

IAEA Assistance in Developing Transport Security Regulations

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IAEA Approach for Development of Transport Security Regulations



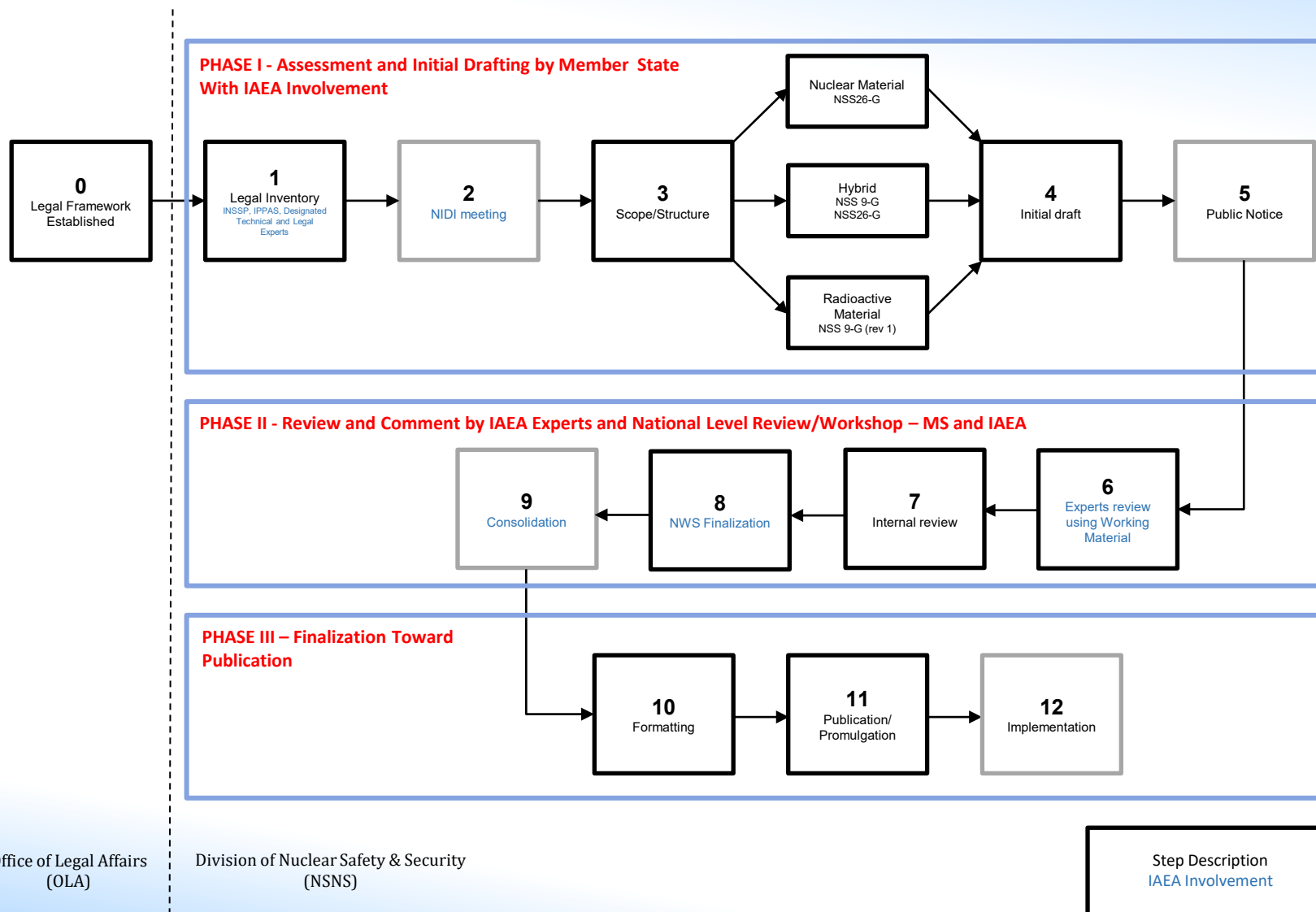
- IAEA developed methodology and toolbox
 - To develop country-specific regulatory process reflecting national constitutional and legal framework, local threat environment, cultural traditions, technical capacities, and human, financial resources of Member State (MS)
- Pool of international legal and technical experts available

