

Document Preparation Profile (DPP) Version 5.0 dates 05.12.2024

1. IDENTIFICATION

Document Category: Nuclear Security Series Recommendations

Working ID: NST075

Proposed Title: Nuclear Security Recommendations on Nuclear and Other Radioactive Material out of Regulatory Control (NSS No. 15, Revision 1)

Proposed Action: Revision of the Nuclear Security Recommendations on Nuclear and Other Radioactive Material out of Regulatory Control (NSS No. 15), published 2011

Review Committee(s) or Group: NSGC, EPReSC, NUSSC, RASSC, TRANSSC, WASSC

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2. BACKGROUND

The Nuclear Security Recommendations on Nuclear and Other Radioactive Material out of Regulatory Control (NSS No. 15), published in January 2011, along with Nuclear Security Recommendations on Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Revision 5) (NSS No. 13) and Nuclear Security Recommendations on Radioactive Material and Associated Facilities (NSS No. 14) comprise the second tier of the IAEA Nuclear Security Series, known as the Nuclear Security Recommendations (hereinafter referred to as “the Recommendations”).

In 2019, the review process for the Recommendations was launched in order to determine whether there is need to revise the publications. To facilitate the process, a consultancy meeting involving 7 experts from 6 Member State was convened in March 2020 to conduct a technical review of NSS No. 15 and assess its continued relevance, adequacy, and any need for revision.

The review concluded that there was a need for a limited revision of the Recommendations (NSS No. 15), focusing on addressing inconsistencies and clarifications to terminology and some limited updates and clarifications, as detailed later in this DPP. To facilitate this process, a consultancy meeting was convened in March 2020 to assess the potential revision of NSS15, the meeting, attended by 3 IAEA technical officers and 7 experts from 6 Member States, concluded that revision was necessary, specifically to address inconsistencies, clarify terminology, and make limited updates and clarifications, as outlined in the Annex to this DPP. During its 18th meeting, the Nuclear Security Guidance Committee (NSGC) recommended that such a limited revision of these publications be undertaken. Additionally, the committee advised that a parallel revision of the Nuclear Security Fundamentals on Objective and Essential Elements of a State's Nuclear Security Regime (NSS No. 20), hereinafter referred to as “the Fundamentals”, should also be conducted.

3. JUSTIFICATION FOR THE PRODUCTION OF THE PUBLICATION

It has been over a decade since the release of the Recommendations on Nuclear and Other Radioactive Material out of Regulatory Control (NSS No. 15). Since January 2011, 7 revisions and 29 new publications have been issued within the Nuclear Security Series, including the Fundamentals, covering

areas such as information and computer security, capacity building, nuclear security culture, threat assessment, insider threats, nuclear material accounting and control, transport and others. Twenty-two of them are either crosscutting publications or directly support the implementation of NSS No. 15. While the Recommendations remain largely applicable and relevant, there are some areas (see Annex) where a decade of application of this publication in Member States has demonstrated the need for limited updates to improve its usability. Publication will be updated to align with any revised terminologies and address inconsistencies identified in relation to the Fundamentals and two other Recommendations during the revision process

Updates are needed to incorporate references to the Fundamentals (NSS No. 20) and the relevant legally binding and non-binding international instruments, that form the international legal framework for nuclear security, for example, the Convention on the Physical Protection of Nuclear Material (CPPNM) and its Amendment (A/CPPNM), the Code of Conduct on the Safety and Security of Radioactive Sources and its two supplementary guidance documents, and the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT). The revision should remain consistent with, and complement, these instruments.

4. OBJECTIVE

The current objective of NSS No. 15 will remain broadly unchanged.

