



Mark Parkinson, Governor  
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

[www.kdheks.gov](http://www.kdheks.gov)

Division of Health

November 24, 2009

## **Kansas Information Notice 09-09**

FINDINGS FROM THE NRC INITIATIVE TO ASSESS MATERIALS LICENSEES' COMPLIANCE WITH THE NRC DECOMMISSIONING REQUIREMENTS

### **Addressees**

This notice is addressed to all Kansas radioactive materials licensees.

### **Purpose**

The purpose of this information notice is to inform addresses about the NRC findings relating to materials licensees' compliance with the decommissioning requirements. Licensees should review [NRC Information Notice 2009-30](#) as the information has similar applicability to Kansas broad scope licensees and the corresponding Kansas regulations. The applicable Kansas Administrative Regulations(KARs) are as follows:

| <b>NRC</b>      | <b>KAR</b> | <b>Title</b>                                 |
|-----------------|------------|--|
| 10 CFR Part 33  | 28-35-182a | Specific licenses of broad scope             |
| 10 CFR 30.35(g) | 28-35-180b | Financial assurance for decommissioning      |
| 10 CFR 30.36(d) | 28-35-231a | Vacating installations                       |
| 10 CFR 30.36(j) | 28-35-204  | Decommissioning Plan                         |
| 10 CFR 20.1402  | 28-35-205  | Termination of a license without restriction |
| 10 CFR 20.1501  | 28-35-217b | General (surveys)                            |

The KARs can be found on the Secretary of State's website at [http://www.kssos.org/pubs/pubs\\_kar.aspx](http://www.kssos.org/pubs/pubs_kar.aspx).

## Description of Circumstances

The NRC information notice summarizes issues related to decommissioning that fall into the categories of inadequate recordkeeping and inadequate surveys.

## Discussion

The NRC findings related to inadequate recordkeeping revealed that licensees failed to keep a stand-alone list that contains updated information required for decommissioning.

KAR 28-35-180b(h)(3) requires

- “(3) a list of the following information, which shall be contained in a single document and updated every two years:**
- (A) All areas designated and formerly designated as restricted areas;**
  - (B) all areas outside of restricted areas that require the documentation specified in this subsection;**
  - (C) all areas outside of restricted areas where current and previous wastes have been buried and documented as specified in K.A.R. 28-35-227j; and**
  - (D) all areas outside of restricted areas that contain material so that, if the license expired, the licensee would be required either to decontaminate the area to unrestricted release levels or to apply for approval for disposal as specified in K.A.R. 28-35-225a.**
- Those areas containing sealed sources only shall not be included in the list if the sources have not leaked, no contamination remains in the area after any leak, or the area contains only radioactive materials having half-lives of less than 65 days;”**

Additional requirements can be found in KAR 28-35-180b, financial assurance for decommissioning.

The NRC findings related to non-performance of technically defensible and reproducible radiological surveys identified that licensees did not perform as required in the regulations and failed to use NRC guidance found in NUREG-1507 and NUREG-1757, both available for use by Kansas licensees at <http://www.nrc.gov/reading-rm.html>.

KAR 28-35-217b requires

- 28-35-217b. General.
- (a) Each licensee or registrant shall make, or cause to be made, surveys that:**
    - (1) provide measurements or evaluations demonstrating compliance with these regulations; and**
    - (2) are necessary under the circumstances to evaluate:**
      - (A) radiation levels;**
      - (B) concentrations or quantities of radioactive material; and**
      - (C) the potential radiological hazards that could be present.**

- (b) The licensee or registrant shall ensure that instruments and equipment used for quantitative radiation measurements, are calibrated at intervals not to exceed 12 months, for the type of radiation measured.**
- (c) The licensee or registrant shall ensure that adequate precautions are taken to prevent a deceptive exposure of an individual monitoring device.**

KAR 28-35-205(b)(3), which relates to the termination of a license without restriction requires

- (3) Documentation has been provided to the department demonstrating one of the following:**
  - (A) A radiation survey has been performed and shows that the premises meet the requirements of this regulation.**
  - (B) The other information submitted by the licensee is sufficient to show that the premises are suitable for release in accordance with this regulation.**

KAR 28-35-204(g), containing requirements of the decommissioning plan, requires

- (g) Each licensee shall perform the following final steps in decommissioning:**
  - (1) Conduct a radiation survey of the premises where the licensed operations 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. Each licensee shall complete the following, as appropriate:**
    - (A) Report the levels of gamma radiation in units of millisieverts or microrems per hour at one meter from surfaces and report the levels of radioactivity, including alpha and beta, in units of megabecquerels, disintegrations per minute, or microcuries per milliliter for water, and becquerels or picocuries per gram for solids including soil and concrete; and**
    - (B) specify the survey instrument or instruments used and certify that each instrument is calibrated and tested.**

There are no new requirements in this information notice. No specific action or written response is required. If you have questions regarding this information notice, please contact the Kansas Department of Health and Environment, Radiation Control Section at 785-296-1560.