



## The Future of the Transport Regulations

Richard W. Boyle

U.S. Department of Transportation, Washington DC, USA

### 1) Introduction

In September, 2000 the IAEA formally began a two year, continuing regulatory review process. To no one's surprise, the initial review process has evolved and corrections and improvements have been implemented with each successive cycle. To the credit of both the agency and the participants from Member States and industry, the first cycles have created a viable and stable review process which is more efficient and far simpler than the previous review process.

Unfortunately, problems still exist in the transport community. It is my opinion that these issues have little to do with review process and more to do with program management and the culture of the community. I believe it is time for IAEA transport division (IAEA) and the Transport Safety Series Committee (TRANSSC) to recognize the transport program is more than just a regulatory development program and begin to face the difficult issues in front of them. Toward that end, this paper will identify the five largest issues facing the radioactive material transport industry and recommend how the IAEA, TRANSSC, Member States, industry and the general public can address these issues.

### 2) Major Issues Facing the International Regulatory Community

- a) Maintenance and improvement of the transport regulations and their associated guidance documents: On the positive side, the maturity of the regulations has minimized the number of technical changes and the two year cycle has minimized the number of changes. On the negative side, the number of revisions since 1964 has decreased the readability of the regulations and the combination of explanatory and advisory material into general advisory material has diminished the usefulness of the guidance. IAEA and TRANSSC must develop a means to subject the current transport regulations and their associated guidance to a complete technical editing and this the results of this edit must be adopted as a new edition of the documents. As part of the editing process, IAEA and TRANSSC must identify and resolve all transitioning problems so that regulatory stability is maintained and the two year review process does not progressively diminish the quality of the regulations.
- b) Incorporation of Security Into the Transport Regulations: The IAEA Board of Governors approved the Code of Conduct in 2003. A majority of Member States have endorsed it and are beginning to implement it. The IAEA and TRANSSC must review the code of conduct and its own technical documents and determine what security provisions need to be included in the transport regulations and how they are to be introduced into the review process.
- c) Improved Transport Program Management: The IAEA is in the unenviable position of having to serve to masters: IAEA management and TRANSSC. Both groups have their own priorities and demands and both are undergoing leadership change. Rather than be directed by these groups and their new leaders, the IAEA needs to take the initiative and define the demands and priorities of each organization and develop a program plan which defines what programs will be undertaken and what programs will not be pursued. This plan should reflect the needs of both groups within the context of staff resources and expertise. It should also note what additional resources are needed to complete projects left off the plan. Once completed, this plan should be presented to IAEA management and TRANSSC.
- d) Development of Member State Experts and Expertise: The IAEA and TRANSSC expend great resources and are very successful training new competent authorities. However, few resources are spent training and developing expert regulators. This lack of expertise is most clearly seen when IAEA requests nominations for meeting and working group chairmen; trainers for courses; and consultants. Although politics, attrition and personnel transfer within Member States present a constant challenge, IAEA must develop programs and practices that afford an individual the opportunity to develop their transport expertise.

- e) Increase Public and Industry Participation: Although regulatory functions must not be delegated, the users of the regulations know the regulatory problems and potential solutions far better than the regulators. If the IAEA and its member states want to protect the public, they should be prepared to hear the public's concerns and issues. Granting observer status to associations is not enough. IAEA must develop a systematic approach to increase industry and public participation and must make room on their meeting agendas for this participation.

### **3) Recommendations to the IAEA Transport Division**

- a) Conduct a Transport Safety Appraisal Service (TRANSSAS) type audit on yourself: Invite senior members of TRANSSC and IAEA management to be auditors. Work with these experts to define what the transport division is responsible to complete, explain the programs and methods you conduct to meet these requirements and explain how you evaluate your programs against your mission. Identify which programs are mandatory and which are optional. Share the findings of this audit with management and with TRANSSC and use them as a tool in developing your future program plans.
- b) Develop and Distribute A Program Plan: Let TRANSSC know what you IAEA demands and programs are and let IAEA know what your TRANSSC demands are. Everyone understands they cannot have everything and people cannot help fill the void if they don't know what the void is.
- c) Urge and assist the IAEA management to resolve the differences between CSS and TRANSSC: Encourage management to review the terms of reference for both bodies and determine whether CSS is an administrative oversight committee or if it is a regulatory oversight committee that can review the technical changes made by TRANSSC and propose technical changes of its own. Until this issue is resolved, the friction between these two groups will not diminish.
- d) Get the publication program on schedule: The second two year revision process is completed but the first publication has not been issued. The problems are certainly multi-fold and member states and the review panel share in the blame with the IAEA administration. The important piece is to identify and resolve the issues and develop a schedule to get publications on track.

