the development of a training program addressing the regional denial issues to include port / airline authorities, the insurance sector and industry;
- The Agency should request that ICAO and IATA ensure their basic training program addresses the dangerous goods segregation requirements; and
- The Agency should request that ICAO communicates to IFALPA to clarify to its members the correct separation rules for transport of radioactive material, animals, passengers and crews.

Discussion

The perception among those responsible for denial of shipments is that the handling of radioactive material is difficult compared to other dangerous goods and that a 2-3 day course specific to the transport of radioactive material is required. However, a half-day course, based on input from Member States, may be more appropriate. Training is an additional cost that an operator or shipping line considers when deciding whether to transport radioactive material (especially for airlines). It is noted that the training for airline operators is focussed on whether a shipment should be accepted which is much different than the type of training required by shippers. It was noted that seminars highlighting best practices and including discussion of issues such as denials could be beneficial. It was also highlighted that the International Commission on Radiation Protection (ICRP) and the Agency are undertaking work on the effect of radiation on non-human biota. Considering the issue of separation rules, it was suggested that International Federation of Airline Pilots Associations (IFALPA) receive a copy of this report, a note be added to the ICAO cover sheet and that this issue be raised at IFALPA's annual meeting.

Related Action Plan Items:

- Action xvii (publish updated training material)
- Action xviii (organise annual regional training courses)
- Action xxiii (optimise measures and international regulations)

b. Radiation Protection Programme (RPP) – Action

- The Agency should solicit Member States for dose assessment information and standardised RPP examples and publish the RPP guidance document.

Discussion

The threshold for the requirement of a RPP should be at the boundary between Yellow II and Yellow III. For those radioactive material below the threshold (i.e. White I or Yellow II) a simplified RPP would be sufficient. The draft Agency RPP guidance document as it pertains to the United Kingdom (UK) is available from UK Department for Transport web site (http://www.dft.gov.uk/stellent/groups/dft_shipping/documents/page/dft_shipping_505470.pdf).

Dose assessment documents are available from the United States and the World Nuclear Transport Institute (WNTI). Dose assessment surveys of occupational exposure may be beneficial. The data in the Agency's EXTRAM database on occupational exposure received during transport should be organised by mode.

Related Action Plan Items:

± Action iv (flexibility given broad range of regulated materials)
± Action xv (complete and publish the existing draft RPP material)

c. Communication – Action

C The Agency initiative on cancer treatment in the developing world and other efforts to deliver radiation technologies presents an opportunity to address denials issues with countries that (a) transport this material (b) use this material either of which may have a history of denial of shipments or burdensome restrictions;
C The Agency in conjunction with interested parties should identify key publications that target shippers, carriers and ports in order to address the issue of radioactive material denials (e.g. World Cargo and Hazardous Cargo Bulletin magazines - industry may wish to submit articles directly);
C The Agency should collect and publicize relevant information on the transport of radioactive material;
C The Agency transport section should ask the Agency public ~~affairs~~ (information office) to ensure that it addresses the importance of transporting radioactive material in advancing global health and other benefits of radioactive material (creates a resource and make it available to the modal organisations);
C The Agency TECDOC 1076 should be used as a suitable foundation for this work;
C The Agency should approach ICAO, IMO and the World Health Organization (WHO) and other concerned government and non-government organizations to do similar and enlist their support in producing public information; and
C The Agency should place onto the Public Information Office web site its safety of transport of radioactive material video.

Discussion

IAEA TECDOC 1076 on Communication that establishes principles for communication also includes valuable information for the transport of radioactive material. The UK National Radiation Protection Board (NRPB) web site is a good example of a public education tool for the safe transport of radioactive material (http://www.nrpb.org/understand/transport/transport.htm).

There are few producers of medical isotopes in the world but most countries are importers of these medical products. The Agency has a Radiological Protection of Patients Unit that could become involved in engaging the WHO on the issue of denials. By raising the issue of denial of shipments of radioactive material with the WHO, it is hoped that its Member States will speak to their competent authorities to ensure that shipments complying with the transport safety regulations will arrive at destination.

2. Standardisation/regulation/harmonisation

Action 1

C The Agency, its Member States, modal regulatory organisations and industry associations to emphasize the efforts on maximizing the safety requirements as contained in TS-R-1 on package design and minimizing the administrative requirements (i.e. economic and regulatory burden).

All supplementary rules and requirements above the package requirements should be clearly spelled out and transparent by possibly using the Agency database as discussed below.

