



**Australian Government**

**Australian Radiation Protection and Nuclear Safety Agency**

## **REGULATORY GUIDE: APPLYING FOR A SOURCE LICENCE**

This Regulatory Guide is provided to assist Commonwealth entities or Commonwealth contractors make an application for a source licence under section 33 of the *Australian Radiation Protection and Nuclear Safety Act 1998* (the Act). It may also assist licence holders who wish to seek an amendment to an existing source licence.

This document provides guidance on how to complete a source licence application and information about the licensing decision and appeals process.

All licence applications must be accompanied by the appropriate fee. Applicants should refer to the Australian Radiation Protection and Nuclear Safety Regulations 1999 (the Regulations) for information regarding the calculation of such fees, in particular regulation 40D and Schedule 3C. For further information on the calculation of application fees contact Operations Services.

The completed application form, supporting documentation and appropriate fee should be sent to:

The Head  
Operations Services  
ARPANSA  
PO Box 655  
MIRANDA NSW 1490

Alternatively, applications may be lodged electronically at [licenceadmin@arpansa.gov.au](mailto:licenceadmin@arpansa.gov.au). If using this option, arrangements must be made for payment of the application fee either by cheque or electronic funds transfer.

# COMPLETING THE SOURCE LICENCE APPLICATION FORM

## SECTION A – APPLICANT INFORMATION

Applicants should indicate whether the application is for a new licence OR an amendment to an existing licence and where this is the case, indicate the licence number.

### 1. Department or Commonwealth Body

This is the name of the Department of State or Commonwealth Body on behalf of which the application is being made. It may include further information for ease of identification eg Division, Branch, Section etc.

### 2. Portfolio

Name of the Commonwealth ministerial portfolio in which the Department or Commonwealth Body resides.

### 3. Applicant

The application must be made by:

- a) the Secretary, Chief Executive Officer, or an equivalent person, of the Department or Commonwealth Body (the applicant); or
- b) a person authorised by the applicant to lodge an application.<sup>1</sup>

In the case of (b), the application must include a copy of the authorisation.

### 4. Nominee

If the applicant is sufficiently removed from the source dealing that they cannot demonstrate effective control, the name and contact details of a person more directly in control of the source dealing (the nominee) must be provided. The nominee must be in effective control of the controlled material and/or controlled apparatus (sources). Generally the nominee will be the manager of a division or agency's operation at the site of the proposed activity or, in the case of mobile devices, where the devices are usually stored. Other nominees may also be acceptable where the hazards of the activity are low and only minimal control is required. If a nominee is appointed, an organisational chart should be provided showing the relationship of the nominee to the applicant and end users.

### 5. Radiation Safety Officer<sup>2</sup>

This is an individual appointed by the applicant to supervise radiation safety in relation to the sources for which the licence is sought. This person must be technically competent in radiation protection matters relevant to all sources, including non-ionising radiation sources if these are part of the application. Evidence of competency should be included. If there is more than one radiation safety officer, the details of other radiation safety officers should also be provided.

### 6. Declaration

The declaration must be signed by the applicant or authorised person.

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<sup>1</sup> Refer reg 39(4)(ii) of the Regulations

<sup>2</sup> In some cases a RSO may not be required. Applicants should refer to [Regulatory Guide: Plans and Arrangements](#) or contact ARPANSA

## SECTION B – PROPOSED DEALING

The applicant must indicate the kind of controlled apparatus and/or controlled material to be dealt with by checking the appropriate box(es). The table on pages 3 & 4 of the application form is taken from Schedule 3C of the Regulations. The table on page 5 lists additional kinds of controlled apparatus and/or controlled material. Where an applicant has a source that does not match an item in either table, 'Other' should be checked and a brief description provided. If there is any doubt about the hazard category or description of a source the applicant should seek advice from Operations Services on 02 9541 8333.

## SECTION C – SOURCE DETAILS

The details of all sources to be dealt with under the proposed licence must be recorded in a Source Inventory Workbook (SIW). This is an Excel spreadsheet available from the ARPANSA website. The SIW is the form approved by the CEO for maintaining source records. An explanation of terms and required information appears in the first worksheet. The completed SIW is to be submitted electronically with the application either on CD-ROM or by email.

*Note: For sealed sources, a copy of any source certificate or special form certificate should accompany the application.*

## SECTION D – PLANS & ARRANGEMENTS FOR MANAGING SAFETY

The applicant must have plans and arrangements for managing the controlled apparatus or controlled material to ensure the health and safety of people and protection of the environment. The plans and arrangements should be a comprehensive program of policies and procedures that demonstrate how radiation safety will be assured. The content of these plans and arrangements will vary depending on the hazard and complexity of the sources to be dealt with. Information about the plans and arrangements must be provided in Section D.