“... to provide guidance to States in strengthening their nuclear security regimes, and thereby contributing to an effective global nuclear security framework, by providing:

- Recommendations to States and their competent authorities on the establishment or improvement of the capabilities of their nuclear security regimes, for carrying out effective strategies to deter, detect and respond to a criminal act, or an unauthorized act, with nuclear security implications, involving nuclear or other radioactive material that is out of regulatory control;*
- Recommendations to States in support of international cooperation aimed at ensuring that any nuclear or other radioactive material that is out of regulatory control, whether originating from within the State or from outside that State, is placed under regulatory control and the alleged offenders are, as appropriate, prosecuted or extradited.”*

Additional clarification could be added to the objective to enhance precision and ensure consistency

5. SCOPE

The scope of the publication will undergo limited changes and remain broadly unchanged as set out in publication. Annex details the scope of anticipated changes. Additionally, other topics identified during the review process will also be discussed and further addressed accordingly in the publication.

The publication will continue covering the nuclear security of nuclear or other radioactive material that have been reported or has been otherwise discovered as being out of regulatory control.

6. PLACE IN THE OVERALL STRUCTURE OF THE RELEVANT SERIES AND INTERFACES WITH EXISTING AND/OR PLANNED PUBLICATIONS

The Recommendations are the second tier in the Nuclear Security Series, governed by the Fundamentals, and this current structure will remain unchanged.

NSS No. 15 is connected to numerous lower-level Nuclear Security Series publications, encompassing both those that are published and those in the process of development. NSS No. 15 provides the recommendations, while these publications offer more detailed guidance, thereby supporting the implementation of recommendations.

To ensure a coordinated approach, this revision is anticipated to be conducted simultaneously with the revision of the other Recommendations (NSS Nos 13 and 14) and the Fundamentals. This will guarantee that any revisions made to one of the publications will be subsequently noted and their implications considered across all related top-tier Nuclear Security Series publications. Additionally, this approach aims to improve consistency among the Recommendations publications and with the Fundamentals in order to provide an improved basis for the revision of existing lower-level guidance (e.g., Implementing Guides and Technical Guidance publications) and the development of new lower-level guidance.

Interfaces between Nuclear Security Series publications and the IAEA Safety Standard Series will also be noted, where appropriate.

The Divisions of the Nuclear Safety and Security Department will be consulted during the revision process as necessary.

7. OVERVIEW

The table of contents of the publication will remain broadly unchanged, as follows:

1. INTRODUCTION
2. OBJECTIVES OF A STATE'S NUCLEAR SECURITY REGIME FOR NUCLEAR AND OTHER RADIOACTIVE MATERIAL OUT OF REGULATORY CONTROL
3. A STATE'S NUCLEAR SECURITY REGIME FOR NUCLEAR AND OTHER RADIOACTIVE MATERIAL OUT OF REGULATORY CONTROL
4. RECOMMENDATIONS ON PREVENTIVE MEASURES
5. RECOMMENDATIONS ON DETECTION MEASURES
6. RECOMMENDATIONS ON RESPONSE MEASURES
7. RECOMMENDATIONS ON INTERNATIONAL COOPERATION
8. DEFINITIONS

Although the recommendations will remain broadly unchanged, there is also a potential for inclusion of new recommendations on information and computer security.

NSS No. 15 is currently co-sponsored by EUROPOL, ICAO, ICPO-INTERPOL, UNICRI, UNODC, and WCO. This co-sponsorship is expected to continue, with more relevant international organizations being invited to co-sponsor (e.g, IMO) the revision of NSS No. 15. Annex IV of the [*Step-by-Step Preparation and Review Process. Manual for the Review Process for Draft Nuclear Security Series*](#)

[Publications and for the Application of the Strategies and Processes for the Establishment of IAEA Safety Standards \(SPESS B\)](#) provides detailed information on co-sponsorship, its benefits, and associated process.