Discussion

The reasons for denials are not affecting major safety factors. Most of the issues related to denials are on the administrative side rather than the package design. Therefore emphasizing regulations concerning package safety while reducing administrative requirements is necessary. Consideration should be given to the creation of an international approval system for packages.

Related Action Plan Items:

± Action ii (continue current 2 year review cycle))
± Action xxiii (inter-agency cooperation and optimise measure)
± Action xxiv (simplifying multiple licensing processes)

Action 2

C The Agency should finalise the compliance assurance guide

Discussion

The Agency (i.e. CSS) has not yet approved the compliance assurance guide. This guide may assist regulators in establishing appropriate infrastructure in their country and thereby may result in common systems across the world. The guidance material in GS-R-1 provides details on how to set up regulatory systems.

The use by the regulator of a compliance checklist similar to that used by IATA would be beneficial. An emphasis on safety as it relates to the package rather than the administrative requirements is suggested.

Related Action Plan Items:

± Action v (revise and publish guidance material on compliance assurance and quality assurance)
± Action vi (develop training material on compliance assurance programme)

Action 3

C Agency should encourage Member States to use the review panel process of TRANSSC to address technical issues that result in denial of shipments.

Discussion

Technical issues related to denials should be presented using the review cycle. They would result in an actual change to the regulations. In reviewing proposals to change the regulations the denial of shipments should be considered as an element of justification. The Review Panel should be encouraged to consider cost/benefit impacts on industry of any proposal for change.

Related Transport Action Plan Items:

¸ Action ii (continue the use of the current 2 year review cycle)

Action 4

C Agency should encourage Member States to avail themselves of the TranSAS appraisal process. Recognizing the limited resources of the Agency, consideration should be given to developing a shortened appraisal focusing on compliance assurance of the Competent Authority.

Discussion

The questionnaire for a TranSAS mission is possibly too detailed. A shortened appraisal service may alleviate the perception problem that could be part of unilateral approval concept issue. It could also assist in the compilation of supplementary variations that exist in a Member State.

The ICAO has a less detailed safety oversight review of civil aviation authorities that provides a general overview of all aspects in the Member State. Participation by Member States was very high even prior to this safety oversight review becoming mandatory. In the next phase of the ICAO safety oversight review, dangerous goods transport (including radioactive material) will be examined. It is suggested that other modal agencies may wish to consider reviewing radioactive material transport. Based upon the success of the ICAO safety oversight review, it is suggested that the Agency may wish to seek assistance from ICAO in reviewing the Agency appraisal service.

Related Transport Action Plan Items:

- Action viii (continue TranSAS missions upon Member States' request)
- Action ix (review and revise appraisal methodology and documentation)

Action 5

C Lack of Information/Confusion (LOI/C)

To minimize confusion, the Agency, with the assistance of Member States and modal organizations, should extend the Competent Authority listing database to include the following:

- point of contact details of the relevant authorities which impact on international transport
- State and modal variations
- FAQs

Discussion

A database should be developed and maintained by the Agency by soliciting response by Member States to a questionnaire requesting indication of the existence of any supplementary rules and requirements. Anything raised to the Agency concerning denials would be recorded in the variations database. This type of information exists in ICAO (state variations) and International Air Transport Association (IATA) (operator variations) and would be advantageous for all modes. The Agency database could include such information as who (position, not actual name of person) a shipper or competent authority would contact to discuss the issue (please see Facilitation, Dispute resolution and specific issues for a more thorough discussion on this topic). One area of concern is that a similar reporting system exists for the implementation status of TS-R-1 in Member States and that approximately only 50 of 138 Member States of the Agency supply the requested

information to the Agency. TSG-1.1 would be useful material to provide information and guidance to prevent denials.

Related Action Plan Items:

- Action xxii (Member States provide updated information on implementation of TS-R-1)
- Action xxiii (optimize measures and international regulations)
- Action xxiv (further harmonisation by simplifying multiple licensing processes)

Action 7

- With regard to security, the Agency should finalize the security TECDOC and Member States to be encouraged to harmonize their security requirements for all dangerous goods.

Discussion

The issue is that one does not want additional requirements for Class 7 (radioactive material) compared to other classes of dangerous goods. There should be harmonisation of security provisions among all Member States but when developing security requirements the impact on commercial operations should be considered. National security requirements for radioactive material should not go beyond those found in the Security TECDOC and be harmonized with those found in the UN Recommendations of Sub-Committee of Experts on the Transport of Dangerous Goods.

