

Regional Meeting for Sharing Experience and Lessons Learned in Implementing the Code of Conduct on the Safety and Security of Radioactive Sources

Tirana, Albania, 25 to 29 March 2013

Report of the Chairman

1. A regional meeting of technical and legal experts for sharing experience and lessons learned in implementing the Code of Conduct on the Safety and Security of Radioactive Sources (the Code) was held from 25 to 29 March 2013 in Tirana, Albania under the chairmanship of Mr. T. Hayes (Canada).
2. 34 experts attended the meeting from 17 Member States of the IAEA (Albania, Armenia, Belarus, Croatia, Estonia, Hungary, Kazakhstan, Lithuania, the Former Yugoslav Republic of Macedonia, Montenegro, Moldova, Poland, Romania, Slovakia, Serbia, Turkey and Ukraine). The Scientific Secretary for the meeting was Mr. S. Evans (IAEA Division of Radiation, Transport and Waste Safety).
3. Mr. Nikolla Civici, National Liaison Officer for the Albanian Radiation Protection Office opened the meeting. In Mr. Civici's opening remarks, he discussed the importance of political commitment and implementation of the Code and Guidance and highlighted the importance and benefit of the regional meeting.
4. The objective of the meeting was to share experience and lessons learned in implementing the Code. All States present were requested to and provided national presentations on Code implementation status.
5. During the opening session, the IAEA provided an update on the current number of States committed to the Code and the Guidance, States in the region not yet committed, an overview of the status of regulatory infrastructure and IAEA efforts to raise the number of States committed. The remaining sessions for the opening day were dedicated to multinational initiatives on implementing the Code and on building common approaches to implementation of import and export controls. The opening day set the goals and expectations for the remainder of the meeting.

Infrastructure for regulatory control

6. Participants agreed that establishment of an effective regulatory infrastructure is the basis for effective control of radioactive sources, in particular regarding the enforcement of requirements. All States demonstrated that a legislative framework has been established within their respective States but some States reported that the established legislation does not yet fully provide effective control of radioactive sources throughout their life-cycle.
7. Some States require amendment to regulations for control of radioactive sources. The general theme being that regulations are required to address security of radioactive sources and for their long term-management.
8. Many States discussed a need for legal requirements to return radioactive sources to the manufacturer as part of their long-term management strategy.
9. Participants agreed that establishment and maintenance of a regulatory body, effectively independent of promotional or user functions with respect to radioactive sources, is fundamental for the effective implementation of the Code and Guidance. Some States expressed concern that their regulatory body was not fully independent at the functional and financial level.
10. There was discussion on implementation of import and export control provisions of the Code and Guidance and difficulty aligning these provisions with European Union (EU) legislation, such as the High Activity Sealed Source (HASS) Directive. Some States indicated support for harmonization of the Code and Guidance with the HASS. It was further suggested that a recommendation be made to the European Commission (EC) to consider a common set of regulations having consistent export requirements for both EU Member States and non-member States. One participating EU Member State has implemented an additional regulation in order to be compliant with 1493/93 and also to fulfill commitment to the Code and Guidance when exporting to non-EU States.
11. The legal provision and ability to implement financial guarantees to manage radioactive sources throughout their life-cycle and in particular to ensure proper end of life-cycle management was highlighted by many States. In circumstances where radioactive sources will be returned to the Supplier State, one State suggested that Exporting States should consider implementation of financial guarantees on Exporting Facilities to cover expenses related to returning sources to the manufacturer.
12. States drafting regulations related to radioactive source security provided an update on progress and acknowledged the usefulness of IAEA Nuclear Security Series No. 11 (Security of Radioactive Sources). States expressed a desire for

support in implementation of safety and security measures in the context of the Code.

13. Peer reviews and advisory missions were suggested as an effective means to ensure regulations or other elements of national infrastructure are in place for the management of radioactive sources.

Training of staff in the regulatory body, law enforcement agencies and emergency service organizations

14. Regulatory bodies should have qualified personnel and financial resources to fulfill the essential roles. Many participants indicated that staffing levels remain challenging and this has resulted in constraints on implementation of the Code and Guidance.
15. The importance of training programmes for regulatory body staff was highlighted and emphasized in many national presentations. Many States present reported they still struggle with establishing an effective training programme for staff due to financial constraints but did acknowledge the importance of IAEA programmes and those offered by other international and donor organizations.
16. Some participants indicated that due to the lack of proper training programmes for regulatory staff, junior staff knowledge and staff retention has become an issue.
17. Several States that have established training programmes for regulatory body staff have also established outreach and training programmes for other relevant government agencies (such as customs, law enforcement officers and emergency response agencies) and licensees.

Domestic and international cooperation for implementation of Code

18. To ensure effective coordination and cooperation amongst government departments responding to an event involving radioactive sources, several States have established Memorandums of Understanding between the relevant government agencies and the regulatory body.
19. Some States reported that Memorandums of Understanding have also been established between the regulatory body and Customs to ensure imports and exports of radioactive sources are done in compliance with relevant legislation.
20. It was presented that an Administrative Arrangement will be established within the Eurasian economic community (five States; namely Russia, Kazakhstan, Belarus, Tajikistan and Kyrgyzstan) to harmonize procedures related to the import and export of radioactive sources.

21. It was agreed that intergovernmental Memorandums of Understanding and Arrangements between foreign regulatory bodies is a good practice and States were encouraged to establish similar Memorandums of Understanding and Arrangements.