The format for supplying this information is optional. The applicant may either describe the plans and arrangements on the application form or may reference suitable organisational documents. If the latter option is taken, the applicant must clearly indicate on the application form where the relevant information can be found within accompanying documents.

*Note: A copy of all documents referred to must accompany the application.*

A brief description of what is expected in plans and arrangements is provided below. For more detailed information, applicants should refer to the [Regulatory Guide: Plans and Arrangements](#).

### (1) Effective Control Arrangements

The applicant must demonstrate how he/she or the nominee will maintain control over the particular dealings for which a licence is sought. The arrangements should cover such things as organisational arrangements, management systems and resources.

### (2) Safety Management Plan

The applicant must describe the administrative arrangements for managing safety. These arrangements may be minimal, where only low hazards are involved, but will be more extensive for dealings of higher complexity or hazard. The safety management plan should

cover things such as safety culture, safety of premises and equipment, competency and training, incidents and accidents, auditing and record keeping.

### **(3) Radiation Protection Plan**

Radiation protection policies and procedures should be set out in a radiation safety manual and in specific operating procedures. Guidance on the content of such a manual is provided in the [Recommendations for limiting exposure to ionising radiation \(1995\) – ARPANSA Radiation Protection Series 1 – republished 2002.](#)

The radiation protection plan should cover things such as principles of radiation protection, planning and design of the workplace, classification of work area, local procedures and radiation monitoring of individuals and the workplace.

In addition, the applicant is responsible for ensuring that arrangements are implemented for the appointment of a suitably qualified radiation safety officer and/or radiation safety committee as appropriate. The applicant must provide information about the qualifications and experience of such persons and the arrangements in place for their continued competency.

### **(4) Radioactive Waste Management Plan**

A full description and anticipated amounts of any radioactive wastes, including discharges arising from the proposed dealing and the arrangements for the safe handling, treatment, storage and disposal of any such waste should be set out in a radioactive waste management plan.

Applicants should refer to the following:

- [Code of Practice for the disposal of radioactive waste by the user](#) (NH&MRC, 1985)
- [Code of Practice for the near surface disposal of radioactive waste](#) (NH&MRC, 1992)
- [Safety Guide for Classification of Radioactive Waste](#) (ARPANSA 2010)
- [Safety Guide for the Predisposal Management of Radioactive Waste](#) (ARPANSA 2008)

### **(5) Ultimate Disposal or Transfer Plan**

The applicant must provide a plan for the ultimate transfer or disposal of sources. Copies of documented undertakings by other organisations to accept sources when no longer required should be provided where possible. Applicant should note that after a licence is issued, Regulation 53 applies to the disposal and transfer of sources.

*Note: Stricter requirements apply to security enhanced sources<sup>3</sup>.*

### **(6) Security Plan**

Arrangements for the security of sources to prevent theft, damage or unauthorised use must be provided. These arrangements should ensure that control of sources is not relinquished without compliance with any requirements of the regulations and conditions of licence, and provide for periodic inventories to confirm that all sources are in their assigned locations and are secure.

Applicants should refer to the [Code of Practice for Security of Radioactive Sources – ARPANSA Radiation Protection Series No 11.](#) Compliance with this code is mandatory for security enhanced sources.

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<sup>3</sup> A security enhanced source is a radioactive source or aggregation of sources assigned Security Category 1, 2 or 3 when using the methodology set out in Schedule B of [RPS 11.](#)

**NOTE: A security plan approved by ARPANSA is required for security enhanced sources.**

**(7) Emergency Plan**

Emergency arrangements should be developed for all foreseeable emergencies such as dispersion of materials, overexposure of operators, or theft or loss of controlled material. The arrangements should include the responsibilities of all parties in the event of an emergency, contact arrangements, emergency procedures, emergency equipment and reporting arrangements. Where necessary, arrangements for involving external agencies such as police and other emergency services should be included.

The plan should include arrangements for testing the emergency arrangements through regular reviews and exercises, and rectifying any deficiencies found in the emergency plans.

**(8) Environment Protection Plan**

The applicant must describe how the environment will be protected from radiation associated with the proposed source dealing.

**SECTION E – OTHER MATTERS**

In deciding whether to issue a source licence under subsection 33(1) of the ARPANS Act, there are a number of matters prescribed by the Act and Regulations that the CEO must take into account. The applicant must address the following:

**1. International Best Practice in Radiation Protection and Nuclear Safety**

Provide information about how international best practice has been considered in relation to the proposed dealing.

