

3701:1-56-19 Financial assurance and recordkeeping for decommissioning.

- (A) Each applicant for a specific license authorizing possession and use of unsealed special nuclear material in quantities specified in paragraph (B) of this rule shall either:
- (1) Submit a decommissioning funding plan as described in paragraph (C) of this rule; or
 - (2) Submit a certification that financial assurance for decommissioning has been provided in the amount prescribed by paragraph (B) of this rule using one of the methods described in rule 3701:1-40-17 of the Administrative Code. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued but before the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of rule 3701:1-40-17 of the Administrative Code must be submitted to the director prior to receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to the director, as part of the certification, a signed original of the financial instrument obtained to satisfy the requirements of rule 3701:1-40-17 of the Administrative Code.
- (B) Prior to the director issuing a radioactive materials license, an applicant providing certification of financial assurance for decommissioning as specified in paragraph (A)(1) of this rule shall provide the certification in a monetary amount based upon the quantity of licensed material specified as follows:
- (1) Greater than ten thousand but less than or equal to one hundred thousand times the applicable quantities in appendix A to rule 3701:1-40-17 of the Administrative Code. For a combination of radionuclides if R , where R is defined as the sum of the ratios of the quantity of each radionuclide to the applicable value in appendix A to rule 3701:1-40-17 of the Administrative Code, divided by ten thousand is greater than one but R divided by one hundred thousand is less than or equal to one, the sum of one million one hundred twenty-five thousand dollars.
 - (2) Greater than one thousand but less than or equal to ten thousand times the applicable quantities of appendix A to rule 3701:1-40-17 of the Administrative Code. For a combination of radionuclides, if R , where R is defined as the sum of the ratios of the quantity of each radionuclide to the applicable value in appendix A to rule 3701:1-40-17 of the Administrative Code, divided by one thousand is greater than one but R divided by ten thousand is less than or equal to one, the sum of two hundred twenty-five thousand dollars.
- (C) Each decommissioning funding plan must be submitted for review and approval and must contain:
- (1) A detailed cost estimate for decommissioning, in an amount reflecting:
 - (a) The cost of an independent contractor to perform all decommissioning activities;
 - (b) The cost of meeting the criteria specified in paragraph (B) of rule

3701:1-38-22 of the Administrative Code for unrestricted use, provided that, if the applicant or licensee can demonstrate its ability to meet the provisions of paragraph (D) of rule 3701:1-38-22 of the Administrative Code, the cost estimate may be based on meeting this criteria;

- (c) The volume of onsite subsurface material containing residual radioactivity that will require remediation; and
 - (d) An adequate contingency factor.
- (2) Identification of and justification for using the key assumptions contained in the decommissioning cost estimate;
 - (3) A description of the method of assuring funds for decommissioning in accordance with rule 3701:1-40-17 of the Administrative Code, including means for adjusting cost estimates and associated funding levels periodically over the life of the facility;
 - (4) A certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning; and
 - (5) A signed original of the financial instrument obtained to satisfy the requirements of rule 3701:1-40-17 of the Administrative Code (unless a previously submitted and accepted financial instrument continues to cover the cost estimate for decommissioning).
- (D) At the time of license renewal and at intervals not to exceed three years, the decommissioning funding plan must be resubmitted with adjustments as necessary to account for the changes in costs and the extent of contamination. If the amount of financial assurance will be adjusted downward, this cannot be done until the updated decommissioning funding plan is approved. The decommissioning funding plan must update the information submitted with the original or prior approved plan, and must specifically consider the effect of the following events on decommissioning costs:
- (1) Spills of radioactive material producing additional residual radioactivity in onsite subsurface material;
 - (2) Waste inventory increasing above the amount previously estimated;
 - (3) Waste disposal costs increasing above the amount previously estimated;
 - (4) Facility modifications;
 - (5) Changes in authorized possession limits;
 - (6) Actual remediation costs that exceed the previous estimate;
 - (7) Onsite disposal; and
 - (8) Use of a settling pond.
- (E) Each person licensed under Chapter 3701:1-56 of the Administrative Code shall keep records of information important to the decommissioning of a facility in an identified location until the site is released for unrestricted use. If records important to the decommissioning of a facility are kept for other purposes, reference to these

records and their locations may be used. Information the director considers important to decommissioning consists of:

- (1) Records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site. These records may be limited to instances when contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to inaccessible areas as in the case of possible seepage into porous materials such as concrete. These records must include any known information on identification of involved nuclides, quantities, forms, and concentrations.
- (2) As-built drawings and modifications of structures and equipment in restricted areas where radioactive materials are used and/or stored, and of locations of possible inaccessible contamination such as buried pipes which may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations.
- (3) Except for areas containing only sealed sources (provided the sources have not leaked or no contamination remains after cleanup of any leak), a list contained in a single document and updated every two years, of the following:
 - (a) All areas designated and formerly designated as restricted areas as defined in rule 3701:1-38-01 of the Administrative Code;
 - (b) All areas outside of restricted areas that require documentation under paragraph (D)(1) of this rule;
 - (c) All areas outside of restricted areas where current and previous wastes have been buried as documented under paragraph (K) of rule 3701:1-38-20 of the Administrative Code; and
 - (d) All areas outside of restricted areas that contain material such that, if the license expired, the licensee would be required to either decontaminate the area to meet the criteria for decommissioning in rule 3701:1-38-22 of the Administrative Code, or apply for approval for disposal under paragraph (C) of rule 3701:1-38-19 of the Administrative Code.
- (4) Records of the cost estimate performed for the decommissioning funding plan or of the amount certified for decommissioning, and records of the funding method used for assuring funds if either a funding plan or certification is used.

Five Year Review (FYR) Dates: 06/07/2016 and 06/01/2021

CERTIFIED ELECTRONICALLY

Certification

06/07/2016

Date

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