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ARPANSA Licensing Workshop Record 4 July 2023

Overview

The ARPANSA Licensing Workshop brought together delegates from the Australian Submarine Agency (ASA), Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), Defence Security and Estate Group (SEG), the Australian Nuclear Science and Technology Organisation (ANSTO) and the Nuclear Powered Submarine Regulatory Design team to explore the regulatory requirements to obtain an ARPANSA Facility Licence.

More specifically, the objective of this workshop was to give ARPANSA the opportunity to advise the ASA on the licensing process, the expectations regarding timelines, underpinning assurance requirements and management systems required to obtain a licence. This information will assist the ASA in developing a strategy and resourced plan targeted at obtaining an ARPANSA Facility License, primarily for SRF-West but also potentially for the Osborne construction yard if required.

A total of 27 individuals were invited to participate in the one day workshop which commenced at 9:30 am and concluded at 3pm Tuesday 4 July 2023. The attendee list as follows:

Attendees	Apologies
Tim Fry (ASA)	s22
s22	RADM Kath Richards - (NPS Regulatory Design)
s22	s22
s22	
s22	
CDRE Mat Hudson - (ASA)	Dialling In
s22 s22	Rick Tinker - (ARPANSA)
s22	
s22	
s22	
s22 - (NPS Regulatory Design)	
s22	
s22	
s22	
s22	
s22	
s22 s22 - (ARPANSA)	
Jim Scott - (ARPANSA)	
s22 s22 - (ARPANSA)	
s22 s22 - (ANSTO)	

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Activity

Tim Fry provided an overview of work undertaken to date to develop the legislation required to allow NPS related endeavours (Tranche 0 Bill) and establish a new regulator (Tranche 1 Bill).

Key focus and driving the discussion is the need to commence site preparation/construction activities by the end of 2024 for SRF-W Facilities at HMAS Stirling and Osbourne Submarine Construction Yard Facilities soon thereafter.

The demand on site preparation works and the timeline for the establishment of the Australian Nuclear Powered Submarine Safety Regulator (ANPSSR) position the ASA to explore how ARPANSA may be involved in early Nuclear-Powered Submarine facilities related activities, and what ARPANSA's regulatory requirements would be. Moreover, the ASA is eager to understand the requirements to acquire a licence from ARPANSA to allow for site preparation/construction activities.

The ASA team understand that ARPANSA has workload and resource constraints but deferred discussion on this to a separate meeting to be held on Wednesday 12 July 2023. The following is a lightly edited record of the discussion from which the ASA will develop follow-on activities.

ARPANSA Guidance:

Recommendation to the ASA regarding preparing for a license is to have a basic understanding of what activities will be performed. This will inform the development of the safety case and the development of the ASA emergency response process.

ARPANSA representatives are confident that establishing a license for SRF West will be *easier* due to the site already being established and the types of NPS activities that will be conducted at HMAS Stirling. Once the license has been achieved for SRF West, the competence and capacity that has been developed will position the ASA well for submitting an application for Osborne a licence.

Understanding that siting for SRF-W is the immediate concern and that ASA should focus on licensing of activities, ARPANSA reps recommend the following:

- Go to the web site and have a look at the need for a licence and the requirements of a licence if one is needed in particular:
 - S(46) Regulations – Application for a Facility Licence
 - S(53) Regulations – Other Matters



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Key themes from the discussion

The structure of the day was an organic discussion that provided an opportunity for all stakeholders to ask questions and seek guidance from ARPNSA on:

- Licensing requirements including both site and facilities licenses,
- Who will be the licence holder,
- Award and maintenance of licenses,
- Time frame for the ASA to develop a license application and reasonable timeframes for ARPNSA to assess and issue a license.

