

June 8, 2000

TO: Frederick C. Combs, STP
FROM: Roger L. Suppes, Ohio
SUBJECT: OHIO PROPOSED REGULATIONS

LICENSING OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL

3701:1-40

CONTENTS

10 CFR 30	3701:1-40-	TITLE
30.4	-01	DEFINITIONS
30.1	-02	SCOPE
30.2	DELETED	RESOLUTION OF CONFLICT
30.3	-03	ACTIVITIES REQUIRING LICENSE
30.5	DELETED	INTERPRETATIONS
30.6	-04	COMMUNICATIONS
30.7	-05	EMPLOYEE PROTECTION
30.8	DELETED	INFORMATION COLLECTION REQUIREMENTS:- OMB APPROVAL
30.9	-06	COMPLETENESS AND ACCURACY OF INFORMATION
30.10	DELETED	DELIBERATE MISCONDUCT See R.C. 4113.52
30.11	CHAPTER 38	SPECIFIC EXEMPTIONS
30.12	-07	DEPARTMENT OF ENERGY CONTRACTORS PERSONS USING BYPRODUCT MATERIAL UNDER CERTAIN DEPARTMENT OF ENERGY AND NUCLEAR REGULATORY COMMISSION CONTRACTS
30.13	-08	CARRIERS
30.14	-09	EXEMPT CONCENTRATIONS
30.15	-10	CERTAIN ITEMS CONTAINING BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL
30.16	-11	RESINS CONTAINING SCANDIUM-46 AND DESIGNED FOR SAND-CONSOLIDATION IN OIL WELLS
30.18	-12	EXEMPT QUANTITIES
30.19	-13	SELF-LUMINOUS PRODUCTS
30.20	-14	GAS AND AEROSOL DETECTORS CONTAINING BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL

30.21	-03	C-14
30.31	CHAPTER 38	TYPES OF LICENSES
30.32	-15	APPLICATION FOR SPECIFIC LICENSES
30.33	-16	GENERAL REQUIREMENTS FOR ISSUANCE OF SPECIFIC LICENSES
30.34	-17	TERMS AND CONDITIONS OF LICENSES
30.35	-18	FINANCIAL ASSURANCE AND RECORD KEEPING FOR DECOMMISSIONING
30.36	-19	EXPIRATION AND TERMINATION OF LICENSES AND DECOMMISSIONING OF SITES AND SEPARATE BUILDINGS OR OUTDOOR AREAS
30.37	CHAPTER 38	APPLICATION FOR RENEWAL OF LICENSES
30.38	CHAPTER 38	APPLICATION FOR AMENDMENT OF LICENSES
30.39	CHAPTER 38	DEPARTMENT ACTION ON APPLICATIONS TO RENEW OR AMEND
30.41	-20	TRANSFER OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL
30.50	-21	REPORTING REQUIREMENTS
30.51	-22	RECORDS
30.52	CHAPTER 38	INSPECTIONS
30.53	CHAPTER 38	TESTS
30.55	DELETED	TRITIUM REPORTS
30.61	CHAPTER 38	MODIFICATION AND REVOCATION OF LICENSES
30.62	DELETED	RIGHT TO CAUSE THE WITHHOLDING OF BYPRODUCT MATERIAL OR NARM
30.63	CHAPTER 38	VIOLATIONS
30.64	CHAPTER 38	CRIMINAL PENALTIES
30.70	-09	SCHEDULE APPENDIX A - EXEMPT CONCENTRATIONS
30.71	-10	SCHEDULE B APPENDIX A - EXEMPT QUANTITIES
30.72	-15 APPENDIX A	SCHEDULE C - QUANTITIES OF RADIOACTIVE MATERIALS REQUIRING CONSIDERATION OF THE NEED FOR AN EMERGENCY PLAN FOR RESPONDING TO A RELEASE
APPENDIX A	-18 APPENDIX A &	CRITERIA RELATING TO USE OF FINANCIAL TESTS AND PARENT COMPANY GUARANTIES FOR