Guidance on what is regarded as international best practice may be difficult to find in one place. Each element of the proposed dealing must be researched to find what can be seen to be international best practice for those different elements. Agencies such as the [International Atomic Energy Agency](#) (IAEA) or the [Nuclear Energy Agency](#) provide useful resources, particularly in relation to safety assessment and stakeholder involvement. The IAEA standards and recommendations have been developed by consensus of member countries and represent the distillation of best practice of their cumulative radiation and nuclear safety experience. Undertaking research and benchmarking exercises will give an indication of international best practice.

National and international codes and standards are generally based on international best practice and adherence to the appropriate documents can be considered an indication of international best practice.

**2. Undue Risk**

Provide information that shows there will be no undue risk to the health and safety of people or the environment from the harmful effects of radiation arising from the proposed dealing.

**3. Net Benefit**

Describe the benefits of the proposed dealing compared with associated risks, thereby demonstrating net benefit.

**4. ALARA** (*not applicable to non-ionising radiation apparatus*)

The applicant should provide information to show that the magnitude of individual doses, the number of people exposed, and the likelihood that exposure will happen, are as low as reasonably achievable, having regard to economic and social factors. This could include actual dose information, including dosimeter readings, surveys and/or sample dose calculations.

**5. Capacity to Comply**

The applicant should provide a statement that demonstrates their capacity to comply with the Regulations and any conditions that may be imposed if a licence is issued.

**CHECKLIST**

A checklist is provided as final confirmation that the application is complete and in a form acceptable to the CEO of ARPANSA.

## **APPENDIX A            HOW AN APPLICATION IS DECIDED**

When an application for a source licence or amendment to a source licence is submitted to ARPANSA, it is examined to ensure that all the necessary information has been included (eg correct signature, application fees etc). If this has been provided, the applicant will receive a letter of acknowledgment. However, if any of the basic information is not included, the applicant may be contacted for further information or the application and application fee may be returned with a covering letter describing the omission.

Once an application has been confirmed as complete, it is forwarded to a Regulatory Officer for assessment. Where matters require clarification, the Regulatory Officer will contact the applicant. The Regulatory Officer may consider that an inspection is necessary and may contact the applicant to arrange such an inspection.

Once the Regulatory Officer has reviewed and assessed all the information provided, a Regulatory Assessment Report is produced. This report addresses the matters to be taken into account by the CEO of ARPANSA, as well as international best practice in relation to radiation protection and nuclear safety (as per section 33(3) of the Act and regulation 42 of the Regulations).

The matters to be taken into account include:

- a) whether the application includes the information asked for by the CEO; and
- b) whether the information establishes that the controlled apparatus or material can be dealt with without undue risk to the health and safety of people, and to the environment; and
- c) whether the applicant has shown that there is a net benefit from dealing with the controlled apparatus or material; and
- d) whether the applicant has shown that the magnitude of individual doses, the number of people exposed, and the likelihood that exposure will happen, are as low as reasonably achievable, having regard to economic and social factors; and
- e) whether the applicant has shown a capacity for complying with the regulations and the licence conditions that would be imposed under section 35 of the Act; and
- f) whether the application has been signed by an office holder of the applicant, or a person authorised by an office holder of the applicant.

The Regulatory Assessment Report makes a recommendation to the CEO or Delegate about whether to issue or amend a source licence, and may include recommended licence conditions. All relevant documentation is sent to the CEO or Delegate for a decision. The applicant is then advised in writing of the decision.

Once a licence is issued it remains in force until it is suspended, cancelled or surrendered.

## **APPENDIX B      APPEALING A LICENCE DECISION**

Section 40 of the ARPANS Act describes the rights of review available to eligible people following decisions by the CEO. The following decisions are reviewable:

- to refuse to grant a licence;
- to impose conditions on a licence;
- to suspend a licence;
- to cancel a licence;
- to amend a licence; and
- not to approve the surrender of a licence.

An *eligible person* in relation to a decision to refuse to grant a licence means the person who applied for the licence.

### **Review by the Minister**

Should an applicant wish to have a licence decision reviewed, the applicant may request the Minister for Health and Ageing to review the decision. The request must be in writing and be given to the Minister within 90 days of the making of the licence decision.

Once a request for review has been lodged the Minister must reconsider the licence decision and confirm, vary or set aside the decision.

The Minister is taken to have confirmed the licence decision if the Minister does not give written notice of the Minister's decision within 60 days of the request.

### **Review by the Administrative Appeals Tribunal (AAT)**

An application may be made to the AAT for review of a decision of the Minister within 28 days of receiving notification of that decision.