

333-102-0310

Special Requirement for a Specific License to Manufacture, Assemble, Repair or Distribute Commodities, Products or Devices Which Contain Radioactive Material: Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas

(1)(a) Except as provided in subsection (1)(b) of this rule, each specific license must expire at the end of the day on the expiration date stated in the license unless the licensee has filed an application for renewal under OAR 333-102-0315 before the expiration date stated in the existing license (or, for those licenses subject to subsection (1)(b) of this rule, before the deemed expiration date in that section). If an application for renewal has been filed before the expiration date stated in the existing license (or, for those licenses subject to subsection (2)(a) of this rule, before the deemed expiration date in that section), the existing license expires at the end of the day on which the Authority 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 that has an expiration date after July 1, 1995, and is not one of the licenses described in subsection (1)(c) of this rule, shall be deemed to have an expiration date that is five years after the expiration date stated in the current license.

(c) The following specific licenses are not subject to, or otherwise affected by, the provisions of subsection (1)(b) of this rule:

(A) Specific licenses for which, on February 15, 1996, an evaluation or an emergency plan is required in accordance with OAR 333-102-0190(10);

(B) Specific licenses whose holders are subject to the financial assurance requirements specified in OAR 333-102-0200(6), and on February 15, 1996, the holders either:

(i) Have not submitted a decommissioning funding plan or certification of financial assurance for decommissioning; or

(ii) Have not received written notice that the decommissioning funding plan or certification of financial assurance for decommissioning is acceptable;

(C) Specific licenses who need an environmental assessment or environmental impact statement pursuant to OAR 333-102-0200(5);

(D) Specific licenses whose holders have not had at least one Authority inspection of licensed activities before February 15, 1996;

(E) Specific licenses whose holders, as the result of the most recent Authority inspection of licensed activities conducted before February 15, 1996, have been:

(i) Cited for a serious health and safety noncompliance;

(ii) Subject to an Order issued by the Authority; or

(iii) Subject to a Confirmatory Action Letter issued by the Authority.

(F) Specific licenses with expiration dates before July 1, 1995, for which the holders have submitted applications for renewal under OAR 333-102-0315.

(2) Each specific license revoked by the Authority expires at the end of the day on the date of the Commission's final determination to revoke the license, or on the expiration date stated in the determination, or as otherwise provided by Authority Order.

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

(a) Limit actions involving material to those related to decommissioning; and

(b) Continue to control entry to restricted areas until they are suitable for release in accordance with Authority requirements.

(4) Within 60 days of the occurrence of any of the following, consistent with the administrative directions in OAR 333-100-0045, each licensee must provide notification to the Authority in writing of such occurrence, 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 Authority requirements, or submit within 12 months of notification a decommissioning plan, if required by subsection (7)(a) of this rule, and begin decommissioning upon approval of that plan if:

(a) The license has expired pursuant to sections (1) or (2) of this rule; or

(b) The licensee has decided to permanently cease principal activities, as defined in OAR 333-102-0203, at the entire site or 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 Authority requirements; or

(c) No principal activities under the license have been conducted for a period of 24 months; or

(d) No principal activities have been conducted for a period of 24 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 Authority requirements.

(5) Coincident with the notification required by section (4) of this rule, the licensee must maintain in effect all decommissioning financial assurances established by the licensee pursuant to OAR 333-102-0200(6) 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 (7)(d)(E) of this rule.

(a) Any licensee who has not provided financial assurance to cover the detailed cost estimate submitted with the decommissioning plan must do so when this rule becomes effective November 24, 1995.

(b) Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the Authority.

(6) The Authority may grant a request to extend the time periods established in section (4) of this rule if the Authority determines that this 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 30 days before notification pursuant to section (4) of this rule. The schedule for decommissioning set forth in section (4) of this rule may not commence until the Authority has made a determination on the request.

(7)(a) 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 Authority 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 may involve techniques not applied routinely during cleanup or maintenance operations;

(B) Workers that may 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 material or source material than are present during operation; or

(D) Procedures could result in significantly greater releases of radioactive material or source material to the environment than those associated with operation.

(b) The Authority may approve an alternate schedule for submittal of a decommissioning plan required pursuant to section (4) of this rule if the Authority 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.

(c) Procedures such as those listed in subsection (7)(a) of this rule with potential health and safety impacts may not be carried out prior to approval of the decommissioning plan.

(d) The proposed decommissioning plan for the site or separate building or outdoor area must include:

(A) A description how the licensee will conduct operations to the extent practical to minimize the introduction of residual radioactivity into the site including the subsurface, in accordance with the existing radiation protection requirements in OAR 333-120-0020 and radiological criteria for license termination in CFR Part 20, Subpart E.

(B) A description of the conditions of the site or separate building or outdoor area sufficient to evaluate the acceptability of the plan;

(C) A description of planned decommissioning activities;

(D) A description of methods used to ensure protection of workers and the environment against radiation hazards during decommissioning;

(E) A description of the planned final radiation survey; and

(F) 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.

(G) For decommissioning plans calling for completion of decommissioning later than 24 months after plan approval, the plan must include a justification for the delay based on the criteria in section (9) of this rule.

