

POLICY ISSUE

(Notation Vote)

July 17, 2007

SECY-07-0118

FOR: The Commissioners

FROM: Margaret M. Doane, Acting Director /RA/
Office of International Programs

SUBJECT: STATUS REPORT ON THE PROGRESS OF THE G-8 COUNTRIES IN
IMPLEMENTING THE IAEA CODE OF CONDUCT (SRM-M050602A)

PURPOSE:

The Office of International Programs is providing, for the Commission's information, a status report on the progress of the G-8 countries' implementation of the International Atomic Energy Agency's (IAEA) Code of Conduct for the Safety and Security of Radioactive Sources (Code).

BACKGROUND:

This paper responds to the Commission's June 21, 2005, staff requirements memorandum (SRM-M050602A) addressing the June 2, 2005, briefing on programs, performance, and plans by the Office of International Programs (OIP). The SRM directed staff to provide the Commission an initial summary report describing the status of G-8 country implementation of the Code and periodic updates. The initial report was submitted on July 22, 2005, (SECY-05-0131) and updates were provided on November 16, 2005, (SECY-05-0210), March 17, 2006 (SECY-06-0060), July 19, 2006 (SECY-06-0159), and November 15, 2006 (SECY-06-0224).

As noted in the staff's last report on this topic, France, Italy, and the Russian Federation had indicated that they had not yet implemented the Code, but had planned to do so shortly. They have now done so. All of the other G-8 countries had previously reported that they had implemented the Code.

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DISCUSSION:

During the week of June 25, 2007, staff participated in a meeting at the IAEA on the "Sharing of Information as to States' Implementation of the Code of Conduct on the Safety and Security of Radioactive Sources and its Supplementary Guidance on the Import and Export of Radioactive Sources." The meeting was attended by 122 experts from 70 member states and 2 non-member states (Cambodia and Burundi). Participants were encouraged to provide a written status report on the implementation of the Code and Guidance. Additionally, experts from 53 countries presented papers on their implementation of the Code and Guidance. All of the G-8 countries attended the meeting and made presentations on their implementation status. The information in this report is based on the information provided by the G-8 countries' during this meeting.

As noted in the Background section, France, Italy, and the Russian Federation were the only G-8 countries that had not previously reported implementing the Code and Guidance. During the IAEA meeting, these countries all reported that they too have completed their implementation. The IAEA presentation and report template did not call for specific implementation dates, nor did it call for details on the programs/processes the countries were using to implement the Code and Guidance. Therefore, staff cannot report on the exact dates when the other countries completed the steps for implementation and staff cannot compare the NRC's method of implementation with that of the other G-8 countries from the information in the reports. Nevertheless, the information exchanged during the meeting allowed the staff to confirm that the G-8 countries have implemented the significant provisions of the Code.

Additional details about the IAEA meeting will be discussed in the staff's final trip report for the IAEA meeting. However, it is worth noting that the meeting's attendees thought the exchange of information was very helpful and it was agreed that a similar meeting should be held in three years (in accordance with the previously agreed upon schedule). Additionally, a meeting on harmonizing the import and export provisions in the Guidance was proposed for May of 2008. This meeting would be attended by a smaller group since IAEA funding would not be used to reimburse some attendees for their participation. The majority of the G-8 countries are expected to attend this meeting if it is held. The G-8 countries appear to have some of the same implementation concerns that the NRC has (i.e., ensuring points of contact are listed on the IAEA website and ensuring harmonized implementation of the Code and Guidance).

In summary, all of the G-8 countries have reported that they are implementing the Code and Guidance and have discussed their implementation experiences. Many countries, including the G-8 countries, are willing to have additional meetings to discuss methods for ensuring a harmonized implementation of the Code and Guidance.

RECOMMENDATION:

Since all of the G-8 countries have now reported that they have implemented the Code and Guidance, the staff recommends that no further periodic updates on the G-8 countries' implementation status be required from the staff. OIP, will, of course, keep the Commission informed of significant developments regarding implementation of the Code and Guidance. The next required staff reports to the Commission will be the requirements in SRM-S06-0171 to inform the Commission of methods and opportunities to achieve greater and more uniform adoption of the provisions of the Code by other countries, and to complete an analysis of the appropriate criteria for making determinations of whether importing countries have an adequate regulatory infrastructure. The staff will also inform the Commission of relevant Code issues through OIP Notes and trip reports.

COORDINATION:

The Office of the General Counsel reviewed this paper and has no legal objection.

/RA/

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