IAEA Assistance for Transport Security Regulatory Infrastructure Development



- As part of IAEA assistance to MS in establishing Nuclear Security Regulatory infrastructure, IAEA supporting developing of nuclear security regulations
- Needs expressed through Integrated Nuclear Security Support Plans (INSSPs):
 - As of today, 42 official requests on transport security regs.:
 - 14 draft regulations reviewed at national level (12 African States)
 - Six ongoing activities with South American countries
- Agency supporting capacity building in regulatory functions (inspection, evaluation of effectiveness of security regime and system)

Methodology at a Glance



IAEA and External Expert Involvement

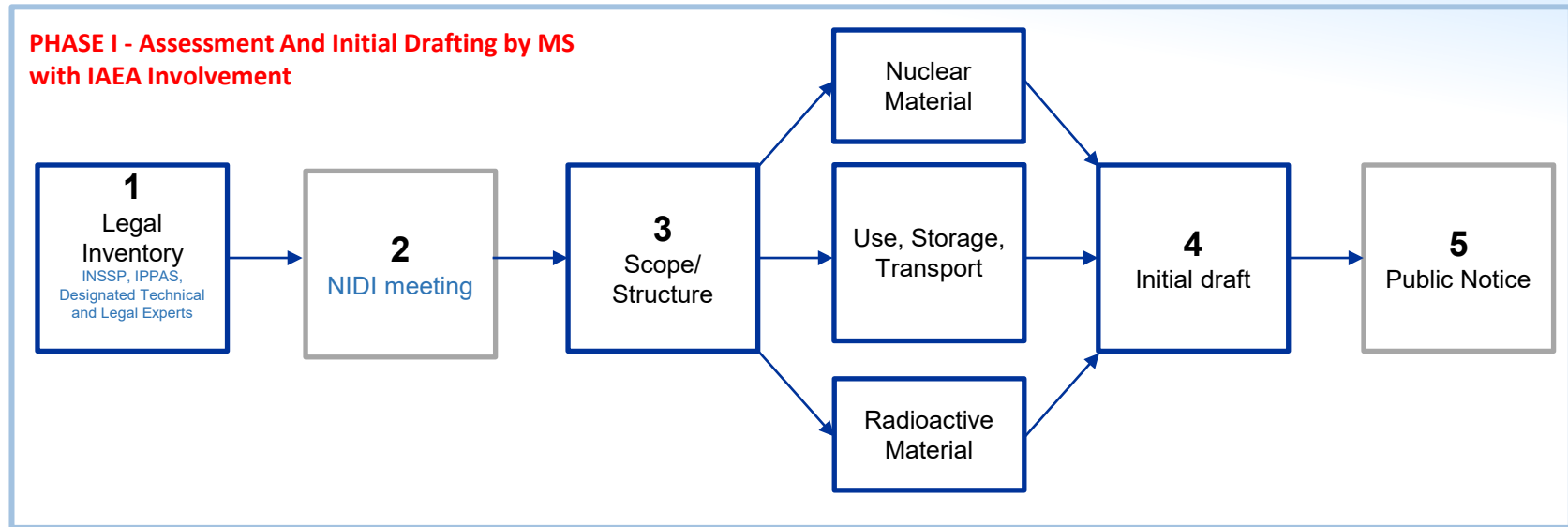


- IAEA will assign two experts to support MS in developing transport security regulations:
 - Technical Expert
 - Legal Expert
- Once request received from Agency, point of contact should be established who Agency, Experts should communicate with
- Point of Contact should be from Competent Authority:
 - Potential Points of Contact:
 - Legal Expert
 - Technical Expert

Step 0: Nuclear Law

- Before IAEA can support a Member State in developing transport security regulation, Nuclear Law should be in place or in final draft stages
- By request of Member State, Office of Legal Affairs provides legislative assistance for MSs drafting Nuclear Laws

Phase I : Assessment and Initial Drafting



- Starts with assessment of legal inventory
- Ends with initial draft regulation for transport security

Phase I : Assessment and Initial Drafting



Step 1 - Legal Inventory

- Defining legal and regulatory environment
 - What already exists in country relating to transport of Nuclear or other radioactive materials?
 - Is there transport safety regulation for radioactive material (Class 7) already enacted?
- Other relevant legal, regulatory documents
 - Inspections
 - Licensing/Authorization
 - Enforcement/Appeal/Penalty
 - Trustworthiness (Legal authority for background checks)
 - Dangerous Goods requirements by mode (Civil Aviation, Maritime Authorities)
 - Regional requirements for transport of dangerous goods
 - Information Protection (Classification Guide)
 - Threat Assessment

