



## COMPLIANCE CODE FOR CLASS L2 PERMITS

### Compliance Code History

VERSION	DATE OF EFFECT	DESCRIPTION
1	18/09/2015	Compliance Code first issue
2	28/09/2020	New section 4.2, incorporation of definitions section, minor updates to various conditions
3		

### Purpose

The purpose of this *Compliance Code* is to establish a standard set of requirements for the systems of *Nuclear Material Accounting and Control* and *Nuclear Security* for all Class L2 Permits to Possess Nuclear Material issued under section 13 of *the Act*. It also sets out forms for the submission of applications, notifications and reports.

### Scope

This *Compliance Code* applies to Permits to Possess Nuclear Material issued under section 13 of *the Act* identified under paragraph 3 of the Permit as a Class L2 Permit. The requirements of the code apply to all *nuclear material* in the possession of the Permit Holder except *nuclear material* which is declared under section 11 of *the Act* as exempt from the application of Part II of *the Act*.

For the purpose of this *Compliance Code*, *nuclear security* will be taken to apply to *nuclear material* including *UOC*, but not to include other radioactive materials.

### 1. Nuclear Material Accounting and Control (NMAC) System

#### 1.1. The Permit Holder shall:

- 1.1.1 keep an *inventory* listing of *nuclear material* up-to-date;
- 1.1.2 label all physical batches and containers of *nuclear material* on the Permit Holder's *inventory*, with unique identification markings in a way that enables timely matching with batch numbers assigned by ASNO;
- 1.1.3 maintain organisational arrangements enabling the Permit Holder to determine the precise location of any material on the Permit Holder's *inventory* in less than 2 hours;
- 1.1.4 keep records of transfers of *nuclear material*;
- 1.1.5 conduct a Physical Inventory Taking (stocktake) not more than thirty (30) days prior to and no later than 30 June each year (or other dates as may be designated by ASNO in advance), of any *nuclear material* on the *inventory*;
- 1.1.6 maintain organisational arrangements to detect any *loss of control* of *nuclear material* listed on the *inventory* within 7 days; and
- 1.1.7 retain records of holdings and transfers of *nuclear material* for a period of 5 years.

- 1.2. Given the low safeguards significance of material covered by Class L2 Permits, the Permit Holder is not required to develop formal written NMAC procedures.



## 2. Reports, Notifications and Requests for Approvals

- 2.1. The Permit Holder or *Designated Individual* shall report to, notify or apply to the *Director General* as appropriate for each activity or item listed in section 3.
- 2.2. Each such report, notification or application shall be made by completing the specified forms listed in section 3 or using other formats as approved by *ASNO*.
- 2.3. The reports, notifications or applications shall be delivered to the *Director General* in accordance with the reporting requirements specified on the respective form.
- 2.4. Reporting of domestic and international transfers:  
The Permit Holder shall:
  - 2.4.1 Provide an annual report (as at 30 June) to *ASNO* and submit the report by the 5th of July of the same year (or other dates as may be designated by *ASNO* in advance), including:
    - (i) Physical Inventory Taking as described in section 1.1.5; and
    - (ii) All *inventory* changes that occurred during the reporting period.
  - 2.4.2 Notify *ASNO* of all international transfers (dispatch of *nuclear material* under this Permit or receipt of *nuclear material* to this Permit) in accordance with the reporting timeframes and forms.

## 3. ASNO Forms

The Permit Holder shall use the forms listed in sections 3.1-3.3 available at [www.dfat.gov.au/asno](http://www.dfat.gov.au/asno), as amended from time to time or the equivalent on *ASNO*'s online portal (the NUMBAT database portal <https://numbat.dfat.gov.au>).

### 3.1. Application Forms

APPLICATION FORMS TO CONDUCT CERTAIN ACTIONS: <sup>1</sup>	TIMEFRAME LIMITS FOR APPLICATIONS, NOTICE OR REPORTING: <sup>2, 3</sup>	FORM TO USE:
Application to Transfer Material (Import, Export or Domestic Transfer)	- 7 day notice	ASO106
Application to Consume, Dilute or Dispose of Nuclear Material or Associated Item <sup>4</sup>	- 7 day notice	ASO108
Application to Create a New Approved Location	- 7 day notice	ASO112
Application to Vary Disposition of Material Such That it will Become Unavailable for Verification	- 14 day notice	ASO128

<sup>1</sup> Each report, notification or application should be made by the *Permit Holder's Representative* or by a *Designated Individual* as notified under ASO214, responsible for compliance with that application requirement.

<sup>2</sup> Refer to related form for detailed timeframe requirements. All days refer to consecutive business days.

<sup>3</sup> For events requiring approval forms, the event must not take place before *ASNO* approval is granted.

<sup>4</sup> *Nuclear material* may only be disposed of in such a way that the *nuclear material* will become practicably irrecoverable.



