Australian Radiation Protection and Nuclear Safety Amendment Regulations 1999 (No. /)

Statutory Rules 1999 No. /

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I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations under the *Australian Radiation Protection and Nuclear Safety Act 1998*.

Dated 09 JUN 1999 1999.

WILLIAM DEANE

Governor-General

By His Excellency's Command,

MICHAEL WOOLDRIDGE
Minister for Health and Aged Care

Australian Radiation Protection and Nuclear Safety Amendment Regulations 1999 (No. 1)[1]

Statutory Rules 1999 No. 1 [2]

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made under the

Australian Radiation Protection and Nuclear Safety Act 1998

Contents

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1 Name of regulations

These regulations are the *Australian Radiation Protection and Nuclear Safety Amendment Regulations 1999 (No. 1)*.

2 Commencement

These regulations commence on gazettal.

3 Amendment of *Australian Radiation Protection and Nuclear Safety Regulations 1999*

Schedule 1 amends the *Australian Radiation Protection and Nuclear Safety Regulations 1999*.

Schedule 1 Amendments

(regulation 3)

[1] Paragraph 36 (2) (c)

substitute

(c) Code of Practice for the Safe Transport of Radioactive Substances 1990.

[2] Part 4, after Division 2

insert

Division 2A Licence application fees

40A Purpose of Division 2A

(1) Subsection 30 (1) of the Act provides that a controlled person must not undertake conduct mentioned in the subsection unless the person is:

(a) authorised to do so by a facility licence; or

(b) exempted in relation to the conduct concerned by regulations made for the purposes of section 30.

(2) Subsection 31 (1) of the Act provides that a controlled person must not deal with controlled material or controlled apparatus unless the dealing is:

(a) authorised by a source licence; or

(b) prescribed by the regulations as an exempt dealing for the purposes of section 31.

(3) Paragraph 34 (b) of the Act provides that an application for a licence must be accompanied by the prescribed fee.

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(4) This Division sets out the fee that must accompany an application for a facility licence to undertake conduct in relation to a nuclear installation or a prescribed radiation facility.

(5) This Division also sets out the fee that must accompany an application for a source licence to deal with any 1 or more of the following:

(a) a sealed source of controlled material;

(b) unsealed sources of controlled material;

(c) controlled apparatus that produces ionizing radiation;

(d) controlled apparatus that produces non-ionizing radiation.

Note Definitions:

The following expressions used in this Division are defined in section 13 of the Act:

- ***controlled apparatus***
- ***controlled facility***
- ***controlled material***
- ***controlled person***
- ***deal with***
- ***nuclear installation***.

Regulation 4 prescribes kinds of controlled apparatus that produce harmful non-ionizing radiation when energised.

Regulation 6 sets out types of prescribed radiation facilities.

The dictionary in the regulations defines ***sealed source*** and ***unsealed source***.

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40B Facility licence — nuclear installations

(1) This regulation applies to a facility licence to undertake conduct:

(a) of a type mentioned in column 2 of an item in Schedule 3A; and

(b) in relation to a nuclear installation.

(2) The application fee is the fee mentioned in column 3 of the item.

40C Facility licence — prescribed radiation facilities

(1) This regulation applies to a facility licence to undertake conduct:

(a) of a type mentioned in subsection 30 (1) of the Act; and

(b) in relation to a prescribed radiation facility mentioned in column 2 of an item in Schedule 3B.

(2) The application fee for each type of conduct in relation to a facility is the fee mentioned in column 3 of the item.

(3) For an application to undertake more than 1 type of conduct in relation to a facility, the application fee is the sum of the application fee for each type of conduct included in the application.

Note The conduct mentioned in subsection 30 (1) is any of the following:

- preparing a site for the controlled facility
- constructing the controlled facility
- having possession or control of the controlled facility
- operating the controlled facility
- de-commissioning, disposing of or abandoning the controlled facility.

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40D Source licence — sealed sources of controlled materials

(1) This regulation applies to a source licence to deal with a sealed source of controlled material that is mentioned in column 2 of an item in Schedule 3C.