Key messages were:

- Engage with the regulator early and frequently
- Given the scope of the activities and timelines associated with the licence requirements for Stirling in Q4 2024, licensing through ARPANSA should be achievable, provided;
 - The licence applicant is specified upfront
 - The application is a complete and of good quality
 - ARPANSA has the necessary resources
 - All elements of the regulations are satisfied to the extent necessary to provide the facilities licence
- Keep the license application focussed on the activities being undertaken and the associated hazards and risks – don't include unnecessary information
- Follow the guides on the ARPANSA website
- Follow the IAEA siting guidance

Outcomes

Following the workshop, attendees will be emailed a copy of this record for review and provide feedback. Feedback due back to the ASA by Friday 15 July, 2023.

Next steps:

1. Deep dive into SRF-West requirements: moving from the general nature of the activities discussed to more specific details of the activities at Stirling. An opportunity to understand the activities, schedule, work already underway and planned work and seek more specific advice, tailored information from ARPANSA.
2. Development of a licensing strategy: Outline required this month. This should include Stirling and Osborne. We need to determine the delta between what we have today and what's required for a quality license application.
3. Development of plans, business management processes, evidence for the safety case.



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Action Items Arising:

The following Action items were distilled from the workshop as follows:

Action item	Detail	Responsible Agency
A1	Distribute a schematic of how the process goes.	ARPANSA
A2	Work on engagement plan between ASA and ARPANSA by: <ul style="list-style-type: none"> • Schedule reoccurring meetings between stakeholders involved in license application development and ARPANSA • Establishing a fortnightly/monthly reporting scheduled on what is underway, what is coming up projection by month and send to ARPANSA for advice/guidance. 	ASA lead
A3	Consider establishing a community of practice with like agencies to share experiences and services etc.	ASA lead
A4	Arrange a deeper dive into SRF West challenges from a regulatory basis. N.B. involve the Osborne team on this <ul style="list-style-type: none"> • Start a data scrub and work out the delta of information that will be required to characterise the SRF-W site. • Firm up what site activities are to the left, and what activities are to the right of the requirement for a siting licence. • Need to develop a proper understanding of the documentation, IMS requirements, SMS etc. May need to complete a licence application by the end of the year. • Post ASA Internal Workshop: • N.B. if you are doing anything on site that can affect nuclear safety then it should not occur before a siting licence. ASA lead discussion with ARPANSA to determine what activities can be performed without going into site prep <p>Need a schedule for submitting a licence, and being granted a licence.</p>	ASA lead
A5	Identify the position/individual that will be making the licence application.	ASA lead
A6	Develop Strategy and plan for progressing this work and engaging with ARPANSA. Use the IAEA siting guide for the siting licence application. This will characterise the site so that you can check that the activities can safely be conducted.	ASA lead
A7	Set up a regular ASA/ARPANSA regulatory engagement meeting (and including ANSTO to de-conflict licence applications) as soon as possible.	ASA lead

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Appendix 1 Record of Conversation

Meeting opened at 9.45am

ASA - Tim: General overview

1. Background of legislation establishment including Tranche 0 and Tranche 1 timelines. Now that legislation has been amended providing avenues for ARPANSA to regulate some of the NPS activities, we need to explore what will be required to prepare for a nuclear facilities license for site some of the NPS activities. This does not take the pressure off us rather we need to engage with the broader community to understand what the requirements will be if ARPANSA need to issue licenses to enable establishment of SRF West in SA. We acknowledge that ARPANSA has some constraints with regards to resourcing currently however those issues will be discussed at a meeting at a later date. Please keep the meeting on a technical level.

ARPANSA -Jim: what needs to be done?

1. Anticipate that SRF West early stage facilities licences will help the ASA to experience the licensing process without significant exposure to actual nuclear safety or radiological hazards. This will act as a good grounding for the licensing requirements at Osborne and future phases at HMAS Stirling.
2. Please examine the ARPANSA website which outlines the requirements for a license
3. Section 46 of the legislation provides detailed requirements associated with an application for a facilities license
4. Section 43 focuses on other matters which must be addressed
5. We have received correspondence from RADM Richards – recommending the use of the safety management system from navy. This needs careful consideration.

ASA - Tim: Understand, however nuclear safety requires are more than what is included in the SMS from Navy however there are components that can be drawn from this source.

