Kansas Administrative Regulations

Department of Health and Environment

Article 35.—Radiation—Part 4. Standards for Protection Against Radiation.

28-35-231a. Vacating installations.

(a) Notification. Each licensee, before vacating any installation that could have been contaminated by radioactive material as a result of the licensee's activities, shall notify the department in writing of the intent to vacate, at least 30 days before vacating. Any licensee may be required by the secretary to decontaminate, or have decontaminated, the installation to a degree consistent with subsequent use as an uncontrolled area.

(b) Decommissioning timeliness.

(1) Each licensee in possession of a nonexempt source of radiation who decides to terminate all activities involving that source of radiation shall notify the department immediately, in writing.

(2) Each licensee responsible for a facility or site that includes a nonexempt source of radiation or that could be contaminated by residual radioactivity shall notify the department, in writing, of the intent to vacate, at least 30 days before vacating or relinquishing possession or control of the facility or site.

(3) Each licensee shall notify the department, in writing, within 60 days of the occurrence of any of the following:

(A) The licensee has decided to permanently cease principal operations at the entire site or in any separate building or outdoor area with residual radioactivity that renders the building or outdoor area unsuitable for uncontrolled use in accordance with these regulations.

(B) No principal operations under the license have been conducted during the previous 24 months.

(C) No principal operations have been conducted during the previous 24 months in any separate building or outdoor area with residual radioactivity that renders the

building or outdoor area unsuitable for uncontrolled use in accordance with these regulations.

(4) From the date of notification of the department as required in subsections (a) and (b) of this regulation, the licensee shall perform either one of the following:

(A) Begin decommissioning activities; or

(B) within 12 months of notification, submit a decommissioning plan, if required by K.A.R. 28-35-204, and begin decommissioning upon the approval of that plan.

(5) Coincident with the notification of the department required in subsections (a) and (b) of this regulation, the licensee shall maintain in effect all decommissioning financial assurances established by the licensee in conjunction with a license issuance or renewal or as required by this part. The amount of the financial assurance shall be increased, or may be decreased, in order to cover the detailed cost estimate for decommissioning, as specified in K.A.R. 28-35-204.

(6) An alternate schedule may be approved by the secretary for the submission of plans and for the completion of decommissioning required by this regulation if the secretary determines that both of the following conditions are met:

(A) An alternative schedule is necessary to effectively conduct decommissioning.

(B) An alternative schedule either presents no undue risks to public health and safety or is otherwise in the public interest.

The schedule for decommissioning shall not commence until the secretary has made a determination on the request.

(Authorized by and implementing K.S.A. 48-1607; effective, T-85-43, Dec. 19, 1984; effective May 1, 1985; amended Dec. 30, 2005.)

***** Authenticated Kansas Administrative Regulation *****