

State of Vermont Department of Health

**Radioactive Materials Program
Procedure 1.3, Revision 0**



License Termination/Revocation

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Radioactive Materials Program Procedure 1. 3, Revision 0

License Termination/Revocation

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License Termination/Revocation

1.0 PURPOSE

1.1 Applicability

- 1.1.1 This procedure defines the process for terminating a license granted by the Vermont Department of Health (Department) to possess, use, store and, dispose of licensed radioactive material.
- 1.1.2 This procedure applies to the disposal of licensed material, decommissioning of the site and facilities, and surveys adequate to demonstrate that residual radioactivity is within regulatory limits at such time that a license is terminated.

1.2 References

- 1.2.1 Vermont Radioactive Materials Rule.
- 1.2.2 Title 10 Code of Federal Regulations, Part 20, Subpart E - Radiological Criteria for License Termination.
- 1.2.3 NUREG-1575, "Multi-Agency Radiation Survey and Site Investigation Manual" (MARSSIM).
- 1.2.4 NUREG-1757, "Consolidated Decommissioning Guidance" Volume 1 Revision 2.
- 1.2.5 RESRAD, Dose Modeling Code (Soil Concentration Levels).
- 1.2.6 RESRAD-Build, Dose Modeling Code (Buildings).

1.3 Files

The following records will be maintained by the Radioactive Materials Program, primarily in an electronic format, for each licensee:

- 1.3.1 Specific license.
- 1.3.2 License termination request document.
- 1.3.3 License termination letter.
- 1.3.5 Requests for Additional Information (RAI).
- 1.3.6 **VDH Form 314 Certificate of Disposition of Materials**

1.4 Definitions

- 1.4.2 **Background Radiation:** Radiation from cosmic sources, naturally occurring radioactive materials, including radon, except as a decay product of source or special nuclear material and including global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents, such as Chernobyl, that contribute to background radiation and are not under the control of a licensee or registrant. "Background radiation" does not include sources of radiation from radioactive materials regulated by the Department.
- 1.4.3 **Critical Group:** The group of individuals reasonably expected to receive the greatest exposure to radiation for any applicable set of circumstances.
- 1.4.4 **Decommission:** To remove a facility or site safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license.
- 1.4.5 **Distinguishable from Background:** The detectable concentration of a radionuclide is statistically different from the background concentration of that radionuclide in the vicinity of the site, or in the case of structures, in similar materials using adequate measurement technology, survey, and statistical techniques.
- 1.4.6 **License Review:** The processing of any licensing action (i.e., new application, amendment, renewal, termination) and serves two capacities – primary review and secondary review.
- 1.4.7 **License Reviewer:** A Radiologic Health Specialist or other Radioactive Materials Program staff member qualified to review, process, and document a specific category of licensing action. A license reviewer shall not perform a review for any category of license for which they are not qualified.
- 1.4.8 **License Revocation:** A license is revoked during its effective validity period for cause, usually for failure to comply with licensing requirements and applicable regulations. NOTE: The Department must take formal action in order to revoke a license under 18 V.S.A. § 1655, 18 V.S.A. §§ 126 & 127, 10 CFR 30.61, 10 CFR 40.71, and 10 CFR 70.81.
- 1.4.9 **License Termination:** A license is terminated because the licensee has allowed the license to expire, did not respond after being informed that the license had expired, and/or did not request that the license be renewed.

- 1.4.10 Residual Radioactivity: Radioactivity in structures, materials, soils, groundwater, and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental release of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with the provisions of 10 CFR 20.2001.
- 1.4.11 Voluntary termination: a licensee has requested that a license be terminated.

2.0 RESPONSIBILITIES

2.1 Radiological Health Specialist

- 2.1.1 Identifies licenses that have expired or are about to expire and notifies the Radioactive Materials Program Manager (RMPM) within 30 days of the license expiration date.
- 2.1.2 Sends out acknowledgment letters for receipt of termination requests within 30 days of receipt of the request for termination.
- 2.1.3 Maintains computer-based and other licensing files.
- 2.1.4 Processes requests for license termination or expired licenses as assigned within a 15-day period, upon the notification of the license expiration date.
- 2.1.5 When required, conducts final decommissioning surveys or oversees contractors that are conducting final decommissioning surveys for licensees who are or will be decommissioning their facility.

