EXPOSURE DRAFT – EXPLANATORY STATEMENT

Issued by authority of the Minister for Defence

Australian Naval Nuclear Power Safety Act 2024

Australian Naval Nuclear Power Safety Regulations 2025

This instrument, the *Australian Naval Nuclear Power Safety Regulations 2025* (the Regulations), is made under section 143 of the *Australian Naval Nuclear Power Safety Act 2024* (the Act). The Act regulates activities relating to conventionally armed, nuclear-powered submarines to ensure nuclear safety of those activities, and for related purposes.

## *Purpose*

On 14 March 2023, the leaders from Australia, the United Kingdom and the United States announced the Optimal Pathway for Australia to acquire a conventionally-armed, nuclear-powered submarine capability.

The Pathway is designed to support Australia’s development of the infrastructure, technical capabilities, industry and human capital necessary to produce, maintain, operate, and safely steward a sovereign fleet of conventionally-armed, nuclear-powered submarines.

The Act creates a framework to regulate the nuclear safety aspects of activities relating to AUKUS submarines. This includes, but is not limited to facilities that will support AUKUS submarines.

The Act:

* establishes nuclear safety duties that will apply to those who conduct regulated activities;
* creates a licencing regime for persons to conduct naval nuclear power activities (regulated activities);
* establishes a new regulator, the Australian Naval Nuclear Power Safety Regulator, which will include inspectors with monitoring, investigation, compliance enforcement powers; and
* imposes criminal penalties and introduces offences and civil penalty provisions for contraventions of nuclear safety duties.

The Regulations under the Act are for the purposes of, among other things, providing the detailed regulatory requirements applying to conventionally-armed, nuclear-powered submarines, including, but not limited to matters related to designated zones, licence applications, licence conditions, activity levels, powers to suspend or vary a licence or review a licence decision and governance of the Australian Naval Nuclear Power Safety Regulator.

## *Details of the instrument*

Details of the instrument are set out in Attachment A.

## *Consultation*

The Office of Impact Analysis was consulted in relation to this instrument and confirmed that a regulatory impact analysis was not required for this instrument (OIA23-06150).

Consultation has been undertaken including with relevant international partners, State agencies and regulators as well as with other Commonwealth government agencies including the Department of Prime Minister and Cabinet, Attorney-General’s Department, Department of Industry, Australian Submarine Agency and Department of Finance.

The Act does not specify any conditions that need to be satisfied before the power to make Regulations may be exercised. The Act does, however, have specific requirements prior to the Governor-General determining an area is a designated zone for the purposes of paragraph 10(2)(c) of the Act. Under that provision, the Minister must cause to be published on the Department’s website a notice, which specifies the boundary of the area, proposed to be prescribed as a designated zone and invite persons to make submissions on the boundary of the area proposed, within the specified period. The Minister must also consider any submissions received within the notice period, which is specified within the notice.

In line with consultation required under the Act (s143(2) of the Act) a Notice was published on (XX date on Defence’s website) seeking public submissions and feedback in relation to the Regulations and this included the detailed boundaries of the areas of HMAS Stirling at Garden Island in Western Australia and Osborne Naval Shipyard in South Australia as designated zones, which was considered prior to finalising the Regulations.

This accords with the consultation requirements in section 17 of the *Legislation Act 2003* (Legislation Act).

## *Parliamentary scrutiny*

The instrument is subject to disallowance under section 42 of the Legislation Act.

A Statement of Compatibility with Human Rights has been prepared in accordance with subsection 9(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011*. The Statement provides that the instrument is compatible with human rights because it promotes the protection of human rights, and to the extent that it may limit human rights, those limitations are necessary, reasonable and proportionate as set out in the Statement. The Statement is included at Attachment B.

The instrument is made by the Governor-General in accordance with the requirements of section 143 of the Act.

The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003* (the Legislation Act).

The Regulations commenced on the day after registration on the Federal Register of Legislation.

The Regulations are subject to disallowance, and will sunset on <date: 10 years after made>.

Details of the instrument are set out in Attachment A.

A Statement of Compatibility with Human Rights is set out in Attachment B.

The Office of Impact Analysis (OIA) has been consulted (OIA23-06150) and the measure is estimated to have nil impact costs (impact on compliance costs).

**Attachment A**

## Details of the *Australian Naval Nuclear Power Safety Regulations 2025*

### Part 1—Introduction

Part 1 sets out preliminary matters, including the name, commencement, authority, the Dictionary and core provisions.

#### Division 1—Preliminary

###### **Section 1 Name**

This section provides the name of the instrument, which is the *Australian Naval Nuclear Power Safety Regulations 2025* (the Regulations)*.*

###### **Section 2 Commencement**

This section provides for commencement of the Regulations.

The Regulations commence on either the day the Regulations are registered, or the day on which the *Australian Naval Nuclear Power Safety Act 2024* (the Act) commences, whichever is the later.

###### **Section 3 Authority**

Section 3 provides that the Regulations are made under the Act.

###### **Section 4 Definitions**

Section 4 defines the terms used in the Regulations.

The note states that a number of expressions used in the Regulations are defined in the Act and have the same meaning as in the Act. The expressions include ‘nuclear safety’ and ‘nuclear safety incident’.

***absorbed dose*** has the meaning given by subsection 7(3) of the Regulations. This definition is identical to the meaning provided in the *Australian Radiation Protection and Nuclear Safety Regulations 2018* to ensure consistency across the Australian nuclear environment.

***Act*** means the *Australian Naval Nuclear Power Safety Act 2024*.

***ANNPS Licence Applications Code*** means the *ANNPS Licence Applications Code 2025,* as published on <date> 2025. The note under the definition of ANNPS Licence Applications Code provides that in 2025, the Code could be viewed on the Regulator’s website. The ANNPS Licence Applications Code is available for free download on the Regulator website.

***ANNPS Licence Conditions Code*** means the *ANNPS Licence Conditions Code 2025,* as published on <xx> 2025. The note under the definition of ANNPS Licence Conditions Code provides that in 2025, the Code could be viewed on the Regulator’s website. The ANNPS Licence Conditions Code is available for free download on the Regulator website.

The *ANNPS Licence Applications Code 2025 and the**ANNPS Licence Conditions Code 2025* are documents that have been incorporated by reference into the Regulations at the point in which the Regulations have come into force.

***AS/NZS IEC 60825.1:2014*** means the Australian/New Zealand Standard AS/NZS IEC 60825.1:2014 *Safety of laser products, Part 1: Equipment classification and requirements*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand, as existing on 4 April2025.

***AS/NZS IEC 62471:2011*** means the Australian/New Zealand Standard AS/NZS IEC 62471:2011 *Photobiological safety of lamps and lamp systems*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand, as existing on 4 April 2025.

***Australian National Radiation Dose Register*** means the register established by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) to store and maintain radiation dose records of occupationally exposed persons.

***clearance material*** means an inventory or waste package of Naval Nuclear Propulsion (NNP material) for which the derived activity value is equal to or less than 10 if the inventory or waste package of the NNP material is in solid form; or equal to or less than 1 if inventory or waste package of NNP material is in liquid form or gas or vapour form.

***derived activity value*** for an inventory or waste package of NNP material has the meaning given by subsection 5(1) of the Regulations.

***dose*** means a measure of energy deposited by radiation in a target and includes an absorbed dose, equivalent dose and effective dose.

***effective dose*** has the meaning given by subsection 7(1) of the Regulations. This definition is identical to the meaning provided in the *Australian Radiation Protection and Nuclear Safety Regulations 2018* to ensure consistency across the Australian nuclear environment.

***emergency worker*** has a meaning affected by subsection 72(7) of the Regulations.

***equivalent dose*** has the meaning given by subsection 7(2) of the Regulations. This definition is identical to the meaning provided in the *Australian Radiation Protection and Nuclear Safety Regulations 2018* to ensure consistency across the Australian nuclear environment.

***exposed***, in relation to a person, means the person being exposed to radiation.

***occupationally exposed person*** has the meaning given by subsection 75(1) of the Regulations.

***possession or control period***, in relation to an NNP facility, means the period during which the relevant licence holder is authorised to possess or control the facility (or both) and is not authorised to conduct any other facility activity in relation to the facility.

***previous licensing stage*** has the meaning given by paragraph 23(3)(e) of the Regulations, which is the most recent previous facility activity conducted under a licence.

***reference incident*** means a hypothetical scenario for a severe accident that results in the release of radionuclides into the environment. The note states that in the event that a reference incident occurred, it would constitute a nuclear safety incident, referencing subsection 21(2) of the Act.

***sealed NNP material*** means NNP material permanently contained in a capsule, or closely bound in a solid form, that is strong enough to be leak-tight for the intended use of the NNP material and any reasonably foreseeable abnormal events likely to affect the NNP material.

***serious civil penalty provision*** has the meaning given by subsection 64(7) of the Regulations.

***serious offence*** has the meaning given by subsection 64(6) of the Regulations.

***transitional licence*** means a licence that has effect as if it were an Australian naval nuclear power safety licence issued under the Act due to the *Australian Naval Nuclear Power Safety (Transitional Provisions) Act 2024*.

***unsealed NNP material*** means NNP material that is not sealed NNP material.

***waste package*** means the waste form of NNP material and its container as prepared for handling, transport, storage or disposal.

###### **Section 5 Meaning of derived activity value and activity**

Section 5 provides a definition for derived activity value and activity for an inventory or a waste package of NNP material.

Subsection 5(1) provides the derived activity value for an inventory or waste package is worked out by applying the following steps:

1. first, divide the activity of each nuclide in the NNP material by the activity value specified in Clause 1 of Schedule 2 for the nuclide;
2. secondly, if there is more than one type of nuclide in the NNP material, total the result of paragraph (a) for each nuclide.

The note under subsection 5(1) for the definition of derived activity value states that section 6 of the Regulations affects how the activity of a parent nuclide mentioned in the table in clause 2 of Schedule 2 (or marked a in table in Clause 1 of Schedule 2) is worked out, by providing for inclusion of the activity of certain progeny nuclides that are included in secular equilibrium with the parent nuclide.

Subsection 5(2) provides the definition of activity of a nuclide as the rate at which nuclear transformations of the nuclide occur, which is worked out by applying the definition of activity in the International Atomic Energy Agency (IAEA) *Nuclear Safety and Security Glossary, Terminology Used in Nuclear Safety, Nuclear Security, Radiation Protection and Emergency Preparedness and Response, 2022* (Interim) Edition, published by the IAEA, as existing on 5 June 2025.

The note under subsection 5(2) directs the reader to the IAEA Glossary, which in 2025, could be reviewed on the IAEA website at <https://www.iaea.org>.

###### **Section 6 Parent nuclides and progeny nuclides included in secular equilibrium**

Section 6 provides the activity levels of certain parent nuclides and progeny nuclides mentioned in Part 2 of Schedule 2 to the Regulations.

Subsection 6(1) provides that for the purposes of the Regulations, in determining the activity of a parent nuclide mentioned in an item in the table at clause 2 of Schedule 2 to the Regulations, the activity of any progeny nuclide mentioned in that item that is included in secular equilibrium with the parent nuclide is included.

The note under section 6(1) states that nuclides are also marked a  in Clause 1 of Schedule 2 to the Regulations.

Subsection 6(2) provides that except for the purposes of determining the activity values of a parent nuclide provided in subsection 6(1) of the Regulations, the activity of a progeny nuclide mentioned in an item of the table at clause 2 of Schedule 2 to the Regulations is taken to be nil when included in secular equilibrium with a parent nuclide mentioned in that item.

###### **Section 7 Meaning of *effective dose*, *equivalent dose* and *absorbed dose***

Section 7 provides the meaning of ***effective dose***, ***equivalent dose*** and ***absorbed dose***.

Subsection 7(1) provides a formula for how to calculate the ***effective dose***. The effective dose is a measurement of a dose that takes into account both the type of radiation involved and the radiological sensitivities of the organs and tissues irradiated.

Subsection 7(2) provides a formula for how to calculate the ***equivalent dose***. The equivalent dose formula is a measure of the dose in organs and tissues that takes into account the type of radiation involved.

Subsection 7(3) provides that the ***absorbed dose*** is the energy absorbed per unit mass by matter from ionising radiation that impinges upon it.

The effective dose formula under subsection 7(1), the equivalent dose formula under subsection 7(2) and the absorbed dose formula under subsection 7(3) are calculated in the same method as they would be calculated under the *Australian Radiation Protection and Nuclear Safety Regulations 2018.*

#### Division 2—Core provisions

**Designated zones**

If a person conducts a regulated activity (as defined in sections 9 and 11-15 of the Act) without a licence authorising the regulated activity, then the person may be committing a criminal or civil offence (section 19 of the Act). Licence holders and persons authorised by an Australian naval nuclear power safety licence can only conduct regulated activities in a designated zone (or in relation to an Australian submarine) (see subsections 10(1) and 31(3)(c) of the Act).

Designated zones are physical areas of jurisdiction in Australia and are one of only two places regulated activities can occur (the other being Australian submarines) (see subsection 10(2) of the Act). Designated zones support the nuclear safety of the nuclear-powered submarine (NPS) enterprise by limiting exactly where regulated activities can occur and establishing the regulatory boundaries of the activities.

The Act specifies two designated zones: the Stirling designated zone being HMAS *Stirling* at Garden Island in Western Australia and the Osborne designated zone at Osborne Naval Shipyard in South Australia. Under subsections 10(3) and (4) of the Act, the area of those zones, which are designated zones, must be described by Regulations.

Paragraph 10(2)(c) of the Act provides the authority for other designated zones to be prescribed by the Regulations.

###### **Section 8 Stirling designated zone**

Subsection 10(3) of the Act provides that the area known as HMAS *Stirling* at Garden Island in Western Australia is a designated zone. The area of the zone must be described by the Regulations, in accordance with subsection 10(3) of the Act.

Section 8 of the Regulations describes the Stirling designated zone as the map of the area within the boundary of the yellow polygon marked on the aerial photographic map at Garden Island in Western Australia in clause 1 of Schedule 1 to the Regulations.

The Stirling designated zone was determined in consultation with stakeholders across the Australian Submarine Agency (ASA) and Defence, including the Royal Australian Navy (Navy), the Defence Security and Estate Group, and the Australian Geospatial-Intelligence Organisation (AGO). The description of the designated zone provided in the Regulations enables the Australian Naval Nuclear Power Safety Regulator (ANNPSR) to license applicants to conduct regulated activities under the Act, including the construction of a facility, to take place across Garden Island in Western Australia as operationally suitable.

###### **Section 9 Osborne designated zone**

Subsection 10(4) of the Act provides that the area known as Osborne Naval Shipyard in South Australia will be a designated zone. The area of the zone must be described by the Regulations, in accordance with subsection 10(4) of the Act.

Section 9 describes the Osborne designated zone as the area indicated by the shaded area on the aerial photographic map of the area known as the Osborne Naval Shipyard in South Australia in clause 2 of Schedule 1 to the Regulations.

The Osborne designated zone was determined in consultation with Australian Naval Infrastructure (ANI), the ASA, Navy and the AGO. The description of the designated zone provided in the Regulations for the Osborne designated zone enables the ANNPSR to license applicants to conduct regulated activities under the Act, as well as allow the required freedom of movement within the designated zone to ensure that licensed regulated activities are conducted as operationally suitable.

###### **Section 10 Activity level for radioactive waste management facility to be an NNP facility**

Section 10 prescribes that for the purposes of subparagraph 12(d)(ii) of the Act, the activity level for a radioactive waste management facility that contains, or is designed to contain, NNP material that is radioactive waste from an AUKUS submarine is the activity level prescribed by this provision.

Subsection 10(a) provides that if the inventory or waste package of the NNP material that the facility contains or is designed to contain is in solid form, the derived activity value for the inventory or waste package of material is 10.

Subsection 10(b) provides that if the inventory or waste package of the NNP material that the facility contains or is designed to contain is in liquid form or in gas or vapour form, the derived activity value for the inventory or waste package of NNP material is 1.

The note under section 10 provides that the radioactive waste management facility must be a facility for managing, storing or disposing of radioactive waste from an AUKUS submarine. The note directs the reader to subparagraph 12(d)(i) of the Act which prescribes what a radioactive waste management facility is.

The note clarifies that if the activity of the facility is greater than the activity level prescribed for the facility, the facility is determined as an NNP facility and directs the reader to paragraph 12(d) of the Act. This means that where the derived activity value for an inventory or waste package of material in a solid form is 10, or for an inventory or waste package of material that is in liquid form, or in gas or vapour form, is 1, that the facility will be an NNP facility and be required to be appropriately licenced.

###### **Section 11 Non-ionising radiation-producing equipment or plant that is NNP equipment or plant**

Section 11 provides for when specific non-ionising radiation producing equipment or plant is NNP equipment or plant for the purposes of subparagraph 15(2)(c)(ii) of the Act.

The following equipment or plant that is from, or for use on, an AUKUS submarine and that produces harmful non-ionising radiation when it is energised, is prescribed as NNP equipment or plant:

* equipment that interacts with, or is for the direct use on a naval nuclear propulsion plant (NNP plant) as prescribed by paragraph 15(2)(a) or (b) of the Act and that:
  + is designated as tooling in support system specification for an AUKUS submarine; or
  + is industrial equipment, which includes measurement equipment for the purposes of combat capability, maintenance or other support activities;
* any part of a NNP plant, of a kind covered by paragraph 15(2)(a) or (b) of the Act, that is detached from the plant. For the purposes of this subsection, NNP equipment or plant that is of a kind covered by paragraph 15(2)(a) or (b) of the Act, includes any part of a naval nuclear propulsion plant that is detached from the plant and that either:
  + produces ionising radiation when energised or that would be capable of producing ionising radiation when energised if it is assembled or repaired; or
  + produces ionising radiation because it contains radioactive material.

For the purposes of paragraph 11(a)(i) of the Regulations, equipment that is designated as tooling in the support system specification for an AUKUS submarine includes:

* tooling equipment within the common meaning, that:
* relates to an item that is essential for the shaping, forming, cutting and assembling of raw materials into specified components and final products; and
* is part of the support system of an AUKUS submarine: the organisation of hardware, software, materiel, facilities, personnel, processes and data required to enable the mission system to be effectively operated and supported so that the mission system can meet its operational requirements;
* industrial equipment for:
* combat capability: capability prepared for military operations, which is used to achieve mutually incompatible aims through the organised use of violence by armed forces. In the case of the AUKUS Nuclear-Powered Submarine enterprise, these are nuclear-powered submarines;
* maintenance: all actions necessary for retaining an item in, or restoring it to, a serviceable condition. In this case, industrial equipment supports the maintenance of a nuclear-powered submarine;
* support activities: activities fundamental to capability, encompassing the total support base integral to delivering Defence outputs.

In the event that equipment has not been correctly classified as tooling in a support system specification for an AUKUS submarine and the correct classification would have determined that the equipment was tooling in a support system, then the licence holder could be in breach of their duties to ensure nuclear safety.

### Part 2— Making an application for licence authorising facility activity or material activity

#### Division 1—Preliminary

###### **Section 12 Simplified outline of this Part**

Section 12 provides a simplified outline of Part 2 of the Regulations.

###### **Section 13 Application**

Section 13 is an application provision that clarifies Part 2 of the Regulations does not apply to an application for a licence to authorise a submarine activity.

The note under section 13 refers to section 13 of the Act for the meaning of submarine activities.

#### Division 2—Information and documents to be provided with application

##### *Subdivision A —Purpose of this Division*

###### **Section 14 Information and documents to be provided with application relating to facility activity or material activity**

Section 14 prescribes the information and documents that must be provided with an application relating to a facility or material activity.

To meet the purposes of paragraph 30(1)(j) or (k) of the Act, the information that must be provided as part of an application for a licence to authorise a facility activity or material activity and the documents to accompany the application are information and documents that:

* are captured by Division 2: that specifies the information and documents which are required for an application for a licence to authorise that kind of facility activity or material activity and
* are in relation to information and documents prescribed by subdivision C or D.

Subdivision C provides for additional information and documents relating to an application for licencing of a facility activity.

Subdivision D provides for additional information and documents relating to an application for licencing a material activity.

The note under section 14 provides that for the Regulator to issue the licence, the Regulator must take into account and consider whether the information and documents which the applicant provided under subdivision C or D of Division 2 of Part 2 of the Regulations comply with the requirements specified by the Code, which relates to information and documents of that kind. The note refers the reader to section 41 of the Regulations. This supports the Regulator to consider the relevant information to make an accurate assessment of the licence application in relation to a facility activity or material activity.

