



## REGULATORY GUIDE: How to seek an exemption from a source licence (ionising radiation)

Section 31 of the [Australian Radiation Protection and Nuclear Safety Act 1998](#) (the Act) prohibits dealings with controlled material or controlled apparatus unless the dealing is authorised by a source licence, or is prescribed by the Australian Radiation Protection and Nuclear Safety Regulations 1999 (the Regulations) as an exempt dealing. Part 1 of Schedule 2 to the Regulations describes the dealings that are exempt.

Where a dealing is not prescribed as exempt in Part 1 of Schedule 2, the CEO can, on a case-by-case basis, make a declaration under regulation 38(5), thereby exempting the particular dealing from requiring a source licence. Before making such a declaration, the CEO must be satisfied that the provisions in regulations 38(5)(a), 38(5)(b) or 38(5)(c) have been met.

To seek an exemption, an applicant must make a written submission to the CEO addressing the specific statutory tests in regulations 38(5)(a), 38(5)(b) or 38(5)(c). That is, the applicant must demonstrate the following in relation to the particular dealing for which an exemption from the licensing requirement is sought:

- a) The annual effective dose to an individual during normal operations is not likely to exceed 10  $\mu$ Sv; or
- b) An accident, misuse or exceptional circumstance affecting the dealing is not likely to produce a dose greater than the effective dose limits. That is, for occupational exposure - not greater than 20 mSv per year averaged over 5 consecutive calendar years, and not more than 50 mSv in one year; and for the public not greater than 1 mSv annually; or
- c) The annual collective effective dose to the population committed by 1 year of the dealing is not likely to exceed 1 man.Sv.

The Regulations provide that only one of these requirements of regulation 38(5) needs to be satisfied in order for an exemption to be granted. However, the Regulations do not specify which of the requirements needs to be satisfied in each case. The CEO has determined that the most restrictive of the three statutory tests must be met. In most situations, this will be regulation 38(5)(b), but in some cases it may be regulation 38(5)(a). **To avoid delays in assessment, applicants are advised to address all three statutory tests in their submission.**

Any submission for an exemption under regulation 38(5)(a) should include the potential for exposure during maintenance or repair. Other matters to be addressed include shielding, physical barriers, location, method of operation, frequency of use, etc.

Any submission for an exemption under regulation 38(5)(b) should include a range of credible events. In considering this statutory test in relation to controlled material, the physical and chemical form will be critical and all potential exposure pathways must be considered.

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Any submission for an exemption under regulation 38(5)(c) should include consideration of the number of individuals likely to be exposed from the dealing with that source.

Applicants should note that any exemption granted under regulation 38(5) is made on a case-by-case basis and relies on the continued presence of the factual circumstances in place at the time the declaration of exemption is made. Should circumstances change, then the exemption from the requirement for a source licence may no longer apply.

The guidance in this document applies only to controlled material and controlled apparatus which produce ionising radiation.

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