

**“Radiological Criteria for License Termination,” 10 CFR Parts 20, 30, 40, 70**  
 (62 FR 39057) RATS ID:1997-6 Effective 8/20/97

<b>Change to NRC Section</b>	<b>Title</b>	<b>State Section</b>	<b>Category</b>	<b>Summary of Change</b>	<b>Difference Yes/No</b>	<b>Significant Yes/No</b>	<b>If Difference, Why or Why Not Was a Comment Generated</b>
§20.1003	Definitions		A	<b>Amended Definition:</b> Background radiation			
§20.1003	Definitions		B	<b>Added Definition:</b> Critical Group			
§20.1003	Definitions		C	<b>Added Definition:</b> Decommission means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits—  (1) Release of the property for unrestricted use and termination of the license; or  (2) Release of the property under restricted conditions and the termination of the license.			
§20.1003	Definitions		B	<b>Added Definition:</b> Distinguishable from background			
§20.1003	Definitions		B	<b>Added Definition:</b> Residual radioactivity			
§20.1401	General provisions and		C	<b>Added Section to read as follows:</b> (a) The criteria in this subpart apply to			

	scope			<p>the decommissioning of facilities licensed under parts 30, 40, 50, 60, 61, 70, and 72 of this chapter, as well as other facilities subject to the Commission's jurisdiction under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended. For high-level and low-level waste disposal facilities (10 CFR parts 60 and 61), the criteria apply only to ancillary surface facilities that support radioactive waste disposal activities. The criteria do not apply to uranium and thorium recovery facilities already subject to appendix A to 10 CFR part 40 or to uranium solution extraction facilities.</p> <p>(b) The criteria in this subpart do not apply to sites which:</p> <p>(1) Have been decommissioned prior to the effective date of the rule in accordance with criteria identified in the Site Decommissioning Management Plan (SDMP) Action Plan of April 16, 1992 (57 FR 13389);</p> <p>(2) Have previously submitted and received Commission approval on a license termination plan (LTP) or decommissioning plan that is compatible with the SDMP Action Plan criteria; or</p> <p>(3) Submit a sufficient LTP or decommissioning plan before August 20, 1998 and such LTP or</p>			
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			<p>decommissioning plan is approved by the Commission before August 20, 1999 and in accordance with the criteria identified in the SDMP Action Plan, except that if an EIS is required in the submittal, there will be a provision for day-for-day extension.</p> <p>(c) After a site has been decommissioned and the license terminated in accordance with the criteria in this subpart, the Commission will require additional cleanup only if, based on new information, it determines that the criteria of this subpart were not met and residual radioactivity remaining at the site could result in significant threat to public health and safety.</p> <p>(d) When calculating TEDE to the average member of the critical group the licensee shall determine the peak annual TEDE dose expected within the first 1000 years after decommissioning.</p>			
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§20.1402	Radiological criteria for unrestricted use		C	<p><b>Added Section to read as follows:</b>  A site will be considered acceptable for unrestricted use if the residual radioactivity that is distinguishable from background radiation results in a TEDE to an average member of the critical group that does not exceed 25 mrem (0.25 mSv) per year, including that from groundwater sources of drinking water, and the residual radioactivity has been reduced to levels that are as low as reasonably achievable (ALARA). Determination of the levels which are ALARA must take into account consideration of any detriments, such as deaths from transportation accidents, expected to potentially result from decontamination and waste disposal.</p>			
§20.1403	Criteria for license termination under restricted conditions		C	<p><b>Added Section to read as follows:</b>  A site will be considered acceptable for license termination under restricted conditions if:  (a) The licensee can demonstrate that further reductions in residual radioactivity necessary to comply with the provisions of Sec. 20.1402 would result in net public or environmental harm or were not being made because the residual levels associated with</p>			

