

August 15, 2003

MEMORANDUM TO: Janice Dunn Lee, Director
Office of International Programs

Charles L. Miller, Director
Division of Industrial and Medical Nuclear Safety
Office of Nuclear Material Safety and Safeguards

Glen M. Tracy, Director
Division of Nuclear Security
Office of Nuclear Security and Incident Response

FROM: Edward T. Baker, Deputy Director */RA/*
Office of International Programs

Thomas H. Essig, Chief
Materials Safety and Inspection Branch
Division of Industrial and Medical Nuclear Safety
Office of Nuclear Material Safety and Safeguards

Garrett Smith, Senior Project Manager
Materials, Transportation, and Waste Section
Division of Nuclear Security
Office of Nuclear Security and Incident Response

SUBJECT: TRIP REPORT FOR TRAVEL TO JULY 10-17, 2003 MEETINGS ON
CODE OF CONDUCT ON THE SAFETY AND SECURITY OF
RADIOACTIVE SOURCES

Attached is a report on the meetings conducted between July 10 and July 17, 2003, in Vienna, Austria, on the Code of Conduct on the Safety and Security of Radioactive Sources (the Code). Edward Baker and Thomas Essig attended a meeting on July 10-11, 2003, with representatives of other countries to discuss the import/export provisions of the Code and methods for implementing those provisions. Garrett Smith joined Messrs. Baker and Essig for the meeting at the IAEA on July 14-17, 2003, to discuss and resolve member state comments on the Code.

The US delegation was successful in achieving the objectives the Commission had established for the meeting. Details on the meeting can be found in the attached trip report and the reporting cable. Because the final draft of the Code was previously distributed electronically, a copy is not attached to this trip report.

cc: M. Virgilio, NMSS
R. Zimmerman, NSIR

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DATE	08/15/03	08/ 15 /03	08/15/03	

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NRC FOREIGN TRIP REPORT

Subject

International Atomic Energy Agency's (IAEA's) proposed Code of Conduct on the Safety and Security of Radioactive Sources.

Dates of Travel and Countries/Organizations Visited

July 8 - 18, 2003

Vienna, Austria

Author, Title, and Agency Affiliation

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Sensitivity

The information in this report is not considered sensitive.

Background/Purpose

This report summarizes two meetings held in Vienna, Austria during July 10-11 and 14-17, 2003, concerning the Code of Conduct on the Safety and Security of Radioactive Sources (the Code). On July 10-11, 2003, the US delegation met with representatives of other countries that are major suppliers of radionuclides to discuss the import/export provisions in the Code and methods for implementing those provisions.

On July 14-17, the US delegation participated in an IAEA sponsored meeting to consider member state comments on the Code and hopefully reach consensus on draft language.

Abstract: Summary of Pertinent Points/Issues

The US delegation was successful in achieving adoption of positions consistent with direction provided by the Commission:

- (a) That the categories of radionuclides and their associated quantities were numerically defined in a table to be added to the Code's Annex and limited to use categories 1-3 as defined in TECDOC-1344, "Categorization of Radioactive Sources" (IAEA, July 2003)
- (b) That the scope of the Code be limited to categories 1 and 2 for import/export controls, security plans, and national source registries.

While security plans were not explicitly limited to category 1 and 2 sources, the Code language calls for security plans as appropriate.

The US delegation at the IAEA General Conference will be working on getting member states to make political commitments to implement the Code. No other action by the NRC is needed at this time.

