

3701:1-38-22 Decommissioning.

- (A) This rule applies to the decommissioning of facilities licensed under Chapter 3748. of the Revised Code. For low-level waste disposal facilities, this rule applies only to ancillary surface facilities that support radioactive waste disposal activities. This rule does not apply to uranium and thorium recovery facilities already subject to source material licensing requirements in Chapter 3701:1-44 of the Administrative Code or to uranium solution extraction facilities.
- (B) Decommissioning with license termination shall be limited to sites considered acceptable for unrestricted release where the residual radioactivity that is distinguishable from background radiation results in a total effective dose equivalent (TEDE) to an average member of the critical group that does not exceed 0.25 millisievert (twenty-five millirem) per year, including that from groundwater sources of drinking water, and the residual radioactivity has been reduced to levels that are as low as reasonably achievable (ALARA). Determination of the levels which are ALARA must take into account consideration of detriments, such as deaths from transportation accidents, expected to potentially result from decontamination and waste disposal.
- (C) After a facility has been decommissioned and the license terminated in accordance with the criteria in this rule, the director will require additional cleanup only if, based on new information, it is determined that the criteria of this rule were not met and residual radioactivity remaining at the site could result in a significant threat to public health and safety. When calculating TEDE to the average member of the critical group the licensee shall determine the peak annual TEDE dose expected within the first one thousand years after decommissioning.
- (D) A licensee may decommission a facility and maintain a decommissioning possession only license using alternate criteria greater than the dose criterion specified in paragraph (B) of this rule, provided that the licensee:
 - (1) Provides assurance that public health and safety would continue to be protected, and that it is unlikely that the dose from all man-made sources combined, other than medical, would be more than the one millisievert (one hundred millirem) per year limit set forth in this chapter, by submitting an analysis of possible sources of exposure;
 - (2) Has employed, to the extent practicable, restrictions on site use in minimizing exposures at the site;
 - (3) Reduces doses to ALARA levels, taking into consideration any detriments, such as traffic accidents expected to potentially result from decontamination and waste disposal; and
 - (4) Has submitted a decommissioning plan or license termination plan (LTP) to the director indicating the licensee's intent to decommission in accordance with rule 3701:1-40-18 of the Administrative Code, and specifying that the licensee proposes to decommission by restricting use of the site. The licensee shall document in the decommissioning plan or LTP how the advice of individuals and institutions in the community who may be affected by the decommissioning has been sought and incorporated, as appropriate, following analysis of that advice. In seeking such advice, the licensee shall provide for:

- (a) Participation by representatives of a broad cross section of community interests who may be affected by the decommissioning;
 - (b) An opportunity for a comprehensive, collective discussion on the issues by the participants represented; and
 - (c) A publicly available summary of the results of all such discussions, including a description of the individual viewpoints of the participants on the issues and the extent of agreement and disagreement among the participants on the issues.
- (5) Has provided sufficient financial assurance in the form of a trust fund to enable an independent third party, including a governmental custodian of a site, to assume and carry out responsibilities for any necessary control and maintenance of the site.
- (E) When a decommissioning with restrictions is proposed by a licensee, a decommissioning possession only license is required to assure that the provisions of the decommissioning plan as approved by the director remain effective. The license will contain a condition that the director will not require further cleanup unless he or she determines that the criteria of this rule or terms of the license were not met or that residual radioactivity at the site could result in a significant threat to public health and safety.
- (F) Any facility that has been decommissioned and has had the United States nuclear regulatory commission license terminated in accordance with a plan approved by the commission on or before August 31, 1999, will not be required to obtain a license or conduct further cleanup unless the director determines that residual radioactivity at the site could result in a significant threat to the public health and safety.
- (G) Applicants for licenses, other than renewals, shall describe in the application how facility design and procedures for operation will minimize, to the extent practical, contamination of the facility and the environment, facilitate eventual decommissioning, and minimize, to the extent practical, the generation of radioactive waste.
- (H) Licensees shall, to the extent practical, conduct operations to minimize the introduction of residual radioactivity into the site, including the subsurface, in accordance with the existing radiation protection requirements in rule 3701:1-38-11 of the Administrative Code and radiological criteria for license termination in accordance with this rule.

Effective 08/30/2015

R.C. 119.032 review dates: 06/15/2015 and 07/01/2020

CERTIFIED ELECTRONICALLY

Certification

08/20/2015

Date

Promulgated Under: 119.03
Statutory Authority: 3748.04
Rule Amplifies: 3748.04
Prior Effective Dates: 7/1/1998, 12/1/03, 5/12/08, 4/1/12