



Key points from the presentation by Head Regulatory and Policy Branch at the ARPANSA Public Forum on ANSTO's application for a facility licence to decommission the National Medical Cyclotron held on 30 Nov 2010 at The Darlington Centre

OVERVIEW OF THE LICENSING PROCESS UNDER THE AUSTRALIAN RADIATION PROTECTION AND NUCLEAR SAFETY ACT 1998 AND AUSTRALIAN RADIATION PROTECTION AND NUCLEAR SAFETY REGULATIONS 1999

Commonwealth entities, such as Departments and Agencies, or Corporations that are more than 51% controlled by the Commonwealth and principal contractors to each of these, that wish to undertake activities involving controlled facilities must comply with the requirements of the *Australian Radiation Protection and Nuclear Safety Act (1998)* (the Act) and the Australian Radiation Protection and Nuclear Safety Regulations 1999 (the Regulations).

The object of the Act is to protect the health and safety of people and the environment from the harmful effects of radiation.

Under the Act, Commonwealth entities wishing to prepare a site for a facility, construct, possess and control, operate, or decommission, dispose of or abandon a facility must hold an appropriate licence.

A facility licence is a licence issued by the Chief Executive Officer (CEO) of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

In the case of this application, the Applicant, the Australian Nuclear Science and Technology Organisation (ANSTO), seeks a facility licence under section 32 of the Act to decommission the controlled facility known as the Camperdown Facility.

As required by Regulation 40, the CEO published a notice in *The Australian* newspaper and the *Australian Government Gazette* on 10 November 2010, notifying of the receipt of a facility application from ANSTO, his intention to make a decision on the application and an invitation to make submissions on the Application.

This public forum is being held as one of the processes undertaken to receive submissions on the application. The application and other details about how to make a submission is on the ARPANSA website: www.arpansa.gov.au.

The Application

Regulation 39(2) allows the CEO to request information from the applicant relating to the conduct for which the licence is sought. The following information (as listed in Part 1 of Schedule 3 to the Regulations) may be requested by the CEO in relation to an application for a licence to operate a controlled facility:

General Information

- Item 1 The applicant's full name, position and business address*
- Item 2 A description of the purpose of the facility that is to be authorised by the facility licence*
- Item 3 A detailed description of the controlled facility and the site for that facility*

- Item 4 Plans and arrangements describing how the applicant proposes to manage the controlled facility to ensure the health and safety of people and the protection of the environment including the following information:*
- (a) the applicant's arrangements for maintaining effective control;*
 - (b) the safety management plan for the controlled facility;*
 - (c) the radiation protection plan for the controlled facility;*
 - (d) the radioactive waste management plan for the controlled facility;*
 - (e) the security plan for the controlled facility;*
 - (f) the emergency plan for the controlled facility.*

Authorisation to decommission a controlled facility

Item 20 The decommissioning plan for the controlled facility.

Item 21 The schedule for decommissioning the controlled facility.

Review of the Application

ARPANSA will review this Application having regard to the content of the Application, questions and answers provided to clarify aspects of the Application, public submissions, Applicant's response to matters raised in the public submission and other relevant material received during the review

Licensing decision

Sub-section 32(3) of the Act provides:

In deciding whether to issue a licence under subsection (1), the CEO must take into account the matters (if any) specified in the regulations, and must also take into account international best practice in relation to radiation protection and nuclear safety.

In addition to international best practice in radiation protection and nuclear safety, the CEO must also take into account the following matters from Regulation 41(3):

- (a) whether the applicant includes the information asked for by the CEO; and*
- (b) 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; and*
- (c) whether the applicant has shown that there is a net benefit from carrying out the conduct relating to the controlled facility; and*
- (d) whether the applicant has shown that the magnitude of individual doses, the number of people exposed, and the likelihood that exposure will happen, are as low as reasonably achievable, having regard to economic and social factors; and*
- (e) whether the applicant has shown a capacity for complying with these regulations and the licence conditions that would be imposed under Section 35 of the Act; and*
- (f) whether the application has been signed by an office holder of the applicant, or a person authorised by an office holder of the applicant; and*
- (g) if the application is for a facility licence for a nuclear installation – the content of any submissions made by members of the public about the application.*

Publication of the decision

The CEO will publish the following on the ARPANSA website:

- the CEO's decision, including a detailed statement of reasons, and
- the licence issued (if the decision is positive).