

# Regulation of the Transport of Radioactive Materials

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# Basic Functions of Regulatory Body

- Develop and enact a set of appropriate, comprehensive and sound regulations
- Verify compliance with such regulations
- In the event of a departure from licensing conditions, malpractice or wrongdoing by those persons/organizations under regulatory oversight, to enforce the established regulations by imposing the appropriate corrective measures.

# UK Statutory Code of Practice for Regulators

- *Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection.*
- *Regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources in the areas that need them most.*
- *Regulators should provide authoritative, accessible advice easily and cheaply.*
- *No inspection should take place without a reason.*

## UK Statutory Code of Practice for Regulators

- *Businesses should not have to give unnecessary information or give the same piece of information twice.*
- *The few businesses that persistently break regulations should be identified quickly and face proportionate and meaningful sanctions.*
- *Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take.*

# UK Approach to Audit/Inspection

- Identify Duty Holders Holding Radioactive Material
- Send duty holder questionnaire
- Prioritise inspection programme using risk model
- Carry out desk top based audits
- Carry out inspections
- Identify themes and trends
- Feedback findings to stakeholders and make changes to inspection programme

# UK Approach to Audit/Inspection

- Inspection
  - 2,500 Duty Holders, 750 regularly transport radioactive material.
  - 75 duty holders inspected every year (on average duty holders inspected once in every 10 years)
- Audit
  - Every significant company every seven years
  - Significant – size and influence in sector

# UK Approach to Audit/Inspection

- Compliance inspection is carried out using pro-forma
- Security inspection carried out using pro-forma
- Findings are discussed with duty holder at the end of the inspection so there are no surprises
- Inspector will formally write to duty holder with the findings and timescales for any remedial actions to be completed (target for formal letter is 10 working days)
- All inspectors have enforcement powers under the HSWA

# Regulatory Approach

- Coercive Regime
  - Compliance with regulations is paramount
  - All non compliances demand regulatory response
  - Duty Holders are assumed to try to evade detection
- Balanced Regulatory Compliance
  - Compliance with regulations is very important
  - Inspectors judgement is used for minor infringements
  - Proportionate regulatory response

# Regulatory Approach

- Collaborative Regulation
  - Working together to achieve compliance
  - Good understanding of each others viewpoint and requirements
  - No surprises
  - Regulatory actions is seen as action of last resort
- Embedded Regulators
  - Regulators part of the team that achieves the overall objectives
  - All the team responsible for achieving objectives (including regulators)
  - Reside in the same office as the duty holders

# Coercive Regime

- Useful for smaller volatile businesses
- Very clear understanding of the rules and their application, little judgement/experience needed
- Very consistent
- Seen as old fashioned and inflexible approach
- Overly bureaucratic

# Balanced Regulatory Compliance

- Proportionate response to minor regulatory non compliances
- Regulatory action still regarded as a reasonable response to non compliances
- Rigid approach, not flexible to dynamic business conditions

# Collaborative Regulation

- Good understanding of each others' views
- Proportionate response but regulatory action only on significant issues
- Regulators understand the business objectives and assist and advice in achieving them without compromising independence
- Regulatory action seen as failure by both parties

# Embedded Regulators

- Seamless operation with a one team approach to achieving objectives
- Appropriate for singular situations such as emergencies or intolerable risk scenarios
- Regulatory independence at significant risk
- Difficult to inspire public confidence in the regulatory process
- Regulatory action very unlikely