

## **Aiding Document on Clarification of the Role and Responsibilities of Point of Contact**

This Aiding Document may be used on a voluntary basis for the development of the role and responsibilities of the Point of Contact taking into account national regulatory infrastructure. This Aiding Document is based on the Guidance on Import and Export of Radioactive Sources and current good practices of the Points of Contact.

### **Summary of Point of Contact Role and Responsibilities**

As recommended in paragraph 4 of the Guidance on the Import and Export of Radioactive Sources (*Guidance on Import and Export*), the Point of Contact is a nominated person or position for facilitating the export and/or import of radioactive sources in accordance with the Code of Conduct on the Safety and Security of Radioactive Sources (*Code of Conduct*) and *Guidance on Import and Export*. Under this role, the Point of Contact is responsible for receiving and facilitating the review of the request for consent for Category 1 radioactive sources (*request for consent*) and import and export notifications prior to shipment (*notification*) for Category 1 and 2 radioactive sources. The Point of Contact will provide an appropriate response to the exporting or importing State with the overall purpose to achieve a high level of safety and security of radioactive sources. The Point of Contact may also fulfil an advisory role both domestically and internationally on matters related to the import and export of radioactive sources.

### **Part 1 – Nomination of Point of Contact**

#### **Selection of Point of Contact**

The State is encouraged to nominate a Point of Contact with the appropriate technical knowledge, skills and experience in order to be able to facilitate the export and/or import of radioactive sources in an effective and efficient manner.

The Point of Contact could be a representative of the national competent authority responsible for the safety and security of radioactive sources. In the event that the State does not have a competent authority, the State may appoint an appropriate person or position which has no conflict of interest related to the export and/or import of radioactive sources. It is recommended that this role be included in the nominated Point of Contact's job description to ensure continuity of the role and responsibilities.

Should the State have more than one competent authority responsible for radioactive material safety and security, the authority with primary responsibility for regulating the safety and security of radioactive sources used in civilian applications (used outside nuclear fuel cycle) is the appropriate authority from which the Point of Contact originates.

The Point of Contact usually is a working level position able to achieve a high level of safety and security of radioactive sources with the ability to effectively communicate and coordinate with importing and exporting States.

States are encouraged to consider designating a secondary Point of Contact to ensure continuity of responsibilities during absence and/or unavailability of the primary Point of Contact.

#### **Notification to IAEA of Nominated Point of Contact**

After selection and appointment of Point(s) of Contact, the State in accordance with the paragraph 4 of *Guidance on Import and Export* "should provide the details of these points of contact to IAEA". Notification of the IAEA is done through official channels with all relevant information related to

the competent authority and point of contact. Below is sample text which may be used for notifying the IAEA.

*Mr Yukiya Amano,*

*IAEA Director General*

*With reference to IAEA General Conference Resolution GC(48)/RES/10D and GC(55)/RES/9/10, I am pleased to notify that the national point of contact in [COUNTRY NAME] for all matters related to the import and export of radioactive sources in accordance with the Guidance on the Import and Export of Radioactive sources is:*

<i>Primary contact</i>	<i>Secondary contact</i>
<i>Name:</i> <i>Organization:</i> <i>Address:</i> <i>Email:</i> <i>Tel:</i> <i>Fax:</i>	<i>Name:</i> <i>Organization:</i> <i>Address:</i> <i>Email:</i> <i>Tel:</i> <i>Fax:</i>
<i>Competent authority:</i> <i>Name:</i> <i>Address:</i> <i>Email:</i> <i>Tel:</i> <i>Fax:</i>	

States are encouraged to create and use a generic email account which is monitored by several responsible staff for Point of Contact correspondence related to *notifications* and *requests for consent*. It is recommended that the generic account be the primary email address for *notifications* and *request for consent*.

### **IAEA Response to the State and Point of Contact after Notification to IAEA of Nominated Point of Contact**

Following receipt of nomination, the IAEA Secretariat following the paragraph 19(a) of the *Guidance on Import and Export* will provide a response to the State and Point(s) of Contact confirming their nomination and will include the Point of Contact's information in the List of Points of Contact.

The response to the nominated Point of Contact(s) will include login credentials to access the national point of contact secure website which contains States responses to the Importing and Exporting States Questionnaire (ANNEX 1 of the *Guidance on Import and Export*). This response will also include additional guidance on the role and responsibilities of the Point of Contact.