##### *Subdivision B— Application relating to any kind of facility activity or material activity*

###### **Section 15 General information relating to the regulated activity**

Section 15 sets out the general information that must be provided with an application for any kind of facility activity or material activity. The information and documents which must be provided with an application for a licence in respect to a facility activity or material activity, are:

1. information and documents that describe and document the expertise, training and information that the persons, or class of persons, who would be authorised under the prospective licence to conduct the regulated activity would have, to ensure the nuclear safety of the activity;
2. information and documents that describe and document all of the technical authorities or standards that, as far as it is reasonably practicable, address the measures to ensure nuclear safety would apply to the conduct of the proposed regulated activity;
3. a list of the NNP facilities, or proposed NNP facilities, that would be involved in the conduct of the proposed regulated activity;
4. for facility activities; specific details of the types, categories, forms and quantities of any NNP material or NNP equipment or plant that would or could be involved in the conduct of the facility activity;
5. in the circumstance that it is reasonably foreseeable that there are any other high risk activities or material that would or could be conducted or located in or near the designated zone in which the proposed regulated activity would be conducted and this creates additional risks to the nuclear safety of the proposed regulated activity, there must be a description provided of the additional measures proposed to mitigate those additional risks;
   * for example: should there be a high risk activity involving the operation of an overhead crane on the pier at HMAS *Stirling* while a nuclear-powered submarine is alongside and therefore in close proximity, this should be detailed along with the additional measures that would be proposed to mitigate the additional risks of such crane activity while the submarine is alongside.
6. an analysis of the radiological consequences to the surrounding environment from a reference incident at the site of the regulated activity;
7. a description of proposed arrangements to insure the conduct of the proposed regulated activity;
8. if a permit for the proposed regulated activity would be required under the *Nuclear Non-Proliferation (Safeguards) Act 1987*, a copy of the permit or the information which demonstrates that a permit application has been made, if the permit has not yet been granted, or if an application for this permit has not been made, information about whether the permit application is likely;
9. if a permit, approval, referral or environmental impact statement would be required under a law of the Commonwealth or a State or Territory for environmental protection in relation to the conduct of the proposed activity; the permit or application for the permit, the approval or application for the approval, the referral or decision on the referral, or the environmental impact assessment.

The first note under section 15 prescribes that the Regulator must be satisfied of certain matters dealt with in section 40 of the Regulations to issue a licence. For example, the Regulator must be satisfied that the conduct of the activity would be adequately and appropriately insured.

The second note under section 15 clarifies that paragraph (g) of section 15 only requires a description of the arrangements and does not require that the full details of particular commercial arrangements be provided.

###### **Section 16 General conduct of the activity**

Section 16 provides the application requirement for an application for a licence to be approved that authorises a facility or material activity, the applicant must provide to the Regulator the information and documents that describe and document how the activity would be conducted in accordance with section 52 of the Regulations, which details the licence conditions for the general conduct of the regulated activity, with the focus on nuclear safety and mitigating risks.

The note under section 16 provides that if the licence is issued, the licence would be subject to a condition that the regulated activity is conducted in accordance with section 52 and refers the reader to section 52 of the Regulations.

**Section 17 Resources for the safe conduct of the activity**

Section 17 provides that an applicant for any material activity or facility activity must provide to the Regulator information and documents that describe the financial, human and technical resources that the applicant would have, and would be able to control and maintain, to conduct the activity safely throughout the proposed period of the licence.

The note under section 17 provides that if the licence is issued, the licence would be subject to a condition that the licence holder have control and maintain adequate resources for the safe conduct of the activity and refers the reader to section 53 of the Regulations.

###### **Section 18 Office holder with overarching control of activity**

Section 18 provides that for an application for a licence that authorises a facility or material activity to be approved, the proposed licence holder must provide to the Regulator the details of the office holder that would have the overarching organisational, financial and operational control of the conduct of the regulated activity authorised by the licence.

The note under section 18 provides that if the licence is issued, the licence would be subject to a condition that the licence holder to notify the Regulator if the person who is this office holder changes, and refers the reader to section 67 of the Regulations. Section 67 of the Regulations provides for the notification conditions for a change of the office holder.

###### **Section 19 Radiation monitoring boundaries and exclusion zones**

Section 19 provides for an application for a licence to be approved that authorises a facility or material activity, that information and documents must be provided in the licence application that describe and document the boundaries that are proposed to be set for the radiation monitoring of the regulated activity and also describe and document the exclusion zone that is proposed to be set around the boundary of the area in which the regulated activity would be conducted.

The licence holder’s duty to monitor boundaries involves the marking of a site boundary, implementing access controls and ensuring special precautions. These activities are supported by the planning of where personnel are exposed to ionising and non-ionising radiation across the conduct of the regulated activity.

The monitoring of boundaries allows the licence holder to conduct radiation monitoring of the NNP facility and the relevant boundaries, in addition to supporting the safety of naval nuclear propulsion equipment (NNP equipment) and personnel across the site.

An exclusion zone is a jurisdictional zone, which supports the licence holder’s obligation for radiation monitoring and protection by providing the direct control of the area which is identified as part of the boundary.

The first note under section 19 provides that, to issue the licence, the Regulator must be satisfied that the boundaries set for radiation monitoring and proposed exclusion zone would ensure nuclear safety and the exclusion zone would be enforced. The note refers the reader to subsections 40(3) and (4) of the Regulations. Subsections 40(3) and (4) provide for the application requirement that the Regulator must be satisfied of the nuclear safety of the radiation monitoring boundaries and the exclusion zone and for the enforcement of the exclusion zone.

The second note under section 19 of the Regulations provides that if the licence is issued, the licence would be subject to conditions that radiation monitoring is undertaken within the boundaries, in accordance with the radiation protection plan and the exclusion zone is enforced. The note refers the reader to subsections 59(2) and (4) of the Regulations which provides for the conditions of the radiation monitoring boundary and exclusion zones that are applicable to the licence holder under a licence to conduct the regulated activity.

###### **Section 20 Nuclear safety management system, arrangements and plans for the conduct of the activity**

Subsection 20(1) provides that this section applies to an application for a licence to authorise any kind of facility activity or material activity.

Subsection 20(2) provides that the following information and documents that must be provided in an application:

* information and documents that describe and document the proposed nuclear safety management system for the activity
* information and documents that describe and document the following for the activity:
  + - the proposed arrangements for organisational and human control of the activity;
    - the proposed regulatory compliance plan;
    - the proposed supply chain management plan;
    - the proposed nuclear safety plan;
    - the proposed radiation protection plan;
    - the proposed radioactive waste management plan;
    - the proposed security plan;
    - the proposed emergency management and response plan;
    - the proposed environmental protection plan;
    - the proposed insolvency plan;
* if the licence is issued, a description of how that system, those arrangements and each of those plans would be implemented, maintained, audited and reviewed by the licence holder.

The proposed Licence Application Code 2025 provides additional information on the information and documents that would have to be provided in an application.

The note under subsection 20(2) provides that if the licence is issued, the licence would be subject to conditions that the licence holder conduct the activity in accordance with the system, arrangements and plans and that the system, arrangements and plans are implemented, maintained, audited and reviewed. The note directs the reader to sections 61 and 68 of the Regulations. Sections 61 of the Regulations provides for the nuclear safety management system, arrangements and plans required for the regulated activity. Section 68 of the Regulations provides for the audit and review requirements for the nuclear safety management systems, arrangements, plans and records management system required under section 61 of the Regulations.

Subsection 20(3) provides that information must be provided that describes how international best practice in relation to nuclear safety that is relevant to naval nuclear propulsion, has been considered in the development of the system, arrangements and plans.

###### **Section 21 Records management system**

Section 21 provides for an application to authorise any kind of facility activity or material activity, the application must include the following information and documents relating to an information management system:

* information and documents that describe and document the proposed records management system; and
* a description of how the records management system would be implemented, maintained, audited and reviewed if the licence is issued.

A records management system is a system that is established for the control and maintenance of both digital and hard copy documentation. The records management system includes the functionality of the creation, identification, storage, retrieval, auditing archiving and traceability of records.

The note under section 21 provides that if the licence is issued, the licence is subject to conditions that the licence holder keeps records relating to the conduct of the regulated activity in the records management system and the system must be implemented, maintained, audited and reviewed. The note directs the reader to sections 62 and 68 of the Regulations. Section 62 provides for the conditions for the records management system. Section 68 provides for the audit and review requirements for the nuclear safety management systems, arrangements, plans and records management system applicable to the licence holder.

###### **Section 22 Treatment of clearance material**

Section 22 provides that for an application for a licence to authorise any kind of facility activity, other than the activity of preparing a site for an NNP facility in a designated zone or any kind of material activity, the application must include information and documents that describe and document how clearance material from the conduct of the activity will be handled, transported, stored, disposed of or otherwise managed.

##### *Subdivision C—Application relating to a facility activity—additional information and documents*

###### **Section 23 Additional information and documents***—***any kind of facility activity**

Subsection 23(1) provides that section 23 applies to an application for a licence to authorise any kind of facility activity.

Subsection 23(2) provides that prior to the siting of the NNP facility, baseline radiological data for the site of the NNP facility, or proposed NNP facility must be provided to the Regulator.

Subsection 23(3) provides for the application requirements for a licence for any kind of facility activity:

* a description of the level of nuclear safety risk posed by the activity proposed to be authorised;
* information that demonstrates how the following has been considered in assessing that level of risk:
  + - the hazard level and complexity of the activity;
    - the characteristics of the facility, or proposed facility, and its site or proposed site;
    - potential risks to persons proposed to be authorised to conduct the activity, likely occupationally exposed persons, the public and the environment;
    - any other technical, human or organisational factor relevant to the activity that could pose a reasonably foreseeable risk to nuclear safety.
* information that demonstrates that the applicant has considered, in relation to the conduct of the activity, all regulated activities that could reasonably be foreseen to be conducted in relation to the facility, or proposed facility, over its lifetime;
* details of the consultation undertaken with stakeholders, Aboriginal and Torres Strait Islander peoples and the public in relation to the activity and the facility or proposed facility;
* the information and documents that describe and document how all conditions applying to the licence authorising the most recent, previous NNP facility activity in relation to the NNP facility (the previous licensing stage) have been complied with;
* the information or documents specified by the ANNPS Licence Applications Code in relation to applications for a licence to authorise that kind of facility activity.

The ANNPS Licence Applications Code provides further detail on what applicants are required to provide to the Regulator to be able to demonstrate that they will be able to ensure nuclear safety when conducting the regulated activity. The ANNPS Licence Applications Code sets out the level of detail required to be provided in the application. It ensures applicants are clear on what is expected in relation to the information and documents to be provided in the application and supports applicants to provide a fulsome application, prompting them to consider all aspects of nuclear safety. This level of detail is beyond what is typically prescribed in regulations but is nonetheless important for certainty of applicants, the Regulator, the public and to ensure nuclear safety.

The first note under subsection 23(3) provides that to issue the licence, the Regulator must be satisfied that the applicant has demonstrated that the matters in paragraph (c) have been appropriately considered and the meaningful consultation has been undertaken as described in paragraph (d). The Regulator must also take into account the matters in some of the other provisions in section 23. The note refers the reader to section 42 of the Regulations, which provides for the matters in which the Regulator must be satisfied of and must take into account when assessing an application for a licence for any kind of facility activity.

The second note under subsection 23(3) provides that if the licence is issued, it would be subject to a condition that a current description of the level of nuclear safety risk is maintained. The note refers the reader to section 77 of the Regulations.

The third note under subsection 23(3) provides that for the purposes of paragraph (d), the matters in which consultation may need to be undertaken include the development of a plan or safety case for the activity.

The fourth note under subsection 23(3) specifies that for the purposes of paragraph (e), for the Regulator to issue a licence, the conditions specified by the Regulator for the purposes of paragraph 32(1)(c) or subsection 34(2) of the Act are included and the extent of compliance with conditions must be taken into account. The note refers the reader to paragraph 42(3)(c) of the Regulations.

Subsection 23(4) provides for the circumstances in which paragraph 23(3)(e) does not apply to an application for a licence under the Regulations.

Under subsection 23(4), paragraph 23(3)(e) does not apply if:

1. the licence application is for a licence to authorise a facility activity of preparing a site for an NNP facility in a designated zone; or
2. the licence authorising the most recent previous facility activity in relation to the NNP facility is a transitional licence; or
3. the licence application is for a licence to authorise a facility activity of having possession or control of an NNP facility in a designated zone; and a licence which authorises the operation of the facility has been issued under the Act or the *Australian Radiation Protection and Nuclear Safety Act 1998.*

###### **Section 24 Additional information and documents***—***activity of preparing a site for an NNP facility in a designated zone**

Section 24 applies to an application for a licence to authorise a facility activity of preparing a site for an NNP facility (the ***proposed NNP facility***) in a designated zone.

*Safety case report (siting)*

Subsection 24(2) provides that the applicant is required to provide a safety case report for the siting of the proposed NNP facility that demonstrates the suitability of the site for the life of the facility and the regulated activities that are intended to be conducted at the NNP facility.

The safety case is the collection of scientific, technical, administrative and managerial claims, arguments and evidence in support of the safety of a facility or activity. Safety case reports often cover the suitability of the site and the design, construction and operation of the facility, the assessment of radiation risks and assurance of the adequacy and quality of all of the safety related work associated with the facility. Safety assessment, an integral part of the safety case, is driven by a systematic assessment of radiation hazards.

*Site evaluation*

Subsection 24(3) provides that the applicant is required to provide an evaluation of the suitability for the proposed NNP facility.

A site evaluation is an evaluation of the suitability of the site for constructing the proposed facility, conducting the proposed activity, for the activity as a whole and the future use of the site for the activity.

The note under subsection 24(3) states that the Regulator must be satisfied that the site evaluation demonstrates the suitability of the site for the proposed facility for a licence to be issued. The note refers the reader to section 43 of the Regulations, which provides for an application requirement that the Regulator must be satisfied of the suitability of the site evaluation for the proposed facility.

*Environmental protection requirements*

Subsection 24(4) provides that if the applicant believes there are no applicable requirements of the kind referred to in paragraph 15(i) of the Regulations (which covers environmental protection requirements under Commonwealth, State or Territory law) to the conduct of the regulated activity, the applicant is required to provide the details of the grounds for that belief to the Regulator.

*Conceptual design of the proposed facility*

Subsection 24(5) provides that the applicant is required to provide a conceptual design of the proposed NNP facility, and its proposed construction and operation to the Regulator. The conceptual design of the proposed facility is informed by any significant hazards identified in the site evaluation, and form considerations for the design.  The conceptual design must give consideration to how the NNP facility design will ensure and promote safe operation of the regulated activity.

*Plan for preparing the site*

Subsection 24(6) provides that the applicant is required to provide the information and documents that describe and document the proposed plan for preparing the site for the proposed NNP facility. The plan for preparing a site is the plan that details how the site will be prepared for a regulated activity to be conducted, in a NNP facility, within a designated zone.

The note under subsection 24(6) provides that the licence, if issued, would be subject to conditions that the licence holder conduct the activity in accordance with the plan and establish, implement, maintain, audit and review the plan. The note refers the reader to sections 68 and 79 of the Regulations.

*Preliminary decommissioning plan.*

Subsection 24(7) provides that the applicant is required to provide a preliminary decommissioning plan for the proposed NNP facility.

A preliminary decommissioning plan is the preliminary plan for the decommissioning of a NNP facility which must form the basis of preparing and maintaining the decommissioning plans for each licensing phase throughout the lifetime of the proposed NNP facility.

The note under subsection 24(7) states that to issue the licence, the Regulator must take this plan into account, directing readers to subsection 42(3) of the Regulations which covers the matters in which the Regulator must take into account in order to issue a licence for any kind of NNP facility activity.

###### **Section 25 Additional information and documents***—***activity of constructing an NNP facility in a designated zone**

Section 25 provides application requirements for an application for a licence to authorise a facility activity of constructing an NNP facility (the ***proposed NNP facility***) in a designated zone and prescribes what information and documents must be provided as part of the licence application for that activity.

*Safety case report (construction)*

Subsection 25(2) provides that the applicant is required to provide a safety case report for the construction of the proposed NNP facility that demonstrates the suitability of the construction for the life of the facility and the regulated activities intended to be conducted at the facility.

The safety case is the collection of scientific, technical, administrative and managerial claims, arguments and evidence in support of the safety of a facility or activity. Safety case reports often cover the suitability of the site and the design, construction and operation of the facility, the assessment of radiation risks and assurance of the adequacy and quality of all of the safety-prelated work associated with the facility. Safety assessment, an integral part of the safety case, is driven by a systematic assessment of radiation hazards.

*Site evaluation*

Subsection 25(3) provides for the application requirement that the following information and documents are required for a site evaluation:

* an evaluation of the suitability of the site for constructing the proposed NNP facility;
* information and documents that describe and document the site works that have been undertaken to enable the construction of the facility and documents that prove that those works are now complete.

*Environmental protection requirements*

Subsection 28(4) provides that if the applicant believes that there are no applicable requirements of the kind referred to in paragraph 15(i) of the Regulations (which covers the environmental protection requirements under Commonwealth, State or Territory law) to the conduct of the activity, the applicant is required to provide details of the grounds for that belief to the Regulator.

*Final design of the proposed facility*

Subsection 25(5) requires that the applicant provides to the Regulator a final design of the proposed NNP facility and its proposed operation which complies with subsection 25(6). The final design is a design maturity which is sufficient that should the facility be constructed and operated in accordance with the design, it would ensure nuclear safety.

Subsection 25(6) requires that the final design which the applicant must provide to the Regulator, must include the arrangements for maintaining nuclear safety of any naval nuclear propulsion plant in the facility, that is not from or for use on an UK/UK submarine. The final design must also include the arrangement for the plant’s interaction with the facility, including the control of reactivity, the removal of residual heat (cooling) and containment.

The final design is intended to ensure and promote safe operation of the regulated activity in the NNP facility, such that if that final design were constructed without any amendments nuclear safety would be maintained.

*Construction plan*

Subsection 25(7) requires that the applicant provide to the Regulator the information and documents that describe and document the proposed construction plan for the proposed NNP facility.

The note under subsection 25(7) provides that if the licence is issued, the licence would be subject to a condition that the licence holder conduct the activity in accordance with the plan and establish, implement, maintain, audit and review the plan. The note refers the reader to sections 68 and 80 of the Regulations.

*Preliminary decommissioning plan.*

Subsection 25(8) requires that the applicant must provide a preliminary decommissioning plan for the proposed NNP facility.

The note under subsection 25(8) states that the Regulator must take into account the preliminary decommissioning plan when assessing the licence application. The note refers the reader to subsection 42(3) of the Regulations, which covers the matters which the Regulator must take into account when assessing an application for a licence.

###### **Section 26 Additional information and documents***—***activity of having possession or control of an NNP facility in a designated zone**

Subsection 26(1) provides that the section applies to an application for a licence to authorise a facility activity of having possession or control of an NNP facility in a designated zone. The note proceeding subsection 26(1) clarifies that the information and documents which are prescribed by the Regulations as required for an application for a licence which would authorise possession or control of an NNP facility, are required for both the possession and control if the application is for a licence that authorises both the possession and control of the facility in a designated zone.

*Safety case report (possession or control)*

Subsection 26(2) requires that the applicant must provide to the Regulator a possession or control safety case report that demonstrates the suitability of the NNP facility and the regulated activities intended to be conducted at the facility during the possession or control.

The safety case often covers the suitability of the site and the design, construction and operation of the facility, the assessment of radiation risks throughout the lifecycle of an NNP facility. Safety cases reflects the collection of scientific, technical, administrative and managerial claims, arguments and evidence, with the safety case report supporting these safety claims, arguments and evidence during the possession or control of the NNP facility.

*Construction evaluation*

Subsection 26(3) provides the applicant is required to provide an evaluation of the construction of the facility.

The note under subsection 26(3) states that for the regulator to issue the licence, the Regulator must be satisfied that the construction evaluation demonstrates the suitability of the facility for possession or control. The note directs the reader to section 44 of the Regulations which covers a construction evaluation requirement.

Subsection 26(4) provides that subsection 26(3) does not apply if a licence authorising the operation of the facility has been issued under the Act or the *Australian Radiation Protection and Nuclear Safety Act 1998*.

*Plan for the possession or control period*

Subsection 26(5) requires that the applicant must provide to the Regulator the information and documents that describe and document the proposed possession or control period plan for the facility.

The note under subsection 26(5) states that if the licence is issued, the licence would be subject to conditions that the licence holder conduct the activity in accordance with the plan and that the plan is implemented, maintained, audited and reviewed. The note refers the reader to sections 68 and 81 of the Regulations.

*Preliminary plans*

Subsection 26(6) requires that the following preliminary plans are required:

* 1. if a licence authorising the operation of the facility has never been issued under the Act or the *Australian Radiation Protection and Nuclear Safety Act 1998* – a preliminary operational plan for the facility;
  2. a preliminary decommissioning plan for the facility;
  3. a preliminary disposal plan for the facility.

The note under subsection 26(6) states that the Regulator must take these preliminary plans into account when assessing whether to issue the licence. The note refers the reader to subsection 42(3) of the Regulations.

###### **Section 27 Additional information and documents***—***activity of operating an NNP facility in a designated zone**

Section 27 applies to an application for a licence to authorise a facility activity of operating an NNP facility in a designated zone. The section prescribes what information and documents must be provided as part of the licence application for that activity.

*Safety case report (operation)*

Subsection 27(2) requires that the applicant must provide a safety case report which demonstrates the suitability in operation of the proposed NNP facility.

*Evaluation of operational readiness*

Subsection 27(3) requires that the applicant must provide the following:

1. an evaluation of the readiness of the facility for its proposed operation;
2. information and documents that describe and document the testing undertaken to confirm readiness.

The note under subsection 27(3) states that the Regulator must be satisfied that the evaluation of operational readiness demonstrates the suitability of the facility for its proposed operation, to issue the licence. The note refers the reader to subsection 45(2) of the Regulations which covers a requirement for the assessment of the evaluation of the readiness of a facility.

*Commissioning plan*

Subsection 27(4) requires that the applicant must provide the information and documents that describe and document the proposed commissioning plan for the facility.