3. Facilitation, Dispute resolution and specific issues Actions

- The Agency should facilitate an accessible appeal process for the resolution of denial of shipments of radioactive material where conventional means of engagement have been exhausted;
- The Agency should continue engaging other relevant entities (e.g. modal organisations, industry associations) to facilitate this issue; and
- The Agency should consider addressing the issue of denial of shipments in its seminar on communicating complex technical issues in early 2005.

Discussion

The mandate of the Agency includes promotion of the peaceful use of nuclear science and technology. In the event that a shipper encounters a denial of shipment a process is required to facilitate resolution of the impediment. The criticality of the denial will determine the level of engagement on the issue. The appeal process could be:

- Initially it is the responsibility of the shipper to attempt to resolve the denial issue with the other party (e.g. shipping line, port, airline, etc.).
- If unsuccessful, the shipper could approach industry associations (e.g. port authorities) to intervene on its behalf.
- If this is not successful, the shipper should then increase the level of engagement by contacting his own competent authority and requesting that the other Member State where the denial is encountered ~~exists~~ become involved.
- If this is unsuccessful in resolving the issue then the competent authority could approach the Agency that could engage any relevant associations or the modal organisations.

- The Agency, modal organisations or other regional body (e.g. European Union) could involve relevant associations or national competent authorities as appropriate.
- Anything raised to the Agency concerning denials would be recorded in the variations database.

Related Transport Action Plan Items:

- Action xxiii (optimise measure and international regulations)
- Action xxix (seminar in early 2005 on complex technical issues)

4. Fact Finding

The following areas were identified as requiring further information:

- Carriers, shipping lines require radioactive material training. It appears training costs are excessive.
- Information on denials from shippers requires clarification from the perspective of those "responsible" for denials.

Recommended Actions: Transport Action Plan Items

The Consultants encourage the use of the following Transport Action Plan items by the Agency:

Action ii The Secretariat to continue the current Agency process for the review and, if necessary, revision of the Regulations.

In carrying out this action, it is suggested that Member States ensure that an emphasis is placed on reducing administrative requirements as safety should be in the package and be encouraged to use the review panel process of TRANSSC to address technical issues that result in denial of shipments. The Agency should ensure that the terms of reference for the review panel require that in the justification of proposals the cost/benefit analysis be addressed that may include consideration of the denial of shipments.

Action iv The Secretariat to consider the need for additional flexibility in the light of the broad range of materials to which the Regulations apply.

The issue of denial of shipment of NORM, medical isotopes and ores and products in the nuclear fuel cycle should be addressed in order to facilitate shipment of these materials. The threshold for the requirements of a RPP and other administrative requirements should be reviewed.

Action v The Secretariat to continue the current Agency process for the review of Safety Series 112 on compliance assurance and Safety Series 113 on quality assurance, revise the text, as appropriate, and publish new guides in the TS-G series.

The Agency should finalise the compliance assurance guide. This action is important because compliance variations could be reduced.

Action vi After publishing the guidance document, the Secretariat to develop training course material to assist National Competent Authorities in developing a compliance assurance programme that meets the requirements of TS-R-1, "Regulations for the Safety Transport of Radioactive Material."

See v above.

Action viii The Secretariat to continue to provide TranSAS missions to Member States on request as resources permit.

TranSAS should become a tool to help eliminate denial of shipments because it leads to increased harmonization and provides a method to address lack of acceptance of unilateral approval.

Action ix The Secretariat to review and revise, as appropriate, in consultation with Member States, the appraisal methodology and documentation that supports the appraisal and to report on the results of the review and revision.

The questionnaire for a TranSAS mission is possibly too detailed. A shortened appraisal service may alleviate the perception problem that could be part of the unilateral approval concept issue. It could also assist in the compilation of supplementary variations that exist in a Member State. Consideration should be given in creating a more simplified TranSAS mission in order to maximize the information gathered within existing resources. The full appraisal should be retained as an option.

Action xi The Secretariat to establish a fact finding discussion forum addressing the concerns of relevant entities, which may include the IMO, ICAO, IATA, the International Federation of Air Line Pilots' Associations (IFALPA), World Customs Organization (WCO), shipping companies (with a specific focus on air and maritime carriers, ports and handling facilities) and national regulatory authorities, about how delays and denials in transporting radioactive material might be alleviated (in particular for medical applications).

Consideration should be given to convening future Fact Finding Discussion Fora to obtain further information.

Action xiv The Secretariat to initiate, in response to Member States commitment, a CRP on the appropriate level of regulatory control for the safe transport of naturally-occurring radioactive material (e.g. ores and other materials).

