



Resolution of comments from stakeholder submissions on *Radioactive Waste Storage or Disposal Facility: Information for Stakeholders*

No.	Submitter	Comment	Response
1	Confidential submission		
2	Dave Sweeney Australian Conservation Foundation 9 Dec 2016	<p>Section 1 – Introduction Given that the proposed national radioactive waste facility (facility) is expected to store intermediate level waste for a period of between 100-300 years it is important to more accurately reflect this length of time.</p> <p>ACF suggests that line 18 is changed to read: '<i>...of such waste for up to several hundreds of years....</i>'</p> <p>It is important for accuracy and stakeholder confidence to clarify that any proposed national facility would only be for Australian origin waste. This is particularly the case in the context of international radioactive waste hosting as raised in the South Australian nuclear Royal Commission process.</p> <p>Section 2 – What is radioactive waste? In the 'key definitions' box in the "Storage" section suggest the last sentence be changed to read....' <i>...and designed to last for a period of up to hundreds of years</i>'.</p> <p>ACF notes that the assertion in line 92 that 'high level waste is not generated or managed in Australia' is a contested one. Spent nuclear fuel from ANSTO's operations is radiologically HLW. The fact that the current management option means there is further activity (ie/ overseas reprocessing) related to this material may satisfy a semantic distinction, but it does not alter a radiological reality.</p> <p>ACF further notes the comments made in relation to this debate by the 2004 NSW Parliament's Joint Select Committee Inquiry into the Transportation and Storage of Nuclear Waste stated that:</p>	<p>Accepted with minor modification</p> <p>Partly accepted</p> <p>Accepted with modification</p> <p>Partly accepted</p> <p>ARPANSA is aware this is contested and agrees that the main issue is the radiological properties. The sentence has been removed.</p> <p>Waste by definition is material for which no further use is foreseen. This does not apply to the spent fuel. During the same inquiry, Dr Loy (former ARPANSA</p>

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		<p><i>ANSTO, in line with International Atomic Energy Commission definitions, does not regard spent fuel as waste. The NSW Department of Conservation and Environment, on technical grounds, regards the material as waste and in “everyday” terms this material can only be regarded as waste. ANSTO should acknowledge it as such. While this is a somewhat semantic point – the important issue is that this highly hazardous material is managed with considerable care - ANSTO’s determination to avoid the term “waste” can only continue the mistrust that exists between it and the public.</i></p> <p>This Inquiry formally recommended that: ANSTO should acknowledge that spent fuel is waste, and in dealing with the Australian public, should identify it as waste. (p34) ACF suggests that line 92 be changed to address the question of trust identified in the NSW Inquiry.</p> <p>Further, it would be helpful to include an explicit reference to the fact that the proposed NRWMF (line 93) is expected to be in use for hundreds of years.</p> <p>Line 94: RPS 20 Box. Re HLW – ACF notes that while deep geological burial is ‘the generally recognised option for disposal of HLW’ it is not current standard industry practise. There are no currently operating deep geological disposal sites for HLW and many national programs are based around extended storage.</p> <p>Section 3 – Legal Framework: 3.4 – the NRWM Act (2012) Line 208. ACF would prefer a more explicit and declarative statement in relation to any national facility and international radioactive waste than this. “Not intended for waste generated overseas” does not provide a suitable level of community comfort and assurance on this issue.</p> <p>Line 210 – While noting the acceptance of SNF reprocessed returns from ANSTO’s operations ACF seeks clarity from ARPANSA on the mechanism and process in the eventuality of any of Australia’s uranium sales arrangements activating their nuclear materials returns clauses.</p> <p>Line 212/13 – ACF has long standing concerns over the NRWM Acts EPBC and Aboriginal heritage siting exemptions. We maintain this is not best practise</p>	<p>CEO stated (page 32) that it is not waste, it is spent fuel, but he also added that “whether to call it spent fuel, high level waste or whatever I don’t find particularly enlightening” and that it is “highly hazardous material, inherently, no question”. ARPANSA continues to consider that it is the radiological properties, not what we call it that is important and that the material should be considered highly hazardous.</p> <p>Clarification has been made.</p> <p>Comment noted</p> <p>Clarification has been made elsewhere</p> <p>This eventuality would be outside of the scope of this regulatory guide, which focuses on waste generated domestically, but could justify other information material.</p> <p>ARPANSA understands the point; however, ARPANSA can as a regulator only act within its mandate which</p>