	B	PROVIDING REASONABLE ASSURANCE OF FUNDS FOR DECOMMISSIONING
APPENDIX B	CHAPTER 38	QUANTITIES OF LICENSED MATERIAL REQUIRING LABELING
APPENDIX C	DELETED	CRITERIA RELATING TO USE OF FINANCIAL TESTS AND SELF GUARANTEES FOR PROVIDING REASONABLE ASSURANCE OF FUNDS FOR DECOMMISSIONING
33.1	DELETED	PURPOSE AND SCOPE
33.8	DELETED	INFORMATION COLLECTION REQUIREMENTS: OMB APPROVAL
33.11	-23	SPECIFIC LICENSES OF BROAD SCOPE
33.100	-23 APPENDIX A	SCHEDULE A
33.12	MOVED TO -23	APPLICATIONS FOR SPECIFIC LICENSES OF BROAD SCOPE
33.13	-24	REQUIREMENTS FOR THE ISSUANCE OF A TYPE A SPECIFIC LICENSE OF BROAD SCOPE
33.14	-25	REQUIREMENTS FOR ISSUANCE OF A TYPE B SPECIFIC LICENSE OF BROAD SCOPE
33.15	-26	REQUIREMENTS FOR THE ISSUANCE OF TYPE C SPECIFIC LICENSE OF BROAD SCOPE
33.16	MOVED TO -23	APPLICATION FOR OTHER SPECIFIC LICENSES
33.17	-27	CONDITIONS OF SPECIFIC LICENSES OF BROAD SCOPE
33.21	CHAPTER 38	VIOLATIONS
33.23	CHAPTER 38	CRIMINAL PENALTIES
33.100	-23	SCHEDULE A
150.1	-28	EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274 OF THE ATOMIC ENERGY ACT
150.2	-28	SCOPE
150.3	CHAPTER 38	DEFINITIONS
150.4	-05	COMMUNICATIONS
150.5	DELETED	INTERPRETATIONS
150.7	DELETED	PERSONS IN OFFSHORE WATERS NOT EXEMPT

150.8	DELETED	INFORMATION COLLECTION REQUIREMENTS: OMB APPROVAL
150.10	DELETED	PERSONS EXEMPT
150.11	MOVED TO CHAPTER 56 ON SNM	CRITICAL MASS DEFINED FOR USE IN AGREEMENT STATES
150.14	DELETED	COMMISSION REGULATORY AUTHORITY FOR PHYSICAL PROTECTION
150.15	DELETED	PERSONS NOT EXEMPT
150.16	MOVED TO CHAPTER 56 ON SNM	SUBMISSION TO COMMISSION OF NUCLEAR MATERIAL TRANSFER REPORTS
150.17	DELETED	SUBMISSION TO COMMISSION OF SOURCE MATERIAL REPORTS
150.17(A)	DELETED	COMPLIANCE WITH REQUIREMENTS OF US/IAEA SAFEGUARDS AGREEMENT
150.19	DELETED	<u>SUBMISSION TO COMMISSION OF TRITIUM REPORTS</u>
150.20	-29	RECOGNITION OF AGREEMENT STATE LICENSES - RECIPROCITY
150.21	DELETED	TRANSPORTATION OF SPECIAL NUCLEAR MATERIAL BY AIRCRAFT
150.30	CHAPTER 38	VIOLATIONS
150.31	DELETED	REQUIREMENTS FOR AGREEMENT STATE REGULATION OF BYPRODUCT MATERIAL
150.32	-30	FUNDS FOR RECLAMATION OF BYPRODUCT MATERIAL
150.33	CHAPTER 38	CRIMINAL PENALTIES
51		ENVIRONMENTAL REPORTS: (NOTE: THIS SECTION WAS BASED ON 10 CFR 51 TO PROVIDE A PROCESS FOR LICENSEES TO DEVELOP AN ENVIRONMENTAL REPORT AND A REVIEW PROCESS FOR THE DEPARTMENT BUT THERE IS NO SECTION BY SECTION CORRELATION AS IN OTHER RULES FOR THIS CHAPTER)
	-31	PRELIMINARY PROCEDURES
	-32	DETERMINATION TO PREPARE BUREAU ASSESSMENT REPORT; ELIGIBILITY FOR CATEGORICAL EXCLUSION

