

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, 14 to 17 December 2015

Report of the Chairman

1. An open-ended meeting of technical and legal experts was held from 14 to 17 December 2015 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 second such meeting, the first having been held in October 2014. The objective of this second meeting was to review the draft guidance that had been developed following the first meeting.
2. The meeting was attended by 128 experts from 66 Member States of the IAEA (Afghanistan, Albania, Algeria, Argentina, Armenia, Australia, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Canada, Central African Republic, Chile, Côte d'Ivoire, Croatia, Cuba, Czech Republic, Democratic Republic of the Congo, Egypt, France, Gabon, Germany, Ghana, Hungary, India, Indonesia, Iran, Iraq, Italy, Japan, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Madagascar, Malaysia, Mexico, Montenegro, Morocco, Netherlands, Nigeria, Pakistan, Peru, Philippines, Poland, Romania, Russian Federation, Senegal, Serbia, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, the Former Yugoslav Republic of Macedonia, Turkey, Ukraine, United States of America, Uruguay, Viet Nam and Zimbabwe). The meeting was also attended by observers from two international organizations: the International Source Suppliers and Producers Association (ISSPA) and the World Institute of Nuclear Security (WINS). The Scientific Secretaries for the meeting were Ms Christina George (Division of Nuclear Security) and Mr Hilaire Mansoux (Division of Radiation, Transport and Waste Safety). The rapporteurs 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. In welcoming the participants, he noted the widespread commitment of Member States to the Code and the great progress that has been made in implementing its provisions (currently, 127 States have expressed their political support for it and their commitment to work towards following its provisions). Within the framework of annual meetings on the Code, he noted that the management of disused sources had long been recognized as a critical issue for ensuring that sources were managed safely and securely throughout their lifecycle and that sources were most vulnerable to accidents or malicious use when they became disused. However, challenges remain, including those related to the management of disused sources including lack of national policy and strategy, insufficient financial arrangements to provide for the return of sources to a supplier, or a lack of centralized storage options and disposal pathways. He said that it was essential for States to have the legal and regulatory framework in place, which address both the safety and security of sources at the end of their lifecycle. He went on to

say that safe and secure management of disused sources was critical and all national management options should be explored by States to ensure that return to a supplier or to an Exporting State were not the sole management options. He specifically drew attention to the safety and security resolutions of the 59th General Conference, in which IAEA Member States had reaffirmed the importance of safe and secure management of disused sources (GC(59)/RES/9 and GC(59)/RES/10). He noted that Member States continued to recognize the need for a lifecycle approach to safety and security of radioactive sources.

4. 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, three of which have been held, the last being at Abu Dhabi in 2013. He noted that 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, as well as in the review meeting of the Joint Convention in May 2015 and the proposal was that the guidance could take the form of supplementary guidance to the Code but, as with the Code itself, would not be legally binding.
5. The Chairman went on to review the development of the guidance on management of disused sources. He noted the following general conclusions made at the first open-ended meeting in October 2014:
 - a. The initiative to develop the guidance on the management of disused sources was supported and would be of considerable value to Member States;
 - b. The development of the guidance should continue to be pursued as supplementary guidance under the Code;
 - c. The level of participation and engagement during the meeting demonstrated the interest for, the need, and the importance of this guidance; and
 - d. The approach and the proposed format of the draft guidance were supported.
6. He also noted the following recommendations made at the first open-ended meeting in October 2014:
 - a. The Secretariat should prepare a revised version of the draft guidance addressing the participants' comments;
 - b. The Secretariat should schedule a second open-ended meeting of technical and legal experts to review the revised draft; and
 - c. The Secretariat should submit this report to the Board of Governors for its information and direction on the way forward.
7. The Chairman indicated that as a result of these conclusions and recommendations, this second open-ended meeting had been requested and that the new draft guidance before the meeting had been prepared by two consultancies organized by the Secretariat during 2015. The collective task of the meeting was therefore to improve the draft in order to reach consensus on a new version of the guidance. He thanked the participants in advance for their active participation.
8. Following discussion of administrative matters, the Scientific Secretaries made presentations on the work in their respective areas. Mr Mansoux drew the meeting's attention to the GC resolution 59/RES/9 on nuclear safety, GC resolution 59/RES/10 on nuclear security, to the IAEA's Nuclear Security Plan for 2014 to 2017 and IAEA's Medium Term Strategy for 2012 to 2017 on nuclear safety. He also referred to the key findings of the Abu Dhabi Conference. Mr Mansoux then went on to discuss the various options available for the management of

disused sources including return to supplier, reuse, recycling, storage and disposal and noted the role of the various stakeholders. He also emphasized the importance of adequate financial resources. He noted that return to the supplier was now being introduced into new contractual arrangements but that such action was not always feasible for existing sources. Return to supplier could not therefore be instituted as the sole option.

