



Australian Government

Australian Radiation Protection and Nuclear Safety Agency

CEO of ARPANSA'S PROCESSES FOR CONSULTATION WITH THE PUBLIC

Summary

The CEO of ARPANSA consults with the public through various mechanisms that allow the public to be informed of ARPANSA activities and participate in consultative processes. These include:

- The legislated regulatory process applying to licence applications for nuclear installations (section 2)
 - noting that the CEO provided additional opportunities for public input into the construction licence for the Replacement Research Reactor and that similar processes will apply to other significant nuclear installations (refer Attachment A).
- The quarterly and annual reports to the Parliament, together with appearances by the CEO before the Senate Estimates Committee (section 3).
- The Radiation Health and Safety Advisory Council and the statutory Committees (section 4), which have adopted a process for preparing national codes and standards (Attachment B).

Specific Consultation Processes

1. Facility Licence Applications (required by ARPANS Regulations)

When the CEO receives an application for a facility licence, as soon as practicable after receiving the application the CEO publishes a notice in a daily newspaper circulating nationally, and in the Government Gazette, stating that the CEO intends to make a decision on the application.

In the case of a nuclear installation, which includes a research reactor, nuclear fuel store, substantial waste storage or disposal facility, or a substantial radioisotope production facility, the CEO includes in the notice:

- an invitation to people and bodies to make submissions about the application;
- the period for making submissions; and
- procedures for making submissions.

For a nuclear installation, the CEO must 'take into account' in deciding whether to issue the licence the content of any submissions made by members of the public about the application.

In meeting these requirements, the CEO decides what the procedures for making submissions will be for each individual licence application. As a part of the process for the future, public submissions received will be placed upon the website, unless they are specifically requested to be confidential.

The procedures for consultation on the construction licence for the Replacement Research Reactor (described at Attachment A) represent a model for consultation on major nuclear installations.

2. Reports to Parliament

The CEO of ARPANSA is also required to provide Annual and Quarterly Reports to the Parliament. The ARPANS Act requires that the reports include:

- details of formal directions given by the Minister (none have been given to date);
- details of any breach of licence conditions by a licensee during the quarter;
- details of reports received from the Radiation Health and Safety Advisory Council on matters relating to radiation protection and nuclear safety or the Nuclear Safety Committee about nuclear safety and the safety of controlled facilities; and
- a list of all facilities that have been granted licenses during the quarter (this is not required in annual report).

Once tabled in the Parliament, the quarterly and annual reports are available on the ARPANSA website.

With regard to regulatory matters, the quarterly reports include:

- all licence applications received;
- listing of licences issued and amended;
- an update on activity with regard to the Replacement Research Reactor construction licence;
- a report on inspections carried out during the quarter; and
- a summary of quarterly reports received from licensed facilities.

The ARPANS Act also allows the CEO to cause a report to be tabled about a matter at any time and requires a report within 3 sitting days of a serious accident or malfunction at a nuclear installation.

In addition to formal written reports, the CEO is required to be available to be questioned by a Senate Estimates Committee on three occasions each year.

3. Radiation Health and Safety Advisory Council and Committees

The Radiation Health and Safety Advisory Council, the Radiation Health Committee and the Nuclear Safety Committee have the functions stipulated under the ARPANS Act. They each have a member appointed 'to represent the interests of the general public'.

One of the functions of the Radiation Health Committee as set out in the Act (Para 23(1)(e)) is 'to consult publicly in the development and review of policies, codes and standards in relation to radiation protection.' The procedure for doing this is described at Attachment B.

The ARPANS Regulations describe Council and Committee procedures, including that each body 'may consult anyone it considers appropriate' in performing its functions.

The Council and Committees have established procedures regarding their operations that include the publication on the web site of meeting summaries. In addition, the CEO has a function under the Act to report on the operations of the Council and the Committees.

ATTACHMENT A

Consultation on Replacement Research Reactor (RRR)

In the case of the application for a construction licence for the Replacement Research Reactor, ARPANSA placed a newspaper advertisement and a notice in the Government Gazette. It also advertised in relevant local newspapers, advised and provided copies of the full application to stakeholder organisations known to have an interest, made a detailed summary available via the ARPANSA web site, made printed and electronic copies available in major libraries, relevant local libraries, and ARPANSA Sydney and Melbourne offices.

As part of the public submission process for the RRR, at the discretion of the CEO, a public forum was held.

After the first round of public submissions, issues papers were prepared. A series of public questions and answers with the proponent arising from these issues papers was published on the ARPANSA web site.

A second round of public comment on the issues arising from this process became the major focus of the public forum on the RRR.

The public comments received had significant impact on ARPANSA's assessment of the construction licence application. In particular, in response to public submissions, there was enhanced scrutiny of the accident analysis as regards loss of coolant and of analysis of the seismic hazard. Issues regarding the management of spent fuel also emerged as important to the public and were given added attention as, of course, were security issues after 11 September.

ATTACHMENT B

Consultation Process for the Development of National Codes and Standards

The process adopted in Codes development is described in the attached flow chart. In regard to consultation, the following steps are taken:

1. All Codes, Standards and Guidelines are released for a period of public comment at an appropriate stage of development, as determined by the Radiation Health Committee (RHC).
2. The minimum period for comment is four weeks, but longer periods of either two or three months will be used for drafts on topics that are likely to generate significant public interest. The comment period can be extended should issues requiring further public debate arise during the comment period.
3. For Codes or Standards, which are expected to be adopted by regulators, the *COAG Principles and Guidelines for National Standard Setting and Regulatory Action by Ministerial Councils and Standard-setting Bodies* (Nov 1997) must be followed. This requires the development of a Regulatory Impact Statement, to be cleared by the Office of Regulation Review, which is also released for public comment concurrently with the draft Code or Standard.
4. The public will be informed and drafts and RIS statements will be made available as follows:
 - (a) Advertisements will be placed in a daily newspaper circulating nationally for all Codes and Standards judged to be of public interest, informing of the public comment period and how to make submissions;
 - (b) The public comment period and information on how to make a submission will be available on the ARPANSA web site;
 - (c) A comprehensive list of interested parties will be informed of the public comment period. This list will be compiled primarily on advice of RHC members, however any person wishing to be informed may have their name added by contacting the Secretariat. Council and committee members will also be informed of the commencement of the comment period for each publication;
 - (d) Pdf files of the draft Code and RIS will be available via the drafts for public comment section on the ARPANSA web page;
 - (e) Printed copies will be available from the ARPANSA Secretariat;
 - (f) In the case of Codes or Standards that are only of relevance to particular sectors of radiation users, (b) – (e) will all apply.
5. Submissions will be placed on the ARPANSA website unless they are specifically requested to be confidential. Following the public comment period the submissions will be reviewed by the responsible working group, and a report prepared for the Radiation Health Committee, detailing the comment received and how the working group has dealt with that comment.
6. Following the public comment period, the Radiation Health & Safety Advisory Council will be provided with a report on the public submissions outlining any major issues that have arisen.
7. When the Code or Standard is finalised, the table summarising the submissions and the response to those submissions will be made available on the ARPANSA web site.
8. In particular cases the CEO may determine that a second round of public comment is required (as happened recently with the Intervention Recommendations).

9. Should the public comment result in changes to the draft publication significant enough to effect the content of the Regulatory Impact Statement, the RIS must be revised and the final RIS cleared by the Office of Regulation Review.

Final documentation is then provided to RHC for approval, and then a report is made to Council providing background for Council's advice to the CEO on adoption of the publication.

PROCESS FOR RADIATION PROTECTION SERIES PUBLICATION DEVELOPMENT

