



Ohio Administrative Code

Rule 3701:1-44-20 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

Effective: May 23, 2022

(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 the director's order.

(C) Each specific license continues in effect, beyond the expiration date if necessary, with respect to possession of source material until the director notifies the licensee in writing that the license is terminated. During this time, the licensee shall:

- (1) Limit actions involving source material to those related to decommissioning; and
- (2) Continue to control entry to restricted areas until they are suitable for release in accordance with the director's requirements;

(D) Within sixty days of the occurrence of any of the following, consistent with the administrative directions in rule 3701:1-44-05 of the Administrative Code, each licensee shall provide notification to the department in writing and either begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity, so that the building or outdoor area is suitable for release in accordance with director's requirements, or submit within twelve months of notification a decommissioning plan, if required by paragraph (G)(1) of this rule, and begin decommissioning upon approval of that plan if:



- (1) The license has expired pursuant to paragraph (A) or (B) of this rule; or

 - (2) The licensee has decided to permanently cease principal activities, as defined in this chapter, at the entire site or in any separate building or outdoor area; or

 - (3) No principal activities under the license have been conducted for a period of twenty-four months; or

 - (4) No principal activities have been conducted for a period of twenty-four months in any separate building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for release in accordance with director's requirements.
- (E) Coincident with the notification required by paragraph (D) of this rule, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to rule 3701:1-44-18 of the Administrative Code in conjunction with a license issuance or renewal or as required by this rule. The amount of the financial assurance must be increased, or may be decreased, as appropriate, to cover the detailed cost estimate for decommissioning established pursuant to paragraph (G)(4)(e) of this rule.
- (F) The director may grant a request to delay or postpone initiation of the decommissioning process if the director determines that such relief is not detrimental to the public health and safety and is otherwise in the public interest. The request must be submitted no later than thirty days before notification pursuant to paragraph (D) of this rule. The schedule for decommissioning set forth in paragraph (D) of this rule may not commence until the director has made a determination on the request.
- (G)
- (1) A decommissioning plan must be submitted if required by license condition or if the procedures and activities necessary to carry out decommissioning of the site or separate building or outdoor area have not been previously approved by the director and these procedures could increase potential health and safety impacts to workers or to the public, such as in any of the following cases:



- (a) 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) Procedures could result in significantly greater airborne concentrations of radioactive materials than are present during operation; or
 - (d) Procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation.
- (2) The director may approve an alternate schedule for submittal of a decommissioning plan required pursuant to paragraph (D) of this rule if the director determines that the alternative schedule is necessary to the effective conduct of decommissioning operations and presents no undue risk from radiation to the public health and safety and is otherwise in the public interest.
- (3) The procedures listed in paragraph (G)(1) of this rule may not be carried out prior to approval of the decommissioning plan.
- (4) The proposed decommissioning plan for the site or separate building or outdoor area must include:
- (a) A description of the conditions of the site or separate building or outdoor area sufficient to evaluate the acceptability of the plan;
 - (b) A description of planned decommissioning activities;
 - (c) A description of methods used to ensure protection of workers and the environment against radiation hazards during decommissioning;
 - (d) A description of the planned final radiation survey; and



(e) 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.

(f) For decommissioning plans calling for completion of decommissioning later than twenty-four months after plan approval, a justification for the delay based on the criteria in paragraph (I) of this rule.

(5) The proposed decommissioning plan will be approved by the director if the information therein demonstrates 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.

(H)

(1) Except as provided in paragraph (I) of this rule, licensees shall 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.

(2) Except as provided in paragraph (I) of this rule, 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.

(I) The director may approve a request for an alternate schedule for completion of decommissioning of the site or separate building or outdoor area, and license termination if appropriate, if the director determines that the alternative is warranted by consideration of the following:

(1) Whether it is technically feasible to complete decommissioning within the allotted twenty-four month period;

(2) Whether sufficient waste disposal capacity is available to allow completion of decommissioning within the allotted 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) Other site-specific factors which the department may consider appropriate on a case-by-case basis, 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.

(J) As the final step in decommissioning, the licensee shall:

(1) Certify the disposition of all licensed material, including accumulated wastes, by submitting a completed form HEA 5119 "Certificate of Disposition of Materials" or equivalent information; 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 in rule 3701:1-38-22 of the Administrative Code or, for uranium milling (uranium and thorium recovery) facilities, criterion 6(6) in the appendix to rule 3701:1-44-14 of the Administrative Code. The licensee shall, as appropriate:

(a) Report levels of gamma radiation in units of millisieverts (microroentgen) per hour at one meter from surfaces, and report levels of 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) Specify the survey instrument(s) used and certify that each instrument is properly calibrated and tested.

(K) Specific licenses, including expired licenses, will be terminated by written notice to the licensee



when the director determines that:

- (1) Source material has been properly disposed;
- (2) Reasonable effort has been made to eliminate residual radioactive contamination, if present; and
- (3)
 - (a) A radiation survey has been performed which demonstrates that the premises are suitable for release in accordance with the criteria for decommissioning in rule 3701:1-38-22 of the Administrative Code or, for (uranium and thorium recovery) facilities, criterion 6(6) in the appendix to rule 3701:1-44-14 of the Administrative Code; or
 - (b) Other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release in accordance with the criteria for decommissioning in rule 3701:1-38-22 of the Administrative Code or, for uranium milling (uranium and thorium recovery) facilities, criterion 6(6) in the appendix to rule 3701:1-44-14 of the Administrative Code.
- (4) Records required by paragraphs (D) and (F) of rule 3701:1-44-23 of the Administrative Code have been received.
- (L) Specific licenses for uranium and thorium milling are exempt from paragraphs (D)(4), (G) and (H) of this rule with respect to reclamation of tailings impoundments and/or waste disposal areas.