



8 August 2019

Guido Orefice

Sent via email: foi+request-5441-e59cb58f@righttoknow.org.au

Dear Guido Orefice

Decision under the *Freedom of Information Act 1982*

I refer to your request dated 24 May 2019 under the *Freedom of Information Act 1982* (the FOI Act) seeking access to the following document:

- *to the Waste Acceptance Criteria for waste taken by ARPANSA from the former Commonwealth Radium Laboratory/ Australian Radiation Laboratory at the University of Melbourne.*
- *the Waste Acceptance Criteria pertaining to any waste produced by the Australian Radiation Laboratory or it's former names - the Commonwealth Radiation Laboratory, the Commonwealth X-Ray and Radium Laboratory or the Commonwealth Radium Laboratory.*

Decision

I am an officer authorised under section 23 of the FOI Act to make decisions with respect to applications for access to documents under the FOI Act.

My decision is to refuse access under section 24A (1) of the FOI Act. Section 24A (1) of the FOI Act provides:

(1) An agency or Minister may refuse a request for access to a document if:

(a) all reasonable steps have been taken to find the document; and

(b) the agency or Minister is satisfied that the document:

(i) is in the agency's or Minister's possession but cannot be found; or

(ii) does not exist.

My reasons for making this decision are set out below:

I have consulted with the Source Safety and Security Section of the Regulatory Services Branch who are responsible for licensing the ARPANSA waste storeroom and the Radiation Health Services Branch who are

responsible for management of the ARPANSA source licence, including operating the ARPANSA waste storeroom.

I am instructed that the ARPANSA waste storeroom does not meet the activity threshold for a waste management facility, therefore, there is no requirement for Waste Acceptance Criteria within the definition of the IAEA Safety Glossary (the definition from the 2019 IAEA Safety Glossary is extracted below).

waste acceptance criteria

Quantitative or qualitative criteria specified by the *regulatory body*, or specified by an *operator* and approved by the *regulatory body*, for the *waste form* and *waste package* to be accepted by the *operator* of a *waste management facility*.

- ① *Waste acceptance criteria* specify the radiological, mechanical, physical, chemical and biological characteristics of *waste packages* and *unpacked waste*.
- ① *Waste acceptance criteria* might include, for example, restrictions on the *activity concentration* or total *activity* of particular radionuclides (or types of radionuclide) in the *waste*, on their heat output or on the properties of the *waste form* or of the *waste package*.
- ① *Waste acceptance criteria* are based on the *safety case* for the *facility* or are included in the *safety case* as part of the *operational limits and conditions* and controls.
- ① *Waste acceptance criteria* are sometimes referred to as ‘*waste acceptance requirements*’.

The ARPANSA waste storeroom is covered by a source licence. Accordingly, there is no waste acceptance criteria document that exists.

I am, however, instructed that it was necessary to agree on an activity concentration threshold that must be satisfied before ARPANSA would accept the soil from the University of Melbourne.

ARPANSA agreed to take possession of any soil with an activity concentration of radium exceeding the exemption limit of 10 Bq/g.

Review Rights

You are entitled to seek review of this decision. Your rights in this regard are set out at Attachment A to this letter.

You may also complain to the Commonwealth Ombudsman about the way your request has been handled and Attachment A also sets out your rights of complaint and how to exercise them.

Contacts

If you require clarification of any of the matters set out in this letter please contact Gemma Larkins on 02 9541 8311 or foi@arpansa.gov.au.

Yours sincerely

Gemma Larkins

Gemma Larkins
Legal Officer
Office of the General Counsel



ATTACHMENT A

Internal Review of Decision by ARPANSA

You have the right to apply for an internal review of this decision in accordance with Part VI of the *Freedom of Information Act 1982* (FOI Act). If you make an application for review, the CEO of ARPANSA will appoint an officer of ARPANSA to conduct a review and make a completely fresh decision on the merits of the case.

If you wish to exercise this review right, you must apply in writing for a review of the decision within 30 days of receipt of this letter. You do not have to pay any fees or proceeding charges for internal the review. No particular form is required to apply for review although it is desirable to set out in the application the grounds on which you consider that the decision should be changed.

The application for review of the decision should be sent to foi@arpansa.gov.au or:
FOI & Privacy Officer
ARPANSA
619 Lower Plenty Road
YALLAMBIE VIC 3085

If you make an application for internal review and a decision is not made by us within 30 days of receiving the application, the original decision will be deemed to be affirmed in accordance with section 54D of the FOI Act and you will be entitled to make an application to the Information Commissioner in accordance with sections 54L and 54M of the FOI Act. Similarly, if you are dissatisfied with ARPANSA’s decision on internal review, you may also apply for review of this decision to the Information Commissioner.

Review of Decision by the Australian Information Commissioner (AIC)

You do not have to seek an internal review of the decision directly from ARPANSA. You may wish to seek a review of the decision from the AIC. If so, you must apply in writing and you can lodge your application in a number of ways. More information is available on the AIC’s website at: <https://www.oaic.gov.au/freedom-of-information/foi-review-process>.

Complaints to the AIC or the Commonwealth Ombudsman

You may complain to the Commonwealth Ombudsman or the AIC concerning action taken by an agency in the exercise of the powers or the performance of functions under the FOI Act. There is no fee for making a complaint. The Ombudsman or the AIC will conduct a completely independent investigation of your complaint.

You may complain to the Ombudsman either orally, in person, on-line or in writing and to the AIC in writing or by completing the on-line form. Relevant addresses are:

<p>Commonwealth Ombudsman GPO Box 442 CANBERRA ACT 2601. Web: www.ombudsman.gov.au</p>	<p>The Australian Information Commissioner GPO Box 2999 OR GPO Box 5218 Canberra ACT 2601 Sydney NSW 2001 Web: https://www.oaic.gov.au/freedom-of-information/foi-complaints</p>
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