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		<p>legislation and unreasonably removes stakeholder rights. This also places an increased need for other agencies, including ARPANSA, to ensure that heritage and wider issues are effectively addressed in any subsequent licensing process.</p>	<p>is defined by the ARPANS Act. Any environmental impact assessment/statement carried out by another Agency (e.g. under the EPBC Act) can be requested by ARPANSA and may form part of the material underpinning the decision.</p>
		<p>Section 4 – Licensing Process: Line 300/301 – it would be appropriate to make a clear commitment here that any such issues and resolutions will be both recorded and made publicly available.</p>	<p>Modification has been made.</p>
		<p>Line 306/7 – ACF seeks clarification on what is the threshold of doubt that would need to be realised in order for ARPANSA to not issue any facility license</p>	<p>This will be very specific for the licence application in question. While exceeding dose limits or similar would be above the ‘threshold’, ARPANSA anticipates the decision making to have a multifactorial basis and include judgement of weight of evidence.</p>
		<p>Line 336/8 – Given that the NRWFM is the primary focus of this licensing process it would be appropriate to provide further clarity and detail on how ARPANSA might interact with forums related to this initiative, including the RCC. If this cannot be resolved in time for inclusion in this guidance document then it would be helpful to have this detailed in a dedicated fact sheet.</p>	<p>While the RCC has been established for the current site identified by the DIIS, it is yet to be determined if and in that case how ARPANSA will interact with this body.</p>
		<p>Line 350 – ACF notes the valuable role played by previous ARPANSA public hearings involving project proponents and other stakeholders on contested policy matters.</p>	<p>Noted.</p>
		<p>Line 355/56 – ACF notes this and reinforces the importance of stakeholder confidence in the role of the regulator. ARPANSA must never allow itself to be – or be reasonable seen to be – a project enabler.</p>	<p>Agreed.</p>
		<p>Section 5 – International Best Practice, Line 376/77 – It is important that ARPANSA’s consideration of any facility license application be informed by and consistent with international best practice in broader thematic areas than ‘radiation protection and nuclear safety’. While these are ARPANSA’s core agency mission it is also important</p>	<p>ARPANSA will consider ‘best practice’ in relation to the issues mentioned, but is constrained in the implementation of such best practice to what is within ARPANSA’s mandate as set out in the ARPANS Act.</p>

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		<p>that ARPANSA is guided by best practice in non-radiological concerns – particularly in relation to community consultation and cultural protection. This is particularly important given the unreasonable legal exemptions in the NRWM Act – the enabling legislation for any future national facility.</p> <p>Line 402/03 – ACF would welcome further information on the IAEA regulatory review mission planned for 2018.</p> <p>Line 521/22 – the actions of successive federal governments in relation to a range of nuclear related matters including – advancing uranium sales against Parliamentary recommendations, not implementing outstanding recommendations for improved industry performance and compliance, seeking to impose a national waste facility on unwilling communities, removing stakeholder rights and recourse (inc. the NRWM Act) and failing to respond meaningfully to the recommendations of the UN System Wide report into the Australian uranium fuelled Fukushima crisis have deeply eroded community and civil society trust in the federal government on nuclear issues. In this context the assertion that the foundation principle of justification rests with government highlights a fundamental procedural weakness and directly undermines credible and robust decision making.</p> <p>ACF seeks clarification as to why there is no explicit reference to mining and processing of radioactive ore as an exposure pathway in the box on lines 530/541</p> <p>Line 549/550 - ACF welcomes the recognition that the justification of any facility needs to be assessed in connection to the waste generating activity. This has not occurred in an adequate fashion in relation to the NRWMF and the related expansion of isotope production at ANSTO.</p> <p>Line 554/564 – ACF welcomes the recognition of the need to consider the full range of management options and the need to remain open to new and emerging information.</p> <p>Line 585/588 – ACF has no confidence in the likelihood of an applicant having the inclination to ‘pause and reflect’ in relation to environmental risk. This approach lacks any real-world credibility.</p>	<p>The mission to Australia will take place late 2018. ARPANSA anticipates releasing more information material at that time.</p> <p>ARPANSA notes the concern.</p> <p>It has now been clarified that waste resulting from mining and milling activities are not within the scope of this document.</p> <p>Noted.</p> <p>Noted.</p> <p>The text has been modified.</p>