### **4) Recommendations to the TRANSSC**

- a) Return your focus to managing and guiding the transport division: Recognize and leverage your expertise in transportation. Lead the IAEA into new arenas. Streamline your agenda to focus on discussion and resolution of issues facing the transport community. Address issues raised in this paper. Tackle problems identified in the review process. Solicit problems from industry and the agency. Omit informational presentations which do not directly effect transport.
- b) Develop a plan to address transport security: TRANSSC was (and remains) completely correct that its current members are not experts in transport security and that in many countries a different office or agency was responsible for security. However, the IAEA's completion and support of the Code of Conduct require you to evaluate transport security and make the necessary regulatory additions.
- c) Adopt a Subcommittee Approach: Recognize that smaller groups of interested experts will address issues better than a large group. Identify your issues, decide what sub-committees need to be formed, develop terms of reference for these meetings, identify possible Subcommittee Chairmen and schedule the first subcommittee meeting. I suggest the Chairman of the review panel chair a subcommittee on regulatory issues; the chairman of the RTSG chair a subcommittee on improving the administration of transport programs at the IAEA and in member states; and a chairman to be determined head a subcommittee on transport security.
- d) Develop a mentoring program: The regulatory review and transport management programs are difficult and complex. Personal experience shows that a new Member State representative will need almost two years to effectively participate in these programs. TRANSSC can minimize this problem by matching experience with inexperience. Meeting agendas could be shortened or meetings could start later to allow individual mentoring or small group meetings to explain the process being undertaken.

## 5) Recommendations to the Review Panel

- a) Broaden your view: The current regulatory review process is very reactionary and affords little opportunity for interaction with those identifying issues or seeking clarification. Request TRANSSC adjust your terms of reference to open the group to proactive discussion on improving the regulations and the regulatory process. (This intersects with a recommendation to TRANSSC to begin a subcommittee on regulatory improvements)
- b) Improve Communication: There are very few people that completely understand the nuances and schedule of the regulatory review process. They need to be reminded when their input is needed or when a milestone is near (or recently completed). Strive to over-inform in that too much communication is far better than too little communication. Document the review process from the call for papers to the final transmittal to the Board of Governors. Improve the timeliness of your communication. Post papers and proposals on the IAEA website early enough so that they can be discussed before the meeting is called to order. Complete the Chairman's report within thirty days of the close of the meeting.
- c) Recognize that review of the regulations is a year round effort: The review process does not work effectively when it is only considered thirty days before the next review panel to thirty days after the review panel. The Secretariat and Chairman should keep in touch with each other regularly and check on each others progress and the progress of the review cycle in general. Participants should be notified when a milestone is met or a problem or delay is encountered. (This intersects with a recommendation to TRANSSC to begin a subcommittee on regulatory improvements)

## 6) Recommendations to Member States

- a) Improve participation: For newer or smaller Member States, the transport division needs new points of view and issues. Don't wait for the agency to solicit your issues, submit them to TRANSSC for consideration. If the Review Panel doesn't take action on your identified problem, bring it to TRANSSC or the IAEA. Established or larger member states need to provide additional leadership in the form of meeting and working group chairmen. All participants need to focus on improving the international transport not their regional transport or personal stature.
- b) Increase teaming with other Member States and industry: Technical proposals submitted by a working group or consultancy have a much better chance of making it into the regulations than a proposal from an individual Member State. Take advantage of this by teaming and consulting before you submit your proposal. Teaming with industry will diversify the issues presented and will often provide better justification of your proposal.