Drafting Regulations for Your Country

TRANSSC 29
Agenda Item 3.7.1
Overview

• Options for Transport Regulations
• Referencing Existing International Standards/Regulations
• Incorporation of All Regulatory Provisions
• Determination of Approach to Drafting of Regulations
• Questions?
Options for Transport Regulations

• There are two basic approaches to the introduction of regulations for safe transport of radioactive material
  
  – (A) Referencing out to other international regulatory vehicles (TS-R-1/SSR-6, ADR, ADN, etc.)
    • Example: (FANR-REG-13, Ver 0)
  
  – (B) Including all provisions explicitly in your regulations
    • Examples: United Kingdom (No. 1093 from 2002)
      United States (10CFR Part 71)
Referencing Existing International Standards/Regulations

• May be the least complicated approach
  – *May make for very succinct regulations*

• Citing of external regulations should be done in such a way that the revision of the cited regulations *does not require* the national regulations to be re-issued

• In general, should include the following:
  – *A statement that radioactive material may not be transported unless it is in accordance with the regulations*
Referencing Existing International Standards/Regulations, cont.

- **Also should include:**
  - **Assignment of authority/responsibility**
    - The IAEA regulations are *not* enforceable, and therefore an assignment of responsibility for the various provisions in the regulations is necessary.
  - **Definition of the Competent Authority (CA) (or authorities, if more than one) and their responsibility/responsibilities**
  - **Clear defining of exceptions to the referenced standards/regulations**
  - **Clear defining of powers of enforcement and, if appropriate to the country legislation, the penalties that may be imposed for noncompliance**
Further to include:

- A description of national emergency arrangements

- Requirement to report incidents /accidents to the CA

  - Including timescales for notification
  - Includes a definition of what is a reportable incident or accident (or theft) [See 2002 UK Regulations No. 1093 Part XII, definition of “notifiable event”]
Incorporation of All Regulatory Provisions

- These regulations will:
  - Include all applicable provisions directly in the rule/regulation/legislation (elements discussed in previous slides)
  - Provide definitions for all terms of importance (those that may need a “legal” definition)
  - Clearly assign responsibility and/or authority for key provisions

- May follow same general format of international regulatory provisions
  - As in the case of the US transportation regulations

- May refer to other National legislation or national or international standards as needed
Determination of Approach to Regulations

- National policy or practices of the national legislative body may dictate which approach will need to be pursued.
- Be mindful that not all provisions of the international regulations/standards will be applicable to the situation in a given country.
- The passage of a “general” law related to the regulation of transport could place implementation of the law into the hands of the competent authority (CA).
  - A CA could then decide whether to issue regulations and/or guidance on safe transport.
• For some countries, a combination of the previously described approaches may be the best solution

• Ultimately, a country must decide what approach is going to work the best for the circumstances in their country to institute a reasonable and enforceable version of regulations for transport.

• The IAEA can provide guidance in the process of drafting your national regulations.
Questions?

Thank you

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