	-33	FINDING OF NO SIGNIFICANT IMPACT
	-34	ENVIRONMENTAL REPORT
	-35	BUREAU ASSESSMENT REPORT
	-36	FINAL PUBLISHING OF BUREAU ASSESSMENT REPORT
	-37	REQUIREMENT TO PROVIDE A DECISION
	-38	BUREAU ASSESSMENT REPORT; PUBLIC NOTICE

3701:1-40-01 DEFINITIONS.

TERMS DEFINED IN RULE 3701:1-38-01 OF THE ADMINISTRATIVE CODE SHALL HAVE THE SAME MEANING WHEN USED IN THIS CHAPTER, AND ADDITIONALLY, AS USED IN THIS CHAPTER OF THE ADMINISTRATIVE CODE:

- (A) "ALERT" MEANS EVENTS THAT MAY OCCUR, ARE OCCURRING, OR HAVE OCCURRED THAT COULD LEAD TO A RELEASE OF RADIOACTIVE MATERIAL, BUT THAT THE RELEASE IS NOT EXPECTED TO REQUIRE A RESPONSE BY OFFSITE RESPONSE ORGANIZATIONS TO PROTECT PERSONS OFFSITE.
- (B) "BUREAU ASSESSMENT REPORT" MEANS A DOCUMENT PREPARED BY THE DEPARTMENT THAT BRIEFLY PROVIDES EVIDENCE AND ANALYSIS OF WHETHER THERE IS AN ADVERSE RADIOLOGICAL IMPACT ON HUMAN HEALTH OR THE HUMAN ENVIRONMENT OR WHETHER THERE IS NO SIGNIFICANT IMPACT.
- (C) "CATEGORICAL EXCLUSION" MEANS A CATEGORY OF ACTIONS WHICH DO NOT INDIVIDUALLY OR CUMULATIVELY HAVE A SIGNIFICANT EFFECT ON HUMAN HEALTH OR THE HUMAN ENVIRONMENT
- (D) "ENVIRONMENTAL REPORT" MEANS A DOCUMENT SUBMITTED TO THE DEPARTMENT BY AN APPLICANT FOR A LICENSE, RENEWAL, OR AMENDMENT THEREOF, THAT AIDS THE DEPARTMENT IN COMPLETING THE BUREAU ASSESSMENT REPORT.
- (E) "MEDICAL USE" MEANS THE INTENTIONAL INTERNAL OR EXTERNAL ADMINISTRATION OF RADIOACTIVE MATERIAL OR THE RADIATION THEREFROM TO PATIENTS OR HUMAN RESEARCH SUBJECTS UNDER THE SUPERVISION OF AN AUTHORIZED USER AS THAT TERM IS DEFINED IN THE ADMINISTRATIVE CODE CHAPTER CONCERNING MEDICAL USE OF BYPRODUCT AND ACCELERATOR PRODUCED MATERIAL.
- (F) "PHYSICIAN" MEANS A PERSON LICENSED UNDER CHAPTER 4731. OF THE REVISED CODE TO PRACTICE MEDICINE AND SURGERY OR OSTEOPATHIC MEDICINE OR SURGERY.
- (G) "PODIATRIST" MEANS A PERSON LICENSED UNDER CHAPTER 4731. OF THE REVISED CODE TO PRACTICE PODIATRIC MEDICINE.
- (H) "LICENSED ACTIVITY" MEANS AN ACTIVITY AUTHORIZED BY THE RADIOACTIVE MATERIAL LICENSE WHICH IS ESSENTIAL TO ACHIEVING THE PURPOSE FOR WHICH THE LICENSE WAS ISSUED OR AMENDED.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119
Rule authorized by: section 3748.02
Rule amplifies: section 3748.02
Prior effective date: none

3701:1-40-02 SCOPE.