### 3.2. Notification Forms

NOTIFICATION IS REQUIRED FOR: <sup>1</sup>	TIMEFRAME LIMITS FOR APPLICATIONS, NOTICE OR REPORTING: <sup>2</sup>	FORM TO USE:
Notification of an Incident	- Report incidents by phone within 2 hrs. of detection - submit form within 4 hrs.	ASO201
Notification of Designation of an Individual		ASO214
Notification of Change to Permit Holder's Particulars	- Within 10 days of effect of change	ASO231

### 3.3. Report Forms

REQUIRED REPORTS: <sup>1</sup>	TIMEFRAME LIMITS FOR APPLICATIONS, NOTICE OR REPORTING: <sup>2</sup>	FORM TO USE:
Report on Incident Investigation	- Within 10 days of initial notification	ASO303
Inventory Listing (Nuclear Materials and Associated Materials)	- 5 days after the physical inventory taking date set in 1.1.5	ASO310
Ledger Page	- Report monthly transactions or - 5 days after the physical inventory taking date set in 1.1.5	ASO311
Description of each building at an approved Location	- 15th of March every year	ASO316
Initial inventory listing		ASO323

## 4. Security Measures

4.1. The Permit Holder shall maintain security measures for preventing the theft, loss or unauthorised handling of *nuclear material* and its associated records, including:

- 4.1.1 restricting access to *nuclear material* to persons who need to access such material;
- 4.1.2 securing *nuclear material* in a lockable room or container or, for *nuclear material* incorporated into equipment, securing the equipment; and
- 4.1.3 maintaining documentary records associated with the Permit conditions (e.g. defined access list, log in/out sheet)

4.2. The Permit Holder shall promptly notify the *Director General* within 2 hours of detection of each incident under Form ASO201 of a:

- 4.2.1 *loss of control* including actual, attempted or suspected theft, loss or compromise of *nuclear material*;
- 4.2.2 unauthorised access to *nuclear material*; or
- 4.2.3 adverse failure of the security measures.

<sup>1</sup> Each report, notification or application should be made by the *Permit Holder's Representative* or by a *Designated Individual* as notified under ASO214, responsible for compliance with that application requirement.

<sup>2</sup> Refer to related form for detailed timeframe requirements. All days refer to consecutive business days.



## 5. Definitions

<b>(the) Act</b>	The <i>Nuclear Non-Proliferation (Safeguards) Act 1987</i> .
<b>Additional Protocol</b>	The Protocol Additional to the Agency Agreement (INFCIRC/217/Add.1) that entered into force on 12 December 1997.
<b>(the) Agency</b>	The International Atomic Energy Agency (IAEA).
<b>Agency Agreement</b>	The Agreement between Australia and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/217), being the Agreement which was signed on behalf of Australia on 10 July 1974, a copy of which is set out in Schedule 3 of <i>the Act</i> .
<b>ASNO</b>	The Australian Safeguards and Non-Proliferation Office.
<b>Designated Individual(s)</b>	Individual(s) to whom the <i>Permit Holder's Representative</i> delegates some of the responsibility and authority with respect to compliance with this Permit.
<b>Director General</b>	The Director General of the Australian Safeguards and Non-Proliferation Office.
<b>Inspector</b>	A person appointed an inspector or a person declared an Agency inspector, pursuant to section 57 of <i>the Act</i> .
<b>Inventory</b>	The entire physical stock of <i>nuclear material</i> , irrespective of its form or usefulness, held by the Permit Holder.
<b>Loss of Control (of material)</b>	The Permit Holder has lost the ability to apply the Permit conditions (on a continuous basis) to <i>nuclear material</i> including UOC or associated items (including technology, material or equipment).
<b>Nuclear fuel cycle-related research and development activities</b>	Those activities which are specifically related to any process or system development aspect of any conversion of <i>nuclear material</i> , enrichment of <i>nuclear material</i> , nuclear fuel fabrication, reactors, critical facilities, reprocessing of nuclear fuel, processing (not including repackaging or conditioning not involving the separation of elements, for storage or disposal) of intermediate or high-level waste containing plutonium, or high enriched uranium or uranium-233. It does not include activities related to theoretical or basic scientific research or to research and development on industrial radioisotope applications, medical, hydrological and agricultural applications, health and environmental effects and improved maintenance.



<b>Nuclear Material</b>	<i>Source and special fissionable material</i> the same as in <i>the Act</i> but for the purposes of this Permit excludes material that has been deemed by ASNO as practicably irrecoverable (Schedule 3, Article 11 of <i>the Act</i> ) or material that is the subject of an exemption or termination declaration under section 11 of <i>the Act</i> .
<b>Nuclear Security</b>	The prevention of, detection of, and response to, criminal or intentional unauthorised acts involving or directed at <i>nuclear material</i> , nuclear facilities and associated items.  NOTE: <i>The Act</i> refers to physical security, which in relation to the protection of <i>nuclear material</i> , is defined as nuclear security or physical protection consistent with IAEA guidance material, and for the protection of associated items, as protective security consistent with the Australian Physical Security Policy Framework (PSPF).
<b>Permit Holder's Representative</b>	The representative of the Permit Holder (i.e. the organisation) who will take responsibility and sign documents on behalf of the organisation. This person must be in a position with sufficient authority to ensure all Permit conditions are met.
<b>Source Material and Special Fissionable Material</b>	The same as in Schedule 1 of <i>the Act</i> .
<b>UOC</b>	Uranium ore concentrates

NOTE: Subject to the Administrative Appeals Tribunal Act 1975 and to sub-section 22(8) of the Nuclear Non-Proliferation (Safeguards) Act 1987, application may be made to the Administrative Appeals Tribunal, by or on behalf of a person whose interests are affected by a decision by the Minister, pursuant to sub-section (2) of section 13 of the Act, imposing a condition or restriction on the grant of a Permit, for review of the decision.