			<p>restricted conditions are ALARA. Determination of the levels which are ALARA must take into account consideration of any detriments, such as traffic accidents, expected to potentially result from decontamination and waste disposal;</p> <p>(b) The licensee has made provisions for legally enforceable institutional controls that provide reasonable assurance that the TEDE from residual radioactivity distinguishable from background to the average member of the critical group will not exceed 25 mrem (0.25 mSv) per year;</p> <p>(c) 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--</p> <p>(1) Funds placed into an account segregated from the licensee's assets and outside the licensee's administrative control as described in Sec. 30.35(f)(1) of this chapter;</p> <p>(2) Surety method, insurance, or other guarantee method as described in Sec. 30.35(f)(2) of this chapter;</p> <p>(3) A statement of intent in the case of Federal, State, or local Government</p>			
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				<p>licensees, as described in Sec. 30.35(f)(4) of this chapter; or</p> <p>(4) When a governmental entity is assuming custody and ownership of a site, an arrangement that is deemed acceptable by such governmental entity.</p> <p>(d) The licensee has submitted a decommissioning plan or License Termination Plan (LTP) to the Commission indicating the licensee's intent to decommission in accordance with Secs. 30.36(d), 40.42(d), 50.82 (a) and (b), 70.38(d), or 72.54 of this chapter, and specifying that the licensee intends to decommission by restricting use of the site. The licensee shall document in the LTP or decommissioning plan how the advice of individuals and institutions in the community who may be affected by the decommissioning has been sought and incorporated, as appropriate, following analysis of that advice.</p> <p>(1) Licensees proposing to decommission by restricting use of the site shall seek advice from such affected parties regarding the following matters concerning the proposed decommissioning--</p> <p>(i) Whether provisions for institutional controls proposed by the licensee;</p> <p>(A) Will provide reasonable assurance that the TEDE from residual</p>			
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				<p>radioactivity distinguishable from background to the average member of the critical group will not exceed 25 mrem (0.25 mSv) TEDE per year;</p> <p>(B) Will be enforceable; and</p> <p>(C) Will not impose undue burdens on the local community or other</p> <p>(ii) Whether 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;</p> <p>(2) In seeking advice on the issues identified in Sec. 20.1403(d)(1), the licensee shall provide for:</p> <p>(i) Participation by representatives of a broad cross section of community interests who may be affected by the decommissioning;</p> <p>(ii) An opportunity for a comprehensive, collective discussion on the issues by the participants represented; and</p> <p>(iii) 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 among the participants on the issues; and</p> <p>(e) Residual radioactivity at the site has been reduced so that if the institutional controls were no longer in</p>			
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				<p>effect, there is reasonable assurance that the TEDE from residual radioactivity distinguishable from background to the average member of the critical group is as low as reasonably achievable and would not exceed either--</p> <ul style="list-style-type: none"><li>(1) 100 mrem (1 mSv) per year; or</li><li>(2) 500 mrem (5 mSv) per year</li></ul> <p>provided the licensee--</p> <ul style="list-style-type: none"><li>(i) Demonstrates that further reductions in residual radioactivity necessary to comply with the 100 mrem/y (1 mSv/y) value of paragraph (e)(1) of this section are not technically achievable, would be prohibitively expensive, or would result in net public or environmental harm;</li><li>(ii) Makes provisions for durable institutional controls;</li><li>(iii) Provides sufficient financial assurance to enable a responsible government entity or independent third party, including a governmental custodian of a site, both to carry out periodic rechecks of the site no less frequently than every 5 years to assure that the institutional controls remain in place as necessary to meet the criteria of Sec. 20.1403(b) and to assume and carry out responsibilities for any necessary control and maintenance of those controls. Acceptable financial assurance mechanisms are those in</li></ul>			
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				paragraph (c) of this section.			
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§20.1404	Alternate criteria for license termination		C	<p><b>Added Section to read as follows:</b></p> <p>(a) The Commission may terminate a license using alternate criteria greater than the dose criterion of Secs. 20.1402, 20.1403(b), and 20.1403(d)(1)(i)(A), if the licensee--</p> <p>(1) Provides assurance that public health and safety would continue to be protected, and that it is unlikely that the dose from all man-made sources combined, other than medical, would be more than the 1 mSv/y (100 mrem/y) limit of subpart D, by submitting an analysis of possible sources of exposure;</p> <p>(2) Has employed to the extent practical restrictions on site use according to the provisions of Sec. 20.1403 in minimizing exposures at the site; and</p> <p>(3) Reduces doses to ALARA levels, taking into consideration any detriments such as traffic accidents expected to potentially result from decontamination and waste disposal.</p> <p>(4) Has submitted a decommissioning plan or License Termination Plan (LTP) to the Commission indicating the licensee's intent to decommission in accordance with Secs. 30.36(d), 40.42(d), 50.82 (a) and (b), 70.38(d), or 72.54 of this chapter, and specifying that the licensee proposes to decommission by use of alternate criteria. The</p>			
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20.1405	Public notification and public participation		C	<p>Section 1405 is added as follows:</p> <p>Upon the receipt of an LTP or decommissioning plan from the licensee, or a proposal by the licensee for release of a site pursuant to Secs. 20.1403 or 20.1404, or whenever the Commission deems such notice to be in the public interest, the Commission shall:</p> <p>(a) Notify and solicit comments from:</p> <p>(1) local and State governments in the vicinity of the site and any Indian Nation or other indigenous people that have treaty or statutory rights that could be affected by the decommissioning; and</p> <p>(2) the Environmental Protection Agency for cases where the licensee proposes to release a site pursuant to Sec. 20.1404.</p> <p>(b) Publish a notice in the Federal Register and in a forum, such as local newspapers, letters to State or local organizations, or other appropriate forum, that is readily accessible to individuals in the vicinity of the site, and solicit comments from affected parties.</p>			
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§20.1406	Minimization of contamination		C	<b>Added Section to read as follows:</b> Applicants for licenses, other than renewals, after August 20, 1997, shall describe in the application how facility design and procedures for operation will minimize, to the extent practicable, contamination of the facility and the environment, facilitate eventual decommissioning, and minimize, to the extent practicable, the generation of radioactive waste.			
§20.2402	Criminal penalties		D	N/A			
§30.35 (a)(b)(d)(g) )	Financial assurance & recordkeeping for decommissioning		H&S	<b>Revised Paragraph (g)(3)(iv):</b> (iv) 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 10 CFR part 20, subpart E, or apply for approval for disposal under 10 CFR 20.2002.			
§30.35 (c)(e)(f)	Financial assurance & recordkeeping for decommissioning		D	N/A			