The note under subsection 27(4) clarifies that should the licence be issued, the licence would be subject to a condition that the licence holder conduct the activity in accordance with the plan and establish, implement, maintain, audit and review the plan. The note directs the reader to sections 68 and 82 of the Regulations.

*Operational plan*

Subsection 27(5) requires the applicant to provide to the Regulator the information and documents that describe and document the proposed operational plan for the facility.

The note under subsection 27(5) provides that should the licence be issued, the licence would be subject to a condition that the licence holder conduct the activity in accordance with the plan and establish, implement, maintain, audit and review the plan. The note refers the reader to sections 68 and 82 of the Regulations.

*Field exercise*

Under subsection 27(6), the applicant is required to provide the results of a field exercise conducted for the purpose of testing the proposed emergency management and response plan for the activity.

The note under subsection 27(6) states that to issue the licence, the Regulator must take the results of the field exercise into account. The note refers the reader to subsection 45(3) of the Regulations which covers what the Regulator must take into account a licence for operating an NNP facility within a designated zone.

*Preliminary plans*

Subsection 27(7) requires the applicant to provide the preliminary decommissioning plan for the facility and a preliminary disposal plan for the facility.

The note under subsection 27(7) states that the Regulator must take these preliminary plans into account when considering whether to issue the licence. The note refers the reader to subsection 42(3) of the Regulations which covers the matters the Regulator must consider for a licence application for a licence activity.

###### **Section 28 Additional information and documents***—***activity of decommissioning an NNP facility in a designated zone**

Section 28 applies to an application for a licence to authorise a facility activity of decommissioning an NNP facility in a designated zone and prescribes what information and documents must be provided as part of the licence application for that activity.

*Safety case report (decommissioning)*

Subsection 28(2) requires that the applicant provide a safety case report for the decommissioning of the facility.

*Strategy and plan for decommissioning the facility*

Subsection 28(3) requires that the applicant provide the information and documents that describe and document the proposed decommissioning plan for the facility, and the decommissioning strategy on which the proposed decommissioning plan is based.

The first note under subsection 28(3) provides that the Regulator must take into account the decommissioning strategy to issue the licence, referring the reader to section 46. Section 46 provides for the requirement that the Regulator must take into account the strategy for decommissioning the facility provided under subsection 28(3) to authorise a facility activity of decommissioning an NNP facility in a designated zone.

The second note under subsection 28(3) provides that if the licence is issued, the licence would be subject to a condition that the licence holder conduct the activity in accordance with the plan and establish, implement, maintain, audit and review the plan. The note directs the reader to sections 68 and 83 of the Regulations.

*Preliminary disposal plan*

Subsection 28(4) requires that the applicant must provide a preliminary disposal plan for the facility. The note under subsection 28(4) states that to issue the licence, the Regulator must take this plan into account. The note refers the reader to subsection 42(3) of the Regulations which covers the matters the Regulator must consider for a licence application for a licence activity.

###### **Section 29 Additional information and documents***—***activity of disposing of an NNP facility in a designated zone**

Section 29 applies to an application for a licence to authorise a facility activity of disposing of an NNP facility in a designated zone and prescribes what information and documents must be provided by the applicant as part of the licence application for that activity.

*Safety case report (disposal)*

Subsection 29(2) requires that the applicant must provide a safety case report for the disposal of the facility.

*Decommissioning evaluation*

Subsection 29(3) requires that the applicant must provide an evaluation of the decommissioning of the facility.

The note under subsection 29(3) states that to issue the licence, the Regulator must be satisfied that the decommissioning evaluation demonstrates the suitability of the facility for disposal. The note directs the reader to subsection 47(2) of the Regulations which covers that the Regulator must be satisfied with the evaluation for decommissioning of the facility.

*Disposal plan*

Subsection 29(4) requires that the applicant must provide the information and documents that describe and document the proposed disposal plan for the facility.

The note under subsection 29(4) provides that if the licence is issued, the licence would be subject to conditions that the licence holder conduct the activity in accordance with the plan and establish, implement, maintain, audit and review the plan. The note directs the reader to sections 68 and 84 of the Regulations.

*Independent assessment*

Subsection 29(5) requires that the applicant must provide an assessment by a suitably qualified and experienced independent person, of whether the proposed disposal plan for the activity would result in any ongoing radiation exposure at the site of the facility being sufficiently low so as not to pose an ongoing hazard to the public or the environment.

The note under subsection 29(5) states that to issue the licence, the Regulator must take the independent assessment into account. The note refers the reader to subsection 47(3) of the Regulations which covers what the Regulator must take into account for the disposal of an NNP facility within a designated zone.

##### *Subdivision D—Application relating to a material activity—additional information and documents*

###### **Section 30 Additional information and documents*—*forany kind of material activity- general**

Section 30 prescribes the information and documents required for an application for a licence to authorise any kind of material activity in a designated zone.

Subsection 30(1) provides that section 30 applies to an application for a licence to authorise any kind of material activity in a designated zone.

Subsection 30(2) provides that applications must include:

1. details of the types, categories, forms and quantities of any NNP material or NNP equipment or plant that would or could be involved in the conduct of the proposed regulated activity;
2. the information and documents that describe and document the proposed arrangements for storing, managing, and handling any such NNP material or NNP equipment or plant;
3. the information or documents required that are specified by the ANNPS Licence Application Code in relation to applications for a licence which authorise that kind of material activity which the regulated activity involves;
4. the results of a field exercise which was conducted for the purpose of testing the proposed emergency and response plan for the activity.

The note under subsection 30(2) provides that for the purposes of paragraph 30(2)(b), the nuclear management system, arrangements and plans which are required under section 61, also have requirements which relate to the storing, managing and handling of NNP material or NNP equipment or plant. The note clarifies that if a licence is issued, the licence would be subject to conditions that the licence holder store, manage and handle the NNP material or NNP equipment or plant in accordance with the system, arrangements or plans. The note further clarifies that the system, arrangements or plans must be implemented, maintained, audited and reviewed, referring the reader to sections 61 and 68 under which the conditions for reporting, auditing and reviewing of the systems, arrangements and plans are provided.

Subsection 30(3) provides that an application for a licence to authorise a material activity that would involve a kind of NNP material or NNP equipment or plant that is specified in column 1 of an item in the table—the information and documents are required which are specified in column 2 of the item.

The table in section 30 provides the following:

1. For sealed NNP material, information and documents that describe and document the following are required:

(a) the hazard level, nuclide, activity level, chemical form and physical form of the sealed NNP material;

(b) the encapsulation material for the sealed NNP material;

(c) the identification details of the sealed NNP material;

(d) the intended purpose of the sealed NNP material;

(e) where the sealed NNP material would be located.

2. For unsealed NNP material, information and documents that describe and document the following are required:

(a) the hazard level, nuclide, chemical form and physical form of the unsealed NNP material;

(b) the identification details of the unsealed NNP material;

(c) the intended purpose of the unsealed NNP material;

(d) where the unsealed NNP material would be located;

(e) the forecast maximum activity level of each nuclide at each of those locations.

3. For NNP equipment or plant that produces ionising radiation information and documents that describe and document the following are required:

(a) the hazard level, and the maximum output (in a relevant unit of measurement e.g. joules per kilogram), of the NNP equipment or plant;

(b) the identification details of the NNP equipment or plant;

(c) the intended purpose of the NNP equipment or plant;

(d) where the NNP equipment or plant would be located.

4. For NNP equipment or plant that produces harmful non‑ionising radiation, that is NNP equipment of plant of a kind referred to in paragraph 15(2)(c) of the Act, information and documents that describe and document the following are required:

(a) the hazard level of the NNP equipment or plant;

(b) the identification details of the NNP equipment or plant;

(c) the intended purpose of the NNP equipment or plant;

(d) the likely exposure to radiation from the NNP equipment or plant and all relevant output parameters for the exposure;

(e) where the NNP equipment or plant would be located.

The first note proceeding subsection 30(3) provides that for the Regulator to issue the licence, the Regulator must take into account the details mentioned in paragraphs (2)(a) and (b) and the description and documentation provided under the relevant item in the table in subsection (3). The note directs the reader to section 48 of the Regulations which covers the additional matters for any kind of material activity within a designated zone.

The second note proceeding subsection 30(3) specifies that if the licence is issued, the licence is subject to a condition the information and document descriptions are maintained. The note refers the reader to section 86 of the Regulations, which covers the additional conditions for maintaining a current inventory and the information and documents relating to a material activity.

###### **Section 31 Additional information and documentsfor any kind of material activity – transport management and movement plans**

Section 31 applies to an application for a licence to authorise any material activity in a designated zone.

*Transport management plan*

Subsection 31(2) requires that the applicant provide the information and documents that describes and document the proposed transport management plan for transporting NNP material or NNP equipment or plant into, or out of, a designated zone for the activity.

The note under subsection 31(2) provides that if a licence is issued to the licence holder, the licence would be subject to conditions that the licence holder conduct the activity in accordance with the plan, and that plan is implemented, maintained, audited and reviewed. The note refers the reader to sections 68 and 89 of the Regulations.

*Movement plan*

Subsection 31(3) requires that the applicant provide the information that describes and documents the proposed movement plan for transporting NNP material or NNP equipment or plant within a designated zone for the activity are required.

The note under subsection 31(3) provides that if issued a licence, the licence would be subject to conditions that the licence holder conduct the activity in accordance with the plan, and that plan is required to be implemented, maintained, audited and reviewed. The note refers the reader to sections 68 and 89 of the Regulations.

###### **Section 32 Additional information and documents*—*activity of having possession or control of NNP material or NNP equipment or plant in a designated zone**

Section 32 applies to an application for a licence to authorise a material activity of having possession or control of NNP material or NNP equipment or plant and requires that the applicant must provide the information and documents that describe and document the proposed plan for possession or control of the NNP material or NNP equipment or plant.

The note under section 32 provides that the licence, if issued, would be subject to conditions that the licence holder conduct the activity in accordance with the plan and that the plan is implemented, maintained, audited and reviewed. The note points the reader to the conditions in sections 68 and 91 of the Regulations.

###### **Section 33 Additional information and documents*—*activity of using NNP material in a designated zone**

Section 33 requires that the applicant for a licence to authorise a material activity of using NNP material in a designated zone must provide information and documents that describe and document the proposed plan for using the NNP material in a designated zone.

The note under section 33 provides that the licence, if issued, would be subject to conditions that the licence holder conduct the activity in accordance with the plan and that the plan is implemented, maintained, audited and reviewed. The note points the reader to the conditions in section 68 and 92 of the Regulations.

###### **Section 34 Additional information and documents*—*activity of using or operating NNP equipment or plant in a designated zone**

Section 34 requires that the applicant for a licence to authorise a material activity of using NNP equipment or plant in a designated zone must provide information and documents that describe and document the proposed plan for using the NNP equipment or plant in a designated zone.

The note under section 34 provides that the licence, if issued, would be subject to conditions that the licence holder conduct the activity in accordance with the plan and that the plan is implemented, maintained, audited and reviewed. The note points the reader to the conditions in section 68 and 93 of the Regulations.

###### **Section 35 Additional information and documents*—*activity of maintaining, storing or disposing of NNP material or NNP equipment or plant in a designated zone**

Section 35 requires that the applicant for a licence to authorise a material activity of maintaining, storing or disposing of NNP material or NNP equipment or plant must provide information and documents that describe and document the proposed plan for maintaining, storing or disposing of NNP material or NNP equipment or plant in a designated zone.

The note under section 35 provides that the licence, if issued, would be subject to conditions that the licence holder conduct the activity in accordance with the plan and that the plan is implemented, maintained, audited and reviewed. The note points the reader to the conditions in section 68 and 94 of the Regulations.

#### Division 3—Manner of giving application

###### **Section 36 Manner of giving an application**

Subsection 36(1) provides that the manner in which an applicant must give an application for a licence authorising any kind facility activity or material activity is online through the lodgement facility provided by the Regulator. This requirement under subsection 36(1) is consistent with paragraph 30(1)(i) of the Act which provides for the application to be given to the Regulator in the manner prescribed by the Regulations.

The note under subsection 36(1) provides that the application must be in the approved form and refers the reader to paragraph 30(1)(i) of the Act.

Subsection 36(2) provides that the Regulator must publish a notice of the application on its website. The ‘necessary and convenient power’ in paragraph 143(b) of the Act is being relied upon to support the publication of a notice in subsection 36(2) of the Regulations. The necessary and convenient power in paragraph 143(b) of the Act allows for Regulations to be made by the Governor-General which are ‘necessary or convenient’ for carrying out or giving effect to the Act.

#### Division 4—Further information Regulator may require in connection with application

###### **Section 37 Further information the Regulator may require**

Section 37 prescribes the types of further information which the Regulator may require an applicant to provide in relation to an application for a licence to authorise a facility activity or material activity. Those are:

1. further information in relation to any information that the application must contain or any documents that must accompany the application (for example, for the purpose of clarifying, confirming or demonstrating a matter to the Regulator’s satisfaction);
2. further information in relation to any matter that the Regulator must be satisfied of, or take into account, in deciding whether to issue the licence;
3. further information to demonstrate that the proposed licence holder, and any other persons that would be authorised by the licence to conduct the activity, would be able to comply with the Act, the Regulations and any licence condition that would be imposed under section 32 of the Act.
4. Any other information that is reasonably necessary to assist the Regulator to make an informed decision on the application.

The requirements for further information under section 37 are consistent with subsection 30A(2) of the Act.

The note under section 37 provides an example of how this provision would operate in the context of section 61 of the Regulations.

### Part 3—Matters to be satisfied of or taken into account in issuing licence authorising facility activity or material activity

#### Division 1 – Preliminary

###### **Section 38 Simplified outline of this Part**

Section 38 provides a simplified outline of Part 3.

###### **Section 39 Matters the Regulator must be satisfied of or take into account in issuing licence authorising facility activity or material activity**

Section 39 provides that the matters prescribed by Part 3 are the matters the Regulator must be satisfied of and take into account in deciding whether to issue a licence to authorise a facility activity or material activity. The requirements for the matters in which the Regulator must be satisfied with or take into account in issuing a licence which authorises a facility activity or material activity under Part 3, are consistent with subparagraphs 31(2)(a)(ii) and 31(2)(b)(ii) of the Act.

#### Division 2 – Matters to be satisfied of or taken into account

##### *Subdivision A – Licence authorising any kind of facility activity or material activity*

###### **Section 40 General matters the Regulator must be satisfied of**

Subsection 40(1) provides that the section applies to a licence to authorise any kind of facility activity or material activity.

*General*

The general matters under subsection 40(2) that the Regulator must be satisfied of to issue a licence are that:

1. the application contains the information and is accompanied by the documents required by Division 2 of Part 2 of the Regulations; and
2. the applicant has given any further information required by the Regulator under subsection 30A(1) of the Act (see section 37 of the Regulations); and
3. the applicant has demonstrated that the proposed licence holder would ensure, so far as reasonably practicable, nuclear safety when conducting the regulated activity; and
4. the applicant has demonstrated that the proposed licence holder would be able to comply with the other nuclear safety duties that would apply to the licence holder under Division 2 of Part 2 of the Act; and
5. the applicant has demonstrated that the systems, arrangements and plans described and documented in the application or a document accompanying the application (see subsection 20(2) and 21 of the Regulations) would be appropriate for their purpose; and
6. the applicant has demonstrated that all of the following, in relation to the conduct of the regulated activity, would be kept as low as reasonably achievable taking into account economic and societal factors:
7. the magnitude of individual doses;
8. the number of people who are exposed;
9. the likelihood of incurring exposures to ionising radiation and harmful non‑ionising radiation; and
10. the persons, or class of persons, to be authorised to conduct the regulated activity would, so far as reasonably practicable, have appropriate expertise, training and information to ensure the nuclear safety of the regulated activity; and
11. it is reasonably foreseeable:
    * 1. any other high risk activities or material that would be, or could be, conducted or located in, or near, the designated zone in which the regulated activity may be conducted under the licence; and
      2. those activities or materials that could reasonably pose additional risks to the nuclear safety of the regulated activity;
      3. the measures to mitigate that additional risk to ensure, so far as reasonably practicable, that additional risk is mitigated; and
12. that the activity would be adequately and appropriately insured.

*Radiation monitoring boundaries and exclusion zones*

Subsection 40(3) provides that to issue a licence, the Regulator must be satisfied that the boundaries for the radiation monitoring of the regulated activity to be set (as proposed at the time of making the decision to issue the licence) would ensure nuclear safety.

The first note under subsection 40(3) provides that the information and documents that the applicant must provide are in section 19 of the Regulations. In addition, the second note under subsection 40(3) provides that if issued, the licence would be subject to a condition that the radiation monitoring is undertaken within the boundaries in accordance with the radiation protection plan for the activity. The second note directs the reader to subsection 59(2) of the Regulations, which provides for radiation monitoring obligation of the licence holder.

Subsection 40(4) provides that the Regulator must be satisfied that the exclusion zone which is to be set around the boundary of the area in which the regulated activity would be conducted, would ensure nuclear safety and be enforced throughout the proposed period of the licence.

The first note under subsection 40(4) provides that the information and documents that the applicant must provide can be found in section 19 of the Regulations. The second note under subsection 40(4) provides that if issued, the licence would be subject to a condition that the exclusion zone is enforced. The second note directs the reader to subsection 59(4) of the Regulations, which provides for the obligation of the licence holder and person authorised to conduct the regulated activities, to enforce the exclusion zone.

###### **Section 41 General matters the Regulator must take into account**

Section 41 lists the general matters which the Regulator must take into account when assessing an application for a licence to authorise any kind of facility activity or material activity.

While the general matters which the Regulator must take into account when assessing a licence application are provided under section 38 of the Act, additional information regarding the information and documents are prescribed in the Regulations. This is to assist an applicant or licence holder to understand the Regulator’s expectations in the content and information contained in an application. The Regulator expects that as time passes and technology evolves, so will international best practice in relation to nuclear safety that is relevant to naval nuclear propulsion and for nuclear safety standards. The expectations to be set out in further detail within the ANNPS Licence Application Code.

The general matters which the Regulator must have regard to are:

* 1. whether the applicant has demonstrated that the interaction between technical, human and organisational factors in the management of nuclear safety has been considered in relation to the conduct of the activity;
  2. whether the applicant has demonstrated that international best practice in relation to nuclear safety that is relevant to naval propulsion has been considered in the development of the proposed nuclear safety management system for the activity, and the proposed arrangements and plans for the activity which would be required under section 61 of the Regulations;
  3. the analysis of the radiological consequences to the surrounding environment from a reference incident at the site of the activity, provided under paragraph 15(f);
  4. whether the information contained in the application, and the documents accompanying the application, comply with the requirements specified by the ANNPS Licence Applications Code in relation to the information or documents of that kind, where the information and documents are required by (i) an application for a licence to authorise a facility activity (see subdivision C of Division 2 of Part 2), or an application for a licence to authorise a material activity (see Subdivision D of Division 2 of Part 2);
  5. any technical authorities or standards which the Regulator is aware that: (i) address measures to ensure, so far as it is reasonably practicable, to ensure nuclear safety, and (ii) would apply in relation to the conduct of the activity if the licence is issued;
  6. any other proposed policies or procedures by the applicant for the conduct of the activity that the Regulator is aware of;
  7. any other design or operational limits and conditions (actual or proposed) by the applicant of any infrastructure, plant, equipment, information technology, radiation monitoring boundaries, systems, components, or warning devices proposed to be involved in the conduct of the activity that the Regulator is aware of;
  8. any other matters which the Regulator considers relevant.

The note under section 41 provides that for the purposes of paragraph (b), the applicant must provide information that describes how international best practice in relation to nuclear safety that is relevant to nuclear safety has been considered in the development of the system, arrangements and plans. The note refers the reader to subsection 20 (3) of the Regulations which sets out the condition for the applicant to provide information and documents on the nuclear safety management systems, arrangements and plans for the conduct of the proposed activity under the licence application.

##### *Subdivision B — Licence authorising facility activity ­— additional matters*

This subdivision provides additional information on the expectations of the Regulator in considering licence applications for facility activities.

###### **Section 42 Additional matters***—***any kind of facility activity**

Subsection 42(1) provides that section 42 applies to a licence to authorise any kind of facility activity. The note under subsection 42(1) provides for the information and documents that the applicant must provide that are relevant to this section, and refers to Subdivision C of Division 2 of Part 2.

*Matters to be satisfied of*

Subsection 42(2) provides for the matters the Regulator must be satisfied of in deciding whether to issue a licence to authorise a facility activity.

The Regulator must be satisfied that:

1. the applicant has demonstrated that all of the proposed regulated activities that could reasonably be foreseen to be conducted in relation to the facility, or proposed facility, over its lifetime have been appropriately considered in relation to the conduct of the activity; and
2. the applicant has undertaken meaningful consultation with all relevant stakeholders, Aboriginal and Torres Strait Islander peoples and the public about the regulated activity and the facility or proposed facility.

*Matters to take into account*

Subsection 42(3) provides for the matters, which the Regulator must take into account in deciding whether to issue a licence to authorise a facility activity.

The Regulator must take into account:

1. the baseline radiological data provided under subsection 23(2) of the Regulations;
2. the level of nuclear safety risk posed by the activity proposed to be authorised (having regard to the matters in paragraph 23(3)(b)) of the Regulations;
3. in the circumstance that paragraph 23(3)(e) applies in relation to the application of the licence, then the extent to which the conditions which apply to the previous licencing stage have been complied with by the licence holder;
4. the preliminary plans provided as required by the section in Subdivision C of Division 2 of Part 2, that applies in relation to an application for a licence to authorise the facility activity.