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		Line 600-603 – ACF welcomes the acknowledgement of the uncertainty of assumptions over time - this is important to articulate.	Noted.
		Lines 606-610 – ACF believes the rationale behind BAT supports the long-standing civil society call for a review into the management assumptions under-pinning the NRW Project.	Noted.
		Line 659/60 – ACF maintains that any facility safety case would be improved through the need for independent verification rather than solely leaving the preparation and subsequent updating of this material to the proponent.	ARPANSA will perform a rigorous review of the safety case and will involve external parties during consultation.
		Line 679/680 – ACF suggests this is changed to read... <i>'shall ensure that international best practice informs and is reflected in such arrangements and.....'</i>	Agreed with some modification.
		Line 701/02 – ACF maintains that it is pivotal that the proponents resource capacity and financial ability to deliver on safety issues is directly tested and assured.	Noted.
		Line 719/720 – ACF suggest this be changed to read: <i>'Along with compliance with external safety obligations and requirements a good safety culture needs to be continually fostered, where the role.....'</i>	Text has been rewritten
		Line 730/31 – ACF notes that 'cost-cutting' should be included as one of the contributing factors to errors.	Agreed with some modification.
		Line 736/755 – It is important here to acknowledge and protect the role of 'whistle-blowers' in addressing safety culture. ACF urges ARPANSA to make explicit reference to the valuable role that highlighting procedural or operational deficiencies has had across many industrial activities and to clearly support enhanced whistle-blower protections.	Agreed and modification has been made.
		ACF notes that section five does not address International Best Practice in relation to community consultation processes, informed consent or cultural and heritage protection. Further key obligations under international treaties and conventions – most notably the Declaration of the Rights of Indigenous People's - are not	As previously indicated, ARPANSA will take such instruments into account, and engage with stakeholders on how to best conduct the consultation process; however, ARPANSA is confined

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		<p>referenced. This is a significant oversight as these can be directly related to the NRWMF proposal and need to be reflected in any consideration or assessment of a future facility application.</p> <p>In particular, ACF highlights DRIP Article 29 (2) which maintains:</p> <p><i>States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.</i></p>	<p>to act within its mandate set by the ARPANS Act.</p>
3	<p>Mr David J Noonan Independent Environment Campaigner, SA 12 Dec 2016</p>	<p>The nuclear fuel waste Store in the Flinders Ranges is intended to operate for approx. 100 years.</p> <p>The ARPANSA “<i>Information for Stakeholders</i>” fails to be transparent and is not fit for purpose.</p> <p>ARPANSA must inform the public on the proposed licence period for this nuclear fuel waste Store.</p> <p>ARPANSA should also publicly acknowledge the Contingency that the proposed nuclear fuel waste Store may be at a different site to the proposed near surface Repository in the Flinders Ranges.</p> <p>The proposed above ground Store in our iconic Flinders Ranges is unnecessary as the ANSTO’s existing Interim Waste Store (IWS) at the Lucas Heights Technology Centre can manage reprocessed nuclear fuel waste on contract from France and from the United Kingdom over the long term.</p> <p>The ANSTO application for the Interim Waste Store was conservatively predicated on a 40 year operating life for the IWS, and ANSTO has a contingency to “<i>extend it for a defined period of time</i>”.</p> <p>ANSTO also has a contingency option for the “<i>Retention of the returned residues at ANSTO until the availability of a final disposal option</i>” – which does not involve a Store in the Flinders Ranges.</p> <p>The Lucas Heights Technology Centre is by far the best placed Institution and facility to responsibly manage Australia’s existing nuclear fuel waste and proposed waste accruals from the Opal reactor.</p> <p>The <i>Interim Waste Store (IWS)</i> at the Lucas Heights Technology Centre can conservatively function throughout the proposed operating period of the Opal</p>	<p>ARPANSA understands and respects the concerns expressed by the commentator. A number of the comments relate to the information that the applicant must provide to ARPANSA in order for the Agency to form a view of the safety of any proposed facility or conduct. It is important to maintain a clear demarcation between the proponent (which is the advocate for the facility) and ARPANSA, which is the advocate for protection of health and safety of people, and of the environment.</p> <p>Transport forms part of the system for final management of radioactive waste and the regulatory guide states that the system needs to be defined, as well as existing and future waste (generated over decades to come) that is destined for the facility.</p> <p>It should also be noted that the regulatory guide, and the information for stakeholders, are not predicated on the NRWMF facility or facilities being established in the Flinders Ranges. The requirements for protection of people and that environment are generic and will apply to any relevant facility (NRWMF or otherwise) operated by Commonwealth, in any location.</p> <p>ARPANSA appreciates many of the observations made – which have also been made by others – and have amended the text in many places.</p>