Discussion

July 10-11 meeting among exporting nations

The first meeting was held at the U.S. Mission offices in Vienna and involved representatives from Belgium, Canada, France, India, Russia, Sweden, the United Kingdom (U.K.), and the United States (U.S.). The countries involved in this meeting were those actively involved, or having a keen interest, in the exporting of radioactive sources. The meeting was a follow-on to similar multi-lateral discussions held in mid-May 2003 in Paris between Canada, France, the U.K., and the U.S. The July 10-11 meeting built effectively upon the May meeting and achieved alignment on the import/export sections of the Code of Conduct. The most significant changes to the Code that were agreed upon during the two-day meeting were: (1) acceptance of the U.S. proposal to limit the Code's scope for import/export provisions to Category 1 and 2 sources; and (2) adding a new paragraph to address transshipments. The new paragraph recognized that transshipments were neither imports nor exports, but that such shipments should be conducted in accordance with international standards and that continuity of control should be maintained during transport. Other changes to the import/export paragraphs of the Code consisted primarily of clarifying editorial changes.

July 14-18 meeting among IAEA Member States

Approximately 40 representatives from 18 IAEA Member States met for the purpose of reviewing the nearly 200 comments submitted by a larger number of Member States on the IAEA's March 2003 draft Code of Conduct (version 2.4a). The U.S. Delegation consisted of a total of 10 individuals from the NRC, State Department, DOE, and DOE/NNSA.

The NRC representatives were responsible for ensuring, to the best of their ability, that the following Commission direction was upheld:

- (a) That the categories of radionuclides and their associated quantities were numerically defined in a table to be added to the Code's Annex and limited to use categories 1-3 as defined in TECDOC-1344, "Categorization of Radioactive Sources" (IAEA, July 2003)
- (b) That the scope of the Code be limited to categories 1 and 2 for import/export controls, security plans, and national source registries.

During a discussion of the NRC-proposed table, considerable resistance was experienced from several Member States. While there was general acceptance of the need for such a table, a number of States objected to the inclusion of a table which was a subset of Table I.2 of TECDOC-1344. NRC staff expressed its concern regarding the inclusion of Table I.2, noting that it included normal categories of use below category 3. Because this approach would include radionuclides whose normal use quantities did not exist, it would create concerns which were purely theoretical.

Commission approval was sought on a compromise position. As a result, NRC representatives were able to offer a version of Table I.2 which was accepted by Member States and included in Annex I of the Code. In the revised table, radionuclides that were unlikely to be aggregated to categories 1-3 were specifically annotated (*), grouped together at the bottom of the table, and separated from other table entries by a dotted line. The staff also ensured that method for the aggregation of sources contained in TECDOC-1344 was specifically referenced. Member States also agreed with the U.S. proposal to delete radionuclides from the table that were primarily used in unsealed form; this was consistent with the scope of the Code.

With regard to limiting the applicability of the Code to categories 1-2 for the areas identified above, modifications to the Code were adopted as follows:

Import/export controls: Agreement was reached to limit the scope of the Code to Categories 1 and 2.

Security plans: Agreement was not reached. The overall consensus was that the existing language was sufficiently flexible with regard to categories. Specifically, the Code, at paragraph 20(b) calls for "...a security plan or assessment as appropriate for the source and/or facility in which the source is to be managed, if deemed necessary in light of the risks posed and, in the case of security, the current national threat assessment." [emphasis added]

National register of radioactive sources: Agreement was reached to limit the scope of the Code to Categories 1 and 2.

More information on the meetings can be found in the reporting cable attached to this report.

Pending Actions/Planned Next Steps for NRC

The US delegation at the IAEA General Conference will be working on getting member states to make political commitments to implement the Code.

Points for Commission Consideration/Items of Interest

The US delegation at the Code of Conduct meeting accomplished the objectives set by the Commission. The US delegation at the IAEA General Conference will be working on getting member states to make political commitments to implement the Code. No other action by the NRC is needed at this time.

Attachments

Agenda for meeting July 10-11, 2003
Agenda for meeting July 14-17, 2003
List of Attendees for meeting July 14-17, 2003
Reporting cable on Code meeting.

“On the Margins”

During discussions on the margins with the Canadian delegation, an invitation was received to meet in Toronto in the Fall for preliminary discussions of near-term actions to relative to implementation of the import-export controls, including the cross-border traffic of sources and reciprocity issues for Canadian and U.S. licensees. OIP will follow up on arranging this meeting.