(2) The application fee is the fee mentioned in column 3 of the item.

(3) The maximum fee payable for an application for dealing with more than 1 source, in a single laboratory or premises, under item 1 of Schedule 3C is $300.

(4) The maximum fee payable for an application for dealing with more than 1 source under item 14 of Schedule 3C is $1,000.

40E Source licence — unsealed sources of controlled materials

(1) This regulation applies to a source licence to deal with an unsealed source of controlled material in a way mentioned in column 2 of an item in Schedule 3D.

(2) The application fee is the fee mentioned in column 3 of the item.

40F Source licence — controlled apparatus that produces ionizing radiation

(1) This regulation applies to a source licence to deal with controlled apparatus:

(a) that produces ionizing radiation; and

(b) that is mentioned in column 2 of an item in Schedule 3E.

(2) The application fee is the fee mentioned in column 3 of the item.

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40G Source licence — controlled apparatus that produces non-ionizing radiation

(1) This regulation applies to a source licence to deal with controlled apparatus:

(a) that produces non-ionizing radiation of the kind mentioned in regulation 4; and

(b) that is mentioned in column 2 of an item in Schedule 3F.

(2) The application fee is the fee mentioned in column 3 of the item.

40H Maximum fee for a source licence

The maximum fee payable in a calendar year, by a Department or Commonwealth body, for source licence applications made under section 34 of the Act, is $600,000.

[3] Schedule 2, Part 2, after item 86

insert

86A	Y-88	$1x10^1$	$1x10^6$

[4] Schedule 2, Part 2, after item 235

insert

235A	Pb-201	$1x10^1$	$1x10^6$

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[5] Schedule 2, Part 2, after item 246

insert

246A	Po-208	$1x10^1$	$1x10^4$
246B	Po-209	$1x10^1$	$1x10^4$

[6] After Schedule 3

insert

Schedule 3A Nuclear installations

(regulation 40B)

Item	Type of conduct relating to a nuclear installation	Fee ($)
1	Preparing a site for a nuclear reactor: (a) for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies); and (b) with maximum thermal power of less than 1 megawatt	12,000
2	Constructing a nuclear reactor: (a) for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies); and (b) with maximum thermal power of less than 1 megawatt	45,000

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Item	Type of conduct relating to a nuclear installation	Fee ($)
3	Possessing or controlling a nuclear reactor: (a) for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies); and (b) with maximum thermal power of less than 1 megawatt	12,000
4	Operating a nuclear reactor: (a) for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies); and (b) with maximum thermal power of less than 1 megawatt	30,000
5	De-commissioning, disposing of or abandoning a nuclear reactor: (a) for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies); and (b) with maximum thermal power of less than 1 megawatt	30,000
6	Preparing a site for a nuclear reactor: (a) for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies); and (b) with maximum thermal power equal to or greater than 1 megawatt	60,000

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Item	Type of conduct relating to a nuclear installation	Fee ($)
7	Constructing a nuclear reactor: (a) for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies); and (b) with maximum thermal power equal to or greater than 1 megawatt	240,000
8	Possessing or controlling a nuclear reactor: (a) for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies); and (b) with maximum thermal power equal to or greater than 1 megawatt	12,000
9	Operating a nuclear reactor: (a) for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies); and (b) with maximum thermal power equal to or greater than 1 megawatt	180,000
10	De-commissioning, disposing of or abandoning a nuclear reactor: (a) for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies); and (b) with maximum thermal power equal to or greater than 1 megawatt	60,000
11	Preparing a site for a plant for preparing or storing fuel for use in a nuclear reactor of a type mentioned in items 1 to 9	6,000