ARPANSA -Jim: Use as much as you have which can help inform the application.

ASA - s22 : Don't we need to establish the applicant as well?

ARPANSA -Jim: Yes, sorry technical, financial and resources as well. The applicant should be the highest person in the organisation e.g. the CEO of an organisation. They must have authority to delegate their powers to others.

Tim: In the early stages, can it be assigned to a holding authority and then transferred to someone later one when the facility is operational?



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ARPANSA - Jim: Yes

ASA - s22 : How do you determine suitability for safety?

ARPANSA - Jim: There should be clear lines of responsibility –effective control. Responsibility for safety cannot be delegated away. An example of this is that AWA was formed by the government to manage the storage of waste management policy they will be initial licensee however once established there will likely be a transfer to an operator.

ASA - s22 : Can it be a commercial entity then? Is the liability covered by the Commonwealth?

ARPANSA - Jim: There is nothing to prevent this.

ASA - s22 : We have briefly mentioned SRF West and Osborne however we have not talked about maintenance. This is not going to happen until late 30's/40's and this may not be undertaken at a Commonwealth facility, it could be a contractor.

ARPANSA - Jim: Yes, provided they purely undertake nuclear work for the Commonwealth. If they do other nuclear work registered under a State then there may be some complications here. We have licensees who do Defence work and other contract work. The responsibilities need to be separated out on a site, but can be done.

NPSRD - s22 : It also depends on the contractual requirements within the contract held between Defence and the organisation. If they are doing work on behalf of Defence, they are considered Defence workers. This is similar to what is current practice in the Navy.

ASA - s22 : In the s22 the day to day responsibilities for safety sits with the site manager.

NPSRD s22 : Until is handed over to Navy

ARPANSA - s22 It is a timing issue, this may be an amendment for legislation later down the track for ANPSSR and ARPANSA.

NPSRD - s22 : We have talked about responsibilities with regards to buildings, what about the person who owns the land?

ARPANSA –Jim: Look at Section 11, landowners would be captured by the act if they are the primary contractor. The issue is when the contractor does other work outside of the Commonwealth work.

ASA - s22: The intermediate/depot maintenance facility may be a Commonwealth Contractor, would this come within this construct?

ARPANSA –Jim: I expect so.

ASA – Tim: These future facilities will need to be resolved in time. Focus on SRF-W for now. Dan H, could you please give a rundown on the government-business-enterprise (ANI) that will be developing, delivering and operating the Osbourne SCY.



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ASA – s22 : in 2017 the Government established ANI as a Government Business Enterprise able to work outside of the government confines as its primary a commercial enterprise for shipbuilding infrastructure. ANI to deliver the shipyards.

ASA – Tim: At a future point in time when we have a sovereign submarine construction partner, this partner will possibly be responsible for the nuclear integration on site. What involvement do they need to have now?

ARPANSA –Jim: Super complex but we are used to this. Safety cannot be delegated down. You need to think about who is going to hold the licence because it sits with them. You may not know the details but you need to have a basic understanding of what the activities will be i.e.

- Menu of what we need for SRF-W is in (S461e) – a safety analysis report as detailed as possible. For siting this needs to be at an appropriately general level. Somewhat ‘easy’ for the first stage. An appropriate reference accident to justify the dimensions of the site/facility.
- The menu of what you need to address is in section 461e.
 - Plans and arrangements
 - Have to say what the (approximate) activities will be. Not the detail for the siting licence.
 - Need to be able to say and show what will be done at what point in the future.
 - Need to be able to define the radiological hazard.
 - Need to make claims.
 - Need to detail mitigations.
 - Need to show that the hazards are understood and how they are managed.
 - Need to consider geological, environmental etc.

ASA – Tim: Can you give an indication of what this might look like from a general perspective? Past experience indicates wide variation between different regulators.

ARPANSA –Jim: Safety comes first so if you don’t understand what you need to do then there is strongly probability that you will be unsafe. Everything needs to be documented. Seeking guidance from the regulator is always encouraged, and there is no conflict here.

