

**3701:1-43-14 Expiration and termination of specific licenses and 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 not less than ninety days before the expiration date stated in the existing license. If an application for renewal has been filed at least ninety days before the expiration date stated in the existing license, the existing license expires at 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 revoked by the director expires at the end of the day on the date of the director's final determination to revoke the license, or on the expiration date stated in the determination, or as otherwise provided by director order.
- (C) Each specific license 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 TENORM 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 director requirements as may be imposed by Chapter 3748. of the Revised Code or rules adopted thereunder.
- (D) A licensee shall provide written notice to the director within sixty days of the occurrence of any of the following, in accordance with rule 3701:1-43-04 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 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 Chapter 3748. of the Revised Code and the rule adopted thereunder.
- (E) In the event of an occurrence as set forth in paragraph (D) 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 Chapter 3748. of the Revised Code and the rules adopted thereunder; or

- (2) If required by paragraph (H)(1) of this rule, submit within twelve months of notification, a decommissioning plan and begin decommissioning upon the director's approval of that plan.
- (F) In addition to written notification of an occurrence, the licensee shall maintain all decommissioning financial assurances established by the licensee pursuant to rule 3701:1-43-12 of the Administrative Code in conjunction with a license issuance or renewal or as required by this rule.
  - (G) The director may grant a request to extend the twelve-month time period to submit a decommissioning plan established in paragraph (E)(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 (E)(2) of this rule may not commence until the director has made a determination on the extension request.
  - (H) 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; or
      - (c) Decommissioning procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation.
  - (I) 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 (K) of this rule. The proposed decommissioning plan will be approved by the director if the information therein demonstrates compliance with Chapter 3748. of the Revised Code and the rules adopted thereunder, 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.
- (J) Except as provided in paragraph (K) 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, the licensee shall 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.
- (K) 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 a twenty-four month period;
  - (2) Whether sufficient waste disposal capacity is available to allow completion of decommissioning within a twenty-four month period;
  - (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, groundwater treatment activities, monitored natural groundwater restoration, actions that could result in more environmental harm than deferred cleanup, and other factors beyond the control of the licensee.
- (L) After decommissioning the site, the licensee shall:
- (1) Certify the disposition of all licensed material, including accumulated wastes, by submitting a completed form HEA 5116, disposition of radioactive materials, 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 rules

promulgated pursuant to Chapter 3748. of the Revised Code. The licensee shall survey and report as follows:

- (a) Levels of gamma radiation expressed in the SI unit of sieverts or in the special unit of rem, or their multiples, per unit of time at one meter from surfaces;
  - (b) Levels of removable and fixed surface radioactive contamination, including alpha and beta, expressed in the SI unit of becquerels, disintegrations per minute, or in the special unit of curies, or their multiples, per one hundred square centimeters;
  - (c) Levels of volumetric radioactive contamination as follows:
    - (i) For water, results should be expressed in the SI unit of becquerels, disintegrations per minute, or in the special unit of or curies, or their multiples, per milliliter of water; and
    - (ii) For solids such as soils or concrete, results should be expressed in the SI unit of becquerels, disintegrations per minute, or in the special unit of or curies, or their multiples, per gram; and
  - (d) 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.
- (M) Specific licenses, including expired licenses, will be terminated by written notice to the licensee when the director determines that:
- (1) TENORM 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 adopted pursuant to Chapter 3748. of the Revised Code; and
  - (4) All applicable fees have been paid.

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Certification

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Date

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