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		<p>reactor without a requirement for an alternative above ground nuclear fuel waste Store at a NRWMF in the Flinders Ranges or elsewhere.</p> <p>It is an inexplicable omission or an unacceptably act of denial for ARPANSA to fail to even identify or to properly explain Australia’s existing nuclear fuel wastes and proposed further decades of Opal reactor nuclear fuel waste production in the <i>“Information for Stakeholders”</i>.</p> <p>Australia’s nuclear fuel wastes are by far the highest activity and most concentrated and hazardous nuclear wastes under Australian management, and must be distinguished from other waste forms.</p> <p>ARPANSA must specifically include, describe and explain the full lifetime Opal reactor nuclear fuel waste disposition plan, across potential reprocessing or direct long term storage and disposal.</p> <p>Decades of further Opal reactor production of nuclear fuel waste is proposed by the Federal government to end up Stored above ground at the NRWMF site in our iconic Flinders Ranges.</p> <p>The <i>Regulatory Guide for Licensing a Radioactive Waste Storage or Disposal Facility at Time Frames</i> (line 409 – 413) states that the cut off time frame in the assessment of safety by a proponent:</p> <p style="padding-left: 40px;"><i>“...must not be less than 10,000 years for disposal of intermediate level waste.”</i></p> <p>Why does <i>“Information for Stakeholders”</i> fail to cite or explain the gravity of minimum required 10,000 year safety Time Frames for required isolation of Opal reactor produced nuclear wastes?</p> <p>Recent Nuclear Safety Committee advice to the CEO of ARPANSA (NSC, 04 Nov 2016) on required stakeholder engagement – including along transport routes, on transparency and on resourcing is timely and raises a number of matters requiring an early resolution.</p> <p>Engagement of stakeholders along transport routes has not been transparent to date with a failure by the Federal government to even acknowledge transport route options and consequent involved communities since the selection over 6 months ago of a single NRWMF site located in the Flinders Ranges for further Federal government assessment.</p>	

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		<p>ARPANSA should forthwith be transparent on required stakeholder engagement along transport routes and include transport route options in revised “Information for Stakeholders”:</p> <ul style="list-style-type: none"> - As required for transport of Commonwealth reactor wastes (approx. 130 semi-trailer truck-loads) from Lucas Heights to a proposed NRWMF site in the Flinders Ranges; - Acknowledging the critical issue of transport of nuclear fuel waste from Lucas Heights to the Flinders Ranges may likely require shipping from NSW to an as yet unnamed SA port; - AND transport of proposed Opal reactor reprocessed nuclear fuel waste requires shipping from France to an as yet unnamed port in SA and onto the Flinders Ranges by road or by rail. <p>Nuclear fuel wastes affect the rights, interests and safety of all Australians and target Aboriginal communities in a serious threat to their country and culture. Their No Dump struggle is our cause.</p> <p>Minister exercising a claimed over-ride of any Federal and State legislation and due process that would “hinder” imposition of siting, construction and operation of a 100 year nuclear fuel waste Storage facility and a near-surface Repository at the Minister’s nominated NRWMF site.</p> <p>The Resources Minister claims an absolute discretion to declare a site for the NRWMF, to specifically override federal Environment Protection and Aboriginal Heritage legislation, and to declare that the State Aboriginal Heritage Act is to have “no effect” on the nuclear waste dump plan.</p> <p>ARPANSA “Information for Stakeholders” must transparently acknowledge these legislative issues.</p> <p>The draconian NRWM Act 2012 seriously compromises public trust in nuclear safety and nuclear waste management in Australia and this will adversely impact on public confidence in ARPANSA.</p> <p>Questions: What integrity is left for the proposed ARPANS Act Site License process and decision?</p>	

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		<p>How will the CEO of ARPANSA address the real adverse impacts of the Resources Minister’s discretion to override both federal and state Aboriginal Heritage legislation and a range of other protections and due process that our society and in particular Indigenous Australians rely on?</p> <p>Given the proposed NRWMF siting decision is seriously compromised, ARPANSA should also explain if the ARPANS Act Site License and Construction Licence processes are to be merged into one?</p> <p>The nuclear fuel waste Store in Flinders Ranges is to operate for approx. 100 years:</p> <p>The ARPANSA “Information for Stakeholders” fails to be transparent on the fact that the proposed nuclear fuel waste Store in Flinders Ranges is intended to operate for approx. 100 years.</p> <p>This is made clear in a number of ANSTO and ARPANSA documents on the ANSTO “Interim Waste Storage Facility” (IWS) at Lucas Heights - that is already storing reprocessed nuclear fuel waste.</p> <p>For instance, the ARPANSA “Regulatory Assessment Report – Operating” (May 2015, p.42) states:</p> <p><i>“Noting that the Government is currently inviting nominations of sites for the NRWMF, possibly involving co-location of a near surface disposal facility for Low Level Waste (LLW) and an above ground store for Intermediate Level Waste (ILW) it is feasible that the NRWMF will cater for the long term above ground storage (approximately 100 years) of Intermediate Level Waste including the waste reprocessed in France and the United Kingdom. ...</i></p> <p><i>ANSTO refers to the Government’s planning for siting and construction of the NRWMF which will be a near surface disposal repository for low level waste (LLW), co-located with an above ground store for ILW. This plan will have the provision for ILW storage above ground for approximately 100 years.”</i></p> <p>This Statement was issued at the same time as the Federal government was announcing the Flinders Ranges site as the only proposed site undergoing further assessment for the NRWMF.</p>	

