

**641—40.31 (136C) Alternate criteria for license termination.**

**40.31(1)** The agency may terminate a license using alternate criteria greater than the dose criterion of 641—40.29(136C), 40.30(2) and 40.30(4)“a”(1) if the licensee:

*a.* 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 100 mrem/yr (1 mSv/yr) by submitting an analysis of possible sources of exposure;

*b.* Has employed, to the extent practical, restrictions on site use according to the provisions of 641—40.30(136C) in minimizing exposures at the site;

*c.* Reduces doses to ALARA levels taking into consideration any detriments such as traffic accidents expected to potentially result from decontamination and waste disposal;

*d.* Has submitted a decommissioning plan or license termination plan (LTP) to the agency indicating the licensee’s intent to decommission in accordance with 641—paragraph 39.4(33)“d,” and specifying that the licensee proposes to decommission by use of alternate criteria. The licensee shall document in the decommissioning plan or LTP how the advice of individuals and institutions in the community, who may be affected by the decommissioning, has been sought and addressed, as appropriate, following analysis of that advice. In seeking such advice, the licensee shall provide for:

(1) Participation by representatives of a broad cross section of community interests who may be affected by the decommissioning;

(2) An opportunity for a comprehensive, collective discussion on the issues by the participants represented; and

(3) 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

*e.* Has provided sufficient financial assurance in the form of a trust fund 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.

**40.31(2)** The use of alternate criteria to terminate a license requires the approval of the agency after consideration of the staff’s recommendations that will address any comments provided by the Environmental Protection Agency and any public comments submitted pursuant to 40.32(136C).