ANSTO - s22 What we have talked about is consistent with ANSTO’s experience. I do have a question with regards to your environmental impact statement. This takes a lot of time.

ASA - Tim: We have Environment activities underway.

SEG - s22 This is already underway DCCEEW is setting up a specific space that will handle this for ASA from a bio and ecological perspective.



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ARPANSA – Jim: Section 46 leads to section 47 s22 (IAEA) which considers the environment aspects i.e. nearest agriculture / environment flora and fauna – this is for DCCEEW not ARPANSA but ARPANSA use it to inform the licensing.

ASA - s22 : The idea of combining a site and construction license, you need to have detailed site plans including what is the limitation of activities i.e. where does the site license start/end and construction license start/end. It is on a case by case basis.

ASA s22 s22 We understand on limestone, we may need fill and over burden to bring stability. Will this be considered a construction activity?

ARPANSA – s22 No, but you bring in financial risk.

SEG – s22 What about trenching for high voltage power?

ARPANSA – Jim: Again no, this is about characterising the site.

ASA - s22 : But what about power station supporting the submarine power reactors?

ARPANSA – Jim: This might be tied to a specific need for a licence if it would be supporting a nuclear power reactor.

ASA - s22 : What is your view on supply chain? Typically there are critical early supply chain requirements for things like power.

ARPANSA – Jim: ARPANSA does not have guidance on this.

SEG – s22 Expected approach is for a detailed systems engineering approach with verification activities involved.

ASA – s22 : (s56) Construction of items important for safety may be of particular focus to ARPANSA.

ARPANSA – Jim: Correct. This does not necessarily need to come under a specific licence.

ANSTO – s22 ANSTO has procurement and supply chain procedures. There are times where long-lead systems and equipment that is procured ‘at-risk’.

ASA - s22 : Public consultation – when do you do the consultation?

ARPANSA – s22 When you submit the license.

ASA - s22: We have a lot of concurrent lines of effort – including things that have long lead times – how far out do we place orders.

NPSRD - s22 : You can buy the items you want, but if the regulator says no, then that is Defence’s risk. You just can’t install them until you get the licence approved by the regulator.

ANSTO – s22 ANSTO discuss with ARPANSA before they purchase equipment.

ARPANSA – Jim: ARPANSA is not driven by need.



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ARPANSA – Jim: We don't license the procurement. You have to prove the safety requirements of what you are procuring and demonstrate that procurement addresses all requirements.

ARPANSA - s22 Licensee procurement and supply change procedures are reviewed and audited by ARPANSA as part of the assessment of licence evidence. We assume that Defence is sophisticated in its procurement and supply change procedures. Section 56 is important for safety, it refers to the classification of systems and components. This item is critical to the infrastructure design.

ASA - s22 : What are the SQEP requirements of those that are building the infrastructure and designing/procuring systems?

ARPANSA – Jim: There is no specific guidance on this, but it is generally covered in s47 plans and arrangements, in terms of training etc.

ACTION: ANSTO s22 *I can provide some guidance that ANSTO uses.*

ASA - s22: What type of facility would the Controlled Industrial Facility and Waste Facility be assessed as? A nuclear installation or Prescribed Radiation Facility?

ARPANSA - s22 The CIF and Waste Facility would be a Prescribed Radiation Facility (PRF). A nuclear installation need to go to public consultation (s48), however a PRF does not NEED to go to public consultation.

SEG - s22 How long does consultation need to go for?

ARPANSA - s22 This is up to the CEO-ARPANSA. Can be 1 week, can be 6 months, or more. Normally for a NI (s48) the CEO must invite submissions, the period and process for submissions. Usually a month.

ARPANSA – Jim: Once receiving the submissions a response will be provided to each of the responses, which may involve the licence applicant in the response. ARPANSA only published what the licence holder will allow to be published. ARPANSA asks for a summary to be published. The responses may result in a change to the application, or an additional licence condition.