The first note under subsection 42(3) sets out that if issued, the licence is subject to the condition that the current description of nuclear safety risk is maintained. The note then refers the reader to section 77 of the Regulations, which covers the additional conditions that a licence holder must maintain, including a current description of the level of nuclear safety risk posed by the regulated activity. The second note under subsection 42(3) provides that when determining whether paragraph 23(3)(e) applies regarding an application, to refer to subsections 23(1) and (4) of the Regulations.

The third note under subsection 42(3) provides that preliminary plans may be preliminary decommissioning plans, preliminary operational plans or preliminary disposal plans. It is noted that a preliminary plan is not required for an application for a licence to authorise a facility activity of disposing of an NNP facility in a designated zone.

###### **Section 43 Additional matters—activity of preparing a site for an NNP facility in a designated zone**

Section 43 provides that the Regulator must be satisfied that the site evaluation for the proposed facility (as proposed at the time of making the decision to issue the licence) demonstrates the suitability of the site for the proposed facility. The initial site evaluation provided may have been amended and in the circumstance that it has been amended; it is the proposed site evaluation that is current at the time in which the licence is granted that the Regulator must be satisfied of.

The note under section 43 directs the reader to section 24, which specifies the information and documents that the applicant must provide as part of their application and that are relevant to section 43.

###### **Section 44 Additional matters***—***activity of having possession or control of an NNP facility in a designated zone**

Section 44 provides that the section applies to a licence to authorise a facility activity of having possession or control of an NNP facility in a designated zone.

Under section 44, if subsection 26(3) applies, the applicant must demonstrate to the Regulator’s satisfaction that the construction evaluation for the facility (as proposed at the time of making the decision of whether to issue a licence) has sufficiently demonstrated the suitability of the facility for possession or control.

The note under section 44 provides that to determine whether subsection 26(3) applies, see subsections 26(1) and (4) of the Regulations.

###### **Section 45 Additional matters—activity of operating an NNP facility in a designated zone**

Subsection 45(1) provides that section 45 applies to a licence to authorise a facility activity of operating an NNP facility in a designated zone.

Under subsection 45(2), the applicant must demonstrate to the Regulator’s satisfaction that the evaluation of the readiness of the facility for its proposed operation (as proposed at the time of making the decision to use the licence) demonstrates the suitability of the facility for its proposed operation. The note under subsection 45(2) refers the reader to subsection 27(3) in respect of the information and documents that the applicant must provide.

Subsection 45(3) provides that the Regulator must take into account the results of the field exercise provided under subsection 27(6).

###### **Section 46 Additional matters***—***activity of decommissioning an NNP facility in a designated zone**

Under subsection 46, the applicant must demonstrate to the Regulator’s satisfaction in deciding whether to issue a licence to authorise a facility activity of decommissioning an NNP facility in a designated zone; the strategy for decommissioning the facility provided under subsection 28(3).

###### **Section 47 Additional matters***—***activity of disposing of an NNP facility in a designated zone**

Subsection 47(1) provides that section 47 applies to a licence to authorise a facility activity of disposing of an NNP facility in a designated zone.

Under subsection 47(2), the applicant must demonstrate to the Regulator’s satisfaction that the evaluation of the decommissioning of the facility demonstrates the suitability of the facility for disposal. The note under subsection 47(2) directs the reader to subsection 29(3) of the Regulations, in respect of information and documents that the applicant must provide that are relevant to subsection 47(2). Subsection 29(3) sets out an evaluation of the decommissioning of the facility is required.

Under subsection 47(3), the Regulator must take into account the independent assessment provided under subsection 29(5).

##### *Subdivision C— Licence authorising material activity—additional matters*

###### **Section 48 Additional matters*—*any kind of material activity**

Section 48 provides that the Regulator must take into account specific matters when considering an application for a licence to authorise any kind of material activity. The Regulator must take into account the following matters:

1. the details of the types, categories, forms and quantities of any NNP material or NNP equipment or plant provided under paragraph 30(2)(a) of the Regulations;
2. the proposed arrangements, provided under paragraph (30(2)(b) for the storing, managing and handling of any such NNP material or NNP equipment or plant;
3. the description and documentation of NNP material or NNP equipment or plant provided under subsection 30(3) of the Regulations.

The note under section 48 states that if the licence is issued, the licence would be subject to a condition that the information and documents specified in the relevant item in the table in subsection 30(3) are maintained. The note directs the reader to section 86 of the Regulations which provides for the additional conditions of maintaining a current inventory, information and documents, applicable to any kind of material.

### Part 4—Conditions applying to licence authorising facility activity or material activity

#### Division 1—Preliminary

###### **Section 49 Simplified outline of this Part**

Section 49 provides a simplified outline of Part 4.

###### **Section 50 Application**

Section 50 provides that Part 4 of the Regulations does not apply to a licence authorising a submarine activity. This provision ensures that there is no ambiguity and that it is clear the application of these conditions does not extend to a licence authorising a submarine activity.

The note under section 50 provides that the meaning of the referenced submarine activities has the same meaning as contained in section 13 of the Act.

###### **Section 51 Conditions to which a licence authorising a facility activity or material activity is subject**

For the purposes of paragraph 32(1)(b) of the Act, subsection 51(1) provides that a licence authorising a facility activity or a material activity in a designated zone is subject to the conditions prescribed by Part 4 that are applicable to the activity. A licence would also be subject to other conditions, as per subsection 32(1)(b) of the Act and the condition relating to reporting a nuclear safety incident, prescribed in section 58 of the Regulations, that would enliven the duty on licence holders for reporting nuclear safety incidents, under section 21 of the Act.

The note provides that the licence will be subject to other conditions that require a licence holder to report a nuclear safety incident under section 21 of the Act (as per section 99 of the Regulations).

Subsection 51(2) provides that each condition prescribed by Part 4 of the Regulations applies to the licence holder, and an authorised person, if the condition specifies that it applies to a person authorised under the licence to conduct the regulated activity.

#### Division 2—Conditions applying to licence authorising any kind of facility activity or material activity

##### *Subdivision A—General conditions relating to the conduct of the regulated activity*

###### **Section 52 General conduct of the regulated activity**

Section 52 provides it is a condition applicable to the licence holder, that the regulated activity must be conducted in compliance with the following general principles of nuclear safety:

1. radiation exposure is to be controlled and monitored;
2. ingestion and inhalation of radioactive material, and absorption of radioactive material through direct contact with intact or broken skin is to be prevented;
3. radiation exposure is to be kept as low as reasonably achievable;
4. material contaminated with radioactive material or radionuclides is to be controlled
5. NNP material and NNP equipment or plant must be controlled;
6. the reactivity of naval nuclear propulsion plant is to be controlled;
7. the residual heat of naval nuclear propulsion plant is to be removed;
8. the radioactivity of NNP material and naval nuclear propulsion plant is to be contained;
9. the health of all persons authorised under the licence and all other occupationally exposed persons is to be maintained;
10. the public and environment is to be protected from exposure to ionising radiation and harmful non-ionising radiation resulting from the conduct of the activity;
11. hazards or risks that may result in damage to naval nuclear propulsion plant are to be prevented or mitigated.

The conduct of a regulated activity must be in accordance with these specified general principles of nuclear safety. The principles focus on assuring the health and safety of people and the environment (i.e. nuclear safety). The principles support the licence holder in assuring that their nuclear safety duties are met.

The note reminds readers that there are nuclear safety duties in Division 2 of Part 2 of the Act that apply to people when they conduct regulated activities.

###### **Section 53 Adequate resources for safe conduct of the regulated activity**

Section 53 provides the condition applicable to the licence holder that at all times during the licence period, the licence holder must exercise control and maintain adequate financial, human and technical resources to conduct the regulated activity safely.

The condition under section 53 assures that the licence holder prioritises nuclear safety across the planning of their organisation’s resources, including the resources for financial, human and technical aspects. The obligation on the licence holder to monitor the use of resources, ensures the identification of the resource requirements and the obligation to review resource allocations if circumstances change. This practice will support the licence holder in meeting nuclear safety duties.

###### **Section 54 Changes related to the conduct of the regulated activity and to systems, arrangements, designs and plans**

Section 54 provides approval and notification conditions applicable to the licence holder for changes to the conduct of the regulated activity and to systems, arrangements, designs and plans. The conditions facilitate the assurance that there is suitable consideration and oversight by the licence holder and Regulator, for any changes that may have implications on nuclear safety. Meeting this condition assures changes are effectively implemented and managed, with nuclear safety maintained throughout these changes.

Subsection 54(1) provides for the condition the section applies to the following:

1. changes related to the conduct of the regulated activity;
2. changes to the nuclear safety management plan, arrangements or a plan for the regulated activity that is required under section 61;
3. changes to the records management system for the regulated activity that is required under section 62;
4. changes to a plan or design for the regulated activity required under Division 3 of Part 4 (that being plans or designs for particular facility activities:
5. changes to a plan for the regulated activity that is required under Division 4 of Part 4 (that being plans for particular material activities).

*Changes that must be approved*

Subsections 54(2) provides that it is a condition that the licence holder must obtain approval from the Regulator prior to implementing or making a change, if the licence holder is proposing to make a change that involves a change to the nuclear safety plan, the radiation protection plan, the emergency response plan or the environmental protection plan (which are covered by paragraph 54(1)(b)). The condition applies if proposed change is also not insubstantial, insignificant, trivial or a correction of an administrative error. In any circumstance where the change proposed is significant or may have significant implications for nuclear safety the licence holder must also obtain approval from the Regulator prior to implementing or making a change.

Under subsection 54(3)(b), if the change is listed under paragraphs 54(1)(b) to (e), the licence holder must also provide the Regulator with any updated documentation of the system, arrangements, design or plan that is proposed to be changed.

*Changes that must be notified*

Subsection 54(4) provides the condition applicable to a licence holder that the licence holder must comply with the notification and documentation requirements under subsection (5) if the licence holder implements or makes changes that are:

1. not of the kind covered under subsections (2) and (3); and
2. not insubstantial, insignificant, or trivial; and
3. if a change that is covered by paragraph (1)(a): changes that modify any NNP facility, NNP material or NNP equipment or plant, that are or potentially could be involved in the regulated activity.

Subsection 54(5) provides the notification and documentation conditions that are applicable to the licence holder. The licence holder must notify the Regulator of the changes implemented or made. The licence holder must also provide to the Regulator any updated documentation of the system, arrangements, design or plan for changes that are covered by paragraphs 54(1)(b) to (e) of the Regulations.

###### **Section 55 Conducting the regulated activity**

Section 55 provides conditions for the licence holder and person authorised to conduct the regulated activity when conducting a regulated activity under the licence. The licence holders and persons authorised to conduct the regulated activity are required to consider human and organisational capabilities and behaviours across operations, which will support minimising errors and failures across the conduct of regulated activities. Minimising incidents, and the consequences of these incidents, will support nuclear safety across the conduct of the regulated activity. This reduces potential risks to the safety and security of people and the environment.

Section 55 provides the condition applicable to the licence holder that when conducting the regulated activity, the licence holder and person must take all reasonably practicable steps to:

1. prevent or minimise human errors and organisational failures; and
2. prevent or minimise incidents, which includes accidents, near misses and deficiencies; and minimise the consequences of any incidents should any incidents occur.

###### **Section 56 Compliance with ANNPS Licence Conditions Code**

The Codes set out the standard minimum requirements that the licence holder and a person authorised to conduct the regulated activity, must meet in order to ensure nuclear safety.

Section 56 provides that it is a condition applicable to the licence holder, and a person authorised to conduct the regulated activity, to ensure compliance with the requirements specified in the Licence Condition Code. This includes any conditions related to the conduct of the activity, and a system, arrangement or plan that is required under this Part in relation to an activity, are complied with.

The note under subsection 56(b) clarifies that to comply with requirements related to system, arrangements or plan does not limit what the system, arrangements or plan must address to meet the conditions in this Part, or what the licence holder may otherwise choose to deal with in the system, arrangements or plan.

###### **Section 57 Nuclear safety site induction**

Section 57 prescribes a condition for nuclear safety site inductions at the site of a regulated activity. The nuclear safety site induction condition is necessary to ensure that the required competency requirements of any personnel entering the site of any site where a regulated activity takes place, are met prior to any introduction to the designated zones. This is to ensure there is sufficient awareness of the radiation risks and hazards, for the prevention of radiation related incidents and the procedures if an incident does occur.

Subsection 57(1) provides that the licence holder is subject to a condition that all persons entering the site of the regulated activity receive a site induction. The site induction must be completed prior to entering the site, or if the person has not received a site induction in the previous 12 months, the person must receive a site induction prior to entering the NNP facility or interacting with NNP material or NNP equipment or plant at the site. If the person has not received a site induction that covered the kind of NNP material or NNP equipment or plant in the previous 12 months, then a site induction must be conducted prior to the person interacting with the NNP material or NNP equipment or plant at the site.

The note under subsection 57(1) provides that records must be kept and refers the reader to section 62 of the Regulations, which covers the record keeping obligations of the licence holder.

Subsection 57(2) sets out the matters, which the site induction must cover. The site induction must cover:

1. the nuclear safety and radiation hazards and risks present at the site in relation to the regulated activity and the kinds of NNP material or NNP equipment or plant at the site; and
2. the severity of hazards and risks for persons who are of higher risk; and
3. instructions on how to respond to a nuclear safety incident and any other emergency or incident that could occur in relation to the regulated activity at the site; and
4. the reporting requirements for nuclear safety incidents and other emergencies or incidents.

*Induction material must be reviewed every 12 months*

Subsection 57(3) provides that the licence holder must review the appropriateness and effectiveness of the induction material:

1. every 12 months, beginning on the day the licence is issued, and
2. each time that significant changes are required to ensure nuclear safety. For example, a change approved under section 54 would require the licence holder to review the appropriateness and effectiveness of the induction material for the site.

Subsection 55(4) provides that the licence holder is subject to a condition that the review of the induction material is to be completed within 3 months after:

1. the end of the relevant 12-month period if paragraph (3)(a) applies; or
2. the significant change, if paragraph (3)(b) applies.

*Results of the review must be reported to the Regulator*

Subsection 57(5) provides that the licence holder is subject to a condition that within 14 days of the licence holder completing the review, a report must be provided to the Regulator on the outcomes of the review, with the report to include:

1. an assessment of the appropriateness and effectiveness of the material; and
2. for identified deficiencies, how the licence holder has rectified or proposes to rectify the identified deficiencies.

The note under subsection 57(5) provides the licence holder must receive approval from the Regulator before implementing a change identified in the review, if the change is significant or may have significant implications for nuclear safety and directs readers to section 54 of the Regulations.

###### **Section 58 Warning placards and warning devices**

Warning placards and warning devices are required to ensure that those persons within or in proximity to a licensed regulated activity are made aware of the potential hazards present and are provided with an effective system to warn and manage outcomes within the area. This is a safety practice that seeks to restrict entry to people authorised, suitably trained and equipped to enter an area. These controls assist a licence holder to minimise exposure to the real and potential risks to works, communities and the environment by raising awareness of the location of activities that present hazards and risks to people authorised to enter an area. Warning placards and devices also inform people authorised to enter an area of the mandatory controls that they must implement prior to entering an area.

*Warning placards*

Subsection 58(1) provides for the condition applicable to the licence holder that the licence holder must ensure that a sufficient number of warning placards that cover nuclear safety risks and hazards are prominently displayed in the area in which the regulated activity is conducted. What will constitute a sufficient number of warning placards for the specific NNP facility and the different safety requirements will differ depending on the size, layout of the individual facility and types of different regulated activities being conducted in that location.

In addition to the size and layout of the facility, the requirements for safety placards and warning devices will ultimately be defined by the risk of the regulated activity and the activity itself. For example, a facility storing or maintaining an NNP plant will arguably require considerably more warning placards and warning devices than a facility dealing with low level items, like discarded personal protection equipment at a controlled industrial facility.

The licence holder must document in the nuclear safety plan and the radiation protection plan (which is the process they have used to determine the correct procedure) how the risks of the proposed regulated activity will be addressed. This information will therefore feed into the appropriate use of warning placards and warning devices.

Subsection 58(2) provides for the condition that the placards must be clearly legible by persons approaching the placard and are placed separate from any other sign or writing that contradicts, qualifies or distracts attention from the placard. The placards must be located in the following locations to ensure awareness and safety:

1. as close as is reasonably practicable to the main entrance of each NNP facility or workspace involved in the activity; and
2. at the entrance to each room or walled section in which NNP material or NNP equipment or plant involved in the activity is used, handled or stored; and
3. on, next to, or at the entrance of, each container or outside storage area in which NNP material or NNP equipment or plant involved in the activity is stored or transported; and
4. at each entrance to where an emergency service organisation may enter a NNP facility or workspace involved in the activity.

Subsection 58(3) provides for the condition applicable to the licence holder and any other person authorised to conduct the regulated activity, that the licence holder or other person must ensure that the placards remain accurate and that the placards are kept clean, maintained in good repair and are not covered or obscured.

*Warning devices*

Subsection 58(4) provides for the condition applicable to the licence holder and any other person authorised to conduct the regulated activity that the licence holder or person must take all reasonable steps to ensure that the warning devices are used in accordance with that information, training and instruction. Subsection 54(1) provides that the licence holder or other person must:

1. ensure that a sufficient number of warning devices are operational are located within the area of the regulated activity and during the conduct of the regulated activity to minimise nuclear safety risks; and
2. ensure that each warning device is positioned in a location that ensures that the device will work to the best effect; and
3. ensure that sufficient information, training and instruction is provided to persons in the area in relation to the use of the devices and responding to warnings; and
4. take all reasonable steps to ensure that the warning devices are used in accordance with that information, training and instruction.

*Incident review*

Subsection 58(5) provides for the condition applicable to the licence holder that the licence holder must review the appropriateness of the warning placards or warning devices if a potential deficiency in the warning placards or devices used at the site of a regulated activity is identified as a possible factor in an incident relating to the regulated activity. For example, if an incident occurs in an area of a facility which does not have a warning placard or warning device and having such a warning placard or device could have minimised the risk of an incident occurring.

The note under subsection 58(5) states that if a change is identified in the review that would have significant or may have significant implications for nuclear safety, then the licence holder must receive prior approval from the Regulator to implement the change. The note refers the reader to section 54, which covers the changes to conduct of the regulated activity and to systems, arrangements, designs and plans.

###### **Section 59 Radiation monitoring boundaries and exclusion zones**

Subsection 59 provides for the conditions applying to radiation monitoring boundaries and exclusion zones. Radiation monitoring boundaries promote the identification of radiation exposure sources and pathways, and that specific monitoring methods are determined. Radiation monitoring boundaries and exclusion zones support the licence holder in meeting their nuclear safety and radiation protection duties.

Subsection 59(1) provides for the condition applicable to the licence holder that the licence holder must ensure that there are set boundaries established for radiation monitoring of the regulated activity that:

1. ensure nuclear safety, and
2. are as proposed at the time of making the decision to issue the licence, as changed from time to time by the licence holder in accordance with section 54 or to comply with a condition that is specified by the Regulator for the purposes of subsection 34(2) of the Act.

Subsection 59(2) provides for the condition that the licence holder ensure that radiation monitoring is conducted for the activity within the radiation monitoring boundaries and in accordance with the radiation protection plan for the activity.

The note under subsection 59(2) refers the reader to section 61 for the radiation protection plan.

*Exclusion zone*

Subsection 59(3) provides for the condition applicable to the licence holder that the licence holder must set an exclusion zone around the regulated activity. The exclusion zone is set to ensure nuclear safety and is either as proposed at the time of the decision to issue the licence by the Regulator or as changed, from time to time by the licence holder (in accordance with section 54 or to comply with a condition that is specified by the Regulator for the purposes of subsection 34(2) of the Act).

Subsection 59(4) provides for the condition that is applicable to both the licence holder or any other person authorised to conduct the regulated activity that the licence holder or other person must enforce the exclusion zone.

What will constitute an exclusion zone that ensures nuclear safety for the specific NNP facility and the different safety requirements will differ depending on the size, layout of the individual facility and type(s) of different regulated activities being conducted by the licence holder in that designated zone.

*Transitional arrangements*

Subsection 59(5) provides for the conditions that are applicable to the licence holder that if the licence is a transitional licence:

1. it is a condition that on the day the Act commences, the licence holder must provide to the Regulator the information and documents which describe and document the set boundaries and exclusion zone; and
2. paragraph 59(1)(b) is to apply to the transitional licence as if the reference to the set boundaries as proposed at the time of the Regulator making the decision to issue the licence, were a reference to the set boundaries as described and documented in the information and documents provided to the Regulator on the day the Act commences; and
3. paragraph 59(3)(b) is to apply to the transitional licence as if the reference to the exclusion zone as proposed at the time of the Regulator making the decision to issue the licence, were a reference to the exclusion zone as described and documented in the information and documents provided to the Regulator on the day the Act commences.

###### **Section 60 Treatment of clearance material**

Subsection 60(1) clarifies that the section does not apply in relation to a licence to authorise a facility activity that is preparing a site for an NNP facility in a designated zone.

Subsection 60(2) provides a condition that clearance material from the conduct of the activity is to be handled, transported, stored, disposed of or otherwise managed, as was proposed at the time of the Regulator making the decision to issue the licence, as changed from time to time by the licence holder:

* 1. in accordance with section 54, or
  2. to comply with a condition which was specified by the Regulator for the purposes of subsection 34(2) of the Act.