Experience in establishing a national register of radioactive sources

22. All States present reported having established and maintain a national register of Category 1 and 2 radioactive sources. Many States reported having developed registries modelled after RAIS but do not use RAIS as supplied by the IAEA. One State reported their registry software has been provided to other States to establish a national register.
23. To ensure accuracy of data in the national registries, most States conduct regular inspections and some States also receive weekly updates from Customs reporting imports and exports of radioactive sources.
24. Although all States present have established a national register of radioactive sources, many States requested that the IAEA establish minimum criteria for data elements to be contained within any national registry to ensure consistency (in accordance with good practice examples of existing registers).

Long-term management of radioactive sources

25. The long-term management of radioactive sources remains a challenge for a majority of States present. Many challenges on this subject were discussed during the course of the meeting.
26. The main challenge to States for long-term management of radioactive sources is tied directly with the associated costs. States without long-term storage solutions indicated that the cost of returning sources to the Supplier State remains prohibitive and some have opted to store sources at end-user locations until a viable option is available either through improved/established storage facilities or they are financially able to return the sources.
27. Financial guarantees were discussed as an option to manage radioactive sources throughout their life-cycle and including where appropriate, the return of sources to the Supplier State and as a means to effectively secure sources should the operation become insolvent. Some participants reported that their State has effectively implemented financial guarantees for long-term management of radioactive sources.
28. It was discussed that long-term management should be considered by the Importing State prior to authorizing import and use of radioactive sources. Exporting States should also take into consideration the Importing States capacity

to effectively manage radioactive sources throughout the life-cycle prior to authorization of export.

29. Participants discussed the topic of re-using and recycling radioactive sources. None of the participating States mandate the reuse and recycling of radioactive sources but a few States do encourage the practice. Several States expressed that technical difficulties exist with the re-use and recycling of sources. Although the practice of reuse and recycling was generally seen as a good practice there was no consensus that reuse and recycling is a viable option for long-term management of radioactive sources.
30. Participants discussed the definition of radioactive waste in the context of a disused radioactive source. It was agreed that an improved definition of radioactive waste in this context is required and that classifying a disused radioactive source as radioactive waste could result in difficulties in exporting the source due to domestic and foreign regulations.
31. Although all States which received assistance from either the IAEA or other international organizations expressed gratitude for assistance related to long-term management of radioactive sources and other associated programmes, it was discussed that follow up missions are required to ensure ongoing implementation and continued benefit from the assistance provided.

National strategies for gaining or regaining control over orphan sources, including arrangements for reporting loss of control and to encourage awareness of, and monitoring, to detect orphan sources

32. Orphan sources remain an issue for many States present at the meeting.
33. A few participants reported that their States have implemented a national strategy for regaining control over orphan sources and some have established Memorandums of Understanding with relevant governmental departments for detection and regaining control of such sources. However, many States still require a national strategy.
34. Most participants reported that when an orphan source is discovered, the State budget would cover costs, despite the lack of a national strategy.
35. Most States have installed portal monitors at border crossings and are effectively carrying out outreach campaigns to educate relevant governmental organizations and the public on orphan sources. Those States that have conducted campaigns report higher detection rates and consider the campaigns beneficial.
36. It was agreed that the discovery and management of orphan sources requires a national strategy.

Experience with implementation of the import and export provisions of the Code and Guidance on the Import and Export of Radioactive Sources

37. All States indicated that under their regulatory framework the capacity to authorize imports and exports exist. All EU Member States represented have implemented the HASS Directive and many have included elements of the Guidance. Some States indicated that challenges exist to implement the import and export provisions of the Code and Guidance due to legal constraints, on the one hand, such as potentially conflicting EC legislation on the free movement of goods, and on the other, limitations due to the nature of national legislation regarding security.
38. To ensure that the Importing State's regulatory framework is adequate to manage radioactive sources in a safe and secure manner, one State suggested the IAEA provides information and assurances related to this capability. Participants were reminded of the revised Guidance Questionnaire (2012 version of Guidance) and the purpose of the questionnaire, which is to provide information on a States regulatory capacity to manage radioactive sources. Because the information is not verified by the IAEA, it was suggested by a participant that a mechanism be established by the IAEA to ensure accuracy of responses.
39. Participants agreed that the Guidance Questionnaire has an important role to complement State assessments and agreed that all States that have provided political commitment to the Guidance should complete the revised Guidance Questionnaire and submit it to the IAEA Director General.
40. A participant expressed concerns with the accuracy of information contained in the List of National Points of Contact for the import and export of radioactive sources supplied by the IAEA. It was agreed that information in the List of National Points of Contact should be accurate and Points of Contact should know their expected role and responsibilities.
41. It was presented that an Administrative Arrangement will be established within the Eurasian economic community (five States) to harmonize procedures related to the import and export of radioactive sources.

Based on the outcomes of this Regional Meeting, potential topics for the October 2013 International Conference on the Safety and Security of Radioactive Sources: Maintaining the Continuous Global Control of Sources throughout their Life Cycle.

42. A number of topics with relevance to the upcoming International Conference in Abu Dhabi were discussed:
- a. Discussions on the definition of radioactive waste in the context of disused radioactive sources.
 - b. Encouraging and facilitating the reuse and recycling of radioactive sources as outlined in the Code.
 - c. Financial guarantees on the radioactive source supplier to cover future return and end of life-cycle management and ensure the safety and security of the radioactive source.
 - d. Effective independence of the regulatory body with particular regard to the control of safety and security of radioactive sources.
 - e. The feasibility of regionally-located radioactive source long-term storage repositories to support States in addressing short-term storage challenges. The long-term goal being to increase regional capacity to effectively manage radioactive sources throughout life-cycle as an alternative to return to Supplier State.
43. Opening remarks made by the IAEA Secretariat noted that the meeting was conducted under IAEA Technical Co-operation programme project number RER9111 9003 with funding support provided by the United States of America through the Peaceful Uses Initiative (PUI).

Timothy Hayes
Chairman
29 March 2013