Phase I : Assessment and Initial Drafting

Step 2 (optional) - National Infrastructure Development Introductory (NIDI) Meeting

- Kick off meeting to start drafting of regulation
- Outcomes:
 - Designate drafting team or committee and point of contact
 - Identify stakeholders
 - Identify scope
 - Develop rough structure/skeleton
 - Establish rough time frame/schedule

Phase I: Assessment and Initial Drafting



Step 3 - Scope and Structuring Regulation

- Material Determination:
 - Radioactive material
 - All radioactive material
 - Radioactive Sources (Cat. 1,2,3)
 - Nuclear material
 - Cat. II,III, Below Cat III (Exclude Cat. I when not applicable)
 - Uranium ore concentration
- Domestic vs. International vs. Transit State
- Modes of transport
- Activities regulated (Use, storage, and/or transport)

Phase I: Assessment and Initial Drafting

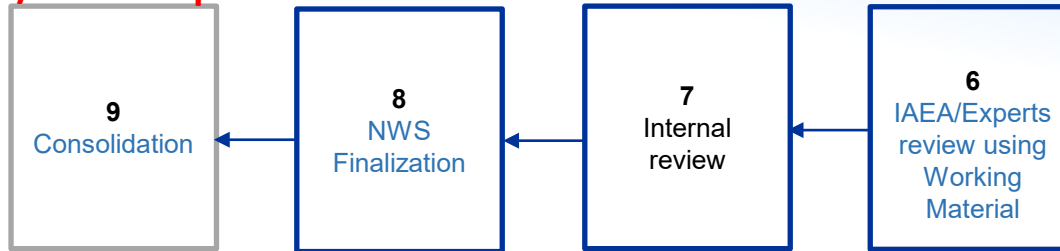


Step 4 - Initial draft

- Initial draft generated by drafting committee consisting of identified stakeholders
- Should be in IAEA official language for experts review
- IAEA Guidance publication :
 - Nuclear Security Series NSS 9-G (Rev.1): Security of Radioactive Material in Transport
 - NSS 26-G: Security of Nuclear Material in Transport

Phase II : Review and Comment

PHASE II - Review and Comment by IAEA Experts and National Level Review/Workshop – MS and IAEA



- Starts with review of draft or existing regulations
- Ends with final draft version for further clearance at national level

Phase II: Review and Comment



Step 6 - IAEA/Expert's Review

- Regulation and other related documents (laws and administrative measures) should be transferred to IAEA for distribution to expert team for review
- Remote review of draft regulation against corresponding IAEA publications and provide feedback to MS
- Experts provide comments or suggest revisions of draft regulation to MS

Phase II : Review and Comment

Step 7: Internal Review of Revised Regulation

- Internal meeting with drafting committee

VS.

- Whole government/all stakeholders meeting

Phase II: Review and Comment

Step 8: National Level Workshop on Drafting Transport Security Regulation

- All relevant stakeholders should be invited
- IAEA experts present their findings, provide examples from their experience, facilitate discussions
- Outcome: Finalized draft regulation and report identifying further steps to be addressed at national level

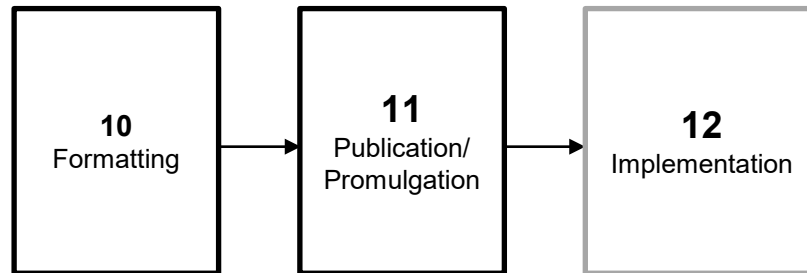
Phase II: Review and Comment

Step 9: Consolidation (optional)

- In case regulation also includes other applications like use or storage consolidation could be necessary
- Maybe with IAEA support/facilitation

Phase III : Finalization Toward Publication

PHASE III – Finalization Toward Publication



- This phase is solely responsibility of national government as it's their regulatory process
- Ends with promulgation or publication of finalized regulation for transport security

Future Activities and Needs

- In 2021, Agency will extend methodology to include transport safety requirements
- Need to expand pool of legal experts from South American Countries

International Atomic Energy Agency



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Thank you for your attention!