(e) The proposed decommissioning plan will be approved by the Authority 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.

(8)(a) Except as provided in section (9) of this rule, licensees must complete decommissioning of the site or separate building or outdoor area as soon as practicable but no later than 24 months following the initiation of decommissioning.

(b) Except as provided in section (9) of this rule, when decommissioning involves the entire site, the licensee must request license termination as soon as practicable but no later than 24 months following the initiation of decommissioning.

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

(a) Whether it is technically feasible to complete decommissioning within the allotted 24-month period;

(b) Whether sufficient waste disposal capacity is available to allow completion of decommissioning within the allotted 24-month period;

(c) Whether a significant volume reduction in wastes requiring disposal will be achieved by allowing short-lived radionuclides to decay;

(d) Whether a significant reduction in radiation exposure to workers can be achieved by allowing short-lived radionuclides to decay; and

(e) Other site-specific factors which the Authority 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.

(10) As the final step in decommissioning, the licensee must:

(a) Certify the disposition of all licensed material, including accumulated wastes, by submitting a completed NRC Form 314 or equivalent information; and

(b) 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 10 CFR Part 20, Subpart E. The licensee must, as appropriate:

(A) Report levels of gamma radiation in units of millisieverts (microrentgen) 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 100 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.

(11) Specific licenses, including expired licenses, will be terminated by written notice to the licensee when the Authority determines that:

(a) Radioactive material or source material has been properly disposed;

(b) Reasonable effort has been made to eliminate residual radioactive contamination, if present; and

(c)(A) A radiation survey has been performed that demonstrates that the premises are suitable for release or establishes the level of residual activity in accordance with the criteria for decommissioning in 10 CFR Part 20, Subpart E; or

(B) The licensee has provided sufficient financial assurance 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. Acceptable financial assurance mechanisms are:

(i) Funds placed into an account separate from the licensee's assets and outside of the licensee's control before the start of decommissioning operations; or

(ii) A statement of intent containing a cost estimate for decommissioning or an amount based on the table in paragraph (d) of 10 CFR section 30.35(d), and indicating that funds for decommissioning will be obtained when necessary; or

(iii) An arrangement deemed acceptable by the governmental entity that is assuming custody and ownership of a site.

(12) Alternate criteria for license termination. The Authority will terminate a license using alternate criteria greater than the dose criterion of OAR 333-102-0310, if the licensee:

(a) Provides assurance that public health and safety shall continue to be protected and that it is unlikely that the total effective dose equivalent from all combined man-made sources other than medical sources shall be more than 100 millirem per year (1 millisievert per year) by submitting an analysis of possible sources of exposure;

(b) Has employed restrictions on site use in minimizing exposures at the site;

(c) Reduces doses to ALARA levels considering any detriments such as traffic accidents potentially expected to result from decontamination and waste disposal; and

(d) Has submitted a decommissioning or license termination plan to the Authority indicating the licensee's intent to decommission as specified in OAR 333-102-0310, and specifying that the licensee proposes to decommission by use of alternate criteria. The licensee shall document in the license termination or decommissioning plan how the advice of individuals and institutions in the community who could be affected by the decommissioning has been sought and addressed, as appropriate, following analysis of that advice in:

(A) Participation by representatives of a broad cross section of community interests who could 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 on the issues.

(e) 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.

(f) The use of alternate criteria to terminate a license requires the approval of the Authority after consideration of any comments provided by the U. S. Environmental Protection Agency and any public comments submitted.

(g) 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 10 CFR Part 20, Subpart E.

(h) The licensee has kept records of receipt, transfer, and disposal of radioactive material or source material, pursuant to OAR 333-100-0055 that meet the following criteria:

(A) The licensee must retain each record of receipt of radioactive material or source material as long as the material is possessed and for three years following transfer or disposal of the material.

(B) The licensee who transferred the material must retain each record of transfer for three years after each transfer unless a specific requirement in another part of the rules in this chapter dictates otherwise.

(C) The licensee who disposed of the material must retain each record of disposal of byproduct material until the Authority terminates each license that authorizes disposal of the material.

Statutory/Other Authority: ORS 453.635 & 453.665

Statutes/Other Implemented: ORS 453.605 - 453.807

History:

[PH 234-2018, amend filed 08/02/2018, effective 08/16/2018](#)

PH 19-2015, f. 9-30-15, cert. ef. 10-1-15

PH 10-2011, f. 9-30-11, cert. ef. 10-1-11

PH 14-2008, f. & cert. ef. 9-15-08

PH 4-2007, f. & cert. ef. 3-1-07

PH 12-2006, f. & cert. ef. 6-16-06

PH 36-2004, f. & cert. ef. 12-1-04

PH 31-2004(Temp), f. & cert. ef. 10-8-04 thru 4-5-05

PH 3-2003, f. & cert. ef. 3-27-03

HD 1-1995, f. & cert. ef. 4-26-95

HD 15-1994, f. & cert. ef. 5-6-94

HD 1-1991, f. & cert. ef. 1-8-91

HD 4-1985, f. & ef. 3-20-85