- (A) THIS CHAPTER PRESCRIBES SPECIFIC RADIATION PROTECTION REQUIREMENTS APPLICABLE TO ALL PERSONS IN OHIO HANDLING BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL FOR WHICH LICENSURE IS REQUIRED. THE REQUIREMENTS OF THIS CHAPTER ARE IN ADDITION TO, AND NOT IN SUBSTITUTION FOR, OTHER REQUIREMENTS OF THE ADMINISTRATIVE CODE. IN ANY CONFLICT BETWEEN THE REQUIREMENTS IN THIS CHAPTER AND A SPECIFIC REQUIREMENT IN ANOTHER CHAPTER OF THE ADMINISTRATIVE CODE ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE, THE MORE SPECIFIC REQUIREMENT GOVERNS.
- (B) THE DIRECTOR MAY ISSUE LICENSES FOR BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL AS OUTLINED IN THIS CHAPTER. HANDLERS OF SOURCE MATERIAL AND SPECIAL NUCLEAR MATERIAL LESS THAN CRITICAL MASS SHALL ALSO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER AND OTHER CHAPTERS OF THE ADMINISTRATIVE CODE CONCERNING SOURCE MATERIAL AND NATURALLY OCCURRING RADIOACTIVE MATERIAL ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE. HANDLERS OF SPECIAL NUCLEAR MATERIAL SHALL ALSO COMPLY WITH THE REQUIREMENTS OF OTHER CHAPTERS OF THE ADMINISTRATIVE CODE CONCERNING SPECIAL NUCLEAR MATERIAL ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE. THE DIRECTOR SHALL ISSUE A SPECIFIC LICENSE TO A NAMED PERSON UPON APPLICATION FILED IN ACCORDANCE WITH RULE 3701-38-021 OF THE ADMINISTRATIVE CODE. A GENERAL LICENSE MAY BE EFFECTIVE WITHOUT APPLICATION TO THE DIRECTOR BASED ON CRITERIA IN RULES COVERING MANUFACTURE AND DISTRIBUTION OF RADIOACTIVE MATERIAL.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodie Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

Prior effective date: none

3701:1-40-03 ACTIVITIES REQUIRING LICENSE.