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Item	Type of conduct relating to a nuclear installation	Fee ($)
12	Constructing a plant for preparing or storing fuel for use in a nuclear reactor of a type mentioned in items 1 to 9	27,000
13	Possessing or controlling a plant for preparing or storing fuel for use in a nuclear reactor of a type mentioned in items 1 to 9	6,000
14	Operating a plant for preparing or storing fuel for use in a nuclear reactor of a type mentioned in items 1 to 9	27,000
15	De-commissioning, disposing of or abandoning a plant for preparing or storing fuel for use in a nuclear reactor of a type mentioned in items 1 to 9	12,000
16	Preparing a site for a nuclear waste storage or disposal facility with an activity that is greater than the relevant activity level prescribed by regulation 8	60,000
17	Constructing a nuclear waste storage or disposal facility with an activity that is greater than the relevant activity level prescribed by regulation 8	90,000
18	Possessing or controlling a nuclear waste storage or disposal facility with an activity that is greater than the relevant activity level prescribed by regulation 8	6,000
19	Operating a nuclear waste storage or disposal facility with an activity that is greater than the relevant activity level prescribed by regulation 8	90,000
20	De-commissioning, disposing of or abandoning a nuclear waste storage or disposal facility with an activity that is greater than the relevant activity level prescribed by regulation 8	12,000

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Item	Type of conduct relating to a nuclear installation	Fee ($)
21	Preparing a site for a facility to produce radioisotopes, containing a mixture of controlled materials, with an activity that is greater than the activity level prescribed by regulation 11	30,000
22	Constructing a facility to produce radioisotopes, containing a mixture of controlled materials, with an activity that is greater than the activity level prescribed by regulation 11	60,000
23	Possessing or controlling a facility to produce radioisotopes, containing a mixture of controlled materials, with an activity that is greater than the activity level prescribed by regulation 11	6,000
24	Operating a facility to produce radioisotopes, containing a mixture of controlled materials, with an activity that is greater than the activity level prescribed by regulation 11	60,000
25	De-commissioning, disposing of, or abandoning a facility to produce radioisotopes, containing a mixture of controlled materials, with an activity that is greater than the activity level prescribed by regulation 11	12,000

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Schedule 3B Prescribed radiation facilities

(regulation 40C)

Item	Type of prescribed radiation facility	Fee ($)*
1	Particle accelerator that has, or is capable of having, a beam energy greater than 1 MeV	1,400
2	Particle accelerator that can produce neutrons	1,400
3	Irradiator that contains more than 10^{15} Bq of a controlled material	1,400
4	Irradiator that contains more than 10^{13} Bq of a controlled material and does not include shielding as an integral part of its construction	1,400
5	Irradiator that contains more than 10^{13} Bq of a controlled material and does include shielding as an integral part of its construction, but the shielding does not prevent a person from being exposed to the source	1,400
6	Irradiator that contains more than 10^{13} Bq of a controlled material and does include shielding as an integral part of its construction, but has a source that is not inside the shielding during the operation of the irradiator	1,400
7	Facility used for the production, processing, use, storage, management or disposal of sealed sources of controlled materials of activity in a quantity greater than 10^{9} times that mentioned in column 4 of Part 2 of Schedule 2	3,000

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Item	Type of prescribed radiation facility	Fee ($)*
8	Facility used for the production, processing, use, storage, management or disposal of unsealed sources of controlled materials of activity in a quantity greater than 10^6 times that mentioned in column 4 of Part 2 of Schedule 2	3,000
9	Facility where: (a) a mixture of controlled materials is produced, used, stored, managed or disposed of using the facility; and (b) the activity of the mixture, worked out using subregulation 6 (2), is greater than the applicable level mentioned in that subregulation	3,000

* The application fee set out is payable for each type of conduct mentioned in the application. See subregulations 40C (2) and (3).

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Schedule 3C Sealed sources of controlled materials

(regulation 40D)

Item	Type of sealed source of controlled material	Fee ($)
1	Calibration source of activity less than or equal to 40 MBq	90
2	Source in a fully enclosed analytical device	90
3	Source with activity less than or equal to 400 MBq in a fixed gauge	90
4	Source in a blood irradiator	90
5	Source in a bone densitometer	90
6	Calibration source of activity greater than 40 MBq	180
7	Source in a partially enclosed analytical device	180
8	Source of activity greater than 400 MBq in a fixed gauge	180
9	Source in a mobile gauge	180
10	Source for medical or veterinary diagnostic nuclear medicine use	180
11	Source for industrial radiography	300
12	Source for medical and veterinary radiotherapy	300
13	Source in a bore hole logger	300