### **Training Opportunities for Point of Contact**

States are encouraged to use IAEA offers for training opportunities to assist Points of Contact in their role and responsibilities, in particular: E-learning, regional training courses, dedicated technical meetings.

### **Updating List of Points of Contact**

Should any contact information related to the Point of Contact change, the State is encouraged to notify the IAEA at the earliest convenience. In the event of a change in the person or position related to the Point of Contact, the State is encouraged to inform immediately the IAEA through official channels as described in section "**Notification to IAEA of Nominated Point of Contact**".

## Part 2

### Role and Responsibilities of Point of Contact

#### Summary

The role of the Point of Contact is to facilitate the export and/or import of radioactive sources following appropriate national procedures. Under this role, the Point of Contact is responsible for facilitating the receipt, review and response of Category 1 and 2 radioactive source import and export *notifications* and *request for consent*. Points of Contact are strongly encouraged to indicate in the messages (including e-mails) subject of the message including topic: “notification” or “request for consent”.

Under this role, the Point of Contact may also be responsible for the coordination of domestic authorities (customs, border services, transport authority, security services, and other involved bodies with the responsibility for safety and security of radioactive sources) that are involved in the import and export of Category 1 and 2 radioactive sources and may fulfil an advisory role both domestically and internationally.

The following sections of this Aiding Document provide guidance on receiving, reviewing and responding to *request for consent* and import and export *notifications*. This document also provides guidance on handling situations such as receiving radioactive sources without *request for consent* and/or *notification*.

#### Request for Consent

As per paragraph 8 of the *Guidance on Import and Export*, the exporting State should request import consent from the importing State prior to the shipment of one or more Category 1 radioactive source(s). The Points of Contact from both the importing and exporting States play key roles in this important request.

The Point of Contact from the exporting State, should under their export licensing process, facilitate the preparation and submission of a *request for consent* to the appropriate Point of Contact in the importing State for State review. The *request for consent* should include all information outlined in paragraph 8 of the *Guidance on Import and Export* and may be submitted on the IAEA recommended consent form:

<https://nucleus.iaea.org/sites/ns/code-of-conduct-radioactive-sources/guidance/SitePages/Home.aspx>

On receipt of a *request for consent* from the exporting State Point of Contact, the importing State Point of Contact will facilitate the review and response to the exporting State Point of Contact within the suggested timeframe for response.

#### Submission of Request for Consent

Prior to authorizing an export of a Category 1 radioactive source, the Point of Contact facilitates the submission of the *request for consent* to the primary Point of Contact identified in the List of Points of Contact:

<https://nucleus.iaea.org/sites/ns/code-of-conduct-radioactive-sources/Documents/Import%20export%20contact%20points%20Web%20version%2011%20February%202019.pdf>

Point of Contact of the importing State completes the IAEA recommended consent form with completing all relevant fields in Part 1, signs and submits to the Point of Contact of the exporting State.

Submission of *request for consent* should also be completed when a disused Category 1 source is being exported.

#### Receipt of Request for Consent

On receipt of a *request for consent* from the exporting State, the importing State Point of Contact acknowledges receipt to the requesting State Point of Contact and facilitates the review of the request as per following section.

#### Review and Response to Request for Consent by the Importing State

Review of the *request for consent* is performed within the suggested timeframe for a response outlined in the request for consent form. If no date for a response has been specified, States are encouraged to provide a response within 7 days of receipt. If the importing State is not able to provide a decision within the suggested timeframe, the importing State should communicate this to the exporting State Point of Contact and provide details related to the delay.

States that do not have the appropriate technical and administrative capability, resources and regulatory infrastructure needed for the safe and secure management of the radioactive source throughout their life-cycle should consider not granting consent for their import. If the request for consent is being made under exceptional circumstances, refer to section on Review of Request for Consent Under Exceptional Circumstances.

The following steps are performed during the request for consent review process:

1. Review the information related to the recipient, recipient location, radionuclide(s), and activity provided by the exporting State in Part A (if applicable) of the request for consent form.
2. Verify that the recipient is authorized to receive and possess the identified radionuclide(s) and total activity specified in accordance with the national laws and regulations.
3. If the recipient is authorized to receive and possess the identified radionuclide(s) and total activity, and your State has the appropriate technical and administrative capability, resources and regulatory infrastructure needed for the safe and secure management of the radioactive source throughout its useful life-cycle, grant consent by completing the appropriate section in Part B of the *request for consent* form.
4. If the recipient is not authorized to receive and possess the identified radionuclide(s) and total activity, indicate that consent is not granted by completing the appropriate section in Part B of the *request for consent* form.
5. Complete the remaining sections of the *request for consent* form, facilitate signing and return to the exporting State Point of Contact and if applicable to the originating authority.
6. In the event of no response from the importing State Point of Contact, contact the secondary Point of Contact if one identified and/or the identified competent authority. If the previous guidance does not result in a response, contact IAEA for assistance.