- (A) UNLESS OTHERWISE EXEMPT AS PROVIDED IN RULE [3701-39-021] OF THE ADMINISTRATIVE CODE, OR UNLESS POSSESSION IS SOLELY FOR THE PURPOSE OF TRANSPORTATION, NO PERSON SHALL HANDLE OR POSSESS, INCLUDING MANUFACTURE, PRODUCE, ACQUIRE, OR OWN, OR DISPOSE, INCLUDING CLOSURE, DECOMMISSIONING, RECLAMATION, OR LONG-TERM SURVEILLANCE OR CARE, OF RADIOACTIVE MATERIAL EXCEPT AS AUTHORIZED IN A SPECIFIC OR GENERAL LICENSE ISSUED IN ACCORDANCE WITH THIS CHAPTER, OR OTHER CHAPTERS OF THE ADMINISTRATIVE CODE ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE AND RULE [3701-38-021] OF THE ADMINISTRATIVE CODE.
- (B) RADIOACTIVE DRUG: CAPSULES CONTAINING CARBON-14 UREA FOR "IN VIVO" DIAGNOSTIC USE FOR HUMANS
- (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS RULE, ANY PERSON IS EXEMPT FROM THE REQUIREMENTS FOR A LICENSE IN THIS CHAPTER OF THE ADMINISTRATIVE CODE AND THE CHAPTER ON MEDICAL USES OF RADIOACTIVE MATERIALS ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE PROVIDED THAT SUCH PERSON RECEIVES, POSSESSES, USES, TRANSFERS, OWNS, OR ACQUIRES CAPSULES CONTAINING 37 KBQ (ONE MICROCURIE) CARBON-14 UREA (ALLOWING FOR NOMINAL VARIATION THAT MAY OCCUR DURING THE MANUFACTURING PROCESS) EACH, FOR "IN VIVO" DIAGNOSTIC USE FOR HUMANS.
- (2) ANY PERSON WHO DESIRES TO USE THE CAPSULES FOR RESEARCH INVOLVING HUMAN SUBJECTS SHALL APPLY FOR AND RECEIVE A SPECIFIC LICENSE UNDER THE CHAPTER FOR MEDICAL USES OF RADIOACTIVE MATERIALS ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE.
- (3) ANY PERSON WHO DESIRES TO MANUFACTURE, PREPARE, PROCESS, PRODUCE, PACKAGE, REPACKAGE, OR TRANSFER FOR COMMERCIAL DISTRIBUTION SUCH CAPSULES SHALL APPLY FOR AND RECEIVE A SPECIFIC LICENSE UNDER THE CHAPTER FOR MANUFACTURE AND DISTRIBUTION ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE.
- (4) NOTHING IN PARAGRAPH (B) OF THIS RULE RELIEVES PERSONS FROM COMPLYING WITH APPLICABLE FDA, OTHER FEDERAL, AND STATE REQUIREMENTS GOVERNING RECEIPT, ADMINISTRATION, AND USE OF DRUGS.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

Prior effective date: none

3701:1-40-04 COMMUNICATIONS.

EXCEPT AS OTHERWISE PROVIDED, ANY COMMUNICATION OR REPORT REQUIRED BY THIS CHAPTER, SHALL BE FILED IN ACCORDANCE WITH CHAPTER 3748. OF THE R EVISED CODE AND RULES PROMULGATED THEREUNDER. DOCUMENTS PERTAINING TO LICENSE APPLICATION OR ANY LICENSE MATTER, UNLESS OTHERWISE DIRECTED IN WRITING, SHALL BE SUBMITTED TO THE DEPARTMENT AT THE FOLLOWING ADDRESS:

OHIO DEPARTMENT OF HEALTH, BUREAU OF RADIATION PROTECTION
P.O. BOX 118
COLUMBUS, OHIO 43266-0118.

DOCUMENTS PERTAINING TO LICENSE APPLICATION MAY BE HAND-DELIVERED TO THE FOLLOWING ADDRESS:

OHIO DEPARTMENT OF HEALTH
246 N. HIGH STREET
COLUMBUS, OHIO 43215

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

Prior effective date: none

3701:1-40-05 EMPLOYEE PROTECTION.

- (A) A LICENSEE OR AN APPLICANT FOR A LICENSE SHALL NOT TAKE DISCIPLINARY OR RETALIATORY ACTION AGAINST ANY EMPLOYEE AS A RESULT OF THE EMPLOYEE'S HAVING MADE ANY INQUIRY, TAKEN ANY ACTION, OR MADE ANY REPORT TO THE DEPARTMENT REGARDING THE FACILITY'S FAILURE TO COMPLY WITH CHAPTER 3748 OF THE REVISED CODE OR ANY RULES ADOPTED THEREUNDER.
- (B) EACH LICENSEE OR APPLICANT FOR A LICENSE SHALL PROMINENTLY POST THE "NOTICE TO EMPLOYEES" REQUIRED IN GENERAL RADIATION PROTECTION RULES PROMULGATED UNDER CHAPTER 3748. OF THE REVISED CODE. SUCH NOTICE SHALL BE POSTED AT THE LOCATION IN A MANNER SUFFICIENT TO PERMIT EMPLOYEES PROTECTED BY THIS CHAPTER TO OBSERVE A COPY ON THE WAY TO OR FROM THEIR PLACE OF WORK. THE NOTICE MUST BE POSTED PRIOR TO RECEIPT OF RADIOACTIVE MATERIALS AND SHALL REMAIN POSTED UNTIL THE LICENSE IS REVOKED OR TERMINATED.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies: section 3748.02

Prior effective date: none

3701:1-40-06 COMPLETENESS AND ACCURACY OF INFORMATION.