ARPANSA – s22 The type of submission matters. If not safety related then ARPANSA might not specifically reply.

ANSTO – s22 Meaningful public consultation adds to social licence. ANSTO often does its own public consultation.

ARPANSA – Jim: IAEA encourages communication with interested parties. There is no obligation to actually address any applications.

ARPANSA - s22 See online for examples of consultation. Publishing in the Gazette is the bare minimum.



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ASA – Tim: We are not about minimums. We will be seriously considering going out for consultations, even for a PRF.

ARPANSA – Jim: Having ‘town-halls’ is a good way to engage the community.

SEG - s22 Will write a notice to the Public Works Committee to allow for public consultation. This could serve to de-conflict the different types of public consultation.

ARPANSA - s22 ARPANSA would consider the responses with regards to the safety aspects. They discount submissions that attack submarines or the government.

ANSTO – s22 Don’t discount the important of public consultation.

ARPANSA - s22 Information regarding recent licence activity for the ANSTO intermediate waste facility is available on the website, it gives some clear guidance. ARPANSA don’t have to have live events all they have to do is publish it on their website and in the gazette. Also, DCCEEW only have 10 day consultations and don’t host town halls.

SEG - s22 Public Works Committee to conduct public consultation prior to submission of the licence. Usually you need to have public works committee approval first.

ASA - s22: we need to take to lead on public consultation.

ASA - s22 : IAEA SSR-1 indicates that there is a significant amount of work for site selection and application for a facility licence to prepare a site. Recommend you go back to the beginning to determine what ARPANSA requires for a site license and what we have to do to demonstrate safety to get a site license and then have a discussion about the submarines.

ARPANSA – Jim: Most important thing is to identify activities, and then demonstrate why the site is appropriate.

SEG - s22 There exists environmental and plume modelling etc. done in the past.

ARPANSA – Jim: Baseline radiological will be required. Detailed design is required for a construction licence.

ASA - s22: Once a site is shown to be potentially suitable, what is encompassed in making a site suitable? If buildings need to be demolished, or remediation needs to be undertaken, is this considered preparing a site?

ARPANSA – Jim: There is no hard and fast rule about this. If not a nuclear safety activity, then probably not part of a site preparation licence.

ARPANSA – s22 Keep lines of communication open with the regulator. A monthly/bimonthly/six monthly meetings.

ARPANSA – Jim: Establish a forward planning forum. Can discuss strategic issues for pre-licencing. Or the existing Defence-ARPANSA Liaison forum could be used for this.



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ASA – s22 : The s22 uses a regulatory engagement plan.

ACTION – *Set up a regular ASA/ARPANSA meetings (and including ANSTO to de-conflict licence applications) as soon as possible.*

ASA - s22 : From a post licence perspective, is ARPANSA still open to an iterative approach where there are hold points applied to facilities licences?

ARPANSA – Jim: Yes, this can be part of licence conditions. Also (s66) can be used to construct an item applicable to safety.

ANSTO – s22 ANSTO has portfolio activities coming up down the track. ANSTO is providing services to the Osbourne SCY. If there is a need for more of these it should be noted that the ANSTO facilities are at capacity, and are likely to be for a while. Consider going out further than ANSTO for these services if needed soon.

SEG – s22 How much detail in terms of the full facility lifecycle is needed at the different stages of applying for facility licences?

ARPANSA – Jim: Concept design at siting licence stage, detailed design for construction etc.

ASA - s22 : How is commissioning accounted for in the licencing regime?

ARPANSA – Jim: Commissioning is part of operation for the facility. Both cold and hot for NIs.

ARPANSA – s22 Licensing and licence conditions are flexible. You may have a condition to hot commission and not full operation.

SEG – s22 Do we need to be able to demonstrate a confirmed line of funding for specific plant and safety systems?

ARPANSA – s22 Yes.

ARPANSA – Jim: Decommissioning plans need to be included in early stage licencing so that it is properly considered. Need a concept for de-commissioning at the siting stage.