##### *Subdivision B—Conditions relating to nuclear management system, arrangements and plans for the activity*

###### **Section 61 Nuclear safety management system, arrangements and plans for the conduct of the activity**

Section 61 provides for the conditions applicable to the licence holder that the licence holder must ensure that the regulated activity is conducted in accordance with the set nuclear safety management system, arrangements and other plans for the activity. The Licence Conditions Code sets out further requirements for compliance with the nuclear safety management system, arrangements and other plans which ensures support to subsection 34(2) of the Act, where licence conditions are prescribed by the Regulations as necessary to ensure nuclear safety.

Subsection 61(1) provides for the condition that the regulated activity must be conducted in accordance with each of the following plans and arrangements:

1. a nuclear safety management system;
2. arrangements for organisational and human control of the activity;
3. a regulatory compliance plan;
4. a supply chain management plan;
5. a nuclear safety plan;
6. a radiation protection plan;
7. a radioactive waste management plan;
8. a security plan;
9. an emergency management and response plan;
10. an environmental protection plan;
11. an insolvency plan.

The note provides the regulated activity must also be conducted in accordance with obligations imposed by other laws. The regulatory compliance plan deals with compliance with Commonwealth law and regulatory requirements: see subsection (3).

*General requirements for systems, arrangements and plan*

Subsection 61(2) provides for the condition that each system, arrangements and plan referenced in subsection 61(1) be as proposed at the time of the Regulator making the decision to issue the licence, as changed from time to time by the licence holder. These are only to be changed from time to time by the licence holder:

1. in accordance with section 54; or
2. to comply with a condition specified by the Regulator for the purposes of subsection 34(2) of the Act; and
3. be effectively implemented and maintained throughout the period of the licence.

The first note under subsection 61(2) specifies that the system, arrangements or plan must be compliant with any other relevant requirements specified in the ANNPS Licence Conditions Code mentioned in section 56. The reader is referred to subsection 56 which provides for conditions of abiding by the requirements under the codes.

The second note under subsection 61(2) clarifies that neither section 56, nor a condition in section 61 that relates to a system, arrangements or plans, restricts what the licence holder may decide to deal with in the system, arrangements or plan.

The third note under subsection 61(2) provides that the system, arrangements and plans must be audited and reviewed. The reader is directed to section 68, which provides for the conditions to audit and review.

*Specific requirements for each system, arrangements and plan*

Subsection 61(3) provides for the condition that the system, arrangements and plan specified in the table must comply with the relevant requirements. These are that:

* the nuclear safety management system must ensure control of the activity;
* the arrangements for organisational and human control of the activity must maintain control of the organisation and nuclear safety;
* the regulatory compliance plan must ensure continual compliance with Commonwealth law and regulatory requirements;
* the supply chain management plan must ensure effective supply chains;
* the nuclear safety plan must:
  + ensure that the activity is conducted safely and radiation exposure is kept as low as reasonably achievable within the applicable dose limits (see Subdivision D); and
  + include a safety case report for the activity that deals with any hazards or risks;
* the radiation protection plan must ensure radiation protection to prevent harmful or accidental irradiation of any person and ensure radiation exposure is kept as low as reasonably achievable;
* the radioactive waste management plan must ensure effective radioactive waste management;
* the security plan must ensure the security of any NNP facilities, NNP material and NNP equipment or plant that are, or could be, involved in the activity
* the emergency management and response plan must ensure that the management of, and response to, emergencies removes or minimises risk or harm to persons or the environment;
* the environmental protection plan must ensure environmental management and protection;
* the insolvency plan must eliminate or reduce the risk to nuclear safety from potential insolvency, by making effective arrangements for:
  + potential insolvency of the licence holder; and
  + the impact of insolvency of the licence holder on nuclear safety; and
  + indemnities in relation to the regulated activity.

*Transitional arrangements*

Subsection 61(4) provides for the conditions that are applicable if the licence is a transitional licence, specifically that:

1. the condition in relation to the plans mentioned in paragraphs 61(1)(c), (d) and (k) does not apply until the day that is 6 months after the commencement of the Act; and
2. the condition that on the day that is 6 months from commencement of the Act, the licence holder must provide information and documents that describe and document those plans to the Regulator; and
3. Subsection 61(2)(a) applies in relation to those plan as if the plans referenced in relation to the plans as proposed at the time of the decision to issue the licence were a reference to the plans provided to the Regulator on the day that is 6 months after the commencement of the Act.

Subsection 61(5) provides for further conditions that are applicable if the licence is a transitional licence. Specifically, it is a condition that, the licence holder must provide to the Regulator the information and documents that prescribe and document the nuclear safety management system and arrangements and plans which are referred to in paragraphs (1)(a), (b), (e), (f), (g), (h), (i), and (j) on the day the Act commences.

Additionally, subsection 61(5)(b) provides that in relation to the system and those arrangements plans as if the system and arrangements as proposed at the time of the decision to issue the licence were a reference to the system and arrangements provided to the Regulator on the day that the commencement of the Act.

##### *Subdivision C—Conditions relating to reporting, record keeping, audit and review*

###### **Section 62 Records management system**

Section 62 provides conditions for the records management system. Promoting safety as a critical business function, an effective records management system contains all of the information and documentation that an organisation needs to achieve safe operations to ensure nuclear safety.

Subsection 62(1) provides the conditions that the licence holder must keep the records relating to the conduct of the regulated activity in the records management system for the licenced activity.

Subsection 62(2) provides for the condition that the records management system for the regulated activity must:

1. ensure that:
   1. records of all matters of significance in relation to the regulated activity are kept; and
   2. the records of all matters of significance remain accessible for a minimum of 80 years, with records relating to radiation monitoring or exposure to radiation to remain accessible for a minimum of 150 years; and
   3. all records relating to nuclear safety remain traceable in respect of the information they contain; and
   4. if a licence expires or is surrendered or cancelled or the licence holder ceases to exists, all records remain accessible and are transferable to the Regulator; and
2. be as proposed at the time of the decision to issue the licence, or as changed from time to time by the licence holder only in accordance with section 54 of the Regulations, or to comply with a condition specified by the Regulator for the purposes of subsection 34(2) of the Act.

The note under subsection 62(2) clarifies that paragraph 62(2)(a) does not limit what the licence holder may otherwise choose to deal with in the records management system.

Subsection 62(3) provides for the condition on the licence holder that the records management system must be effectively implemented, and maintained throughout the period of the licence.

The note under subsection 62(3) notes that the records management system must be audited and reviewed every 3 years and the reader is directed to section 68, which provides for this condition.

*Access on request*

Subsection 62(4) provides for the condition on the licence holder that the licence holder must provide access to records relating to nuclear safety and radiation protection to the Regulator at the Regulator’s request. For example, the Regulator could request that the licence holder provide details of all equipment reviews undertaken on a specific piece of equipment, which was subsequently involved to a reported near miss safety incident.

###### **Section 63 Information on request**

Subsection 63(1) provides for the condition on the licence holder and any other person authorised to conduct the regulated activity, that upon request by the Regulator, they are both under an obligation to provide to the Regulator:

1. information and documents that describe and document how a condition relevant to the licence has been, or is being, complied with;
2. information that describes and documents how international best practice in relation to nuclear safety has been considered;
   1. in relation to implementation and maintenance of the systems, arrangements or plan required under Part 4 of the Regulations; and
   2. in conducting the regulated activity;
3. the records of the doses, both occupational and otherwise, to persons in relation to the conduct of the regulated activity; and
4. the records of any incidents, which includes near misses and deficiencies, that occurred in relation to the regulated activity and the consequences and management which occurred in relation to those incidents; and
5. any other information or document that is reasonably necessary to assist the Regulator to perform any of the Regulator’s functions to ensure nuclear safety.

*Discussions with subject matter experts*

Subsection 63(2) provides for the condition on the licence holder and any other person authorised to conduct the regulated activity, that upon a request for information by the Regulator under subsection 63(1), the licence holder or other person must facilitate discussions between the Regulator and a subject matter expert. The subject matter expert must be either nominated by the Regulator, or if requested by the Regulator, nominated by the licence holder or the person authorised to conduct the regulated activity.

Subsection 63(3) provides for the condition that in the event that the Regulator makes a request for a subject matter expert under subsection 63(2)(b), the licence holder or other person is under an obligation to appoint a suitably qualified and experienced subject matter expert as soon as practicable and within 14 days of the request.

###### **Section 64 Reporting—potential serious impacts and breaches**

*Potential serious impacts to nuclear safety or radiation protection*

Subsection 64(1) provides for a reporting obligation condition that applies to the licence holder and any other person authorised to conduct the regulated activity.

Under subsection 64(1), if either the licence holder or other person authorised to conduct the regulated activity becomes aware of any event or circumstance (which includes a near miss) that:

1. may seriously impact or could have seriously impacted nuclear safety or radiation protection; and
2. the event or circumstance has occurred in relation to:
3. the regulated activity; or
4. in relation to any NNP facility, NNP material, or NNP equipment or plant related to the conduct of that activity,

then the licence holder or other person must immediately report the event or circumstance to the Regulator.

The note under subsection 64(1) notes the licence holder’s reporting obligation under section 21 of the Act and section 98 of the Regulations in relation to nuclear safety incidents.

*Breach of a licence condition*

Subsection 64(2) provides for a reporting obligation condition that applies to the licence holder and other person authorised to conduct the regulated activity.

Under subsection 64(2), if either the licence holder or other person authorised to conduct the activity becomes aware of any event or circumstance that is a breach of a licence condition, the licence holder or other person must report the breach to the Regulator as soon as possible after the licence holder or person becomes aware.

*Suspected breach of a licence condition*

Subsection 64(3) provides for an investigation and reporting condition that applies to the licence holder and other person authorised to conduct the regulated activity.

Under subsection 64(3), if either the licence holder or other person authorised to conduct the activity suspects that a breach of a licence condition may have occurred, as soon as practicable after forming the suspicion, the licence holder or other person is under an obligation to investigate the suspected breach and report their findings to the Regulator.

*Serious offences and contraventions of serious civil penalty provisions*

Subsection 64(4) provides for a reporting condition that applies to the licence holder and any other person authorised to conduct the regulated activity.

Under subsection 64(4) if either the licence holder or other person authorised to conduct the regulated activity forms the suspicion that:

1. the licence holder, or other person authorised under the licence, has committed or is committing a serious offence against a Commonwealth, State or Territory law; or
2. the licence holder, or other person authorised under the licence, has contravened or is contravening a serious civil penalty provision against a Commonwealth, State or Territory law;

the licence holder or the other person authorised under the licence is obligated to report their suspicion to the Regulator within 28 days of forming their suspicion.

Subsection 64(5) provides for a reporting condition that applies to the licence holder.

Under subsection 64(5) the licence holder is obligated to report to the Regulator any proceedings against the licence holder for a serious offence against, or for a contravention of a serious civil penalty provision of a Commonwealth, State or Territory law, within 28 days of the proceedings commencing.

Subsection 64(6) provides for the interpretation of a serious offence for the purposes of the regulations. Under Subsection 64(6), a serious offence is an offence against the law of the Commonwealth, State or Territory that:

1. is an offence involving fraud or dishonesty punishable by imprisonment for life or for a period, or a maximum period of at least 3 years; or
2. is an offence punishable by imprisonment for life or for a period, or a maximum period of at least 3 years.

Subsection 64(7) provides for the interpretation of a serious civil penalty provision for the purposes of the regulations. Under subsection 64(7), a serious civil penalty provision is a civil penalty provision of a Commonwealth, State or Territory law with a maximum penalty that is at least equivalent to 5,000 penalty units.

The reporting obligation under subsection 64(4) creates an obligation to report serious offences and contraventions of serious civil penalty provisions on both the licence holder and a person authorised to conduct the regulated activity. The licence holder and the person authorised to conduct the regulated activity have a duty to report to the Regulator if the licence holder or person authorised has committed or is committing a serious offence against a Commonwealth, State or Territory law or contravened or contravening a civil penalty provision against a Commonwealth, State or Territory law. The obligations are wholly necessary to ensure nuclear safety as the licence holder and person authorised to conduct the regulated activity, are in a position of utmost responsibility for the regulated activity. If the licence holder or person authorised to conduct the regulated activity have committed a serious offence or contravened a serious civil penalty, this could be considered an indicator that the person is not a fit and proper person to hold their position and are not of good character for such a position of responsibility. This provision does not impact the licence holder or person authorised to conduct the regulated activity with such suspicions from reporting to other enforcement bodies, such as police or the National Anti-Corruption Commission.

###### **Section 65 Reporting—incidents**

*Periodic review and reporting of incidents*

Paragraph 65(1)(a) provides for an incident review and reporting condition applicable to the licence holder. Under paragraph 65(1)(a) of the Regulations, the licence holder is obliged to conduct a review in each appropriate period which the licence authorises the conduct of the regulated activity, which reviews:

1. all incidents that occurred in relation to the regulated activity; and
2. the management and consequences that occurred in relation to those incidents.

Examples of such incidents are inclusive of accidents, near misses and deficiencies.

Paragraph 65(1)(b) provides for the reporting obligation applicable to licence holder. Under paragraph 65(1)(b) the licence holder must be provide to the Regulator the report on the outcomes of the review. This report must detail:

1. key themes and trends identified for the period; and
2. any practices or procedures that have had a significant number of near misses or deficiencies which has resulted in increased nuclear safety and radiation protection risks; and
3. how any identified deficiencies were, or are proposed to be rectified.

Paragraph 65(2) provides that for the purposes of paragraphs 66(1)(a) and (b), each of the reporting periods which are set out in column 1of an item in the following table are specified, and the reporting deadline for a report for a period is the day set out in column 2 of the item in the report period.

Paragraph 65(2) provides a table which indicates the reporting deadlines for a report as:

* each period (other than the reporting period) is the 12 month period for which the licence is in force, with the report deadline to the Regulator by the day that is 28 days after the end of the 12 month period; and
* for the final period of 12 months during which the licence period is in force, the report deadline to the Regulator will be the day determined in writing, by the Regulator, being a day before the licence ceases to be in force; or
* If the remaining licence period is less than 12 months, then the review period will be that period the report deadline to the Regulator will be the day determined in writing, by the Regulator, being a day before the licence ceases to be in force.

*Report on investigation of incident*

Subsection 65(3) provides for a reporting condition that applies to the licence holder and other person authorised to conduct the regulated activity. Under subsection 65(3) the reporting obligation is triggered if the licence holder or other person receives a report which relates to either an internal investigation of an incident related to the regulated activity, or an investigation by a Commonwealth, State or Territory agency (other than the Regulator) of an incident relating to the regulated activity.

The licence holder or other person are then under an obligation to disclose a report to the Regulator within 14 days of receiving the report. This provision does not extend to any investigation reports that the Regulator may commence and then provide to the licence holder.

###### **Section 66 Reporting—holdings of radioactive waste awaiting disposal**

Section 66 provides for a reporting obligation applicable to the licence holder, for holdings of radioactive waste that is awaiting disposal. Under section 66, every 12 months the licence holder is obliged to report to the Regulator the amount of radioactive waste from the regulated activity that is awaiting disposal in the designated zone. The reporting obligation must also include a description of the kind of the waste and its hazard level and classification. The 12-months begins on the day the licence is issued.

###### **Section 67 Reporting—change of office holder with overarching control of activity**

Section 67 provides for a reporting obligation if there is a change of the office holder that has the overarching control of the regulated activity under a licence. Under subsection 67(1), if the office holder of the licence who has the overarching control of the organisational, financial and operational functions of the conduct of the regulated activity and that office holder changes for any reason, the licence holder is under an obligation to report that to the Regulator. The licence holder must also provide details of the new office holder to the Regulator.

Subsection 67(2) provides for the reporting condition applicable to the licence holder that the Regulator must be notified at least six weeks prior to the change of office holder, or if the licence holder was unaware of the change six weeks prior, then notification to the Regulator must occur as soon as practicable after becoming aware of the change.

###### **Section 68 Nuclear safety management system, arrangements, plans and records management system must be audited and reviewed**

Section 68 provides for the auditing and reviewing conditions applicable to the licence holder on the nuclear safety management system, arrangements, plans and records management system.

Subsection 68(1) provides that the auditing and review conditions under section 68 apply to:

1. the nuclear safety management system, arrangements and each plan for the activity specified under section 61;
2. the required records management system for the activity under section 62;
3. the specific plans for particular activities as required under Division 3 of Part 4;
4. the specific plans for particular material activities as required under Division 4 of Part 4.

Subsection 68(2) provides for the condition applicable to the licence holder that an audit must be conducted on the implementation of the system, arrangements or plan and a review be conducted on the appropriateness and effectiveness of the system, arrangements or plan. The audit and review conditions must be conducted in accordance with subsection 68(3).

Subsection 68(3) provides for a condition that an audit and review must be undertaken:

* every 12 months for a plan referenced in paragraph 61(1)(f), (i), or (j); or
* every 3-year period during the period which the licence authorises the conduct of the activity.

The periods specified under 68(3)(a) and (b) commence with the first of the periods on the day the licence is issued. The note under subsection 68(3)(b) specifies that the plans referenced in paragraphs 61(1)(f), (i), or (j) are the radiation protection plan, the emergency management plan, the emergency management and response plan and the environmental protection plan.

Subsection 68(4) provides for an auditing and review condition applicable to the licence holder that requires the licence holder to cause an audit and review to be completed within 3 months preceding the end of the period which the audit and review is covering.

*Results of audit and review must be reported to the Regulator*

Subsection 68(5) provides for the condition applicable to the licence holder that a report on the outcomes of the audit and review must be provided to the Regulator within 14 days of completion. The report on the outcomes of the audit and review must provide the details of:

1. the assessment of the implementation of the system, arrangements or plan; and
2. the assessment of the appropriateness and effectiveness of the system, arrangements or plan; and
3. how the rectification has occurred or is proposed to occur of any identified deficiencies.

##### *Subdivision D—Conditions relating to dose limits*

###### All dose limit conditions align with the dose limits and thresholds that are utilised by the Australian Radiation Protection and Nuclear Safety Agency, so that there is consistency across the Australian regulatory landscape and align with the protection of human health from the possible harmful effects of exposure to ionising radiation.

###### **Section 69 Dose limits**

Section 69 provides for the conditions on dose limits.

Subsection 69(1) provides for the condition applicable to the licence holder and any other person authorised to conduct the regulated activity, that radiation protection relating to the conduct of the regulated activity, is optimised to ensure that the outcome of the following matters are kept as low as is reasonably achievable:

1. the magnitude of individual doses;
2. the number of people who are exposed;
3. the likelihood of incurring exposures to ionising radiation and harmful non-ionising radiation.

Subsection 69(1)(b) provides the condition that radiation protection in relation to the conduct of the regulated activity, must be conducted in accordance with the subdivision D of Division 2 of Part 4. Subsection 69(1)(c) provides for the condition that if the Regulator has specified a condition for the purposes of paragraph 32(1)(c) or subsection 34(2) of the Act, that other codes or standards for dose limits must be complied with, those codes or standards must also be complied with. This will be made clear in the condition at the time it is applied to the licence.

The first note under subsection 69(1) provides that records must be kept in accordance with section 62, which provides for the record keeping obligations.

The second note under subsection 69(1) makes note of the reporting obligation under section 76, which provides for the reporting of any moderate or significant increase in the magnitude of individual doses, or the number of people who are exposed.

The third note under subsection 69(1) makes note of the reporting obligations under subsection 76, which covers when significant increases in dose limits involves a breach of dose constraints.

Subsection 69(2) provides for the condition applying to both the licence holder and any other person authorised to conduct the regulated activity, that exposure (both occupational and public) to harmful non-ionising radiation produced by any NNP equipment or plant relating to the conduct of the regulated activity is to be kept as low as reasonably achievable and within the applicable dose limits.

The note under subsection 69(2) notes the reporting obligation under section 76 for any moderate or significant increase in the magnitude of individual doses or the actual number of people who are exposed from the NNP equipment or plant.

###### **Section 70 Dose limits—facility activity**

Section 70 provides for the conditions for dose constraints for a facility activity.

Subsection 70(1) provides that the section applies if the regulated activity is a facility activity.

Subsection 70(2) provides for a condition applying to the licence holder and any other person authorised to conduct the regulated activity, that there is an obligation to ensure that the doses from ionising radiation that a person is exposed to from inside of or in connection with the NNP facility, does not exceed the applicable dose limits under sections 72 and 73. This includes persons who are and are not occupationally exposed persons.

The note under subsection 70(2) notes the reporting obligation under section 76 for a significant increase in the magnitude of individual doses that involves a breach of the dose limits.

###### **Section 71 Does limits—activity of having possession or control of NNP material or NNP equipment or plant**

Section 71 provides for the conditions for allowable dose limits in connection with the material activity of having possession or control of NNP material or NNP equipment or plant in a designated zone. The dose limits set out in section 71 have been set from the existing Australian requirements by ARPANSA to align with the current measures for the protection of human health from the possible harmful effects of exposure to ionising radiation. This assures that the effective dose limits set out in the regulations are aligned with the national standards for the safety of personnel that are exposed to the possible harmful effects of ionising radiation from having possession or control of NNP material or NNP equipment or plant.

Subsection 71(1) provides that the section applies if the regulated activity which is authorised by the licence is a material activity involving the possession or control of NNP material or NNP equipment or plant that is located within a designated zone.