2.2 Radioactive Materials Program Manager (RMPM)

- 2.2.1 Assigns a request for license termination or an expired license to a Radiological Health Specialist (RHS) for processing. The RMPM will instruct the RHS in the required scope of the termination or expired license process, i.e., whether the licensee is required to submit a License Termination Plan (LTP).
- 2.2.2 In concert with the Department of Health Legal Division, initiates a petition for revocation of the license or other sanction.

2.3 Radiation Control Program Director

- 2.3.1 Reviews, concurs or does not concur, with the petition for revocation of the license or other sanctions after consultation with the Environmental Health Division Director and Department legal advisors.
- 2.3.2 Reviews, approves, and signs terminated license letters.
- 2.3.3 Approves the implementation of a revocation action and signs the final order.

3.0 PROCEDURE

3.1 General Provisions

- 3.1.1 The criteria for termination of a license are listed in 10 CFR 30.36, 40.42, and 70.38 as well as the Vermont Radioactive Materials Rule.

3.2 Request for Termination

- 3.2.1 Within 15 working days following the receipt of the request for license termination, the notice is placed in the licensee file and the reviewer should prepare a termination letter and inform the licensee that the Radioactive Materials Program may request additional information.
- 3.2.2 Following the receipt of a request for termination, a determination of the potential for residual radioactive contamination of the facility shall be made. The license and inspection history shall be reviewed to determine the potential risk of residual radioactive contamination.
- 3.2.3 The highest risk would be licensees that utilize significant quantities of unsealed radioactive material with half-lives greater than 120 days such as, but not limited to, nuclear pharmacies; waste disposal processing and repackaging services; manufacturing and distribution; nuclear laundries; academic or medical Type A Broad; and research and development, Type A Broad licenses. The lowest risk would be licensees that utilize radioactive materials only in the form of sealed sources. Unless there has been a significant leak of a sealed source, the probability of residual contamination is essentially zero. (NOTE: However, there have been a number of cases of residual contamination resulting from melting sealed sources contained in measuring gauges.)
- 3.2.4 For licenses that authorize both sealed and unsealed sources of radioactive material, the highest risk use shall dictate the decommissioning process.

3.3 License Termination - Sealed Sources

- 3.3.1 Upon receipt of a request for termination of a license that authorizes the

possession and use of radioactive materials only in the form of sealed sources, the following information shall be requested from the licensee:

- A listing of sealed sources currently or last possessed including type, isotope, quantity, serial number, vendor, date received, and use;
- Copies of the results of the most recent leak tests for each sealed source, if appropriate;
- Copies of the records of disposal, decay, or transfer to an authorized recipient for each sealed source;
- Disposition of sealed sources that were found to have leaked and the areas affected;
- Copies of periodic inventories, if appropriate;
- If appropriate, a copy of the results of the final survey of the area where sources were used and stored. The record shall include the type of instrument used and the last calibration date, model, and serial number, where measurements were taken on a room diagram as per 10 CFR 20.1501; and
- A properly completed **VDH Form 314 Certificate of Disposition of Radioactive Materials**.

3.3.2 For sealed sources that have never leaked, the following information shall be requested from the licensee:

- A listing of sealed sources currently or last possessed including type, isotope, quantity, serial number, vendor, date received, and use;
- Copies of leak test results indicating that the source(s) did not leak;
- Copies of periodic inventories, if appropriate;
- A properly completed **VDH Form 314 Certificate of Disposition of Radioactive Materials**.

3.4 License Termination - Unsealed Sources

3.4.1 Upon receipt of a request for termination of a license that authorizes the possession and use of any radioactive materials in unsealed form, the licensee shall be requested to submit the following information:

- A listing of licensed radioactive materials currently or last possessed including type, isotope and quantity, vendor, date received, and use;
- Copies of the records of disposal, decay, or transfer to an authorized recipient, for each radioactive material listed;
- Copies of periodic inventories, if appropriate;
- A copy of the results of the final survey of the area where radioactive materials were used and stored. The record must include the type of instrument(s) used and the last calibration dates;
- A properly completed **VDH Form 314 Certificate of Disposition of Radioactive Materials**; and
- For licensees who possessed and used relatively short-lived radioactive material (i.e., half-life less than or equal to 120 days) in an unsealed form and, within timeliness constraints, the maximum activity authorized under the license has decayed to less than the quantity specified in 10 CFR Part 20, Appendix C, and the licensee's survey, performed in accordance with 10 CFR 30.36, 40.42, or 70.38 does not identify any residual levels of radiological contamination greater than decommissioning.