ALL INFORMATION PROVIDED TO THE DIRECTOR BY AN APPLICANT FOR A LICENSE OR BY A LICENSEE AND ALL INFORMATION REQUIRED TO BE MAINTAINED BY THE APPLICANT OR THE LICENSEE IN ACCORDANCE WITH LICENSE CONDITIONS OR BY CHAPTER 3748 OF THE REVISED CODE OR RULES ADOPTED THEREUNDER, SHALL BE COMPLETE AND ACCURATE IN ALL MATERIAL RESPECTS.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: section 3748.04

Rule authorized by: 3748.04

Rule amplifies:

Prior effective date: none

3701:1-40-07 DEPARTMENT OF ENERGY CONTRACTORS.

- (A) EXCEPT TO THE EXTENT THAT DEPARTMENT OF ENERGY FACILITIES OR ACTIVITIES OF THE TYPES SUBJECT TO LICENSING PURSUANT TO SECTION 202 OF THE "ENERGY REORGANIZATION ACT OF 1974" ARE INVOLVED, ANY PRIME CONTRACTOR OF THE DEPARTMENT OF ENERGY IS EXEMPT FROM THE LICENSE REQUIREMENTS SET FORTH IN SECTIONS 81 AND 82 OF THE "ATOMIC ENERGY ACT" AND FROM THE REGULATIONS IN THIS CHAPTER TO THE EXTENT THAT SUCH CONTRACTOR, UNDER HIS PRIME CONTRACT WITH THE DEPARTMENT OF ENERGY, MANUFACTURES, PRODUCES, TRANSFERS, RECEIVES, ACQUIRES, OWNS, POSSESSES, OR USES BYPRODUCT MATERIAL FOR:
- (1) THE PERFORMANCE OF WORK FOR THE DEPARTMENT OF ENERGY AT A UNITED STATES GOVERNMENT-OWNED OR CONTROLLED SITE, INCLUDING THE TRANSPORTATION OF BYPRODUCT MATERIAL TO OR FROM SUCH SITE AND THE PERFORMANCE OF CONTRACT SERVICES DURING TEMPORARY INTERRUPTIONS OF SUCH TRANSPORTATION;
 - (2) RESEARCH IN, OR DEVELOPMENT, MANUFACTURE, STORAGE, TESTING OR TRANSPORTATION OF, ATOMIC WEAPONS OR COMPONENTS THEREOF; OR
 - (3) THE USE OR OPERATION OF NUCLEAR REACTORS OR OTHER NUCLEAR DEVICES IN A UNITED STATES GOVERNMENT-OWNED VEHICLE OR VESSEL.
- (B) IN ADDITION TO THE EXEMPTIONS SPECIFIED IN PARAGRAPH (A) OF THIS RULE AND SUBJECT TO THE REQUIREMENT FOR LICENSING OF DEPARTMENT OF ENERGY FACILITIES AND ACTIVITIES PURSUANT TO SECTION 202 OF THE "ENERGY REORGANIZATION ACT OF 1974", ANY PRIME CONTRACTOR OR SUBCONTRACTOR OF THE DEPARTMENT OF ENERGY OR THE UNITED STATES NUCLEAR REGULATORY COMMISSION IS EXEMPT FROM THE REQUIREMENTS FOR A LICENSE SET FORTH IN SECTIONS 81 AND 82 OF THE "ATOMIC ENERGY ACT" AND FROM THE REGULATIONS IN THIS CHAPTER TO THE EXTENT THAT SUCH PRIME CONTRACTOR OR SUBCONTRACTOR MANUFACTURES, PRODUCES, TRANSFERS, RECEIVES, ACQUIRES, OWNS, POSSESSES, OR USES BYPRODUCT MATERIAL UNDER HIS PRIME CONTRACT OR SUBCONTRACT WHEN THE UNITED STATES NUCLEAR REGULATORY COMMISSION DETERMINES THAT THE EXEMPTION OF THE PRIME CONTRACTOR OR SUBCONTRACTOR IS AUTHORIZED BY LAW; AND THAT, UNDER THE TERMS OF THE CONTRACT OR SUBCONTRACT, THERE IS ADEQUATE ASSURANCE THAT THE WORK THEREUNDER CAN BE ACCOMPLISHED WITHOUT UNDUE RISK TO THE PUBLIC HEALTH AND SAFETY.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

