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Target Country	CG N°	Target CG Coordinator	JC Article No.	National Report Citation	Question/Comment & Answer	
AU	2	P. Kayser		E/ Pages 14-15	Question	<p>With regard to the legal and regulatory system in Australia a clarification is advisable, in particular: Which legislative measures and requirements have been adopted? Which are the Australian regulatory system philosophy, structure, role, resources, and any other aspect of interest?</p>
					Answer	<p>Australia is a federation of States and self-governing Territories. The Constitution of Australia unites the States and Territories in a federal Commonwealth under the name of the Commonwealth of Australia. The Commonwealth and each State and self-governing Territory have passed legislation to establish a legal and governmental framework for radiation protection and nuclear safety in their jurisdiction. In total there are 9 jurisdictions that have passed legislation. Annex F of the National Report sets out the relevant Commonwealth, State and Territory legislation.</p> <p>The framework established by the States and Territories licenses the user of the radioactive material or the apparatus and requires the premises and the material/apparatus to be registered. The Commonwealth framework takes an entirely different approach. It divides licensing into 2 parts, controlled facilities and controlled materials and apparatus. Controlled facilities are subdivided into nuclear installations and prescribed radiation facilities. A nuclear installation includes a nuclear research reactor, a plant for preparing or storing fuel for use in a nuclear research reactor and a nuclear waste storage or disposal facility with an activity at or above the level prescribed in the legislation. A prescribed radiation facility includes a nuclear waste storage or disposal facility that has a lower activity level. Controlled facilities are licensed by activity stage eg siting, construction, possession and operation and decommissioning. The licensing process</p>

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for a nuclear installation includes a public consultation process. Controlled material and controlled apparatus include sealed and unsealed sources as well as ionising and non-ionising apparatus. A user is licensed to deal with the material or the apparatus.

The legislation passed in each jurisdiction establishes a regulatory body and includes requirements to comply with accepted standards for dose limits, radioactive waste disposal etc and also require reporting of incident and exposures and gives the regulatory body powers to monitor and enforce compliance with legislative requirements.

All jurisdictions enforce accepted standards for occupational exposure limits, dose limits, disposal of radioactive waste, transport of radioactive, air and waterborne discharge limits etc upon licence holders and registered users. These standards are usually imposed by Regulations made under the Act that created the regulatory framework but may also be imposed as specific conditions of licence or registration. Below is a schedule identifying the standard by subject and IAEA or ICRP equivalent.

Occupational exposure and dose limits

Australian code or standard: *Recommendations for Limiting Exposure to Ionizing Radiation, National Standard for Limiting Occupational Exposure to Ionizing Radiation (Printed 1995 - Republished 2002)*

International equivalent: *ICRP 60* and *BSS 115*.

Transport of radioactive material

Australian code or standard: *Code of Practice for the Safe Transport of Radioactive Material*

International equivalent: *IAEA Regulations for the Safe Transport of Radioactive Material 1996 Edition (Revised)*

Mining and milling of radioactive ores

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				<p>Australian code or standard: <i>Code of Practice on the Management of Radioactive Wastes from the Mining and Milling of Radioactive Ores, Code of Practice on Radiation Protection in the Mining and Milling of Radioactive Ores</i></p> <p>International equivalent: the Codes reflect internationally accepted practice at the time of publication and considered the following international documents, the <i>Manual on Radiological Safety in Uranium and Thorium Mines and Mills</i>, Safety Series 43 (1976) and the <i>Management of Wastes from the Milling and Milling of Uranium and Thorium Ores, A Code of Practice and Guide to the Code</i>, Safety Series 44 (1976).</p> <p><u>Disposal of radioactive waste</u></p> <p>Australian code or standard: <i>Code of Practice for the Disposal of Radioactive Waste by the User, Code of Practice for the Near-Surface Disposal of Radioactive Waste in Australia</i></p> <p>International equivalent: There is no international equivalent for the <i>Code of Practice for the Disposal of Radioactive Waste by the User</i>, IAEA <i>Near Surface Disposal of Radioactive Waste Requirements, Safety Standards Series No. WS-R-1</i></p> <p>The <i>Code of Practice for Disposal of Radioactive Wastes by the User</i> was promulgated by the National Health and Medical Research Council of Australia in 1985 and is used as guidance by all jurisdictions for disposal by air, water, landfill and by incineration.</p> <p>A copy of the Australian codes and standards are available at http://www.arpana.gov.au/codes.htm</p> <p>The Commonwealth is the only jurisdiction with facilities related to the nuclear fuel cycle. Pending an ultimate solution, spent nuclear reactor fuel from the HIFAR nuclear research reactor is stored on site at Lucas Heights, a suburb of Sydney.</p> <p>Aside from Western Australia, users of radioactive materials</p>
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are encouraged to return disused sources to the supplier or, where appropriate and possible, arrange for the waste to be transferred to the relevant State or Territory waste store. If this is not possible, licence holders are expected to store their radioactive wastes until it decays to a point at which it is no longer radioactive, or to arrange for it to be lawfully disposed of overseas or at a national low-level and short-lived intermediate-level radioactive waste repository if one is operational. This practice is not followed in Western Australia, where users generating waste in the State are able to dispose of it at the Mount Walton East near-surface repository. The Commonwealth radioactive waste management policy requires that all radioactive waste originating within Australia be stored, or disposed of, in Australia at suitably-sited facilities after being categorised in accordance with agreed international practice.