ARPANSA – s22 Look online for the example ANSTO siting licence for decommissioning of (ILWCI) waste storage facility.

ASA - s22 : How long does it take to assess an early stage licence application?

ARPANSA – Jim: It depends; typically, nuclear installations licence assessments can take up to a year. But the quality of the application will largely drive this. Those applying for a licence will need to understand what information is required.

ARPANSA – s22 For a siting licence will require >~ 6 months.

ARPANSA – Jim: Siting is a crucial stage of a PRF, but it is not too difficult. The EPBC requirements will be more onerous.



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ASA – s22 : Will site characterisation (geo/seismic/ natural events etc.) be required?

ARPANSA – Jim: Yes, Early on a schematic of the process will be provided by ARPANSA to give an overview of the process. Safety committee will be engaged for advice.

ANSTO – s22 Matching information security and ARPANSA resourcing might be difficult.

ARPANSA – s22 This could be dealt with in a variety of ways. For example, using the reference accident for VSPN.

ASA - s22 : Internal assurance processes on information gathered on the site will need to be factored in and completed before any application to the regulator is made.

ARPANSA – Jim: Operational waste for NPS is not a big deal. So, it is not expected a mass of infrastructure build is required to deal with this. So, the application should be fairly simple. Siting process for Environmental Impact Statement will be more significant. But not a green field site, so there should be a lot of information on the site already.

ASA – s22: Birthing an NPS and the possibility of a radioactive release; how differently are environment and people treated. Can the documentation be combined?

ARPANSA – Jim: To a degree.

ASA - s22 : Shore power requirements, if similar to the s22 will have a significantly higher requirement than what is currently there.

ARPANSA – Jim: Understood, but the activities need to be defined and hazards addressed to defence your application.

ASA - s22 . Is it the standard 1/10000 year seismic event that needs to be considered?

ARPANSA – Jim: No this is not standard. There are few facilities that this has applied to. But a case-by-case basis will apply.

ARPANSA – Jim: s22s22 is willing to engage with ARPANSA to confer on the civil aspects of the NPS in the s22 Note we will have a much smaller subset of infrastructure than in the s22

ARPANSA – Jim: Need to focus on SRF-W and ANPSSR is not stood up yet. ARPANSA will not be assessing nuclear safety. Only as far as EPR at this stage. We need to remove licensing the submarines from the equation at this stage.

ASA - Tim. Agreed and the plans for licensing submarines in the future will need to build on what we are doing for facilities, but submarines will only be regulated by ANPSSR for nuclear safety and radiological protection.

NPSRD -s22 : The future ANPSSR regulator will be the one to determine what will be required in the future. A national approach will be a consideration, but secondary.



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ARPANSA – Jim: Have lines of communication with regulator if we had a monthly meeting with all of the interested parties until the licensee holder is established. This doesn't need to be a formal letter it can just be a meeting to discuss what preparatory works have been undertaken to date. You can talk about the strategic issues before pre licencing in an ASA/ARPANSA liaison forum. We would need dedicated meetings, in person or virtual. Regular communication via email and letters would be ideal.

ACTION: s22 set up a monthly reporting scheduled on what is underway, what is coming up projection by month and send to ARPANSA for advice/guidance?

ACTION: consider setting up a community of practice with like agencies to share experiences and services etc.

SEG - s22 Lifecycle question – HMAS Stirling will be the home of the submarine in-service support facility –how much information regarding the in-service support operations do you require for the building construction licence?

ARPANSA – Jim: For the facility licence, you don't need all the detailed facility operating SOPs etc. You'll need to describe the intended use only. If you're going to have a facility for dealing with waste and irradiated components, then it is effectively a waste store. There are not many components that will need to be tested/proven. The requirements would be relatively straight forward. ARPANSA are flexible and recommend you submit something for assessment.

SEG – s22 Do we need to demonstrate that we have a funding line in place to replace the plant equip etc. at end of life?