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Item	Type of sealed source of controlled material	Fee ($)
14	Source: (a) that is in storage and awaiting disposal; and (b) that has a maximum activity of less than, or equal to, 10^9 times the amount mentioned in column 4 of Part 2 of Schedule 2	30
15	Any other type of sealed source of controlled material	300

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Schedule 3D Unsealed sources of controlled materials

(regulation 40E)

Item	Dealings with an unsealed source of controlled material	Fee ($)
1	Dealings in a laboratory or premises with nuclides with a maximum activity of less than, or equal to, 10^2 times the amount mentioned in column 4 of Part 2 of Schedule 2	90
2	Dealings in a laboratory or premises with nuclides with a maximum activity of greater than 10^2, but not exceeding 10^4, times the amount mentioned in column 4 of Part 2 of Schedule 2	180
3	Dealings in a laboratory or premises with nuclides with a maximum activity of greater than 10^4, but not exceeding 10^6, times the amount mentioned in column 4 of Part 2 of Schedule 2	300
4	Dealings with unsealed sources used for tracer studies	180

Note If a dealing involves more than 1 nuclide, the maximum activity for the dealing is worked out by following these steps:

Step 1 Divide the maximum activity of each nuclide by its activity mentioned in column 4 of Part 2 of Schedule 2.

Step 2 The figure worked out in step 1 is called ***the ratio***.

Step 3 Add the ratios for each nuclide used in the dealing.

Step 4 The figure worked out in step 3 is the maximum activity for the dealing.

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Schedule 3E Controlled apparatus producing ionizing radiation

(regulation 40F)

Item	Type of controlled apparatus producing ionizing radiation	Fee ($)
1	Mammographic x-ray unit	90
2	Conventional dental x-ray unit	90
3	X-ray unit used for bone densitometry	90
4	X-ray unit used for veterinary radiography	90
5	Fully enclosed x-ray analysis unit	90
6	Baggage inspection x-ray unit	90
7	Industrial radiography x-ray unit	180
8	Fixed medical x-ray unit, including a unit used for fluoroscopy, tomography and chiropractic radiography	180
9	Partially enclosed x-ray analysis unit	180
10	Medical therapy simulator	180
11	CT scanner	180
12	A veterinary or medical radiotherapy unit	300
13	Any other type of controlled apparatus that produces ionizing radiation	300

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Schedule 3F Controlled apparatus producing non-ionizing radiation*

(regulation 40G)

Item	Type of controlled apparatus producing non-ionizing radiation	Fee ($)
1	Magnetic field non-destructive testing device	180
2	Induction heater or induction furnace	180
3	Industrial radiofrequency heater or welder	180
4	Radiofrequency plasma tube	180
5	Microwave or radiofrequency diathermy equipment	180
6	Industrial microwave or radiofrequency processing system	180
7	Optical source, other than a laser product, emitting ultraviolet radiation, infrared or visible light	180
8	Laser product with an accessible emission level greater than the accessible emission limit of a Class 3B (Restricted) laser product, as defined by the accessible emission limit given in Australia / New Zealand Standard AS/NZS 2211.1:1997	180
9	Optical fibre communication system exceeding Hazard Level 3A, as defined by Australia / New Zealand Standard AS/NZS 2211.2:1997	180

* The production of non-ionizing radiation of the kind mentioned in regulation 4 must be established before this Schedule applies.

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[7] Dictionary, definitions of *sealed source* and *unsealed source*

substitute

sealed source means controlled material permanently contained in a capsule, or closely bound in a solid form, which is strong enough to be leak-tight for:

(a) the intended use of the controlled material; and

(b) any foreseeable abnormal events likely to affect the controlled material.

unsealed source means controlled material that is not a sealed source.

Notes

1. These regulations amend Statutory Rules 1999 No. 37.

2. Made by the Governor-General on / 1999, and notified in the *Commonwealth of Australia Gazette* on / 1999. 9 June 10 June

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