There has been insufficient Member State interest in the CRP on NORM and it is recommended that Member States consider committing to participating in the CRP.

Action xv The Secretariat to complete and publish the existing draft material relating to the establishment of radiation protection programmes and to investigate what further assistance can be provided to Member States. In particular, the Secretariat to consider whether its system for the collection and analysis of data on occupational exposure received during transport of radioactive material (EXTRAM) might be improved to meet the needs of Member States relating to the establishment of effective radiation protection programmes.

A graded approach in the application of the Radiation Protection Programme (RPP) is considered appropriate. The Agency should solicit from Member States for dose assessment information and standardised RPP examples and publish the RPP guidance document with a view to applying a graded approach.

Action xvii The Secretariat to publish updated training materials to reflect the latest requirements given in the "Regulations for the Safe Transport of Radioactive Material" in the official UN languages.

The Agency should develop a simplified training course and document for ~~non~~-functionaries other than competent authorities using the IAEA-TECDOC 1067 as its basis;

To assist this work, the Agency should solicit Member States and other organisations to provide examples of training programs that could be part of a ~~0.5~~ half day course specific for radioactive material which could be part of dangerous goods training. These examples should be distributed to modal organizations.

The Agency, through its regional training courses, should bring the issue of denial of shipments to the attention of the regional Competent Authorities;

The Agency and Member States should examine the development of a training program addressing the regional denial issues to include port / airline authorities, the insurance sector and industry;

The Agency should request that ICAO and IATA ensure their basic training program addresses the dangerous goods segregation requirements;

The Agency should request that ICAO communicates to IFALPA to clarify to its members the correct separation rules for transport of radioactive material, animals, passengers and crews.

Action xviii The Secretariat to organize annual regional training courses on the safe transport of radioactive material, subject to the availability of resources.

See xvii above.

Action xxii The Secretariat to request that Member States provide updated information on the status of their implementation of TS-R-1, "Regulations for the Safe Transport of Radioactive Material."

The lack of information on the implementation of TS-R-1 and variations on the regulations may result in denials.

Action xxiii The Secretariat together with Member States and relevant groups to continue efforts with the IMO, ICAO, UPU and UNECE to optimise measures and international regulations relevant to the international transport of radioactive materials.

Given the Agency's mandate to promote the peaceful use of nuclear science and technology, the Agency can address the denial of shipment by adopting the following measures:

a) creating a channel for communication in resolving specific denials of shipments of radioactive material and continuing to engage other relevant entities (e.g. World Health Organization (WHO), modal organisations, industry associations, etc.);

b) working with other organisations to enhance better communication of the significance of the transport of radioactive material in advancing global health and other benefits of radioactive material and approaching WHO, ICAO, IMO and other concerned government and non-government organizations to do similar and enlist their support in producing public information;

c) developing and maintaining a database by soliciting response from Member States to a questionnaire requesting indication of the existence of any supplementary rules and requirements related to the international transport of radioactive material;

d) simplifying training programs and transmitting them to the modal organizations; and

e) highlighting the importance of transport in the Agency and ICRP work concerning nonhuman biota.

The inter-agency coordination meeting should be convened on an annual basis in order to facilitate these actions as they relate to the denial of shipments.

Action xxiv The Secretariat together with Member States and relevant groups to explore the possibility of further harmonization of the international and modal application of the regulations with a view to simplifying multiple licensing processes.

Consideration should be given to the creation of an international approval system for packages.

Action xxix The Secretariat to hold a seminar in early 2005 to discuss the latest information on the complex technical issues involving the area of safety, which relate to transport.

The Agency should consider addressing the issue of denial of shipment in the seminar.

Action not included in Transport Action Plan:

Security

The Agency should finalize the security TECDOC and Member States should be encouraged to harmonize their security requirements for all dangerous goods.

Possible Path Forward

To assist international organizations (i.e. IMO and ICAO) in their future deliberations regarding the issue of denials, the meeting prepared status reports of the Agency's activities on this subject. A status report was prepared for the IMO Sub-Committee on Dangerous Goods, Solid Cargoes, and Containers (DSC) meeting to be held in London 27 Sep. – 1 Oct. 2004 (Appendix 15). A status report was prepared for the ICAO Dangerous Goods Panel Working Group of the Whole meeting to be held in Abu Dhabi 4-8 Oct. 2004 (Appendix 16).

IAEA General Conference Report

A summary report was prepared for the 20-24 September 2004 General Conference (Appendix 17)

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