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		<p>The ARPANSA “CEO’s Statement of Reasons for the IWS operating licence” (May 2015), at 3.Reasons for my Decision (a summary of the CEO’s considerations of the evidence before him) accepts ANSTO’s Contingency planning, including the NRWMF plan for an above ground store for ILW:</p> <p>“This plan will have the provision for ILW storage above ground for approximately 100 years.” (p.14)</p> <p>See: “Interim Waste Store”http://www.arpansa.gov.au/regulation/ReturnofWaste/index.cfm</p> <p>And: “CEO’s Decision - ANSTO Interim Waste Store” http://www.arpansa.gov.au/regulation/ReturnofWaste/iwsdecision.cfm</p> <p>The ARPANSA “Information for Stakeholders” claims in the Introduction to include the scope of the NRWMF, and must therefore provide relevant sufficient information to inform the public, but fails to be fit for purpose by excluding this critical and basic required public information.</p> <p>The ARPANSA “Information for Stakeholders” claims in the Introduction to include the scope of the NRWMF, and must therefore provide relevant sufficient information to inform the public, but fails to be fit for purpose by excluding this critical and basic required public information.</p> <p>ARPANSA must inform the public on the proposed licence period for this nuclear fuel waste Store:</p> <p>The “Information for Stakeholders” should also state the proposed specific Licensing period for this Store, if that is proposed to open ended, or set at 100 years, or if a longer term is proposed.</p> <p>In acknowledging that the proposed NRWMF is effectively for two facilities, which may involve separate licence applications and different licensing periods for the above ground Store and for the near surface Repository, ARPANSA should identify specific licensing periods for both facilities.</p> <p>ARPANSA should also publicly acknowledge the Contingency that the proposed nuclear fuel waste Store may be at a different site to the proposed near surface Repository in the Flinders Ranges.</p>	

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		<p>The proposed above ground Store in our iconic Flinders Ranges is unnecessary - existing Interim Waste Stores at Lucas Heights can manage nuclear fuel waste over the long term:</p> <p>The existing IWS at the Lucas Heights Technology Centre was built to take the reprocessed nuclear fuel waste from both France and the UK and to be able to manage those wastes for at least 40 years.</p> <p>The ARPANSA <i>“Regulatory Assessment Report – Operating”</i> (May 2015, p.43) for the IWS states:</p> <p><i>“ANSTO’s application is predicated on a 40 year operating life for the IWS. ...</i></p> <p><i>If the NRWMF were to be delayed beyond the 40 years, ANSTO would undertake actions to support an extension of the facility and container, or the safe transfer to another approved dual usage container.”</i></p> <p>Conclusion:</p> <p><i>It appears there are some uncertainties regarding establishment of the NRWMF. ...</i></p> <p><i>The ARPANSA assessor notes that though the (IWS) facility is for interim storage, the licence is not time-limited.”</i></p> <p>The ARPANSA <i>“CEO’s Statement of Reasons for the IWS operating licence”</i> (May 2015) states:</p> <p>“3.1.1 Purpose of the facility</p> <p><i>The purpose of the IWS Facility is to store radioactive waste resulting from reprocessing of fuel that has been used in the now permanently shut down High Flux Australian Reactor (HIFAR). The application concerns spent fuel that was shipped to France (La Hague) and to the UK (Dounreay) under agreements with AREVA and UKAEA to reprocess the fuel and to return the radioactive waste resulting from the reprocessing...</i></p> <p>General characteristics of the returned waste</p> <p><i>... In addition, the waste to be returned from the UK may be required to be stored temporarily at the IWS Facility. This will only happen if the NRWMF is not available when the waste is returned. The return of the waste from the UK is planned to take place around the year 2020.</i></p>	