§30.36 (j)(k)	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas		H&S	<p>Revised paragraphs (j)(2) and (k)(3):</p> <p>(j)(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 10 CFR part 20, subpart E. The licensee shall, as appropriate--</p> <p>(k)(3)(i) A radiation survey has been performed which demonstrates that the premises are suitable for release in accordance with the criteria for decommissioning in 10 CFR part 20, subpart E; or</p> <p>(ii) 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.</p>			
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§30.4	Definitions		A	<p><b>Added Definition:</b></p> <p>Decommission means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits—</p> <p>(1) Release of the property for unrestricted use and termination of the license; or</p> <p>(2) Release of the property under restricted conditions and the termination of the license.</p>			
§40.36 (f)	Financial assurance and recordkeeping for decommissioning		H&S	<p><b>Revised paragraph (f)(3):</b> (f)(3) * * *</p> <p>(iv) 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 10 CFR part 20, subpart E, or apply for approval for disposal under 10 CFR 20.2002.</p>			

§40.4	Definitions		A	<b>Added Definition:</b> Decommission means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits—  (1) Release of the property for unrestricted use and termination of the license; or  (2) Release of the property under restricted conditions and the termination of the license.			
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§40.42 (j)(k)	Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas		H&S	<p><b>Revised paragraphs (j)(2) and (k)(3):</b></p> <p>(j)(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 10 CFR part 20, subpart E. The licensee shall, as appropriate--</p> <p>(k)(3)(i) A radiation survey has been performed which demonstrates that the premises are suitable for release in accordance with the criteria for decommissioning in 10 CFR part 20, subpart E; or</p> <p>(ii) 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.</p>			
10CFR 50				ALL CFR Part 50 is N/A for States			
10 CFR 51				ALL CFR Part 51 is N/A for States			

§70.4	Definitions		A	<p><b>Added Definition:</b></p> <p>Decommission means to remove a facility or site safely from service and reduce residual radioactivity to a level that permits—</p> <p>(1) Release of the property for unrestricted use and termination of the license; or</p> <p>(2) Release of the property under restricted conditions and the termination of the license.</p>			
§70.25 (g)	Financial assurance and recordkeeping for decommissioning		H&S	<p><b>Revised paragraph (g)(3):</b> (g)(3) * * *</p> <p>(iv) 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 10 CFR part 20, subpart E, or apply for approval for disposal under 10 CFR 20.2002.</p>			

<p>§70.38 (j)(k)</p>	<p>Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas</p>		<p>H&amp;S</p>	<p><b>Revised paragraphs (j)(2) and (k)(3):</b>  (j)(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 10 CFR part 20, subpart E. The licensee shall, as appropriate--</p> <p>(k)(3)(i) A radiation survey has been performed which demonstrates that the premises are suitable for release in accordance with the criteria for decommissioning in 10 CFR part 20, subpart E; or</p> <p>(ii) 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.</p>			
<p>10 CFR 72</p>				<p>ALL CFR Part 72 is N/A for States</p>			