

10A NCAC 15 .0339 EXPIRATION AND TERMINATION OF LICENSES AND DECOMMISSIONING

(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, as required in Rule .0340 of this Section, not less than 30 days before the expiration date stated in the existing license. If an application for renewal has been filed at least 30 days prior to the expiration date stated in the existing license, the existing license expires at the end of the day on which the agency 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 agency, as provided for in Rule .0344 of this Section, expires at the end of the day on the date of the agency's final determination to revoke the license, or on the expiration date stated in the determination, or as otherwise provided by agency order.

(c) Each specific license continues in effect, beyond the expiration date if necessary, with respect to possession of residual radioactive material present as contamination until the agency notifies the licensee in writing 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 restricted areas until they are suitable for release for unrestricted use and the agency notifies the licensee in writing that the license is terminated.

(d) Within 60 days of the occurrence of any of the following, each licensee shall provide notification to the agency 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 Commission requirements, or submit within 12 months of notification a decommissioning plan, if required by Subparagraph (g)(1) of this Rule, and begin decommissioning upon approval of that plan if:

- (1) The license has expired pursuant to Paragraphs (a) or (b) of this Rule;
- (2) The licensee has decided to permanently cease principal activities 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 Commission requirements;
- (3) No principal activities under the license have been conducted for a period of 24 months; or
- (4) 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 Commission requirements.

(e) Coincident with the notification requirements set forth in Paragraph (d) of this Rule, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee pursuant to Rule .0353 of this Section 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 in Paragraph (g) of this Rule.

- (1) Any licensee who has not provided financial assurance to cover the detailed cost estimate submitted with the decommissioning plan shall do so when this Rule becomes effective.
- (2) Following agency 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 agency.

(f) The agency may grant a request to extend the time periods required in Paragraph (d) of this Rule if the agency determines that this relief is not detrimental to the public health and safety and is otherwise in the public interest. The request shall be submitted to the agency no later than 30 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 agency has made a determination on the licensee's request.

(g) A decommissioning plan shall 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 agency and these procedures could increase potential health and safety impacts to workers or to the public, such as in any of following cases:

- (1) Procedures would involve techniques not applied routinely during cleanup or maintenance operations;
- (2) Workers would be entering areas not normally occupied where surface contamination and radiation levels are significantly higher than routinely encountered during operation;
- (3) Procedures could result in significantly greater airborne concentrations of radioactive materials than are present during operation; or
- (4) Procedures could result in significantly greater releases of radioactive material to the environment than those associated with operation. For the purpose of Subparagraphs (g)(2)-(4) of this Rule, significantly higher or significantly greater is defined as an increase likely to result in either an increase in radiation

exposure to workers or the public in excess of one percent of their respective annual radiation exposure limit.

(h) The agency may approve an alternate schedule for submittal of a decommissioning plan required pursuant to Paragraph (d) of this Rule if the agency 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.

(i) Procedures such as those listed in Paragraph (g) of this Rule with potential health and safety impacts may not be carried out prior to agency approval of the decommissioning plan.

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

- (1) A description of the conditions of the site or separate building 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) For decommissioning plans calling for completion of decommissioning later than 24 months after plan approval, the plan shall include a justification for the delay based on the criteria in Paragraph (m) of this Rule.

(k) The proposed decommissioning plan shall be approved by the agency 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 protected.

(l) Except as provided in Paragraph (m) of this Rule, licensees shall 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. Except as provided in Paragraph (m) of this Rule, when decommissioning involves the entire site, the licensee shall request license termination as soon as practicable but no later than 24 months following the initiation of decommissioning.

(m) The agency 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 agency determines that the alternative is warranted by consideration of the following:

- (1) Whether it is technically feasible to complete decommissioning within the allotted 24 month period;
- (2) Whether sufficient waste disposal capacity is available to allow completion of decommissioning within the allotted 24 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 agency may consider appropriate on a case-by-case basis, such as:
 - (A) regulatory requirements of other government agencies;
 - (B) lawsuits;
 - (C) ground-water treatment activities;
 - (D) monitored natural ground-water restoration;
 - (E) actions that could result in more environmental harm than deferred cleanup; and
 - (F) other factors beyond the control of the licensee.

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

- (1) Certify the disposition of all licensed material, including accumulated wastes, by submitting a completed "Certificate of Disposition"; 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 that the premises are suitable for release in some other manner. The licensee shall, as appropriate:
 - (A) Report levels of gamma radiation in units of microrem (millisieverts) per hour at one meter from surfaces;

- (B) Report levels of radioactivity, including alpha and beta, in units of microcuries per 100 square centimeters (or disintegrations per minute), removable and fixed, for surfaces; microcuries per milliliter for water; and picocuries per gram for solids such as soils or concrete; and
 - (C) Specify the survey instrument(s) used and certify that each instrument is properly calibrated and tested.
- (o) Specific licenses shall be terminated by written notice to the licensee when the agency determines that:
- (1) radioactive material has been properly disposed;
 - (2) reasonable effort has been made to eliminate residual radioactive contamination, if present; and
 - (3) a radiation survey has been performed which demonstrates that the premises are suitable for release in accordance with the requirements for decommissioning described in Rule .1653 of this Chapter, or other information submitted by the licensee is sufficient to demonstrate that the premises are suitable for release in accordance with the requirements for decommissioning described in Rule .1653 of this Chapter.

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