

DRAFT CODE OF CONDUCT ON THE TRANSBOUNDARY MOVEMENT OF RADIOACTIVE MATERIAL INADVERTENTLY INCORPORATED INTO SCRAP METAL AND SEMI-FINISHED PRODUCTS OF THE METAL RECYCLING INDUSTRIES

COMMENTS BY REVIEWER				RESOLUTION			
Reviewer: Brach/NMSS		Page...1. of...6					
Country/Organization: USA		Date: 22 May 2012					
Comment No.	Para/Line No.	Proposed new text	Reason	Accepted	Accepted, but modified as follows	Rejected	Reason for modification/rejection
1	Page 1, lines 10 - 12	The presence of radioactive material inadvertently incorporated in scrap metal or the semi-finished products of the metal recycling industries may cause health, economic and public acceptance problems.	Scope of the draft Code of Conduct is focused on RAM inadvertently incorporated in scrap metal. Illicit trafficking and declared RAM in consignments are the subject of other Codes, standards and regulations.				
2	Page 1, line 31	...transboundary movement of scrap metal inadvertently containing radioactive material.	Same as comment 31				
3	Page 2, line 28	...Board's approval. It The Supplement to the Code is focused on those radioactive sources in Categories 1 and 2 of	Editorial				
4	Page 4, line5	Noting that unsealed radioactive material may inadvertently be present in scrap metal and semi-finished products of the metal recycling industries commodities as a result of...	Scope of the draft Code of Conduct is focused on RAM inadvertently incorporated in scrap metal and does not address all commodities.				
5	Page 4, lines 17 - 20	Noting that the risks associated with radioactive material inadvertently incorporated into scrap metal and the semi-finished products of the metal recycling industries varies over many orders of magnitude and the occurrence of such radioactive material in these industries is relatively rare.	Suggest deletion of last phrase. A relatively rare occurrence of such inadvertent contamination would raise a question on the justification for the international level of effort to develop the Code.				
6	Page 4, lines 21	Noting that the size of operations within the metal recycling industries varies widely, from small	The paragraph presents an unbalanced comparison of people				

	- 23	facilities involving small tonnage of scrap metal a few individuals to large facilities handling hundreds of thousands of tonnes or more of scrap metal...	versus tonnage of plant throughput.				
7	Page 6, line 6-7	“export” means the physical transfer from an exporting State to a transit State of transit or an importing State of a consignment.	Revised to be consistent with defined terminology in the draft Code, see page 6, line 40 for definition of “State of transit.” If terminology of “transit State” is preferred (a term more commonly used), then the definition (page 6, line 40) and use of the term State of transit” needs to be revised to “transit State” throughout the draft Code.				
8	Page 6, lines 31 - 33	“residues” means ash, dross, dust, filter cake, scale, skimming, slags, slimes, sludges, and wastes from industrial pollution control devices for the cleaning of industrial off gases.	As defined, “residues” is limited to output from “pollution control devices for the cleaning of industrial gases.” Is this the intended limitation? Typically residues from processing could have a much broader source than off gases.				
9	Page 8, lines 16 - 18	Every State should, in order to protect people, property and the environment, take the appropriate measures necessary to ensure, to the extent possible, that consignments of scrap metal and semi-finished products of the metal recycling industries do not inadvertently contain radioactive material.	Revised to be consistent with the scope of the draft Code.				
10	Page 8, line 19	Every State should ensure that provisions are established regarding the responsible	Revised to be consistent with the scope of the draft Code.				

	- 22	organizations and arrangements for dealing with the response to, and the consequences of, any discovery of radioactive material inadvertently incorporated in a consignment of scrap metal and semi-finished products of the metal recycling industries within its territory.					
11	Page 8, lines 25 - 28	Every State should implement provisions such that operators of facilities in the metal recycling industries facilities are encouraged to report the discovery of radioactive material inadvertently incorporated in scrap metal and semi-finished products in order that appropriate action may be taken by the State to bring the material under regulatory control.	Revised to be consistent with the definition of terms (page 6, line17) and to be consistent with text on page 8, lines 41 – 42. And, revised to be consistent with the scope of the draft Code.				
12	Page 8, lines 29 - 31	Every State should ensure that any radioactive waste arising from radioactive material that has been inadvertently incorporated into a consignment of scrap metal and semi-finished products of the metal recycling industries is managed in an appropriately safe manner.	Revised to be consistent with the scope of the draft Code.				
13	Page 8, lines 34 - 36	... to obtain assurance that the consignment of scrap metal and semi-finished products of the metal recycling industries contains no radioactive material, as far as can be ascertained.	Revised to be consistent with the scope of the draft Code.				
14	Page 8, lines 39 - 40	... and response to, the presence of radioactive material in consignments of scrap metal and semi-finished products of the metal recycling industries .	Revised to be consistent with the scope of the draft Code.				
15	Page 9, line 10-11	MANAGEMENT OF RADIOACTIVE MATERIAL DISCOVERED IN A CONSIGNMENT OF SCRAP METAL AND SEMI-FINISHED PRODUCTS OF THE METAL RECYCLING INDUSTRY	Revised to be consistent with the scope of the draft Code.				