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		<p>... The waste to be returned from France contains about five times more activity than the material to be returned from the UK. The dominating fraction (approaching 99.9%) of the activity of the waste returned from France will be contained in the TN81 cask. The total activity of beta emitters is in the order of 15 petabecquerel (PBq), dominated by strontium-90/yttrium-90 in secular equilibrium and caesium-137.</p> <p>Radionuclide inventory</p> <p>My request with regard to radionuclide inventory was phrased as follows:</p> <p>... I consider it possible on the basis of the available information on the nature of the waste being returned from the UK that it can be stored at the IWS Facility. ...</p> <p>I consider it appropriate that ANSTO dimension the IWS Facility and plan for its operations so that it may accommodate the waste returned from the UK.</p> <p>Further, the ARPANSA “Regulatory Assessment Report – Operating” (May 2015) considered ANSTO Contingency Planning for the IWS to operate for longer than 40 years and to also potentially store reprocessed nuclear fuel waste at ANSTO “until the availability of a final disposal option”:</p> <p>“3.2 ANSTO Contingency Plan</p> <p>3.2.1 Lifetime and future use of the IWS Facility</p> <p>... The conservative design life considered is 40 years. ...</p> <p>3.2.2 Long term storage of waste and final disposal</p> <p>ANSTO considers that in the unlikely event that the NRWFM is not built within 40 years, ANSTO would make a submission to ARPANSA to amend the licence to extend it for a defined period of time. ... ANSTO also considered reloading the waste into a new TN81 cask, and the reloading operation will be undertaken in a purpose-built facility subject to regulatory approval.</p> <p>... ANSTO states that a final disposal strategy will be subject to Australian Government policy including monitoring of best practice disposal for such waste worldwide.</p>	

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		<p>3.2.3 Contingency options</p> <p><i>In the scenario of the unavailability of the NRWMF, ANSTO has identified the following options for contingency.</i></p> <p>3.2.3.2 Retention of the returned residues at ANSTO until the availability of a final disposal option</p> <p><i>... This plan will have the provision for ILW storage above ground for approximately 100 years. The Government will continue to explore final disposal options including geological disposal over this period taking into account international best practice of disposal of such waste."</i></p> <p>The ARPANSA "Information for Stakeholders" should acknowledge that the Interim Waste Store (IWS) at the Lucas Heights Technology Centre can:</p> <ul style="list-style-type: none"> • conservatively function for an operating life of 40 years (plus a potential license period extension if and as required); • can therefore function throughout the proposed operating period of the Opal reactor; • and can function without any requirement for an above ground nuclear fuel waste Store at a proposed NRWMF in the Flinders ranges or elsewhere. <p>The Lucas Heights Technology Centre is by far the best placed Institution and facility to responsibly manage Australia's existing nuclear fuel waste and proposed waste accruals from the Opal reactor.</p> <p>ARPANSA "Information for Stakeholders" inexplicably fails to identify nuclear fuel waste:</p> <p>It is an inexplicable omission or an unacceptably act of denial for ARPANSA to fail to even identify or to properly explain Australia's existing nuclear fuel wastes and proposed Opal reactor waste accruals in the "Information for Stakeholders" or in the section "What is radioactive waste?"</p> <p>Any public information must outline Australia's nuclear fuel wastes, by far the highest activity and most concentrated and hazardous nuclear wastes under Australian management, explain storage and disposal requirements, and clearly distinguish these nuclear fuel wastes from other waste forms.</p>	

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		<p>ARPANSA must specifically include, describe and explain the full lifetime Opal reactor nuclear fuel waste disposition plan - across potential overseas reprocessing & associated transport, and potential required direct long term storage and direct spent fuel disposal - if reprocessing is not available over the multi-decade period of proposed continued reactor operations at Lucas Heights.</p> <p>Decades of further Opal reactor production of nuclear fuel waste is proposed by the Federal government to end up Stored above ground at the NRWMF site in our iconic Flinders Ranges.</p> <p>The ARPANSA provided Key Definition “Storage” is misleading at best in claiming that storage is “designed to last for a period of tens of years” (line 65 – 69):</p> <ul style="list-style-type: none"> • Given the fact that the proposed above ground nuclear fuel waste Store at the proposed NRWMF in our iconic Flinders Ranges is intended to operate for approx. 100 years; • And the fact that Australia has no policy or program or timeline for disposal of nuclear fuel wastes – thereby requiring open ended Storage... <p>The <i>Regulatory Guide for Licensing a Radioactive Waste Storage or Disposal Facility</i> at Time Frames (line 409 – 413) states that the cut off time frame in the assessment of safety by a proponent:</p> <p>“...must not be less than 10,000 years for disposal of intermediate level waste.”</p> <p>Why does “Information for Stakeholders” fail to cite or explain the gravity of minimum required 10,000 year safety Time Frames for required isolation of Opal reactor produced nuclear wastes?</p> <p>Further, the Schema (line 94) fails to cite Short Lived Intermediate Level wastes (SLIL) - characterised by isotopes with a half-life of up to 30 years requiring management in the order of 300 years.</p> <p>It is not informative and arguably not correct, as line 94 Information appears to do, to include controversial high activity SLIL wastes - hazardous to public health - among Low level waste (LLW).</p> <p>These SLIL wastes were a predominant fraction of radioactivity in wastes proposed to be subject to near surface burial in the abandoned National Repository program (1992-2004) and represent a significant proportion of the activity of ANSTO’s (non fuel waste) reactor waste inventory.</p>	