ARPANSA – Jim: Yes. As you do design and development of the commissioning and decommissioning the replacement etc. it needs to be included in the application. You should have a concept for your decommissioning even though you may not have a formal plan for disposal.

ARPANSA – s22 Decommission site licensing that is published on the ARPANSA website – intimidate level waste ILWCI. You need to consider the material, spent fuel, or anywhere that radiological particulars can be found etc.

ASA – s22 : How long does it take to assess a licence?

ARPANSA – Jim: Indicative time frames typically nuclear installations can take up to a year and depends on the quality of the applications and the time it takes to engage with the regulator and the applicant. For a siting license for SRF West could do in about 6 months or less. It will require dedicated resources. There would be site inspections. License holders usually engage before they submit. Make a presentation and engage on a regular basis. Siting is a critical stage for a PRF, an assessment of where you want to build it is fundamental in the whole process. The biggest challenge is usually the environment impact statement.

ACTION – ARPANSA to distribute a schematic of how the process goes. There is also a safety committee that can make it goes a bit quicker.



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ARPANSA – Jim: Identify someone in the organisation that will be involved in the application process and download the pack and start analysing what is require and who we need to engage to . Seek guidance from ARPANSA without going down the rabbit hole.

ANSTO - s22 information security classification must be discussed with ARPANSA – the level will need to be considered at the point of submitting information to ARPANSA. It may slow things does.

ARPANSA – s22 We would want to know what elements are classified. National security classification is import.

ASA - s22 : NNPI data must also be considered.

ARPANSA –Jim: When an application is made it comes with a safety case which is audited regularly.

ARPANSA –Jim: Operational risks for NPS is not a consideration for ARPANSA. Therefore the s22 application should be relatively straightforward. It's the environment impact analysis that will be the biggest challenge.

ARPANSA –Jim: We are looking to develop our own standards in alignment with international best practice. We will leverage relevant aspects of the s22 s22 standards and guidance.

ASA – s22 : Updating ARPANSA Regulations to cover NPS activities is a flawed approach that undermines the requirement for establishing an Australian Defence Nuclear Powered Submarine Safety Regulator. The s22 Regulatory framework of incorporating military and civilian regulatory bodies regulating Defence sites has it disadvantages i.e. in the past s22 civil regulatory requirements have driven significant cost into the Defence program and not recognised safety claims on the withstand and integrity of the submarine. In my experience of working in the s22 Naval Nuclear Propulsion Programme, the advice I believe many of my s22 based colleagues would offer is to establish one Regulator specifically focused on Regulating the unique hazards and risk associated with Nuclear Powered Submarine operations.

ANSTO - s22 There are concerns that ANSTO will be required to lift standards because of the impacts of the introduction of an Australian framework that incudes submarines.

ARPANSA – Jim: For SRF West we are not assessing nuclear spent fuel. You are not starting from scratch.

ASA – Tim: We have to design systems that will address everything coming down the track. While early-stage SRF West facilities licencing is relatively low-risk and low-complexity, we need to considered the future requirements and develop the systems and processes which will build towards a fully capable sovereign NPS safety management regime.

NPSRD s22 : This is the future regulators prerogative. It is not for the regulator to give you the ideas.

ARPANSA - Jim: We won't go into all the details now, but the following focus is required



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1. Consider the activities.
2. Waste management and control.
3. Not only constructing facilities for waste management but supporting the incoming boats – this will shape your application.
4. Have regular meetings (ASA to determine the frequency) – we can do virtually or face to face. This can help with going down rabbit holes. Tell us what you are going to do.
5. Activities – for example, are you going to need a crane and what it is going to carry - ARPANSA need to look at the concept of operations.
6. Have an upfront decommissioning outline plan.

ASA - s22: Siting application plan – do we need to have the answer for where it is going long term?

ARPANSA - Jim: Yes

NPSRD - s22 : Safety case - how does this interact with the WHS Act, do you work with Comcare.

ARPANSA – Jim: We work with Comcare if there is an accident but don't work with Comcare to establish a license. But you will need to have a WHS plan as part of your application. ARPANSA do look for regulatory interfaces. But it is not part of our remit to assess it. Radiation protection should be integrated in the WHS plan. It should be a reference to the WHS Act.