- 3.4.2 If the above information when compared to the license and the inspection history appears to be accurate and complete, and with the exception of sealed sources, the licensee has not possessed radioactive material with a half-life greater than 120 days, the license shall be terminated.
- 3.4.3 If the information is incomplete, appears to be inaccurate, the final survey revealed radioactive contamination, or the licensee has possessed unsealed radioactive material with a half-life greater than 120 days, an inspection of the facility shall be conducted.
- 3.4.5 If the inspection reveals that all radioactive material has been properly disposed of and an independent survey, conducted by the RMP staff or a contractor authorized by the RMP, reveals no residual activity, the license shall be terminated. However, if items of noncompliance were noted during the inspection, at the discretion of the Department, enforcement action shall be taken prior to license termination.
- 3.4.6 If survey results reveal possible residual activity, the licensee shall be requested to submit a sufficient License Termination Plan (LTP) such that the facility will be decontaminated to levels acceptable for unrestricted use. NUREG 1757 Volume 1 Rev 2 "Consolidated Decommissioning Guidance" can be used by the Radioactive Materials Program to evaluate

the LTP. In addition, other guidance and/or modeling codes may address specific issues and may be used as needed (see sub-Section 1.2 of this procedure for RESRAD codes that may be of help).

3.5 Expired License

3.5.1 Licensee Contacted.

3.5.1.1 Within fifteen (15) working days following the expiration date of a license without the receipt of a request for license termination or license renewal, the licensee shall be contacted by telephone or in person and informed that the license has expired. The licensee shall be informed that any activity using radioactive material under the license shall cease, the licensed material shall be placed in storage or disposed of, and an application for license termination shall be submitted within 30 days.

3.5.1.2 If the licensee intends to continue licensed operations and states that the failure to submit an application for license renewal was just an oversight, the licensee shall be informed that operations shall cease and that an application for license renewal should be submitted as quickly as possible. The licensee shall be informed that operation without a current license constitutes noncompliance and that appropriate enforcement action will result.

3.5.1.3 The licensee shall be informed that only the RMPPM may authorize continued use of radioactive material without a current license.

3.5.1.4 The notice to cease licensed activities shall be recorded and transmitted to the licensee by registered mail, return receipt requested (Attachment 1.2-1 **Sample Letter for Expired License** of RMPP 1.2 *Renewal of Licenses*). This notification to the licensee transmits the requirements for the proper disposition of radioactive materials with a **VDH Form 314** (Attachment 1.3-1) attached.

3.5.2 Licensee Not Contacted.

3.5.2.1 Returned, undeliverable mail to licensees must trigger an immediate follow-up. The follow-up must include a telephone call, email, or site visit to the licensee to verify the licensee's physical address.

3.5.2.2 If the licensee cannot be contacted either by telephone, visit to the address on the license, or all other reasonable efforts, the authorized place of use shall be inspected and surveyed. All

possible means must be taken to establish the facts associated with the loss of contact, including interviews of related parties like landlords, neighboring parties, or vendors. A survey for radiation and radioactive materials must also be conducted of premises left abandoned. If no radioactive materials are found and the survey indicates the facility is free of radioactive contamination, necessary legal action must proceed in order to revoke the license.

3.5.2.3 If residual contamination is discovered, the facility shall be restricted from unauthorized access and decontaminated to acceptable levels and the license revoked in accordance with 18 V.S.A. § 1653 (b) (7) (B). All legal efforts to require this of the licensee shall be exhausted before taking other actions. Consult with Department of Health Legal about these and all other steps.

3.5.2.4 If there was an emergency, the Department could use a Health Order (or Emergency Health Order) 18 V.S.A. § 126 (or § 127) to mitigate or force the mitigation of the hazard. If the Department incurred any cost as a result of this action, it has the authority to seek the recovery of costs under our civil enforcement statute. 18 V.S.A. § 130 (b) (5).

4.0 RECORDS

4.1 Records to be Maintained

- 4.1.1 Terminated License File.
- 4.1.2 Licensee Correspondence Requesting Termination.
- 4.1.3 License Termination Letter.
- 4.1.4 **VDH Form 314 Certificate of Disposition of Radioactive Materials.**

4.2 Records Retention

- 4.2.1 Web Based Licensing is the primary electronic file repository.
- 4.2.2 Records may also be kept in other secure electronic forms with access only to RMP staff.

5.0 ATTACHMENT TO RMPP 1.3

- 1.3-1 **VDH Form 314, Certificate of Disposition of Radioactive Materials**