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		<p><i>“Information for Stakeholders” should provide an inventory of reactor wastes and identify the total activity values in nuclear fuel waste (existing & proposed) and compared to other reactor waste forms, across Long Lived Intermediate Level and SLIL and Low level reactor wastes.</i></p> <p>For instance, the total activity of beta emitters in French reprocessed nuclear waste sent to Lucas Heights is cited in the CEO’s <i>“Reasons for Decision”</i> as in the order of 15 petabecquerels (PBq).</p> <p>Nuclear Safety Committee advice to the CEO of ARPANSA on required stakeholder engagement – including along transport routes, on transparency and on resourcing:</p> <p>Recent <i>“Advice to the CEO of ARPANSA”</i> from the Chair of Nuclear Safety Committee (NSC, 04 Nov 2016) is timely and raises a number of matters requiring early resolution, stating the Committee has:</p> <p><i>“... identified several components of the ARPANSA Communication Strategy and Plan for the NRWMF that will require ongoing focussed resources for successful engagement.</i> Such engagement is essential if ARPANSA is to be effective in developing and maintaining the confidence of stakeholders as a trusted regulator. The components identified by the Committee include but are not limited to:</p> <ul style="list-style-type: none"> • <i>The ongoing requirement to clearly and effectively engage all stakeholders, including those along transport routes.</i> <i>The purpose of this engagement is to communicate the role of ARPANSA as the independent regulator and to be transparent in the reasoning for future decisions made regarding the NRWMF.</i> ... (bolding added) <p><i>“... it is not clear that ARPANSA is adequately resourced to develop and maintain a capability so that ARPANSA is able to learn the lessons from Australian and overseas experience of the concerns stakeholders are likely to raise in connection with technological processes they are unfamiliar with. Experience from overseas and from other industries strongly suggests ARPANSA will need an ongoing capacity in this area. ...</i></p> <p><i>Given the recognised examples where similar projects have failed both in Australia and internationally, the Committee requests further information from ARPANSA to confirm that sufficient resources are available within the organisation for continued and independent engagement with stakeholders at the frequency, locations, and in</i></p>	

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		<p><i>the form appropriate to specific issues throughout the duration of this nationally important and long term project."</i></p> <p>Engagement of stakeholders along transport routes has not been transparent to date with a failure by the Federal government to even acknowledge transport route options and consequent involved communities since the selection over 6 months ago of a single NRWMF site located in the Flinders Ranges for further Federal government assessment.</p> <p>ARPANSA should forthwith be transparent on required stakeholder engagement along transport routes and include transport route options in revised "Information for Stakeholders":</p> <ul style="list-style-type: none"> • As required for transport of Commonwealth reactor wastes (approx. 130 semi-trailer truck-loads) from Lucas Heights to a proposed NRWMF site in the Flinders Ranges; • Acknowledging the critical issue of transport of nuclear fuel waste from Lucas Heights to the Flinders Ranges may likely require shipping from NSW to an as yet unnamed SA port; • AND transport of proposed Opal reactor reprocessed nuclear fuel waste requires shipping from France to an as yet unnamed port in SA and onto the Flinders Ranges by road or by rail. <p>See: Nuclear Safety Committee Advice and Reports http://www.arpansa.gov.au/AboutUs/Committees/nscrpts.cfm</p> <p>The NRWM Act 2012 imposes siting of a nuclear Store and claims to override Federal and State legislative protections, due process and community rights and interests:</p> <p>Nuclear fuel wastes affect the rights, interests and safety of all Australians and target Aboriginal communities in a serious threat to their country and culture. Their No Dump struggle is our cause.</p> <p>The Federal government's proposed National nuclear waste dump target's the Aboriginal community in the Flinders Ranges in a serious threat to their human rights and cultural rights and interests.</p> <p>South Australia is protected by the Nuclear Waste Storage Facility (Prohibition) Act 2000.</p>	