Upon receipt of granted *request for consent*, the exporting State Point of Contact provides information to the appropriate licensing unit/department to initiate the export authorization

process following their evaluation procedures in accordance with paragraphs 7 and 11 of the *Guidance on Import and Export*.

#### Review and Response of Request for Consent under Exceptional Circumstances

If the importing State does not have the appropriate technical and administrative capability, resources and regulatory infrastructure needed for the safe and secure management of the radioactive source throughout their life-cycle, both the importing State and exporting State may agree that the export may be conducted under Exceptional Circumstances as outlined in paragraph 15 of the *Guidance*. The review and response for *request for consent* will follow the same process as outlined in the previous section (Review and Response of Request for Consent) with the exception that consent will be granted under Exceptional Circumstances. If using the IAEA *request for consent* form, provide response in 10(b).

#### **Notifications Prior to Shipment**

Following export authorization of Category 1 and 2 radioactive sources and prior to shipment of the radioactive source(s), the exporting State should provide *notification* to the importing State as outlined in paragraphs 9 and 12 of the *Guidance on Import and Export*.

Notifications prior to shipment should occur at least 7 days, to the extent practicable, prior to shipment and should be submitted to the attention of the appropriate Point of Contact of the importing State identified in the List of Points of Contact.

Notifications prior to shipment may be submitted by the exporting State or designated exporting facility.

Notifications prior to shipment should include all information outlined in paragraph 9 and 12 of the *Guidance on Import and Export* and may be submitted on the IAEA notification form:

<https://nucleus.iaea.org/sites/ns/code-of-conduct-radioactive-sources/guidance/SitePages/Home.aspx>

#### Submission of Notification Prior to Shipment

Submission of a notification prior to shipment is completed by the exporting State or designated exporting facility. The exporting State Point of Contact should verify that the *notification* has been sent to the importing State Point of Contact within the prescribed timeframe. Verification may be achieved through being copied on all *notifications* and/or through compliance reviews.

The following steps are performed during the *notification* process:

1. Complete the IAEA recommended notification form.
2. Sign and send to the importing State Point of Contact.

#### Receipt of Notification Prior to Shipment

Upon receipt of a notification prior to shipment, the importing State Point of Contact should facilitate the review of the *notification*.

Review of the *notification* conducted by the Point of Contact or delegated staff is done in a timely manner to provide the importing State the opportunity to notify the exporting State that the shipment may not proceed should there be any regulatory issues that would prevent the import of the radioactive source(s).

The review of the *notification* includes verification that end-user is authorized and that authorized radionuclides and activity corresponds with import authorization.

As a good practice, the importing State Point of Contact acknowledges receipt of the *notification* from the originator of the *notification* (exporting State or designated exporting facility).

#### Confirmation of Receipt of Shipment

As a good practice, importing State's Point of Contact is encouraged to provide a confirmation of receipt notification following receipt of at least Category 1 radioactive sources in the importing State by the end-user as outlined in the notification prior to shipment.

#### Potential Responses to Notification Prior to Shipment

Either Point of Contact or delegated staff will encounter various scenarios related to the review of notifications prior to shipments. Below the common scenarios are suggested course of action:

1. Notification prior to shipment review confirms that shipment may proceed as notified.
  - a. Action: Acknowledge receipt of *notification* by responding to originator of *notification* (exporting State and/or designated exporting facility)
2. Notification prior to shipment review identifies regulatory issues that would prevent the end-user from receiving the radioactive source(s)
  - a. Action: Contact originator of *notification* (exporting State and/or designated exporting facility) and the exporting State Point of Contact and request that the export not proceed as notified until regulatory issue(s) resolved.
3. Notification prior to shipment review identifies errors related to end-user, authorized radionuclides and/or activity.
  - a. Action: Contact originator of *notification* (exporting State and/or designated exporting facility) and request that a revised *notification* be submitted with correct information.
4. Notification prior to shipment review identifies that *request for consent* was not requested.
  - a. Action: Follow-up with the exporting State Point of Contact. Note that it may not be necessary to stop the export if the end-user is authorized to receive and possess the radioactive sources.