Subsection 71(2) provides for a condition applying to the licence holder and any other person authorised to conduct the regulated activity, that there is an obligation to ensure that the doses from ionising radiation that a person is exposed to does not exceed the applicable dose limits under sections 72 and 74, due to exposure to NNP material or NNP equipment or plant. This includes persons who are and are not occupationally exposed persons.

The note under subsection 71(2) notes the reporting obligation under section 76 for a significant increase in the magnitude of individual doses that involves a breach of the dose limits.

###### **Section 72 Effective dose limits for ionising radiation**

Section 72 provides for the effective dose limits for specified persons under the Regulations. The dose limits set out in section 72 have been derived from the existing Australian requirements by ARPANSA, to align with the current measures for the protection of human health from the possible harmful effects of exposure to ionising radiation. This assures that the effective dose limits set out in the regulations are aligned with the national standards for the safety of personnel and the public that are exposed to the possible harmful effects of ionising radiation.

*Limit for occupational exposure of persons who are at least 18*

Subsection 72(1) provides that the effective dose limit for the occupational exposure of persons who are at least 18 years of age must be no greater than 20 mSv annually, which is averaged over five consecutive years.

The effective dose limit under subsection 72(1) is subject to subsections 72(4) and (6) as an occupational exposed person of at least 18 years of age, could also be pregnant, breastfeeding or an emergency worker or helper and therefore captured under subsections 72(1), (4) and (6). If the person is breastfeeding or pregnant, the condition applied will be the lower limit of not greater than 1mSv annually. If the person is an emergency worker, the condition applied will be the higher limit specified in the table to subsection 72(6).

Subsection 72(2) provides that the effective dose limit for occupational exposed persons who are at least 18 years of age, must not exceed 50 mSv over a one-year period. This requirement is subject to subsection 72(6) which provides for the effective dose limits for emergency workers or helpers as they are in a unique position of greater risk of occupational exposure.

*Limit for occupational exposure of persons who are 16 or 17*

Subsection 72(3) provides that the effective dose limit for the occupational exposure of person who are at least 16 or 17 years of age must be no greater than 6 mSv annually.

The effective dose limit under subsection 72(3) is also subject to 72(4) as an occupational exposed person who is 16 or 17 years of age, could also be pregnant or breastfeeding and therefore captured under subsections 72(3) and 72(4).

*Limit for occupational exposure of persons declared to be pregnant or breastfeeding*

Subsection 72(4) provides that the effective dose limit for a person who has declared to the licence holder that they are a person who is pregnant or breastfeeding must be no greater than 1 mSv annually.

*Limit for public exposure*

Subsection 72(5) provides that the effective dose limit for public exposure must be no greater than 1 mSv annually. The effective dose limit specified in subsection 72(5) includes the public exposure of an unborn child. The subsection is subject to subsection 72(6) as person could be exposed in a public exposure capacity but is also an emergency worker or helper and subject to the applicable effective dose limits under subsection 72(6).

*Limit for emergency workers and helpers*

Subsection 72(6) provides for the effective dose limits of a person that is an emergency worker or helper and undertakes an action that is specified in column 1 of the table. These are the circumstances which emergency workers and helpers would likely be subject to exposure. The effective dose limits are set out in column 2 of the table under subsection 72(6).

The categories and limits for emergency workers are below.

If an emergency worker is undertaking mitigatory actions and urgent protective actions on site during a nuclear or radiological emergency, including lifesaving actions and actions to prevent serious injury; the dose limit is 500mSv during the nuclear or radiological emergency.

If an emergency worker is undertaking actions to prevent severe tissue reactions (that the worker considers is unlikely to result in serious injury); the dose limit is 50mSv during the nuclear or radiological emergency.

If an emergency worker or helper is undertaking urgent or early protective actions during the emergency response phase of a nuclear or radiological emergency, the dose limit is 50mSv during the nuclear or radiological emergency.

If an emergency worker is undertaking long-term recovery operations during transition or termination phases of a nuclear or radiological emergency and beyond, the dose limit is 20 mSv annually, averaged over five consecutive years.

The note under subsection 72(6) directs the reader to subsection 21(2) of the Act, which provides the definition for a nuclear safety incident.

Subsection 72(7) provides that an emergency worker as referenced in this section includes:

1. a person authorised to conduct the regulated activity; and
2. a person employed by the licence holder, either on a direct or indirect basis; and
3. personnel of a response organisation, such as a police officer, firefighter, medical personnel, and a driver or a crew of a vehicle which is used for evacuation purposes.

An emergency worker could fall into any of these categories or other relevant categories or workers with a like function.

###### **Section 73 Effective doses**

Subsection 73 provides for the effective doses for a period which is relevant to the person. This section defines the effective doses to ensure that the licence holder takes into account the type of radiation that personnel are exposed to, and the radiological sensitivities of the organs and tissues irradiated. The effective doses have been defined in this section from the existing Australian requirements as set by ARPANSA to assure alignment with national standards regarding the safety of personnel.

Subsection 73(1) provides that for the purposes of section 72, the effective dose for a period that is relevant to a person under subsection 73(2) is:

* 1. the effective dose that the person receives during the relevant period from a source that is outside of the person’s body; and
  2. the person’s committed effective dose which was received from intakes during the relevant period for the next 50 years.

Subsection 73(1) provides that a person’s effective dose for a period, is the sum of (a) the effective dose that the person receives from a source outside of the person’s body during the relevant period; and (b) the person’s committed effective dose that was received from intakes during the relevant period for the next 50 years. This specified effective dose for a period is for the purposes of section 72, which provides for the effective dose limits of ionising radiation for specified classes of persons.

Subsection 73(2) provides for the relevant period for a person, for the purposes of subsection 73(1). Subsection 73(2) defines the relevant period to a person as:

1. five years for an occupationally exposed person; or
2. one year for a person that is a member of the public.

Subsection 73(3) provides for the calculation for the effective dose for a person who is under 18 years of age to be calculated on the basis of the number of years by subtracting the person’s age at the time of the calculation from 70. This subsection is to be prevalent over paragraph 73(1)(b).

###### **Section 74 Annual equivalent dose limit for ionising radiation**

Section 74 provides for the annual equivalent dose limits for ionising radiation for the occupational exposure and public exposure on the lens of the eye, occupational exposure of the hands and feet, occupational exposure and public exposure of the skin, and the exception for emergency workers. The annual equivalent dose limits for ionising exposure have been set consistent with existing Australian requirements established by ARPANSA. This assures alignment with national standards regarding the safety of personnel and the public. Equivalent dose is defined in section 7. In context the equivalent dose formula is a measure of the dose in organs and tissues that takes in account the type of radiation involved.

*Limit for occupational exposure of the lens of the eye*

Subsection 74(1) provides that the equivalent dose limit to the lens of the eye for occupational exposure must not be greater than 20 mSv annually, which is averaged over a period of five consecutive years.

Subsection 74(2) provides that the equivalent dose limit to the lens of the eye for occupational exposure must not be greater than 50 mSv for a one-year period. This effectively means that while the equivalent dose limit to the lens of the eye for occupational exposure cannot exceed 50 mSv for a one-year period, the averaged exposure is limited to 20 mSv averaged over a period of 5 consecutive years. Should an occupational exposed person receive an equivalent dose of 50 mSv in a one-year period, then the person’s occupational exposure over the following years must correct, or compensate, so that exposure reduces over the following consecutive years to an average of no greater than 20 mSv for a consecutive five year period.

*Limit for public exposure of the lens of the eye*

Subsection 74(3) provides that the equivalent dose limit to the lens of the eye for public exposure must not be greater than 15 mSv over a period of one year.

*Limit for occupational exposure of hands and feet*

Subsection 74(4) provides that the equivalent dose limit to the hands and feet for occupational exposure must not be greater than 500 mSv over a one year period.

*Limits for occupational exposure and public exposure of skin*

Subsection 74(5) provides that the annual equivalent dose limit to the skin for occupational and public exposure must not be greater than 500 mSv for occupational exposure and greater than 50 mSv for public exposure.

Subsection 74(6) provides that the annual equivalent dose limit to the skin applies to the average dose received by any 1cm₂ of skin.

*Exception for emergency workers and helpers*

Subsection 74(7) provides that the annual equivalent dose limit for ionising radiation in section 74 is subject to section 72(6) which provides for the effective dose limits of a person that is an emergency worker or helper and undertakes an action that is specified in column 1. This effectively means that the annual equivalent dose limits for ionising radiation in section 74 are not applicable to emergency workers or helpers that undertake an action that is specified in subsection 72(6) of the Regulations.

###### **Section 75 Occupationally exposed persons**

Section 75 provides for the conditions applicable to licence holders concerning occupationally exposed persons. Section 75 ensures nuclear safety through the identification, assessment and management of occupational exposure and worker health. The proper management and review of exposure to ionising radiation assists in rectifying potential deficiencies and lessons-learnt from recording of dosages.

Subsection 75(1) provides that licence holders must:

1. identify all occupationally exposed persons who are or could be occupationally exposed to ionising radiation or high levels of non-ionising radiation, in relation to the conduct of the regulated activity; and
2. ensure that the age of each occupationally exposed person and their pregnancy or breastfeeding status (if known) can be effectively taken into account for the purposes of keeping exposure as low as reasonably achievable within the dose limits under the Regulations; and
3. provide for a personal radiation monitoring service for each occupationally exposed person; and
4. record doses received by the occupationally exposed person, which must include the results from the personal radiation monitoring service and how the doses were calculated; and
5. register each occupationally exposed persons on the Australian National Radiation Dose Register; and
6. provide the data on doses received by each of the occupationally exposed persons to the Australian National Radiation Dose Register:
7. at least every three months, which begins on the day the licence is issued; or
8. if it has been specified as a condition by the Regulator for the purposes of paragraph 32(1)(c) or subsection 34(2) of the Act, that the licence holder must provide the data more frequently then the data must be provided at least as frequently as the Regulator has specified.

The storage, management, use and disclosure of information contained in the Australian National Dose Register are in accordance with the provisions of the *Privacy Act 1988* and the Australian Privacy Principles. The responsible Commonwealth entity will take all necessary measures to comply with the requirements of the Privacy Act and will not disclose any personal information held in the Australian National Dose Register to any overseas recipient.

*Dose record to be provided to occupationally exposed person*

Subsection 75(2) provides for the condition applicable to the licence holder that the licence holder is obliged to provide a copy of an occupationally exposed person’s dose record to that person:

* on an annual basis until that person’s employment or contract is terminated; and
* at the termination of the person’s employment or contract; and
* at any time requested by that person during the period of the licence.

*Audit and review*

Subsection 75(3) provides for an auditing and review condition applicable to the licence holder that the licence holder is obliged to:

1. audit and review the doses received by occupational exposed persons for each 12 month period in which the conduct of the activity is authorised by the licence;
   1. the first of the audit and review periods is to commence on the day the licence is issued; and
   2. the audit and review is to be conducted with the purpose of optimising radiation protection for occupationally exposed persons under the conduct of the regulated activity as required by subsection 69(1); and
2. ensure that the audit and review is completed within 3 months of the end of the 12‑month period in which the audit and review relates; and
3. provide a report to the Regulator within 14 days of the completion of the audit and review that specifies:
   1. the assessment of the doses which were received by the occupationally exposed persons; and
   2. how any rectification or proposed rectification has occurred or is proposed to occur for any identified deficiencies.

The note under subsection 75(3) notes that the licence holder must seek and receive approval from the Regulator prior to implementing any change identified in the review that is considered significant or may have significant implications for nuclear safety. The note refers the reader to section 54 of the Regulations, which provides for the conditions for changing the conduct of the regulated activity, systems, arrangements or plans under a licence.

###### **Section 76 Reporting – increases in radiation exposure**

Section 76 provides reporting conditions applicable to the licence holder or person authorised to conduct the regulated activity, which cover when there is increase in radiation exposure. The reporting requirement is necessary to ensure nuclear safety as the reporting assures that any personnel conducting a regulated activity, who are exposed to greater levels of radiation, are assisted as necessary. The reporting conditions also work to assure that the Regulator has the necessary oversight of regulated activities where operations, if practicable, are changed to reduce the level of radiation exposure. This supports a licence holder in meeting their nuclear safety duties.

Subsection 76(1) provides that subsection 76(2) applies in the circumstance that the licence holder or any other person authorised to conduct the regulated activity, becomes aware of any moderate or significant increase in the magnitude of individual doses of radiation exposure or in the number of people exposed to radiation:

1. in relation to the conduct of the regulated activity; or
2. from any NNP material or NNP equipment or plant that are involved in the conduct of the regulated activity.

Subsection 76(2) provides for the reporting condition applicable to the licence holder and any other person authorised to conduct the regulated activity, to report to the Regulator immediately after becoming aware of a significant increase in radiation exposure; or within 24 hours after becoming aware of a moderate increase in radiation exposure.

Subsection 76(3) provides for the reporting condition applicable to the licence holder or any other person authorised to conduct the regulated activity, that if the significant increase in radiation exposure involves another person that has been exposed to an increase in radiation exposure that is of a magnitude that breaches a condition applicable to the licence holder or the other person under section 70 or 71; or any other breach of a dose limit condition applicable to the licence holder or other person;

The licence holder or the other person is obliged to report the information to the Regulator under subsection 76(2).

#### Division 3—Additional conditions applying to licence authorising facility activity

###### **Section 77 Additional conditions for any kind of facility activity—risk levels and activity levels**

Section 77 provides for the conditions applicable for any kind of facility activity for risk levels and activity levels. Section 77 conditions are required to ensure that the licence holder maintains a current description of the nuclear safety risk and applies consideration for the safety of personnel and the environment as the utmost priority during operations under the regulated activity of their licence.

Subsection 77(1) provides that the section applies to a regulated activity if the regulated activity is a facility activity.

Subsection 77(2) provides for the condition that the licence holder must maintain a current description of the level of nuclear safety risk that is posed by the regulated activity. The current description must have regard to the matters listed in paragraph 23(3)(b) which sets out the information which demonstrates the assessment of the level of nuclear safety risk.

The note under subsection 77(2) notes that records must be kept, referring the reader to section 62 of the Regulations.

Subsection 77(3) provides for the condition applicable to the licence holder that a measurement and record of activity levels of the NNP facility is maintained.

The note under subsection 77(3) provides records must be kept, referring the reader to section 62 of the Regulations.

###### **Section 78 Additional conditions for any kind of facility activity – sale, transfer or abandonment of a site, NNP facility or proposed NNP facility**

Section 78 provides for additional conditions applicable to the licence holder for any certain actions relating to any kind of NNP facility activity or proposed NNP facility. The conditions under section 78 assure that there is regulatory oversight or control of an authorised Commonwealth-related person for certain kinds of actions relating to the sale, transfer or abandonment of the site, NNP facility or proposed NNP facility. This oversight allows for nuclear safety duties to remain applicable across the activity of the site for the purposes of the NPS enterprise. Section 78 also ensures that there is always a licenced person that is responsible for the site, NNP facility or proposed NNP facility with the licencing being the mechanism that invokes the nuclear safety duties.

Subsection 78(1) provides that this section applies if the regulated activity which is authorised under the licence is a facility activity.

*Sale or transfer by licence holder*

Subsection 78(2) provides for the notification condition applicable to the licence holder that the licence holder must notify the Regulator of any proposed sale or transfer of the site of the NNP facility or proposed facility, or the NNP facility or proposed NNP facility, prior to any sale or transfer occurring.

Subsection 78(3) provides for the condition applicable to the licence holder, that the licence holder must not sell or transfer the site of the NNP facility or proposed NNP facility, or the NNP facility or proposed NNP facility, except to a Commonwealth-related person that holds a licence that authorises the conduct of the facility activity involving the site, NNP facility or proposed NNP facility.

The effect of subsections 78(2) and (3) ensure that the Regulator is notified and aware of any proposed sale or transfer of the site of the NNP facility or proposed facility, or the NNP facility or proposed NNP facility, in addition to ensuring that there is always a licence holder for the site of the NNP facility or proposed facility, or the NNP facility or proposed NNP facility.

*Site, facility or proposed facility not to be abandoned*

Subsection 78(4) provides for the condition that the licence holder must not abandon the site of the NNP facility or proposed NNP facility, or the NNP facility or proposed NNP facility.

*No sale or transfer by person authorised under* *licence*

Subsection 78(5) provides the condition applicable to the licence holder and any other person authorised to conduct the regulated activity that the other authorised person must not sell or transfer the site of the NNP facility or proposed NNP facility, or the NNP facility or proposed NNP facility.

###### **Section 79 Additional condition—activity of preparing a site for an NNP facility in a designated zone**

Section 79 provides for conditions applicable to a licence holder for the activity of preparing a site for an NNP facility within a designated zone. The conditions for preparing a site is essential to assuring nuclear safety of regulated activities. The licence application to prepare a site should provide enough information to demonstrate that the NNP facility can operate safely under all reasonably foreseeable circumstances.

Subsection 79(1) provides that the conditions in the section apply if the regulated activity that is authorised by the licence is the facility activity of preparing a site for an NNP facility within a designated zone.

*Plan for preparing the site*

Subsection 79(2) provides for the condition that the regulated activity is conducted in accordance with the plan for the preparation of the site for the proposed NNP facility. The licence holder is to do so as far is it is reasonably practicable.

Subsection 79(3) provides for the condition that the plan for the preparation of the site must ensure nuclear safety during the preparation of the site.

The note under subsection 79(3) clarifies that subsection 79(3) does not limit what the licence holder may choose to otherwise deal with in the plan for the preparation of the site.

Subsection 79(4) provides for the condition applicable to the licence holder that it must be ensured that the plan for preparing the site is effectively implemented and maintained throughout the period of the licence.

The note under subsection 79(4) notes the 3-year audit and review requirement for the plan under section 68.

*Transitional arrangements*

Subsection 79(5) provides for the condition applicable to the licence holder that if the licence is a transitional licence, on the day the Act commences the licence holder must provide to the Regulator the information and documents that describe and document the plan for preparing the site.

###### **Section 80 Additional conditions—activity of constructing an NNP facility in a designated zone**

Section 80 provides for the conditions applicable to the licence holder for the activity of constructing an NNP facility within a designated zone. The conditions under section 80 have been informed by current, relevant domestic and international best practices.

Subsection 80(1) provides that the section applies if the regulated activity that is authorised by the licence is a facility activity of constructing an NNP facility within a designated zone.

*Final design*

Subsection 80(2) provides for the condition applicable to the licence holder that the regulated activity must be conducted in accordance with the final design and the proposed operation of the final design, as it was proposed at the time of the decision to issue the licence and as changed from time to time by the licence holder. This condition ensures that the regulated activity is only conducted in accordance with the final plan and the proposed operation of the final design as it was proposed at the time of the Regulator making the decision to grant the licence.

The licence holder, in accordance with section 54 of the Regulations, may change the final design, from time to time, or it may be changed by the licence holder to comply with a condition that is specified by the Regulator under subsection 34(2) of the Act.

*Construction plan*

Subsection 80(3) provides for the condition that as far as it is reasonably practicable, the regulated activity must be conducted in accordance with the construction plan for the facility.

Subsection 80(4) provides for the condition that construction plan must ensure nuclear safety during the construction of the facility

The note under subsection 80(4) clarifies that subsection 80(4) does not limit what the licence holder may choose to otherwise deal with under the plan.

Subsection 80(5) provides for the condition applicable to the licence holder that the construction plan is effectively implemented and maintained throughout the period of the licence. This condition would effectively ensure that the approved construction plan to undertake the construction of the site or proposed site in the specified manner would be done and maintained throughout the licence period and not undertaken in a different manner to the construction plan.

The note under subsection 80(5) notes the 3-year audit and review requirements under section 68 of the Regulations.

*Permit to establish facility*

Subsection 80(6) provides for a condition on the licence holder, that a permit to establish the facility provided under the *Nuclear Non-Proliferation (Safeguards) Act 1987,* must be provided to the Regulator prior to the commencement of establishing the facility if the permit was not previously provided to the Regulator under section 15 of the Regulations.

*Transitional arrangements*

Subsection 80(7) provides for the situation where the licence is a transitional licence, that the licence holder must provide to the Regulator, on the day the Act commences, information and documents. This information must describe and document the construction plan for the facility, in addition to the final design of the proposed facility and its proposed operations immediately before the day, which the licences transitioned under the Act.

Paragraph 80(7)(b) confirms that subsection 80(6) operates as if the reference to the licence holder providing the permit to the Regulator prior to commencing the regulated activity, were a reference to the licence holder providing the permit to the Regulator on the day that the Act commences.

###### **Section 81 Additional conditions—activity of having possession or control of an NNP facility in a designated zone**

Section 81 provides for conditions applying to the licence holder when conducting an activity involving possession or control of an NNP facility. The conditions under section 81 allow the Regulator to verify that nuclear safety applies to the conduct of regulated activities. This includes an assurance to the Regulator of the optimisation of protection to keep exposure as low as reasonably achievable.

Subsection 81(1) provides that the section applies if the regulated activity which is authorised by the licence is facility activity of having the possession or control of an NNP facility within a designated zone.

*Possession or control period plan*

Subsection 81(2) provides for the condition that so far as reasonably practicable, the regulated activity must be conducted in accordance with the possession or control period plan for the facility.

Subsection 81(3) provides for the condition that the possession or control plan for the regulated activity must ensure nuclear safety for the duration of the possession or control period.