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		<p>Our State Parliament passed Legislation in 2000 to prohibit the import, transport, storage and disposal of nuclear fuel wastes under the political leadership of then Liberal Premier John Olsen.</p> <p>The <i>Objects</i> of this important Act provide critical public interest tests for today's waste dumpers:</p> <p><i>"The objects of this Act are to protect the health, safety and welfare of the people of South Australia and to protect the environment in which they live by prohibiting the establishment of certain nuclear waste storage facilities in this State."</i></p> <p>In contrast, the draconian <i>National Radioactive Waste Management Act 2012</i> is premised on the Resources Minister exercising a claimed over-ride of any Federal and State legislation and due process that would "<i>hinder</i>" imposition of siting, construction and operation of a 100 year nuclear fuel waste Storage facility and a near-surface Repository at the Minister's nominated NRWMF site.</p> <p>The Resources Minister claims an absolute discretion to declare a site for the NRWMF, to specifically override federal Environment Protection and Aboriginal Heritage legislation, and to declare that the State <i>Aboriginal Heritage Act</i> is to have "<i>no effect</i>" on the nuclear waste dump plan.</p> <p>The NRWM Act 2012 section 12: <i>Application of State and Territory laws</i></p> <p>(1) <i>A law, or a provision of a law, of a State or Territory (whether written or unwritten), so far as it relates to:</i></p> <p>(a) <i>the use or proposed use of land or premises; or</i></p> <p>(b) <i>the environmental consequences of the use of land or premises; or</i></p> <p>(c) <i>the archaeological or heritage values of land, premises or objects (including the significance of land, premises or objects in the traditions of Indigenous people); or</i></p> <p>(d) <i>controlled material, radioactive material or dangerous goods; or</i></p> <p>(e) <i>licensing (however described) in relation to:</i></p> <p style="padding-left: 20px;"><i>(i) employment; or</i></p> <p style="padding-left: 20px;"><i>(ii) carrying on a particular kind of business or undertaking; or</i></p> <p style="padding-left: 20px;"><i>(iii) conducting a particular kind of operation or activity;</i></p> <p><i>has no effect to the extent that it would, apart from this section, regulate, hinder</i></p>	

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		<p><i>or prevent the doing of a thing authorised by section 11.</i></p> <p><i>(2) The regulations may prescribe a law, or a provision of a law, of a State or Territory for the purposes of this subsection.</i></p> <p>section 13 Application of Commonwealth laws</p> <p>(1) The following laws have no effect to the extent that they would, apart from this section, regulate, hinder or prevent the doing of a thing authorised by section 11;</p> <p>(a) the Aboriginal and Torres Strait Islander Heritage Protection Act 1984;</p> <p>(b) the Environment Protection and Biodiversity Conservation Act 1999.</p> <p><i>(2) The regulations may prescribe another law, or a provision of another law, of the Commonwealth for the purposes of this subsection. (bolding added)</i></p> <p>ARPANSA “Information for Stakeholders” must transparently acknowledge these legislative issues.</p> <p>The draconian NRWM Act 2012 seriously compromises public trust in nuclear safety and nuclear waste management in Australia and this will adversely impact on public confidence in ARPANSA.</p> <p>Questions for ARPANSA to answer in revised “Information for Stakeholders”:</p> <p>Q: What integrity is left for the proposed ARPANS Act Site License process and decision?</p> <p>Q: How will the CEO of ARPANSA address the real adverse impacts of the Resources Minister’s discretion to override both federal and state Aboriginal Heritage legislation and a range of other protections and due process that our society and in particular Indigenous Australians rely on?</p> <p>Q; Given the proposed NRWMF siting decision is seriously compromised, ARPANSA should explain if the ARPANS Act Site License and Construction Licence processes are to be merged into one?</p> <p>Effectively this is the same draconian situation that existed under the earlier <i>Commonwealth Radioactive Waste Management Act 2005</i> introduced by the Howard government to override State and Territory interests to protect community health, safety and welfare from the risks and impacts of nuclear wastes and to nullify Federal laws that protect against imposition of nuclear wastes.</p>	

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4	ASNO 12 Dec 2016	<p>Lines 180–184: The objects of the Nuclear Non-Proliferation (Safeguards) Act 1987 (the Safeguards Act) are stated in section 3 of that Act, and give effect to:</p> <p>(1) Australia’s obligations under the Nuclear Non-Proliferation Treaty, Australia’s Comprehensive Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency and to Australia’s nuclear cooperation agreements with bilateral partners.</p> <p>(2) Australia’s obligations under the Convention on the Physical Protection of Nuclear Material; and</p> <p>(3) Australia’s obligations under the International Convention for the Suppression of Acts of Nuclear Terrorism.</p> <p>This change would allow the Stakeholders Guide to be read without needing the Safeguards Act for cross-checking definitions.</p> <p>Lines 317–319 “As stated in section 3.3, the ARPANS Act and the Safeguards Act apply concurrently to some material and facilities. When considered early in the design process for a radioactive waste storage or disposal facility, there is little risk the requirements of the Acts will be incompatible. Under a Memorandum of Understanding ...”</p> <p>The change to lines 317–319 is suggested to ensure early consideration is given to meeting objectives of both the ARPANS and Safeguards Act.</p>	Accepted.