Prior effective date: none

3701:1-40-08 CARRIERS.

COMMON AND CONTRACT CARRIERS, FREIGHT FORWARDERS, WAREHOUSEMEN, AND THE UNITED STATES POSTAL SERVICE ARE EXEMPT FROM THE REGULATIONS IN THIS CHAPTER TO THE EXTENT THAT THEY ARE NOT REQUIRED TO BE LICENSED AS SET FORTH IN CHAPTER 3748. OF THE REVISED CODE AND RULE [3701-38-021] OF THE ADMINISTRATIVE CODE AND TO THE EXTENT THAT THEY ONLY TRANSPORT OR STORE BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL IN THE REGULAR COURSE OF CARRIAGE FOR ANOTHER OR STORAGE INCIDENT THERETO.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

Prior effective date: none

3701:1-40-09 EXEMPT CONCENTRATIONS.

- (A) EXCEPT AS MAY BE REQUIRED IN PARAGRAPHS (C) AND (D) OF THIS RULE, A PERSON IS EXEMPT FROM THE LICENSE REQUIREMENTS SET FORTH IN THIS CHAPTER OR OTHER CHAPTERS OF THE ADMINISTRATIVE CODE ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE TO THE EXTENT THAT SUCH PERSON RECEIVES, POSSESSES, USES, TRANSFERS, OWNS OR ACQUIRES PRODUCTS OR MATERIALS CONTAINING BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL IN CONCENTRATIONS THAT DO NOT EXCEED THOSE LISTED IN APPENDIX A OF THIS RULE.
- (B) THIS SECTION SHALL NOT BE DEEMED TO AUTHORIZE THE IMPORT OF BYPRODUCT MATERIAL OR PRODUCTS CONTAINING BYPRODUCT MATERIAL. IMPORT OF NARM OR PRODUCTS CONTAINING NARM SHALL BE ABLE TO MEET REQUIREMENTS OF CHAPTER 3748 OF THE REVISED CODE OR ANY RULES ADOPTED THEREUNDER, AS APPLICABLE, AND TRANSPORTATION REGULATIONS IN TITLE 49 OF THE CODE OF FEDERAL REGULATIONS.
- (C) A MANUFACTURER, PROCESSOR, OR PRODUCER OF A PRODUCT OR MATERIAL IN AN AGREEMENT STATE, A STATE REGULATED BY THE UNITED STATES NUCLEAR REGULATORY COMMISSION, OR A NARM LICENSING STATE IS EXEMPT FROM THE REQUIREMENTS FOR A LICENSE SET FORTH CHAPTER 3748 OF THE REVISED CODE AND RULES ADOPTED THEREUNDER TO THE EXTENT THAT HE OR SHE TRANSFERS BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL CONTAINED IN A PRODUCT OR MATERIAL IN CONCENTRATIONS NOT IN EXCESS OF THOSE SPECIFIED IN APPENDIX A OF THIS RULE AND INTRODUCED INTO THE PRODUCT OR MATERIAL BY A LICENSEE HOLDING A SPECIFIC LICENSE ISSUED BY AN AGREEMENT STATE, THE UNITED STATES NUCLEAR REGULATORY COMMISSION, A NARM LICENSING STATE, THE DIRECTOR, OR THE ATOMIC ENERGY COMMISSION EXPRESSLY AUTHORIZING SUCH INTRODUCTION. THIS EXEMPTION DOES NOT APPLY TO THE TRANSFER OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL CONTAINED IN ANY FOOD, BEVERAGE, COSMETIC, DRUG, OR OTHER COMMODITY OR PRODUCT DESIGNED FOR INGESTION OR INHALATION BY, OR APPLICATION TO, A HUMAN BEING.
- (D) NO PERSON SHALL INTRODUCE BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL INTO A PRODUCT OR MATERIAL KNOWING OR HAVING REASON TO BELIEVE THAT IT WILL BE TRANSFERRED TO PERSONS EXEMPT UNDER THIS RULE OR EQUIVALENT REGULATIONS OF AN AGREEMENT STATE, NARM LICENSING STATE, OR THE UNITED STATES NUCLEAR REGULATORY COMMISSION, EXCEPT IN ACCORDANCE WITH A LICENSE ISSUED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE OR ANY RULES ADOPTED THEREUNDER OR THE GENERAL LICENSE PROVIDED IN RULE 3701:1-40-03 OF THE ADMINISTRATIVE CODE.

