

November 8, 2001

MEMORANDUM TO: Charles L. Miller, Deputy Director  
Licensing and Inspection Directorate  
Spent Fuel Project Office, NMSS

FROM: Nancy L. Osgood, Senior Project Manager  
Licensing Section /R/  
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SUBJECT: TRIP REPORT, IAEA CONSULTANTS SERVICES MEETING,  
OCTOBER 29 THROUGH NOVEMBER 2, 2001

### Introduction

From October 29 through November 2, 2001, I participated in a Consultants Services Meeting (CSM-109) that was held at the International Atomic Energy Agency (IAEA) Headquarters in Vienna, Austria. This meeting was held to support the 2003 Revision process for the IAEA Regulations for the Safe Transport of Radioactive Material (TS-R-1).

### Background

The IAEA has adopted a two-year cycle for revising its transportation regulations. The regulations include "grandfathering" provisions to ensure adequate transitional arrangements for continued use of packages approved to earlier regulations. Proposed grandfathering provisions for the 2003 Edition of the Regulations were developed at IAEA meetings held in October and November 2000. The proposed regulations were provided to member states for comments. The Consultants Services Meeting (CSM-109) was held to review member state comments and assist the IAEA in preparing recommendations for consideration at the forthcoming meeting of the Revision Panel. The Revision Panel will then provide a consensus position for adoption by the Transport Safety Standards Committee (TRANSSC), the Commission on Safety Standards (CSS), and the Board of Governors during 2002.

### Discussion

There were nine participants in CSM-109: three members from Japan and one each from United Kingdom, France, Germany, Canada, and the World Nuclear Transport Institute, an industry group. I served as Chairman of the meeting.

The group reviewed in detail the grandfathering provisions (termed "grandparenting" by IAEA) that were developed last year and all comments received on the proposed provisions. The group discussed and dispositioned each member-state comment. Based on the proposed provisions and the member-state comments, the group developed a consensus recommendation for the Revision Panel where possible. For issues that could not be resolved by the group, a list of options was developed for the Revision Panel.

The group identified five distinct options for the final provisions for the IAEA regulations:

1. Adopt the grandfathering provisions that were originally proposed. The durations included in the original proposal were chosen to be consistent with past practice and to provide stability of the regulations with respect to use of packages approved to previous regulations.
2. Issue the 2003 regulations as an Amended version of the regulations, instead of a Revision to the regulations. In that case no new grandfathering provisions would be necessary, since the 1996 Edition of the Regulations would still apply.
3. Update the grandfathering provisions exactly as before (i.e., similar to the 1985 and 1996 Editions for the Regulations). This would defer any changes in the methods used for grandfathering until the 2005 Revision process.
4. Include the proposed grandfathering provisions but with the following changes: shorten the time-scales for the design period and eliminate the "end-of-use" restriction.
5. Include grandfathering provisions only for the specific regulatory provisions that change the package design standards, i.e., grandfathering provisions would be specific to certain design standards. Other provisions would not need grandfathering and would become effective on the date the regulations were adopted or implemented.

The group generated the attached report, Working Paper No. 3, CS-109, 2001, "CSM to Develop Consensus Opinion on Transition Arrangements for 2003 Edition of the Transport Regulations." The working paper includes the list of member-state comments and the resolution to the comments. Details of the five options outlined above are included in the working paper.

Attachment: Working Paper No. 3, CS-109, 2001, "CSM to Develop Consensus Opinion on Transition Arrangements for 2003 Edition of the Transport Regulations."

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