

3701:1-40-18 **Expiration or termination of license; decommissioning of sites and separate buildings or outdoor areas.**

- (A) Each specific license expires at the end of the day on the expiration date stated in the license unless the licensee has filed an application for renewal under rule 3701:1-38-02 of the Administrative Code and this rule not less than ninety days before the expiration date stated in the existing license. Except that a licensee holding a broad scope license shall apply for renewal not less than one hundred eighty days prior to expiration in accordance with paragraph (E) of rule 3701:1-38-02 of the Administrative Code. If an application for renewal has been filed at least ninety days, or in the case of a broad scope license, at least one hundred eighty days prior to the expiration date stated in the existing license, the existing license expires at the later of the end of the day on which the director makes a final determination to deny the renewal application or, if the determination states an expiration date, the expiration date stated in the determination.

- (B) Each specific license for the possession of radioactive material that requires a decommissioning plan shall continue in effect and shall be renewed during the decommissioning period, until the director notifies the licensee in writing after decommissioning that the license is terminated. During this time, the licensee shall:
 - (1) Limit actions involving radioactive material to those related to decommissioning; and
 - (2) Continue to control entry to any restricted area until that area is suitable for release in accordance with department requirements as may be imposed by rule 3701:1-38-22 of the Administrative Code.

- (C) A licensee shall provide written notice to the director within sixty days of the occurrence of any of the following, in accordance with rule 3701:1-40-04 of the Administrative Code:
 - (1) The license has expired;
 - (2) The licensee has decided to permanently cease licensed activities at the entire site or in any separate building, room or outdoor area that contains residual radioactivity such that the building, room or outdoor area is unsuitable for release in accordance with the definition of "decommissioning" in Chapter 3748. of the Revised Code and the regulations for decommissioning in rule 3701:1-38-22 of the Administrative Code.
 - (3) No licensed activities have been conducted for a period of twenty-four months; or
 - (4) No licensed activities have been conducted for a period of twenty-four months in any separate building, room or outdoor area that contains residual radioactivity such that the building, room or outdoor area is unsuitable for release in accordance with rule 3701:1-38-22 of the Administrative Code.

- (D) In the event of an occurrence as set forth in paragraph (C) of this rule, the licensee shall either:
- (1) Begin decommissioning the site, and any separate building, room or outdoor area that contains residual radioactivity so that the site, building, room and outdoor area are suitable for release in accordance with rule 3701:1-38-22 of the Administrative Code; or
 - (2) If required by paragraph (G)(1) of this rule, submit within twelve months of notification, a decommissioning plan and begin decommissioning upon the director's approval of that plan.
- (E) In addition to written notification of an occurrence, the licensee shall maintain all decommissioning financial assurances established by the licensee pursuant to rule 3701:1-40-17 of the Administrative Code in conjunction with a license issuance or renewal or as required by this rule.
- (F) The director may grant a request to extend the twelve-month time period to submit a decommissioning plan established in paragraph (D)(2) of this rule provided that the director determines that the alternative schedule is necessary to the effective conduct of decommissioning operations and that the extension is not detrimental to the public health and safety or the environment and is otherwise in the public interest. The extension request must be submitted no later than thirty days after the occurrence for which notification is required. Decommissioning set forth in paragraph (D)(2) of this rule may not commence until the director has made a determination on the extension request.
- (G) The licensee shall submit a decommissioning plan to the director prior to commencing any decommissioning in the following cases:
- (1) If required by license condition; or
 - (2) If the procedures and activities necessary to carry out decommissioning of the site or separate building, room or outdoor area have not been previously approved by the director and these procedures could increase potential health and safety risk to workers or to the public, such as in any of the following cases:
 - (a) Decommissioning procedures would involve techniques not applied routinely during cleanup or maintenance operations;
 - (b) Workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation;
 - (c) Decommissioning procedures could result in significantly greater airborne concentrations of radioactive materials than are present during operation; or
 - (d) Decommissioning procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation.

