Challenges in Establishing a New Regulatory Body in Sri Lanka

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Outline

- A brief History
- Applications of ionizing radiation
- The Challenges
  - In Decision making
  - In Drafting Legislation
  - In Establishing an Independent Regulatory Body and in its Operations
Sri Lanka

An island in the Indian Ocean

Area : 65610 km$^2$

Population : 20.48 million

Languages : Sinhala, Tamil, English

Per capita GDP : US$ 3280 (2013)
A brief history of the Regulatory Programme of Sri Lanka

- Establishment of the Atomic Energy Authority (AEA) in 1970 by the Atomic Energy Authority Act No. 19 of 1969
  - The Act delegated both promotional and regulatory powers to the AEA
  - Adoption of Atomic Energy Regulations of 1975
- Recognition by the new management of the AEA the need to upgrade radiation protection infrastructure (1993)
- Participation in the IAEA Model Project on Development Radiation Protection Infrastructure (from 1997)
Significant strengthening the regulatory programme of the AEA (1997 – 2002)
  - Recruitment of staff
  - Commencement of an inspection programme
  - Commencement of a Personal Monitoring programme

Promulgation of Regulations conforming to BSS 115 (2000)

Recognition of the need to separate regulatory and promotional functions in 2004

Atomic Energy Act No.40 of 2014 in 2014

Creation of
  - Atomic Energy Regulatory Council (for regulation)
  - Atomic Energy Board (for promotion, research and services)
Applications of Ionizing Radiation in Sri Lanka

- Uses limited to Medicine, Industry, Agriculture and Research
- No nuclear reactors, research reactors, radioisotope production facilities, or cyclotron
- Biggest Sources are in Industrial Irradiators and Teletherapy machines
The Challenges
Challenges in Decision making

- Convincing the policy makers of the need for a new Act and a separate regulatory body
- Delays in decision making due to frequent changes in the management of the AEA
- The opposition of some staff members of the AEA to a separate independent regulatory body due to loss of authority and prestige associated with regulatory work
Challenges in Decision making

These challenges were overcome by:

- Maintaining a sustained dialogue with the policy makers on this issue
- Convincing the management of the AEA of the need for an independent regulatory body

Recommendations made by the IAEA experts were useful.

These challenges delayed the process.
Challenges in Drafting Legislation

- Lack of personnel with the required knowledge and experience in drafting an Act and Regulations.
- Lack of knowledge in radiation protection among the legal fraternity responsible for reviewing the draft Act.
- Difficulties faced in arriving at an agreement on the functions to be delegated to the two new organizations responsible for regulation and promotion.
Challenges in Drafting Legislation

- The need to obtain the approval of a number of Government agencies for the draft Act.

- The need to translate the Act to national languages, made difficult by the technical nature of the Act and lack of technical terms.
Challenges in Drafting Legislation

- IAEA assistance for drafting the Act was invaluable.
- Drafting new legislation and obtaining approval took several years due to these challenges.
- The Act was approved by the Parliament in November 2014.
  - The Sri Lanka Atomic Energy Regulatory Council (SLAERC) and the Sri Lanka Atomic Energy Board (SLAEB) were established in January 2015.
Challenges in establishing the new regulatory body

- **Funding**
  - Funds allocated for the AEA for 2015 had to be divided between SLAERC and SLAEB
  - Division of funds required time consuming approvals
  - Allocated funds were not sufficient to recruit additional staff
Challenges in establishing the new regulatory body

- **Staff**
  - The staff during the first year (2015) was limited to AEA staff who opted to join the SLAERC.
  - Creation of additional positions from second year (2016) onwards required lengthy negotiations with the relevant Government agency.
  - A number of practical difficulties were encountered in recruiting new staff members according to established Government procedures.

- **Staff recruitment is in progress**
Premises

- It was not possible to move SLAERC to a separate location due to lack of funds.
- SLAERC is temporarily established in the National Centre for Non-destructive Testing owned by SLAEB.
- A proposal to share a new building being constructed by SLAEB (a licensee) was not accepted due to conflict of interest.
- SLAERC plans to request funds from the Government to rent out a separate building.
Challenges in establishing the new regulatory body

Licensing

- The Act required adoption of addition legal instruments (rules and orders) prior to commencement of licensing.
- Drafting of the rules and orders and obtaining approvals delayed the commencement of licensing under the new Act.
- Translation of the rules and orders to national languages was a difficult and a time consuming process.
Challenges in establishing the new regulatory body

- **Licensing**
  - Licensing under the new Act commenced in January, 2016 and 252 licenses had been issued till March 2016

- **No of facilities registered**
  - X-rays - 421
  - Radioactive sources - 102
Challenges in establishing the new regulatory body

- **Inspections**
  - Delays in acquiring vehicles required for conducting inspections
  - Delays in recruiting and training an adequate number of staff
  - Lack of understanding among licensees of the new procedures
  - Misunderstanding of powers and functions of two new entities established by the new Act
Challenges in establishing the new regulatory body

➢ **Inspections**

- No. of Inspections conducted in 2015 - 62
- No. of inspections conducted in 2016 - 14
- No. of inspections planned in 2016 - 100
Challenges in establishing new regulatory body

- Implementation of new rules and regulations
  - Delays in response to regulatory requirements of the licensees
  - Lack of understanding of the authority and capabilities of the regulatory body
  - Lack of understanding of the need to follow rules and regulations
Challenges in establishing new regulatory body

➢ Awareness on new regulatory body and legislations

• Poor participation by key persons in awareness programmes conducted by the SLAERC

• Lack of commitments from the higher levels of administration especially in Government institutions
Challenges in establishing new regulatory body

- Delays in implementing new areas introduced by the Act
  - Due to lack of expertise in drafting regulations and rules
    - Nuclear security
    - Nuclear and radiological emergency preparedness and management
    - Safeguards and international treaties
    - Control items and import and export control
    - Physical protection of nuclear and other radioactive material
Challenges in establishing new regulatory body

- Delay in implementing new areas introduced by the Act

- Lack of funds and trained manpower at users to implement the new requirements given in the Act
Future Programmes

- Promulgation of Ionizing Radiation Protection, source security, and Radioactive Waste Management Regulations
- Rules on Safe Transport of Radioactive Materials
- Establishment of Licensing and Inspection programmes
- Establishment of National Source Registry using RAIS
- Arrangements for fulfilment of obligations of Sri Lanka for the conventions and treaties signed on Nuclear Energy
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