The note under subsection 81(3) clarifies that the subsection does not limit what the licence holder may choose to otherwise deal with under the possession or control plan.

Subsection 81(4) provides the condition that the licence holder must ensure that the possession or control period plan is effectively implemented and maintained throughout the period of the licence.

The note reminds readers that the plan must be audited and reviewed every three years and refers to section 68 of the Regulations.

*What must occur before any NNP facility or NNP equipment or plant is tested or operated*

Subsection 81(5) provides for the condition applicable to the licence holder, that it must be ensured that there is no NNP facility or NNP equipment or plant tested or operated that is involved in the conduct of the activity except in accordance with the specified exceptions.

The exceptions are that there are effective safety mechanisms, devices or circuits that are connected to the facility, equipment or plant which work to prevent or mitigate the risks of any nuclear safety hazards or risks. The mechanisms must be in good working order.

The Regulator has the authority to request that the licence holder demonstrate that the above mentioned requirements for the safety mechanisms, devices or circuits have been complied with prior to any testing or operation. If such a request from the Regulator is received, the licence holder must provide the information or documents to the Regulator which demonstrate compliance with subsection 81(5).

*Transitional arrangements*

Subsection 81(6) provides a condition applicable to the licence holder that if the licence is a transitional licence, on the day that the Act commences, the licence holder must provide to the Regulator the information and documents that prescribe and document the possession or control plan for the facility.

###### **Section 82 Additional conditions—activity of operating an NNP facility in a designated zone**

Section 82 provides for conditions relating to the activity of operating an NNP facility within a designated zone. The conditions under this section include the requirement of a commissioning plan and an operational plan to support an application of operating an NNP facility. This assures that the licence applicant has planned for an NNP facility that holistically considers nuclear safety. A clear understanding of the responsibilities and accountabilities of operating personnel is essential to achieving the proper and safe functioning of a nuclear facility.

Subsection 82(1) provides that the section applies if the regulated activity that is authorised by the licence, is the facility activity of operating an NNP facility within a designated zone.

*Commissioning plan*

Subsection 82(2) provides for the condition that as far as it is reasonably practicable, the regulated activity must be conducted in accordance with the commissioning plan for the facility.

Subsection 82(3) provides for the condition that the commissioning plan must ensure nuclear safety during the commissioning of the facility.

The note under subsection 82(3) clarifies that the subsection does not limit what the licence holder may choose to otherwise deal with in the plan.

*Operational plan*

Subsection 82(4) provides for the condition that as far as it is reasonably practicable, the regulated activity must be conducted in accordance with the operational plan for the facility.

Subsection 82(5) provides for the condition that the operational plan must ensure nuclear safety during the operation of the facility.

The note under subsection 82(5) confirms that the subsection does not limit what the licence holder may otherwise choose to deal with in the plan.

*Plans must be implemented and maintained*

Subsection 82(6) provides for the condition applicable to the licence holder that the licence holder must ensure that the commissioning plan and the operational plan are effectively implemented and maintained throughout the period of the licence.

The note under subsection 82(6) notes the 3 year auditing and review conditions under section 68.

*Transitional arrangements*

Subsection 82(7) provides for a transitional licence, a condition applicable to the licence holder that on the day the Act commences, the information and documents that describe and document the commissioning plan for the facility are provided to the Regulator.

###### **Section 83 Additional conditions—activity of decommissioning an NNP facility in a designated zone**

Section 83 provides for the conditions applicable to a licence holder for the activity of decommissioning an NNP facility within a designated zone. The conditions under this section assures that licence holders appropriately consider and prioritise nuclear safety when decommissioning an NNP facility in a designated zone through implementation of the decommissioning plan to reach end state criteria. The proper achievement of the decommissioning plan ensures the safety of current and future generations of people and the environment.

Subsection 83(1) provides that section 83 applies when the regulated activity that is authorised by the licence is the facility activity of decommissioning an NNP facility within a designated zone.

*Decommissioning plan*

Subsection 83(2) provides for the condition that as far as it is reasonably practicable, the regulated activity must be conducted in accordance with the decommissioning plan for the facility.

Subsection 83(3) provides for the condition that the decommissioning plan must ensure for nuclear safety during and after the decommissioning of the facility.

The note under subsection 83(3) clarifies that the subsection does not limit what the licence holder may choose to otherwise deal with under the decommissioning plan.

Subsection 83(4) provides for the condition applicable to the licence holder that the licence holder must ensure that the decommissioning plan is effectively implemented and maintained throughout the licence period.

The note under subsection 83(4) notes the 3-year audit and review requirements under section 68.

*Transitional arrangements*

Subsection 83(5) provides for transitional licence, the condition that on the day the Act commences the licence holder must provide to the Regulator the information and documents that prescribe and document the decommissioning plan for the facility.

###### **Section 84 Additional conditions—activity of disposing of an NNP facility in a designated zone**

Section 84 provides for the conditions of an activity of disposing of an NNP facility within a designated zone. The conditions in section 84 assures that the licence applicants appropriately consider and prioritise nuclear safety when disposing of an NNP facility in a designated zone through the implementation of the proper post-disposal measures to ensure long-term nuclear safety. Facilitating the proper monitoring of disposal strategies ensures the safety against negative radiological impacts on people or the environment.

Subsection 84(1) provides that the section applies to a regulated activity that is authorised by the licence for a facility activity of disposing of an NNP facility in a designated zone.

*Disposal plan*

Subsection 84(2) provides for the condition that as far as it is reasonably practicable, the regulated activity must be conducted in accordance with the disposal plan for the facility.

Subsection 84(3) provides for the condition that the disposal plan must ensure nuclear safety during and after the disposal of the facility.

The note under subsection 84(3) clarifies that the subsection does not work to limit what the licence holder can otherwise choose to deal with under the disposal plan.

Subsection 84(4) provides for the condition applicable to the licence holder that the licence holder must ensure that the disposal plan is effectively implemented and maintained throughout the licence period. The note proceeding subsection 84(4) clarifies that the plan must be audited and reviewed every 3 years and refers the reader to section 68.

*Transitional arrangements*

Subsection 84(5) provides for a transitional licence on the day the Act commences, the condition that the licence holder must provide to the Regulator the information documents that prescribe the disposal plan for the facility.

###### **Section 85 Additional conditions—general requirements for plans under this Division**

Section 85 provides for the general requirements for plans under Division 3 of Part 4 of the Regulations. The conditions provided under Division 3 are prescribed to ensure that licence holders conduct regulated activities in line with plans that are approved by the Regulator, which therefore assures prioritisation of nuclear safety. This includes, as far as reasonably practicable, capturing licensing conditions under licences which were previously approved by the Australian Naval Nuclear Power Safety Regulator (ANNPSR) and those that are transitioned from ARPANSA upon the commencement of the *ANNPS Act 2024*. This ensures that licence holders have clear legislated nuclear safety conditions across the conduct of all regulated activities.

Subsection 85(1) provides that the section applies to each plan for the regulated activity that is required under Division 3.

Subsection 85(2) provides for the condition that the plan must be as proposed at the time that the decision was made to issue the licence. However, the subsection also provides that a plan can only be changed in two circumstances:

1. accordance with section 54; and
2. to comply with a condition that has been specified by the Regulator for the purposes of subsection 34(2) of the Act.

The note under subsection 85(2) clarifies that the plan must comply with any relevant specified requirements in the ANNPS Licence Conditions Code that is mentioned under section 56. The note directs the reader to subsection 56(1) of the Regulations which provides for the applicable Codes. It is further clarified that section 56 does not limit what the licence holder may otherwise choose to deal with under the plan.

*Transitional arrangements*

Subsection 85(3) provides for a transitional licence, the condition that subsection 85(2) applies, as if the reference to the plan as proposed at the time of the decision to issue the licence is actually a reference to the plan as described and documented in the information and documents that the licence holder provides to the Regulator on the day the Act commences.

The note under subsection 85(3) directs the reader to subsections 79(5), 80(7), 81(6), 82(7), 83(5), and 84(5) of the Regulations for the requirements to provide the information and documents to be provided to the Regulator in respect of transitional licences.

#### Division 4—Additional conditions applying to licence authorising material activity

###### **Section 86 Additional conditions for any kind of material activity—maintaining inventory, information and documents**

Section 86 provides conditions in relation to any kind of material activity. Licence holders must maintain the inventory, information and documents relating to the regulated activity. The conditions to maintain an inventory, information and documents assures that NNP material and NNP equipment or plant is accounted for across the conduct of any material activity. This practice supports nuclear safety.

Subsection 86(1) provides that the section applies if the regulated activity that is authorised under the licence is a material activity.

Subsection 86(2) provides for the condition applicable to the licence holder that the licence holder must maintain a current inventory of any NNP material and NNP equipment or plant that is involved in the activity. The licence holder must also maintain to an up-to-date standard the information and documents which are specified in column 2 of the item in the table in subsection 30(3) of the Regulations for any such NNP material and NNP equipment or plant mentioned in the table.

The note under subsection 86(2) clarifies that records must be kept and directs the reader to section 62 of the Regulations, which provides for the record keeping requirements.

###### **Section 87 Additional conditions for any kind of material activity—transport or movement of naval nuclear propulsion plant**

Section 87 provides conditions relating to the transport or movement of naval nuclear propulsion plant. The conditions in section 87 ensure that the naval nuclear propulsion plant is approved for safe movement within the designated zone. The conditions allow for the proper planning and approval by the Regulator, which assists with identifying and managing potential risks and hazards being transported into, out of and around the designated zone.

Subsection 87(1) provides that the section applies where the regulated activity authorised under the licence is a material activity and the activity includes either the movement within the designated zone of the naval nuclear propulsion plant or the transport into and out of the designated zone of the naval nuclear propulsion plant, other than on an operational AUKUS submarine.

Subsection 87(2) provides for the condition applicable to the licence holder that prior to any particular movement or transport of a naval nuclear propulsion plant, the licence holder must submit to the Regulator a plan or the arrangements for the particular movement or transport and obtain the approval from the Regulator for that particular plan and arrangements and movement or transport.

Subsection 87(3) provides for the condition that the movement or transport of a naval nuclear propulsion plant must be conducted in accordance with the Regulator’s approval of the plan and arrangements.

###### **Section 88 Additional conditions for any kind of material activity—transport of NNP material and NNP equipment or plant—only as approved**

Section 88 provides for the additional conditions for any kind of material activity, with the transport of NNP material and NNP equipment or plant to be conducted only as approved by the Regulator. The conditions in section 88 ensures that the transport of NNP material, or NNP equipment or plant must be approved for safe transport out of the designated zone. The proper planning and approval by the Regulator assists with identifying and managing potential risks and hazards inside and outside of the designated zone.

Subsection 88(1) provides that the section applies if the regulated activity that is authorised under the licence is the material activity and that activity involves the transport of the NNP material or NNP equipment or plant into or out of the designated zone, the activity is not already covered under section 87 of the Regulations and is not on an operational AUKUS submarine.

Subsection 88(2) provides for the condition applicable to the licence holder that the licence holder must seek and obtain the Regulator’s approval to transport the NNP material or NNP equipment or plant into or outside of the designated zone, prior to any transportation occurring.

The note under subsection 88(2) states that the transport must also be conducted in compliance with the transport management plan for the activity, directing the reader to section 89 of the Regulations, which covers the conditions for transport management and movement plans.

Subsection 88(2) and the proceeding note ensure that the licence holder is only transporting the NNP material or NNP equipment or plant into or outside of the designated zone with the Regulator’s approval and in compliance with the approved transport plan for the activity. This ensures that the licence holder is meeting their minimum obligations to ensure nuclear safety for the conduct of the activity while the appropriate regulatory oversight occurs.

###### **Section 89 Additional conditions for activity of having possession or control of NNP material or NNP equipment or plant—transport management and movement plans**

Section 89 provides for the conditions for transport management and movement plans for material activities. The conditions under section 89 ensure that the effective implementation and maintenance of the licence holder’s transport management and movement plans have been made in anticipation of the process of safe transport and movement of NNP material or equipment or plant throughout the period of the licence.

Subsection 89(1) provides that the section applies if the regulated activity that is authorised by the licence is a material activity.

Subsection 89(2) provides that the section does not apply to naval nuclear propulsion plant, as that is covered by section 87 of the Regulations.

*Transport management plan*

Subsection 89(3) provides for the condition that in so far as it is reasonably practicable, the regulated activity is conducted in compliance with the transport management plan for the transportation of NNP material or NNP equipment or plant into a designated zone, or to an area located outside of the designated zone.

The first note under subsection 89(3) notes that NNP material or NNP equipment or plant that is not a naval nuclear propulsion plant, must not be transported into or outside of the designated zone in which the activity is conducted unless prior approval of the Regulator is sought and obtained. The reader is directed to section 88 of the Regulations.

The second note under subsection 89(3) notes that the transport of naval nuclear propulsion plant requires a specific plan, arrangements and the approval for each transport by the Regulator. The note directs the reader to section 87 of the Regulations.

Subsection 89(4) provides for the condition that the transport management plan must ensure nuclear safety during, and the control of, the transport of NNP material or NNP equipment or plant into or outside of the designated zone in which the regulated activity is conducted.

The note under subsection 89(4) specifies that this provision does not limit what the licence holder may otherwise choose to deal with in the transport management plan.

*Movement plan*

Subsection 89(5) provides for a condition that, in so far as it is reasonably practicable, that the regulated activity is conducted in compliance with the movement plan for the movement of NNP material or NNP equipment or plant, within a designated zone for the regulated activity.

The note under subsection 89(5) notes that the transport of naval nuclear propulsion plant requires a specific plan, arrangements and the approval for each movement by the Regulator. The note directs the reader to section 87 of the Regulations, which covers the additional conditions for the transport or movement of naval nuclear propulsion plant.

Subsection 89(6) provides for the condition that the movement plan ensure nuclear safety during, and control of, the movement of NNP material or NNP equipment or plant is being moved to an area which is within the designated zone for the regulated activity that it is conducted.

The note under subsection 81(6) clarifies that the subsection does not limit what the licence holder may choose to deal with in the movement plan.

*Other requirements for plans*

Subsection 89(7) provides for the condition applying to the licence holder that the transport management plan and the movement plan are effectively implemented and maintained throughout the licence period.

The note under subsection 89(7) notes the three-year audit and review requirement under section 68 of the Regulations.

*Transitional arrangements*

Subsection 89(8) provides for a transitional licence, that on the day which the Act commences, the licence holder must provide to the Regulator the information and documents which prescribe and document the transport management plan and the movement plan for the activity.

###### **Section 90 Additional conditions for activity of having possession or control of NNP material or NNP equipment of plant—sale, transfer or abandonment**

Section 90 provides for additional conditions applicable to the licence holder for certain actions relating to any kind of NNP material or NNP equipment or plant or proposed NNP material or NNP equipment or plant. The conditions under section 90 assures that a site, NNP material or NNP equipment or plant or proposed NNP material or NNP equipment or plant has continuous regulatory oversight or control by an authorised Commonwealth-related person. This oversight allows for nuclear safety duties to remain applicable to the activity. Section 90 also ensures that there is always a licenced person that is responsible for the NNP material, NNP equipment or plant or proposed NNP material or NNP equipment or plant with the licencing conditions being the mechanism that invokes the nuclear safety duties.

Subsection 90(1) provides that section 90 applies if the regulated activity which is authorised under the licence, is a material activity.

*Sale or transfer by licence holder*

Subsection 90(2) provides for the approval condition applicable to the licence holder that the licence holder must obtain approval from the Regulator of any proposed sale or transfer of naval nuclear propulsion plant or proposed NNP material or NNP equipment or plant, prior to any sale or transfer occurring.

Subsection 90(3) provides for the notification condition applicable to the licence holder, that the licence holder first notify the Regulator prior to the selling or transferring of the NNP material or NNP equipment or plant or proposed NNP material or NNP equipment or plant (which is not covered by subsection 90(2)), except to a Commonwealth-related person that holds a licence that authorises the conduct of the material activity involving the NNP material or NNP equipment or plant or proposed NNP material or NNP equipment or plant.

The effect of this ensures that the Regulator is notified and aware of any proposed sale, or transfer of the NNP material or NNP equipment or plant or proposed NNP material or NNP equipment or plant. In addition it ensures that there is always a licence holder for the NNP material or NNP equipment or plant or proposed NNP material or NNP equipment or plant.

Subsection 90(4) provides for the condition that the licence holder must not sell or transfer the NNP material or NNP equipment or plant or proposed NNP material or NNP equipment or plant which is not covered by subsection 90(2), other than to a Commonwealth-related person that holds a licence authorising the conduct of a material activity involving the NNP material or NNP equipment or plant.

*Material, equipment or plant not to be abandoned*

Subsection 90(5) provides for the condition that the licence holder must not abandon the NNP material or NNP equipment or plant or proposed NNP material or NNP equipment or plant.

*No sale or transfer by person authorised under* *licence*

Subsection 90(6) provides the condition applicable to the licence holder and any other person authorised to conduct the regulated activity that the ***other authorised person*** must not sell or transfer the NNP material or NNP equipment or plant.

###### **Section 91 Additional conditions of activity of having possession or control of NNP material or NNP equipment of plant—plan for possession or control**

Section 91 provides for the conditions for a possession or control plan for activities involving the possession or control of NNP material or NNP equipment or plant. The conditions under section 91 ensure that the effective implementation and maintenance of the licence holder’s plan for having possession or control of NNP material or NNP equipment or plant have been made in anticipation of the process of safe possession or control of NNP material or equipment or plant throughout the period of the licence.

Subsection 91(1) provides that the section applies if the regulated activity that is authorised by the licence is a material activity of having the possession or control of NNP material or NNP equipment or plant within the designated zone.

###### Subsection 91(2) provides that it is a condition of the licence that the regulated activity, so far as reasonably practicable, is conducted in accordance with the plan for possession or control of the NNP material or NNP equipment or plant.

Subsection 91(3) provides that it is a condition of the licence that the plan for possession or control of NNP material or NNP equipment or plant must ensure nuclear safety during the conduct of the regulated activity.

The note under subsection 91(3) clarifies that subsection 91(3) does not limit what the licence holder may otherwise choose to deal with in the plan.

Subsection 91(4) provides that it is a condition of the licence that the licence holder must ensure that the plan is effectively implemented and maintained throughout the period of the licence.

The note under subsection 91(4) specifies that the plan must be audited and reviewed every 3 years. The note directs the reader to section 68 of the Regulations, which provides for the auditing and review conditions applicable to the licence holder.

###### **Section 92 Additional conditions—activity of using NNP material in a designated zone**

Section 92 provides for the conditions requiring a plan for activities involving using NNP material during a regulated activity in a designated zone. The conditions under section 92 ensure that the effective implementation and maintenance of the licence holder’s plan for using NNP material have been made in anticipation of the process of safe use of NNP material throughout the period of the licence.

Subsection 92(1) provides that the section applies if the regulated activity that is authorised by the licence is a material activity of using NNP material within the designated zone.

Subsection 92(2) provides that it is a condition of the licence that the regulated activity, so far as reasonably practicable, is conducted in accordance with the plan for using NNP material.

Subsection 92(3) provides that it is a condition of the licence that the plan for using NNP material must ensure nuclear safety during the conduct of the regulated activity.

The note under subsection 92(3) clarifies that subsection 92(3) does not limit what the licence holder may otherwise choose to deal with in the plan.

Subsection 92(4) provides that it is a condition of the licence that the licence holder must ensure that the plan is effectively implemented and maintained throughout the period of the licence.

The note under subsection 91(4) specifies that the plan must be audited and reviewed every 3 years. The note directs the reader to section 68 of the Regulations.

###### **Section 93 Additional conditions—activity of using or operating NNP equipment or plant in a designated zone**

Section 93 provides for the conditions requiring a plan for activities involving using or operating NNP equipment or plant. The conditions under section 93 ensure that the effective implementation and maintenance of the licence holder’s plan for using or operating NNP equipment or plant have been made in anticipation of the process of safe use or operation of NNP equipment or plant throughout the period of the licence.

Subsection 93(1) provides that the section applies if the regulated activity that is authorised by the licence is a material activity of using or operating NNP equipment or plant within the designated zone.

Subsection 93(2) provides that it is a condition of the licence that the regulated activity, so far as reasonably practicable, is conducted in accordance with the plan for using or operating NNP equipment or plant.

Subsection 93(3) provides that it is a condition of the licence that the plan for using or operating NNP equipment or plant must ensure nuclear safety during the conduct of the regulated activity.

The note under subsection 93(3) clarifies that subsection 93(3) does not limit what the licence holder may otherwise choose to deal with in the plan.

Subsection 93(4) provides that it is a condition of the licence that the licence holder must ensure that the plan is effectively implemented and maintained throughout the period of the licence.

The note under subsection 93(4) specifies that the plan must be audited and reviewed every 3 years. The note directs the reader to section 68 of the Regulations, which provides for the conditions to audit and review.

###### **Section 94 Additional conditions—activity of maintaining, storing or disposing of NNP material or NNP equipment or plant in a designated zone**

Section 94 provides for the conditions for a plan for activities involving maintaining, storing or disposing of NNP material or NNP equipment or plant. The conditions under section 94 ensure that the effective implementation and maintenance of the licence holder’s plan for maintaining, storing or disposing of NNP material or NNP equipment or plant have been made in anticipation of the process of safe conduct of the regulated activity throughout the period of the licence.

