

Open-ended Meeting of Legal and Technical Experts to Develop Internationally Harmonized Guidance for Implementing the Recommendations of the Code of Conduct on the Safety and Security of Radioactive Sources in Relation to the Management of Disused Radioactive Sources

Vienna, 27 June to 1 July 2016

Report of the Chairman

1. An open-ended meeting of technical and legal experts was held from 27 June to 1 July 2016 at the IAEA Headquarters in Vienna under the chairmanship of Mr J Zarzuela (Spain) to develop internationally harmonized guidance for implementing the recommendations of the Code of Conduct on the Safety and Security of Radioactive Sources (the Code) in relation to the long-term management of disused radioactive sources. This was the third such meeting, the first having been held in October 2014 and the second in December 2015. The objective of this third meeting was to review the draft guidance that had been revised on the basis of the comments received during the 120-day comment period with a view to reaching a consensus on the text and its format.
2. The meeting was attended by 108 experts nominated by 69 Member States of the IAEA (Albania, Argentina, Armenia, Austria, Azerbaijan, Bangladesh, Belarus, Bolivia, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, Congo, Côte d'Ivoire, Czech Republic, Democratic Rep. of the Congo, Egypt, Estonia, France, Germany, Ghana, India, Iran, Iraq, Italy, Japan, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Lesotho, Madagascar, Malaysia, Mali, Mauritania, Mexico, Morocco, Niger, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Senegal, Serbia, Spain, Sudan, Sweden, Thailand, the Former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uruguay, Viet Nam, Yemen, and Zimbabwe) and one non-Member State of the IAEA (Comoros). The meeting was also attended by an observer from the International Source Suppliers and Producers Association (ISSPA). The Scientific Secretaries for the meeting were Mr H. Mansoux (Division of Radiation Transport and Waste Safety) and Ms C. George (Division of Nuclear Security). The rapporteurs for the meeting were Messrs Fred Morris and Anthony Wrixon (consultants).
3. The meeting was opened by Mr Juan Carlos Lentijo, Deputy Director General and Head of the Department of Nuclear Safety and Security. After welcoming the experts, he indicated that the IAEA would like to congratulate the 132 Member States that have expressed their political support to the Code. This was a significant achievement, one of the highlights as the IAEA begins its 60th anniversary celebrations during the current year. He expressed that the Code had helped Member States to improve the safety and security of radioactive sources. Just one month previously, over 190 representatives from 100 Member States, as well as observer organizations, clearly affirmed the importance of the Code, through their significant participation in the third open-ended meeting to discuss implementation of the entire Code and its supplementary Import-Export Guidance. Clearly, Member States find

the Code extremely useful to draw upon as a resource in which to aid them in establishing their national safety and security infrastructures for radioactive sources. However, the management of disused radioactive sources has long been recognized as a critical issue because of their vulnerability to accidents or malicious use. The improvement in the safety and security of disused sources was therefore still a challenge to be addressed.

4. Mr Lentijo went on to note that the draft Guidance, under discussion during the week, is intended to assist States to ensure that the necessary framework is in place so that when a radioactive source becomes disused, its management is straightforward. He also noted that many States are confronting legacy issues, where radioactive sources have been imported prior to the establishment of the legal and regulatory framework, or commercial take-back agreement with the supplier. All management options need to be explored to ensure that return to a supplier or to return to an exporting state, are not the immediate or the sole management options. In view of this, he expressed his pleasure at the numbers attending the current meeting, which was a clear indication of the importance assigned by Member States in finalizing the development of the guidance. He expressed his hope that agreement would be reached on the content and format of the document by the end of the week.
5. The Chairman recounted the history of the Code and the supplementary Import-Export Guidance under the Code. He also noted the formalized process established in 2006 for meetings on the Code every three years, four of which had now been held, the last being in 2016. He noted the need for additional guidance with respect to the management of disused sources had been identified by Member States in a variety of fora, including the Abu Dhabi Conference in 2013, the suggestion being that this guidance could take the form of supplementary guidance to the Code but, as with the Code itself, would not be legally binding.
6. The Chairman went on to review the development of the guidance on management of disused sources. He noted the conclusions and recommendations made at the first two open-ended meetings (October 2014 and December 2015). He also noted that the second meeting showed that there was continued support for the initiative to develop such guidance and to continue to pursue its development as supplementary guidance under the Code. The meeting had recommended that the Secretariat should send the revised draft guidance to Member States for a 120-day comment period, inform the relevant IAEA Safety and Security Committees for their appropriate contribution to the review and following the comment period, should convene a consultancy meeting to address the comments received and prepare a further draft of the guidance. The IAEA should then schedule this third open-ended meeting to review the revised draft, with a view to finalizing it for submission to the Board of Governors for approval as supplementary guidance under the Code.

7. The Chairman noted that 96 comments had been received from 11 States and that these had been reviewed during a consultancy meeting and a further draft of the document had been developed. The purpose then of this third open-ended meeting was to review the draft and, if possible, agree on the text and the format, so that it could be submitted to the Board of Governors for approval as additional guidance under the Code.
8. Following discussion of administrative matters, Ms Christina George gave a presentation on the progress in the development of the guidance on the management of disused sources—the rationale for the guidance, the proposed format and status of the draft guidance, and the proposed path forward. She also provided an overview of the draft in the form that it had been sent to the meeting participants. In conclusion, she said that the guidance is intended to be highly visible, would address the management of disused sources from both a safety and security perspective and builds on the Code on a topic of broad interest to many States.
9. The Chairman then invited Mr F Morris (rapporteur) to walk-through the draft document highlighting the major changes that had been made to the draft guidance on the basis of the comments that had been received. Following this, the Chairman invited experts to review the document, paragraph by paragraph, with a view to finalizing the text. This took most of the week. Most of the changes made were related to improving the clarity of the text. The most significant issues had to do with the organization of the document for the presentation of the management options so efforts were made to restructure the document for better clarity. Other issues that arose were clarification of the meaning and use of the term 'supplier' and clarification of the differences between return to a supplier outside of the State in which the radioactive source becomes disused and national management of a disused source, including the situation in which the supplier to whom the source is returned is within the same State.
10. Following resolution of these issues on the content of the document, the meeting proceeded to discuss the format in which the Guidance should be produced, and specifically whether it should be published as supplementary guidance under the Code, similar to the Import-Export Guidance. Many States (fifty) actively expressed strong support for the document to be at the same level as the Import-Export Guidance, recognizing that there is a major need for a document at this level. They noted that management of disused sources poses significant challenges in many States and that this level of document would help States to establish the necessary policy framework to safely and securely manage disused sources. One State, however, while recognizing the utility and quality of the document produced as a result of the meetings, registered its objection to adoption of the document as supplementary guidance under the Code because in this State's view, the Code already addresses the management of disused sources, and the new document was developed not within the framework of the Code and therefore cannot have the same status as the Import-Export Guidance. No other State participating in the meeting expressed support for this position.

11. The Chairman drew the following conclusions:
 - a. As revised during the meeting, the content of the draft document was agreed to by the experts from all but one State participating in this meeting;
 - b. A large number of States agreed that the text does not need further revision and supported the approach that the document should be sent to the Board of Governors for approval as supplementary guidance under the Code;
 - c. One State however did not agree with this approach and considered that the text would need to be revised once the issue of the format had been resolved.
12. The Chairman recommended that the Secretariat be informed of results of the meeting and engage in consultations with Member States with a view to finalizing this document.



Javier Zarzuela Jiménez

Chairman

1 July 2016