16	Page 9, lines 12 - 14	Every State should ensure that any radioactive material discovered in a consignment of scrap metal and semi-finished products of the metal recycling industries should be promptly brought under regulatory control and managed safely.	Revised to be consistent with the scope of the draft Code.				
17	Page 9, lines 17	... aware that radioactive material may be present in a consignment of scrap metal and semi-finished products of the metal recycling industries	Revised to be consistent with the scope of the draft Code.				
18	Page 9, line18 - 19	Every importing State or State of transit should, on discovery of radioactive material in a consignment of scrap metal and semi-finished products of the metal recycling industries, notify the exporting State without undue delay.	Revised to be consistent with the scope of the draft Code.				
19	Page 9, lines 26 - 27	Every exporting State should consent to the return of any radioactive material inadvertently incorporated in scrap metal and semi-finished products of the metal recycling industries which originated from its territory.	Revised to be consistent with the scope of the draft Code.				
20	Page 9, lines 36 - 37	... to ensure effective cooperation in the event of the discovery of radioactive material inadvertently incorporated in scrap metal and semi-finished products of the metal recycling industries;	Revised to be consistent with the scope of the draft Code.				
21	Page 10 lines 30 - 32	Radiation monitoring by an appropriately trained person at appropriate locations where radioactive material might be detected in a consignment of scrap metal and semi-finished products of the metal recycling industries, using calibrated and suitable equipment;	The draft code specifies the “visual inspection” must be conducted by an appropriately trained person, but failed to include the same stipulation for the radiation monitoring.				

			And, revised to be consistent with the scope of the draft Code.				
22	Page 10 line 37	(ii) An alarm threshold [emphasis added] or investigation level being exceeded; or	An “alarm threshold” is not defined or described in the draft Code, but the Code does define the term “investigation level” as used in this statement on line 37. The term “alarm threshold” should be defined/explained.				
23	Page 10 lines 38 - 39	(iii) The presence of radioactive material in a consignment being otherwise suspected;	Need to clarify what is meant by “otherwise suspected.”				
24	Page 11 line 1 - 3	(g) Notification to the regulatory body in the event of the discovery of radioactive material inadvertently incorporated in scrap metal and semi-finished products of the metal recycling industries in accordance with national arrangements, as appropriate.	Revised to be consistent with the scope of the draft Code.				
25	Page 11 new sub- para (h)	(h) Notification to the shipper in the event of the discovery of radioactive material inadvertently incorporated in scrap metal and semi-finished products of the metal recycling industries	Paragraph (g) stipulates notification to the State by the operator of the facility in the metal recycling industry. A parallel stipulation should be added for the operator to notify the shipper.				
26	Page 11 Lines 11-16	(b) Collect and disseminate information on laws, regulations and technical standards relating to the discovery of, and response to, radioactive material inadvertently incorporated into a consignment of scrap metal and semi-finished products of the metal recycling industries and the safe management of any radioactive material that is discovered, and develop and establish relevant technical standards and provide for the	Revised to be consistent with the scope of the draft Code. And revised to delete last phrase. It is not clear how the IAEA would “provide for the application of these standards” in a Member State. The IAEA provides				

		application of these standards at the request of any State;	technical assistance but IAEA would not be applying the standards in a Member State..				
27	Page 11 Lines 18 - 19	... radioactive material inadvertently incorporated into a consignment of scrap metal and semi-finished products of the metal recycling industries;	Revised to be consistent with the scope of the draft Code.				
28	Page 11 Lines 23 - 24	(f) In particular, implement the measures approved by its policy-making organs.	Recommend deletion, unnecessary statement.				
29	Page 14 Line 15	<input type="checkbox"/> Background, alarm [emphasis added] and investigation levels used;	See comment #22				
30	Page 14 Lines 20 - 23	<input type="checkbox"/> A note indicating that because of the shielding inherent in bulk quantities of scrap metal and the semi-finished products of the metal recycling industries and the types of radiation being detected, it cannot be declared with certainty that radioactive material is not present.	While the statement is true, it is not clear why this statement is to be included in every radiation monitoring report. Recommend that this statement be included in Section VI of the draft Code, paragraph 14, that describes the stipulation to prepare a radiation monitoring report.				