8. PRODUCTION SCHEDULE:

Provisional schedule for preparation of the publication, outlining realistic expected dates for each step:

STEP 1: Preparing a DPP	DONE
STEP 2: Internal review of the DPP (Approval by the Coordination Committee)	Aug 2024
STEP 3: Review of the DPP by the review Committee(s) (Approval by review Committee(s))	Q4 2024
STEP 4: Review of the DPP by the CSS (approval by CSS) or information of the CSS on the DPP	
STEP 5: Preparing the draft publication	Jan 2025 – Feb 2027
STEP 6: First internal review of the draft publication (Approval by the Coordination Committee)	Mar 2027
STEP 7: First review of the draft publication by the review Committee(s) (Approval for submission to Member States for comments)	Jun 2027
STEP 8: Soliciting comments by Member States	Jul – Oct 2027
STEP 9: Addressing comments by Member States	Nov 2027– Feb 2028
STEP 10: Second internal review of the draft publication (Approval by the Coordination Committee)	Mar 2028
STEP 11: Second review of the draft publication by the review Committee(s) (Approval of the draft)	Jun 2028
STEP 12: (For Safety Standards) Editing of the draft publication in MTCD and endorsement of the draft publication by the CSS (For nuclear security guidance) DDG's decision on whether additional consultation is needed, establishment by the Publications Committee and editing	Jul – Dec 2028
STEP 13: Approval by the Board of Governors (for SF and SR only)	
STEP 14: Target publication date	Q2 2029

9. RESOURCES

Three Consultancy Meetings are likely to be needed during the revision process. Some of these may be convened virtually, as considered appropriate. Additionally, about two Technical Meetings covering all four publications might be necessary to better address Member States' feedback on proposed revisions.

To ensure a coordinated revision of the Nuclear Security Fundamentals and Recommendations, and to harmonize the four drafts, meetings with the Chairs of the meetings to be conducted, potentially including a limited number of additional technical experts, are likely to be needed. These meetings may also be held virtually.

The technical officers assigned to the revision of the top-tier publications (the Fundamentals and the Recommendations) should communicate regularly on each other's progress.

Additionally, the Secretariat will provide timely updates to the lead committee on the progress of the revision of the Fundamentals and the Recommendations, and will keep it informed about the meetings scheduled for the revision and their outcomes.

ANNEX I

Drawing on the results of the review process for NSS No.15, the following gaps should be addressed in the limited revision of this publication:

- Revise unclear and inconsistent definitions;
- Ensure consistency of terminology among the Recommendations publications and with the Fundamentals, and, where applicable, within the publication;
- Ensure consistency of concepts among the Recommendations publications and with the Fundamentals, in cases where the inconsistencies are likely to lead to difficulties for States in implementing the guidance therein;
- Consider enhancing or adding a limited amount of text to account for experience gained during the last decade, as well as developments in the following areas, in cases where the guidance provided in the existing text is not adequate to support lower-level, more detailed guidance:
 - Information and computer security;
 - Insider threats;
 - New and emerging technologies that could be used to strengthen nuclear security systems, while keeping the publication overarching and technology-neutral;
 - Safety-security interfaces;
 - Risk-informed and graded approach;
 - National nuclear security detection architecture
 - Sustainability and resilience of nuclear security regime including in unplanned situations for which continuity of operations is needed (e.g., pandemics and natural disasters).
- Consider providing clarification on the following areas:
 - Interface between threat assessment, nuclear security detection and response activities;
 - Nuclear security response to a nuclear security event;
 - Administrative and technical arrangements to place found, seized, or confiscated material out of regulatory control under appropriate State's control;

Keeping in mind the importance of the stability of the Recommendations for States, the revision should be limited. It should generally avoid any changes that alter the structure of the publication (i.e. the top section level structure, as outlined in the Overview section of this DPP) or the level of detail. For any proposed changes, it should be carefully considered whether or not the existing language in the publication is broad enough that further information could simply be added in lower-level publications without the need to edit the Recommendations.

The revision should also consider whether there is a need for additional recommendations related to material out of regulatory control.

A consultancy meeting to inform the revision of this publication was held in March 2020. The results and conclusions of that meeting are recorded and can be found summarized in the Chair' Report for the meeting. It will be made available to the experts that will participate in drafting and it will be considered during the revision process.