Subsection 94(1) provides that the section applies if the regulated activity that is authorised by the licence is a material activity of maintaining, storing or disposing of NNP material or NNP equipment or plant within the designated zone.

Subsection 94(2) provides that it is a condition of the licence that the regulated activity, so far as reasonably practicable, is conducted in accordance with the plan for maintaining, storing or disposing of NNP material or NNP equipment or plant.

Subsection 94(3) provides that it is a condition of the licence that the plan for maintaining, storing or disposing of NNP material or NNP equipment or plant must ensure nuclear safety during the conduct of the regulated activity.

The note under subsection 94(3) clarifies that subsection 94(3) does not limit what the licence holder may otherwise choose to deal with in the plan.

Subsection 94(4) provides that it is a condition of the licence that the licence holder must ensure that the plan is effectively implemented and maintained throughout the period of the licence.

The note under subsection 94(4) specifies that the plan must be audited and reviewed every three years. The note directs the reader to section 68 of the Regulations, which provides for the conditions to audit and review.

###### **Section 95 Additional conditions—general requirements for certain plans required under this Division**

Section 95 provides for a general requirement for certain plans.

Subsection 95(1) provides that the section applies in relation to each plan for the regulated activity required under this Division, other than a plan required under section 87 of the Regulations.

Subsection 95(2) provides that it is a condition of a licence that the plan proposed at the time of making the decision to issue a licence, as changed from time to time by the licence holder, must be in accordance with section 54 or to comply with a condition specified by the Regulator for the purposes of subsection 34(2) of the Act.

The note under subsection 95(2) specifies that the plan must comply with the relevant requirements specified in the ANNPS Licence Conditions Code. The note directs the reader to section 56 of the Regulations. The note also clarifies that subsection 95(2) does not limit what the licence holder may otherwise choose to deal with in the plan.

*Transitional arrangements*

Subsection 95(3) provides for when the licence is a transitional licence, subsection 95(2) applies as if the reference to the plan as it was proposed at the time of the decision to issue the licence was made, is a reference to the plan as it was prescribed and documented in the information and documents provided to the Regulator on the day that the Act commences.

The note under subsection 95(3) directs the reader to subsection 89(8), which details the requirements to provide such information and documents.

### Part 5—Nuclear safety incidents

###### **Section 96 Simplified outline of this Part**

Section 96 provides a simplified outline of Part 5.

###### **Section 97 Kind of incidents that are nuclear safety incidents**

Section 97(1) provides for the specific incidents relating to the conduct of the regulated activity which would be considered nuclear safety incidents for the purposes of subparagraph 21(2)(b)(iii) of the Act. Specific incidents that are considered nuclear safety incidents under this section are:

1. an uncontrolled emission, escape, spillage or leakage of radioactive material that is NNP material, or NNP equipment or plant;
2. an uncontrolled emission, escape, spillage or leakage of ionising radiation that results in an increase in the magnitude of individual doses;
3. an uncontrolled exposure to harmful non-ionising radiation (i) from equipment or plant prescribed under section 11 of the Regulations and (ii) that results in the exceeding of an exposure limit which is specified in subsection 97(2);
4. a theft or loss of NNP material or NNP equipment or plant;
5. damage to a package (however described) that contains NNP material or NNP equipment or plant;
6. a near miss that could have resulted in any of the following matters:
   1. a significant increase in the magnitude of individual doses of ionising radiation,
   2. the exceeding of an applicable dose limit for a person under section 72 or 74,
   3. the exceeding of an exposure limit which is specified in subsection 97(2) that is in relation to harmful non-ionising radiation from equipment or plant that is described in section 11 of the Regulations.

Section 97(2) provides for the exposure limits, as they relate to naval nuclear propulsion for the purposes of subparagraphs 1(c)(ii) and 1(f)(iii), to be:

1. the reference levels as mentioned in *ICNIRP* *Guidelines For Limiting Exposure To Time-Varying Electric And Magnetic Fields (1 Hz—100 kHz),* published by the International Commission on Non-Ionizing Radiation Protection, as existing on 4 April 2025;
2. the maximum permissible exposure limits mentioned in AS/NZS IEC 60825.1:2014;
3. the exposure limits mentioned in AS/NZS IEC 62471:2011;
4. the exposure limits mentioned in the *ICNIRP Guidelines On Limits Of Exposure To Static Magnetic Fields*, published by the International Commission on Non-Ionizing Radiation Protection, as existing on *4 April 2025;*
5. the exposure limits mentioned in the *Guidelines for Limiting Exposure to Electromagnetic Fields (100 kHz to 300 GHz)*, published by the International Commission on Non Ionizing Radiation Protection, as existing on 4 April 2025.

The note for subsection 97(3) clarifies that in 2025, the documents referenced in paragraphs 97(3)(a), (d) and (e) could be viewed on, or accessed from the website of the International Commission on Non Ionizing Radiation Protection (<https://www.icnirp.org>).

###### **Section 98 Information to be given in report of a nuclear safety incident**

Section 98 prescribes for paragraph 21(3)(d) of the Act, the specific information required to be contained in a report given to the Regulator under subsection 21(1) of the Act, in the event that a nuclear safety incident occurs. The report must contain the following information:

1. the name and licence number of the licence holder;
2. the date and time the report is given;
3. the name and role of the person giving the report;
4. a description of any NNP facility, NNP material or NNP equipment or plant involved in the incident;
5. a description of the incident, including:
   1. the date and time of the incident; and
   2. the suspected cause of the incident; and
   3. details of any death of, serious injury to, or serious illness in individuals that were, or could have been, a result of the incident; and
   4. details of any serious environmental incidents that were, or could have been, a result of the incident;
6. a description of steps that have been taken or are proposed to be taken to:
   1. manage or respond to the incident; or
   2. mitigate the consequences of the incident; or
   3. preserve the site of the incident;
7. the likelihood that another nuclear safety incident would or could occur as a result of the incident;
8. if the person giving the report is aware of any other information that is relevant to the effective management of, or response to, the incident—that information.

The first note under section 98 provides that the timeframe for providing the report to the Regulator is immediately upon the licence holder becoming aware of the nuclear safety incident. It is clarified that the report must be confirmed in writing as soon as practicable but may be provided additionally on an oral basis to the Regulator. The reader is directed to paragraphs 21(3)(a) and (b) of the Act.

The second note under section 98 provides that section 98 does not limit what the person giving the report may otherwise choose to include in the report.

###### **Section 99 Actions after initial report of a nuclear safety incident**

Section 99 provides for the required actions of the licence holder after an initial report of a nuclear safety incident.

Subection 99(1) provides that for the purposes of paragraph 32(1)(b) of the Act, the section applies when a nuclear safety incident has occurred which the licence holder must report under section 21 of the Act. The note under subsection 99(1) directs the reader to Part 4 of the Regulations, which prescribes the other conditions which the licence is subject to.

*Information or action required to ensure appropriate and effective management of nuclear safety incident*

Subsection 99(2) provides for the condition applicable to the licence holder and any other person authorised to conduct the regulated activity, that the licence holder or person must, if a request is received from the Regulator, provide information and documents that the Regulator requires to ensure the nuclear safety incident is being appropriately and effectively managed. The licence holder or other person must take any action that the Regulator requires to ensure the nuclear safety incident is being appropriately and effectively managed.

*Preservation of incident site etc*

Subsection 99(3) provides for the condition that is applicable to the licence holder and any other person authorised to conduct the regulated activity under the licence, that it must be ensured, in so far as it is reasonably practicable, and subject to subsection 99(4), that the site of the nuclear safety incident is not disturbed until the Regulator directs that the site no longer needs to be preserved.

This includes the preservation of any naval nuclear propulsion plant, vessel, substance, structure, or thing that is associated with the incident.

Subsection 99(4) provides that in complying with the condition prescribed in subsection 99(3) to preserve the site of a nuclear safety incident, a person is not prevented from undertaking any of the following actions:

1. to assist an injured person; or
2. to remove a deceased person; or
3. that is considered essential to make the site safe; or
4. to minimise the risk of a further nuclear safety incident; or
5. that is associated with a police investigation; or
6. for which the Regulator has given approval in relation to the nuclear safety incident.

*Compliance with emergency management and response plan*

Subsection 99(5) provides for a condition applicable to both the licence holder and any other person authorised to conduct the regulated activity. The condition requires the licence holder or other person must, as soon as it is reasonably practicable, after there is no longer a need to preserve the site of the nuclear safety incident, and in any case, within 6 months after the incident has occurred, provide the information and documents to the Regulator that demonstrate:

1. action that has been, or is proposed to be, taken to manage or respond to the nuclear safety incident; and
2. the extent to which that action deviates, or is proposed to deviate, from the emergency management and response plan for the regulated activity.

The note under subsection 99(5) directs the reader to section 61 of the Regulations on emergency management and response plans.

*Implementation of recommendations*

Subsection 99(6) provides for the condition applicable to the licence holder and any other person authorised to conduct the regulated activity that subject to any approval under subsection 99(7), the licence holder or other person must:

1. implement any recommendations identified in the following:
   1. a final report of the Regulator’s investigation of the nuclear safety incident;
   2. the final independent investigation report of the nuclear safety incident (see subsection 99(8) of the Regulations);
   3. a final report of an internal investigation by the licence holder of the nuclear safety incident; and
2. provide information and documents to the Regulator to demonstrate that the licence holder has implemented all recommendations for preventing or mitigating the occurrence of nuclear safety incidents.

Subsection 99(7) provides if the licence holder or person proposes not to implement a recommendation identified in a report referred to in subsection 99(6), the licence holder or person must:

1. obtain approval for not implementing the recommendation from the Regulator; and
2. explain to the Regulator why implementing the recommendation is not possible, feasible or otherwise desirable; and
3. provide the Regulator with any information or documents the Regulator reasonably requires to decide whether to give the approval.

*Independent investigation of the nuclear safety incident*

Subsection 99(8) provides for the condition applicable to the licence holder that the licence holder must:

1. after a nuclear safety incident has occurred, as soon as it is reasonably practicable, arrange for a suitable qualified and experienced independent person to investigate and report on the nuclear safety incident; and
2. provide any interim reports in addition to the final report on the investigation to the Regulator within seven days of receiving the report.

Subsection 99(9) provides for the conditions of the report specified in subsection 99(8), that the report must address the following:

1. the events and circumstances that lead to the nuclear safety incident;
2. the facts of the nuclear safety incident;
3. the facts of what occurred during the nuclear safety incident and the response to it;
4. the essential factors and causes of the nuclear safety incident;
5. conclusions as to the cause of the nuclear safety incidents or other issues identified in the investigation;
6. recommendations for preventing or mitigating the occurrence of nuclear safety incidents.

While this list is required to be addressed in the report, this provision is not intended to be exhaustive and limiting, and the report into the incident undertaken can address other factors.

### Part 6—Suspension of licences and review of licence conditions

###### **Section 100 Simplified outline of this Part**

Section 100 provides a simplified outline of Part 6.

###### **Section 101 Period of licence suspension**

*Maximum period of licence suspensions*

Subsection 101(1) prescribes, for the purpose of subparagraph 35(5)(b)(i) of the Act, the period of 12 months.

The note under this subsection clarifies the period specified by the Regulator as the period for which a licence suspension remains in force must not exceed 12 months in duration.

*Default period*

Subsection 101(2) prescribes, for the purposes of subparagraph 35(5)(b)(ii) of the Act, the period of 12 months.

The note under this subsection clarifies that if the Regulator does not specify a period that a licence suspension remains in force, then the default period that the licence suspension remains in force is for 12 months.

###### **Section 102 Information to be included in application for review of licence decision**

Section 102 prescribes the information that must be included in an application for a review of an original decision of the Regulator. For paragraph 38(5)(b) of the Act, an application for review under subsection 38(4) of the Act, must contain the following information:

1. the name and contact details of the applicant for review;
2. the reference number for the application for the licence or for the licence;
3. details of the original decision, including the date and reference number of the original decision;
4. the applicant’s detailed reasons for making the application for review; and
5. any other information relating to the original decision or the applicant’s reasons for review that the applicant wishes to be taken into account in the review.

### Part 7—Other matters

###### **Section 103 Simplified outline of this Part**

Section 103 provides a simplified outline of Part 7.

###### **Section 104 Annual report—other matters to be included**

Section 104 provides for the requirements for the matters which must be included in the Regulator’s annual report for the purposes of section 122 of the Act.

Annual reports must be provided to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* (the PGPA Act). The matters prescribed in section 104 are additional legislative requirements to those required by the PGPA Act.

Subsection 104(1) provides that the annual report must include:

1. details of any breach of licence conditions, by a licence holder or any other person authorised under a licence, that the Director‑General is aware have occurred during the period;
2. details of directions given by inspectors under section 75 of the Act during the period;
3. details of improvement notices given by inspectors under section 77 of the Act during the period;
4. during the period the number of each:
   1. licence applications, licences issued, licences refused to be issued, licences varied, licences suspended, licences cancelled and licences surrendered;
5. the number of nuclear safety incidents that the Director-General is aware have occurred in relation to regulated activities during the period;
6. the number of other incidents that the Director-General is aware have occurred, during the period, in relation to regulated activities conducted under a licence that:
   1. relate to nuclear safety, and resulted in, or could have resulted in, significant injury to or significant illness in an individual or a significant environmental incident;
7. the number of other frequent incidents that the Director-General is aware have occurred, during the period, in relation to regulated activities conducted under a licence, that relate to nuclear safety and resulted in, or could have resulted in, lower level injury to or illness in an individual or a lower level environmental incident;
8. the number of court proceedings relating to an offence or contravention of a civil penalty provision of the Act brought during the period;
9. the number of reviews (other than internal reviews) of decisions made under the Act during the period;
10. the number of activities involving the use of the monitoring powers that concluded during the period;
11. the number of activities involving the use of the investigation powers that concluded during the period;
12. the number of warrants issued under the Act during the period;
13. the number of exemptions granted under section 144 of the Act during the period, and the following details in relation to each exemption:
    1. the name of the exempted person;
    2. the regulated activity to which the exemption relates;
    3. the provision of the Act, or licence condition, to which the exemption relates;
    4. any conditions to which the exemption is subject;
    5. any breach of a condition (specified in an instrument of exemption under subsection 144(3) of the Act) by the exempted person, that the Director General is aware of any occurrences during the period;
    6. any event or circumstance, that would have resulted in a breach of any licence conditions that would have applied to the exempted person if the exempted person were authorised by a licence to conduct the regulated activity, that the Director-General is aware of any occurrences during the period.

Subsection 104(2) clarifies that the annual report is not required to include details of any of the matters mentioned in subsection 104(1), if, in the opinion of the Director-General, the inclusion may prejudice the security or defence of the Commonwealth.

###### **Section 105 State and Territory laws that do not apply in relation to a regulated activity**

Subsection 105(1) prescribes, for the purposes of section 135 of the Act, the subsections of the provision which prescribes the laws of States and Territories that do not apply in relation to a regulated activity.

Subsection 105(2) prescribe the laws as:

1. the *Protection from Harmful Radiation Act 1990* (NSW);
2. the *Radiation Act 2005* (Vic.);
3. the *Radiation Safety Act 1999* (Qld);
4. the *Radiation Safety Act 1975* (WA);
5. the *Radiation Protection and Control Act 2021* (SA);
6. the *Radiation Protection Act 2005* (Tas.);
7. the *Radiation Protection Act 2006* (ACT);
8. the *Radiation Protection Act 2004* (NT).

Subsection 105(3) provides that any provision of any other State or Territory law that regulates nuclear activities is prescribed and do not apply in relation to a regulated activity. This means that the laws prescribed in subsection 105(2) are expressly excluded and do not apply in relation to regulated activities; and that any parts of any other laws of States or Territories that also regulate nuclear activities do not apply to regulated activities, as defined by the Act.

The note under subsection 105(3) clarifies that such provision of a law includes provisions regulating the disposal of nuclear waste, the handling or storage of nuclear material or material contaminated with radiation, or the design, construction, operation, decommissioning or disposal of nuclear facilities.

Subsection 105(4) clarifies that subsection 105(3) does not apply to a provision of a law that is predominately for the purposes of regulating work or occupational health and safety, or protecting the environment.

###### **Section 106 Obligations under international agreements that a person must have regard to when performing functions under the Act**

Section 106 prescribes that those performing their functions under the Act must have regard to the Agreement between the Government of Australia, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the United States of America for Cooperation Related to Naval Nuclear Propulsion, done at Washington on 5 August 2024, as in force for Australia at the commencement of these Regulations. This obligation is relevant for the purposes of 136 of the Act which prescribes the requirement that when the Act confers a function on a person, the person performing that function must have regard to Australia’s obligations under any applicable international agreement.

The note under section 106 states that the Agreement between the Government of Australia, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the United States of America for Cooperation Related to Naval Nuclear Propulsion is in Australian Treaty Series 2025 No. 5 ([2025] ATS 5) and could in 2025 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

This section gives effect to the Australian Government’s commitment to ensure that the nuclear-powered submarine enterprise operates with consideration of Australia’s international obligations.

###### **Section 107 Application for exemption from a provision of Act or licence condition**

Section 107 sets out what must be included in an application for an exemption to be granted under subsection 144(1) of the Act. Section 107 also provides that an application for an exemption must be made in writing and be in the approved form (if any). The Director-General of the Regulator has the power to approve forms under section 146 of the Act.

An exemption may be given by the Regulator to a specified person from the application of subsection 19(1) of the Act or the application of specified licence conditions.

An application for an exemption must include:

1. the name of the person to be exempted;
2. the name and contact details of the applicant;
3. if the application is in relation to an NNP facility, NNP material, or NNP equipment or plant, that is covered by a licence—the reference number for the licence;
4. whether the application seeks an exemption from subsection 19(1) of the Act or from a licence condition;
5. if the application seeks an exemption from subsection 19(1) of the Act, to allow a person who is not authorised by a licence to conduct a regulated activity – an explanation of the operational imperative for seeking the exemption.
6. if the application seeks an exemption from a particular licence condition—the licence condition;
7. the period for which the exemption is sought including the period’s start date and end date;
8. reasons why the exemption is sought;
9. an explanation of why the applicant believes that granting the exemption would not negatively impact the following:
   1. nuclear safety;
   2. the objects of the Act;
   3. the ability of any person conducting a regulated activity covered by, or related to, the application for exemption, to comply with the nuclear safety duties applying to the person under Division 2 of Part 2 of the Act;
10. any other information the applicant wishes the Regulator to consider in determining the application.

The amount of detail required by this provision is appropriate because the person is seeking an exemption from the requirement to have a licence or to comply with a specified licence condition that may be critical to nuclear safety.

For the purposes of this section, the operational imperative for seeking an exemption from the licence conditions could arise, for example, when there are exceptional, prevailing and genuine military, capability or security requirements that are substantiated by evidence. The licence holder is required to provide supporting justification and documentation which demonstrates that the deviation from the applicable licence conditions is justified and represents the best regulatory option to achieve nuclear safety.

Providing this detail will demonstrate that a person seeking an exemption has undertaken adequate due diligence and considered the risk to nuclear safety and how to mitigate that risk, and provide the Regulator with the required information to decide whether the exemption jeopardises the nuclear safety of a regulated activity.

### Schedule 1—Designated zones

Schedule 1 includes aerial photographic maps of the Stirling designated zone (the area known as HMAS *Stirling* at Garden Island in Western Australia) and Osborne designated zone (the area known as Osborne Naval Shipyard in South Australia).

The note refers to sections 8 and 9 of the Regulations.

**Clause 1 - Stirling designated zone**

Clause 1 provides the aerial photographic maps of the Stirling designated zone (the area known as HMAS *Stirling* at Garden Island in Western Australia).

**Clause 2 - Osborne designated zone**

Clause 2 provides the aerial photographic maps of the Osborne designated zone (the area known as Osborne Naval Shipyard in South Australia).

### Schedule 2—Activity values for nuclides

The note refers to the definitions of derived activity value and activity in section 5 and parent nuclide and progeny nuclide in section 6 of the Regulations.

#### Part 1—Activity values for nuclides

###### **Section 1**

Section 1 provides that for the purposes of subsection 5(1), the activity value for a nuclide in an item in column 1 of the table is:

1. for a nuclide in solid form, the activity value as specified in column 2 of the item;
2. for a nuclide in liquid form, the activity value specified in column 3 of the item;
3. for a nuclide in gas or vapour form, the activity value specified in column 4 of the item.

###### **Clause 1 Activity values for nuclides**

The table in this clause provides values for the purposes of subsection 5(1) of the Regulations, the activity value for a nuclide.

The first note under the table at clause 1 provides that the activity of a progeny nuclide included in secular equilibrium with a parent nuclide is dealt with in section 6. It is further provided that parent nuclides and progeny nuclides are set out in clause 2 of the schedule and with parent nuclides marked ᵃ in the table of this clause.

The second note under the table at clause 1 provides that a nuclide marked with m or m’ in the table indicates a metastable state of the nuclide. With a metastable state, m’, indicate a state of higher energy than the metastable state m.

#### Part 2—Parent and progeny nuclides

###### **Clause 2 Parent nuclides and progeny nuclides**

The table in this section lists parent nuclides and progeny nuclides for the purposes of section 6.

The first note under the table at clause 2 provides that the activity of a progeny nuclide included in the secular equilibrium with a parent nuclide is dealt with in section 6.

The second note under the table at clause 2 provides that parent nuclides are also marked ᵃ in the table at clause 1.