#### Notifications prior to shipment for exports authorized under Exceptional Circumstances

Notifications prior to shipment for exports authorized under Exceptional Circumstances are conducted in the same manner as exports authorized under normal circumstances.

#### **Radioactive Source Received without Request for Consent**

All States that have indicated political commitment to the *Code of Conduct and/or Guidance on Import and Export* are encouraged to seek *request for consent* prior to authorizing and exporting

Category 1 radioactive sources. In the event a Category 1 radioactive source is received without *request for consent* being granted, it is recommended that the importing State Point of Contact conduct the following actions:

1. Review the list of political commitments to the *Code of Conduct* and/or *Guidance on Import and Export* to verify if the exporting State has made a political commitment to either document.
2. If the State has not made a political commitment to either the *Code of Conduct* or *Guidance on Import and Export* you may consider contacting the exporting State authority and/or Point of Contact to express the expectation to receive requests for consent for future exports. It is noted however, because the State has not made a political commitment to the Code or Guidance the State is under no commitment to follow its provisions.
3. If the State has made a political commitment to either the *Code of Conduct* or *Guidance on Import and Export*, contact the exporting State Point of Contact to notify the State that a *request for consent* was not received and that the importing State did not have the opportunity to review the import of the Category 1 radioactive source(s) prior to shipment. It is also suggested that the importing State Point of Contact advise the exporting State Point of Contact on the status of the end-user (e.g., end-user was authorized to receive and possess / end-user was not authorized to receive and possess).

#### **Radioactive Sources Received without Notification Prior to Shipment**

All States that have indicated political commitment to the *Code of Conduct* and/or *Guidance on Import and Export* are encouraged to provide notification prior to shipment prior to the export of all Category 1 and 2 radioactive sources. In the event a Category 1 or 2 radioactive source was received without notification prior to shipment, it is recommended that the importing State Point of Contact conduct the following actions:

1. Review the list of political commitments to the *Code of Conduct* and/or *Guidance on Import and Export* to verify if the exporting State has made a political commitment to either document.
2. If the State has not made a political commitment to either the *Code of Conduct* or *Guidance on Import and Export* you may consider contacting the exporting State authority and/or Point of Contact to express the expectation to receive *notifications* for all future exports. It is noted however, because the State has not made a political commitment to the Code or Guidance the State is under no commitment to follow its provisions.
3. If the State has made a political commitment to either the *Code of Conduct* or *Guidance on Import and Export*, contact the exporting State Point of Contact to notify the State that a *notification* was not received and that the importing State did not have the opportunity to review the import of the Category 1 or 2 radioactive source(s) prior to shipment. It is also suggested that the importing State point of contact advise the exporting State Point of Contact on the status of the end-user (e.g., end-user was authorized to receive and possess / end-user was not authorized to receive and possess).

#### **Radioactive Source Imported without Authorization**

In the event a radioactive source is imported without authorization and is seized by Customs or the competent authority, the Point of Contact may serve in a coordination or advisory role in order to facilitate return of the radioactive source to the country of origin.

#### **No Response from Importing and/or Exporting State Point of Contact**

In the event that either the import and/or exporting State Point of Contact fails to answer, immediately contact the following:

1. Contact all identified contacts in the List of Points of Contact.
2. Contact identified competent authority identified in the Directory of National Regulatory Bodies for the Control of Radioactive Sources:  
<https://www.iaea.org/sites/default/files/18/02/coc-reg-auth-directory.pdf>
3. Inform IAEA using e-mail address identified in the List of Points of Contact.

#### **Additional Resources and Roles of Point of Contact**

In order to facilitate the role and responsibilities of the Point of Contact, the following resources should be available and/or provided:

1. Access to the national registry of radioactive sources.
2. Access to the competent authorities' authorization system.
3. Access to information on sources imported and/or exported.
4. Access to appropriate communication tools (e.g., phone, computer, e-mail, fax, internet, cell phone).

#### **Point of Contact may facilitate establishment of the following (if applicable):**

1. Memorandums of understanding or common procedures with national competent authorities for import and export of radioactive sources (e.g., with customs, border services, transport authority, security services, other involved bodies with the responsibility for safety and security of radioactive sources).
2. Bilateral arrangements with foreign competent authorities as foreseen paragraph 5 of the *Guidance on Import and Export*.