9. Ms George gave a presentation on the proposed format for the guidance noting that the intention was for it to parallel that of the Import/Export Guidance. She noted that the provisions on disused sources were dispersed throughout the Code and therefore the proposed guidance would aim to bring these together in one place. She also noted that the draft guidance took account of IAEA documents covering safety and security, that it was aimed at States with radioactive sources, and that it was intended to be concise. She then covered the intended process for further development indicating that the agreed text would be sent to Member States for a 120-day comment period, following which comments would be addressed in a consultancy meeting and then another open-ended meeting would be convened to finalize the guidance. She noted that the safety and security committees were being kept informed of progress, but that the process did not necessitate their agreement. In conclusion, she noted the advantage of the guidance – it has high visibility, covers both safety and security, builds on topics in the Code and is consistent with the safety strategy and security plans and GC resolutions.
10. The Secretariat, Mr Mansoux and Ms George, then gave presentations on the documents that had been developed in the safety standards and nuclear security series in relation to disused sources. It was recognized that management of disused sources was a major issue but had not been addressed holistically (i.e. covering both safety and security) in one place and that many countries had requested guidance on this topic.
11. Mr G. Liebenberg (Secretariat) gave a presentation on the technology and security developments relevant to the management of disused sources covering IAEA mission and the development of the borehole disposal option. Ms M. Kinker (Secretariat) gave a presentation of the relevant developments for the safe management of disused sources.
12. The Chairman then invited Mr F Morris (rapporteur) to describe the major changes that had been made to the draft guidance since the previous open-ended meeting. A major issue that arose during the subsequent discussion was the status and level of the guidance, whether it should be a high-level document, supplementary to the Code or a lower-level detailed technical guidance. One State expressed preference for the second option. Several States indicated that in its current form, the guidance would achieve the intended goal, and that it should remain as initially drafted, that is, as supplementary guidance to the Code. The Chairman indicated that it was important to reach consensus on this matter before detailed discussion of the contents of the draft guidance. Consensus was reached that the meeting should proceed as originally planned.
13. The participants provided comments and suggestions on all sections of the draft guidance. A number of questions were raised about specific aspects of the management of disused sources. One participant noted that this draft guidance as well as the Code of Conduct do not address the safeguards aspects of radioactive sources containing nuclear material.
14. Following this comprehensive review, the Secretariat convened a small meeting to take account of the comments raised in the preparation of a further draft of the guidance. This draft was then made available to participants for further discussion and agreement.

15. The participants provided comments and suggestions to improve the revised guidance. No major issues were raised; however, the definition of the term 'supplier' remains open. The Secretariat was requested to consult the Office of Legal Affairs to seek their views and will follow up in this regard. Participants were also invited to propose alternate wordings to clarify this definition.
16. From the discussions held, the following conclusions were drawn:
 - a. The meeting continued to support the initiative to develop the guidance on the management of disused sources which would be of considerable value to ensure safety and security of radioactive sources by Member States.
 - b. The level of participation and engagement during the meeting demonstrated the continuing interest in, the need for, and the importance of this guidance.
 - c. The meeting agreed that the development of the guidance should continue to be pursued as supplementary guidance under the Code of Conduct, while IAEA should consider the additional development of more detailed technical guidance on the management of disused sources
17. The meeting also made the following recommendations:
 - a. The Secretariat should send the revised draft guidance to Member States for a 120-day comment period as proposed at the outset of the meeting and inform the relevant IAEA Safety and Security Committees for their appropriate contribution to the review.
 - b. Following this period, the Secretariat should convene a consultancy meeting to address the comments received and prepare a further draft of the guidance.
 - c. The Secretariat should then schedule a third open-ended meeting of legal and technical experts 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.
 - d. The Secretariat should inform on progress on the guidance at the next review meetings of the Code of Conduct and the Joint Convention.



Javier Zarzuela Jiménez
Chairman
17 December 2015