The Commonwealth has also recently applied for a licence from the Commonwealth regulator to establish a national repository for low-level and short-lived intermediate-level radioactive waste and has foreshadowed establishing a national store for long-lived intermediate-level radioactive waste (for more information please visit <http://www.radioactivewaste.gov.au>).

The following information is provided on the licensing process undertaken by the Commonwealth regulatory body, the Australian Radiation Protection and Nuclear Safety Agency.

Section 30 of the *ARPANS Act* prohibits any part of the Australian Government from undertaking the following conduct unless the person is authorised under a facility licence issued by the CEO of the Australian Radiation Protection and Nuclear Safety Agency:

- (i) prepare a site for a controlled facility;
- (ii) construct a controlled facility;
- (iii) have possession or control of a controlled facility;

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- (iv) operate a controlled facility;
- (v) de-commission, dispose of or abandon a controlled facility.

A controlled facility includes a plant for preparing or storing fuel for use in a nuclear reactor as described in paragraph and a nuclear waste storage or disposal facility.

An applicant must submit the information set out in Part 1 of Schedule 3 of the Regulations which includes the applicant's plans and arrangements for maintaining effective control of the facility; the safety management plan for the controlled facility; the radiation protection plan for the controlled facility; the radioactive waste management plan for the controlled facility; the security plan for the controlled facility; and the emergency plan for the controlled facility.

In accordance with Regulation 40, ARPANSA is required to invite public submissions on any application involving a nuclear installation such as the proposed National Radioactive Waste Repository and National Intermediate Level Waste Store. Paragraph 41(3)(g) of the Regulations requires ARPANSA to take into account the content of any public submissions in deciding whether or not to issue a licence. In the past, public submissions have been invited as part of the licensing process to decommission the Australian Nuclear Science and Technology Organisation's Moata nuclear research reactor and to licence operation of ANSTO's waste and spent fuel management facilities.

ARPANSA's Regulatory Branch assess all licence applications against accepted standards for radiation protection and nuclear safety. The assessment and subsequent licensing recommendations (including non-statutory conditions of licence) are recorded in a report to the CEO of ARPANSA called the 'Regulatory Assessment Report'. All licences issued by the CEO are subject to the statutory conditions of

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					<p>licence, that is, the conditions mentioned either in the Act or Regulations. Licence conditions enforcing accepted standards in areas such as occupational exposure, disposal of radioactive waste and dose limits are found in Part 4, Division 4 and Part 5 of the Regulations.</p> <p>In deciding whether or not to issue a licence, the CEO of ARPANSA must take into account the following significant matters:</p> <ul style="list-style-type: none"> (i) international best practice in relation to radiation protection and nuclear safety as it relates to the licence application; and (ii) whether the information establishes that the proposed conduct can be carried out without undue risk to the health and safety of people, and to the environment; (iii) whether the applicant has shown that there is a net benefit from carrying out the conduct relating to the controlled facility; and (iv) 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 (v) whether the applicant has shown a capacity for complying with these regulations and the licence conditions; and (vi) the content of any submissions made by members of the public about the application. <p>A copy of the licence authorising the decommissioning of the Moata nuclear research reactor can be found at: http://www.arpansa.gov.au/pubs/moata_dec_lic.pdf</p>
AU	2	P. Kayser		F/ Page 17-18	<p>Question In relation to the general safety provisions, how these topics are specifically addressed in the legal and regulatory framework?</p>
					Please see the answer to question above.

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					Answer	
AU	2	P. Kayser		K/ Page 33	Question	Below the heading of the Commonwealth planned future actions a national store for the storage of long-lived intermediate-level radioactive waste is foreseen. How the disposal of these wastes is envisaged?
					Answer	The proposed National Long-Lived Intermediate-Level Waste Store is envisaged to be an above ground storage facility. For further information on the proposed facility please visit the following webpage operated by the Australian Government Department of Education Science and Training http://www.radioactivewaste.gov.au/store/index.htm