ANSTO – s22 ANSTO has WHS fully integrated in a business management plan. Not sure how detailed it was for the siting licence.

ASA – s22 : ARPANSA will review the security aspects as well so the security will need to be involved in the licensing application. Most important things is plans and arrangement all of the plans you have to ensure the ongoing safety of nuclear be it plant, ship, waste etc.

ASA - Tim. Expect that the ASA will have a fully integrated business management plan. Need to include regulatory engagement/interfaces.

NPSRD - s22 : There will be approximately 13 regulators in total.

ARPANSA – Jim: The Commonwealth has a regulator performance guide which among other things is a check that regulators are not overlapping etc.

ARPANSA – Jim: certain activities (e.g. monitoring) could be done under an existing Defence licence, or, as part of a new ASA licence.

NPSRD - s22 . What if regulations change? Is the license from a given point in time and do the changes regulations need to be addressed retrospectively? What about after the licence application is submitted but before it is granted.

ARPANSA – Jim: In the past, regulations were changed so that a safety analysis report or each stage of the facility licencing regime. Licences were not retrospectively changed, however, conditions were applied to deal with these changing requirements over time.



ARPANSA - s22 We can't back date regulations. But ARPANSA would let you know if there are likely to be any changes within the near future.

ASA - s22: at the moment we are on a pathway for a defence regulator but what if we have to use ARPANSA. Will there be a pathway to transition from ARPANSA to ANPSSR, once established? We see applying for a license with ARPANSA.

NPSRD - s22 : there will need to be a transition piece in the bill that goes to parliament

ARPANSA - Jim: If you switch regulators midstream. Do the transition after a license has been granted by ARPANSA (site) and then prepare the next license application for construction or operation to ANPSSR. If ANPSSR is stood up half way through the license application transition arrangements would need to be established.

ASA - s22: What types of conditions are typically applied to a siting licence?

ARPANSA - s22 more along the lines of constraints around the use of the site given the activities that are identified.

ASA - s22: What if there are deficiencies?

ARPANSA - Jim: ARPANSA has not historically denied licences, but rather would work with applicants to bring applications up to standard, or work with the applicant to enhance and resubmit.

ASA - s22: how do we determine how much site characterisation do we need to provide on the site? It is contained in the safety plan?

ARPANSA - Jim: - You need to assess all hazards, including those external to your control such as climate, geology, etc.

ASA - s22 : It is up to the regulator to be reasonable i.e. you may not have the all of the data but you have a demonstrated commitment to collect this information over the seasons.

ASA - s22 : Would the EBC referral be completely done for the siting licence?

ARPANSA -Jim: if you look at the siting guide, changes in demography, agriculture – these are very slow moving you just need this at hand and provide it to ARPANSA in your application. It is not a perfect analysis of future projections jus that you have done your due diligence. The site characterisation for SRF West should be quite simple. The process for site licensing for Osborne will be similar. The siting license forces you to look at your data to inform the application for construction. .

Wrap-up and reflections

ASA - s22 Next steps: Facilitated discussion with ARPANSA and ASA re what is required and explore the licensing timelines and include this in schedule understanding these timelines will help Tim drive the stakeholders in the ASA - s22 – the earlier he can start, the better the outcome.

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ASA - s22: next week series of workshops with s22 partners in WA which will assist with defining the initial licence activities. It will help scrub and characterise some of the data we have.

s22 : Ongoing involvement of all parties responsible for SRF-West, Osborne and other facility locations will be important. We need to learn off each other. The Osborne team have done quite a bit of work in the safety case space. We need to pull together a SRF West/Osborne working group to progress. Don't forget about the safety case!!!

ANSTO - s22 A reminder that ANSTO have 35 applications requiring regulatory engagement before the end of 2024. Understanding the resourcing requirements for regulatory activity will be key.

Workshop Closed at 3pm

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