- (H) A proposed decommissioning plan for a site or separate building, room or outdoor area shall include the following:
- (1) A description of the conditions of the site or separate building, room or outdoor area sufficient to evaluate the acceptability of the plan;
 - (2) A description of planned decommissioning activities;
 - (3) A description of methods used to ensure protection of workers and the environment against radiation hazards during decommissioning;
 - (4) A description of the planned final radiation survey;
 - (5) An updated detailed cost estimate for decommissioning, comparison of that estimate with present funds set aside for decommissioning, and a plan for assuring the availability of adequate funds for completion of decommissioning; and
 - (6) In the case of a decommissioning plan that results in the licensee completing decommissioning later than twenty-four months after plan approval, the plan shall include a justification for the delay based on the criteria in paragraph (J) of this rule.

The proposed decommissioning plan will be approved by the director if the information therein demonstrates compliance with rule 3701:1-38-22 of the Administrative Code, that the decommissioning will be completed as soon as practicable, and that the health and safety of workers and the public will be adequately protected.

- (I) Except as provided in paragraph (J) of this rule, a licensee shall:
- (1) Complete decommissioning of the site or separate building or outdoor area as soon as practicable but no later than twenty-four months following the initiation of decommissioning; and
 - (2) When decommissioning involves the entire site, request license termination as soon as practicable but no later than twenty-four months following the initiation of decommissioning, unless the decommissioning is still actively in progress.
- (J) The director may approve a request for an alternative schedule for completion of decommissioning and license termination. In considering whether an alternative schedule is warranted, the director shall consider the following:
- (1) Whether it is technically feasible to complete decommissioning within twenty-four months;
 - (2) Whether sufficient waste disposal capacity is available to allow completion of decommissioning within twenty-four months;
 - (3) Whether a significant volume reduction in wastes requiring disposal will be achieved by allowing short-lived radionuclides to decay;

- (4) Whether a significant reduction in radiation exposure to workers can be achieved by allowing short-lived radionuclides to decay; and
 - (5) Any other factor that the director finds is unique to the site, such as the regulatory requirements of other government agencies, lawsuits, ground-water treatment activities, monitored natural ground-water restoration, actions that could result in more environmental harm than deferred cleanup, and other factors beyond the control of the licensee.
- (K) After decommissioning the site, the licensee shall:
- (1) Certify the disposition of all licensed material, including accumulated wastes, by submitting a completed disposition of radioactive materials form provided by the director; and
 - (2) Conduct a radiation survey of the premises where the licensed activities were carried out and submit a report of the results of this survey, unless the licensee demonstrates in some other manner that the premises are suitable for release in accordance with the criteria for decommissioning set forth in - rule 3701:1-38-22 of the Administrative Code. The licensee shall survey and report as follows:
 - (a) Levels of gamma radiation in units of millisieverts (microroentgen) per hour at one meter from surfaces and radioactivity, including alpha and beta, in units of megabecquerels (disintegrations per minute or microcuries) per one hundred square centimeters, removable and fixed, for surfaces, megabecquerels (microcuries) per milliliter for water, and becquerels (picocuries) per gram for solids such as soils or concrete; and
 - (b) Identification of any survey instrument used and a certification that each instrument was properly calibrated and tested prior to being used to measure radioactivity at the site.
- (L) Specific licenses, including expired licenses, will be terminated by written notice to the licensee when the director determines that:
- (1) Radioactive material has been properly disposed;
 - (2) Reasonable effort has been made to eliminate residual radioactive contamination, if present;
 - (3) A radiation survey has been performed which demonstrates that the premises are suitable for release in accordance with the criteria for decommissioning, or other information is submitted by the licensee that is sufficient to demonstrate that the premises are suitable for release in accordance with the criteria for decommissioning in this chapter and rule 3701:1-38-22 of the Administrative Code; and
 - (4) All applicable fees have been paid.

Five Year Review (FYR) Dates: 04/08/2015 and 04/01/2020

CERTIFIED ELECTRONICALLY

Certification

04/08/2015

Date

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