APPENDIX A

ELEMENT(ATOMIC NO.)	RADIONUCLIDE	COL. I		COL. II	
		GAS CONCENTRATION $\mu\text{CI/ML}^1$ KBQ/ML^1		LIQUID AND SOLID CONCENTRATION $\mu\text{CI/ML}^2$ KBQ/ML^2	
<u>ANTIMONY</u> (51)	<u>SB</u> 122			3×10^{-4}	1×10^{-2}
	<u>SB</u> 124			2×10^{-4}	7×10^{-3}
	<u>SB</u> 125			1×10^{-3}	4×10^{-2}
<u>ARGON</u> (18)	<u>A</u> 37	1×10^{-3}	4×10^{-2}		
	<u>A</u> 41	4×10^{-7}	1×10^{-5}		
<u>ARSENIC</u> (33)	<u>AS</u> 73			5×10^{-3}	2×10^{-1}
	<u>AS</u> 74			5×10^{-4}	2×10^{-2}
	<u>AS</u> 76			2×10^{-4}	7×10^{-3}
	<u>AS</u> 77			8×10^{-4}	3×10^{-2}
<u>BARIUM</u> (56)	<u>BA</u> 131			2×10^{-3}	7×10^{-2}
	<u>BA</u> 140			3×10^{-4}	1×10^{-2}
<u>BERYLLIUM</u> (4)	<u>BE</u> 7			2×10^{-2}	7×10^{-1}
<u>BISMUTH</u> (83)	<u>BI</u> 206			4×10^{-4}	1×10^{-2}
<u>BROMINE</u> (35)	<u>BR</u> 82	4×10^{-7}	1×10^{-5}	3×10^{-3}	1×10^{-1}
<u>CADMIUM</u> (48)	<u>CD</u> 109			2×10^{-3}	7×10^{-2}
	<u>CD</u> 115M			3×10^{-4}	1×10^{-2}
	<u>CD</u> 115			3×10^{-4}	1×10^{-2}
<u>CALCIUM</u> (20)	<u>CA</u> 45			9×10^{-5}	3×10^{-3}
	<u>CA</u> 47			5×10^{-4}	2×10^{-2}
<u>CARBON</u> (6)	<u>C</u> 14	1×10^{-6}	4×10^{-5}	8×10^{-3}	3×10^{-1}
<u>CERIUM</u> (58)	<u>CE</u> 141			9×10^{-4}	3×10^{-2}
	<u>CE</u> 143			4×10^{-4}	1×10^{-2}
	<u>CE</u> 144			1×10^{-4}	4×10^{-3}
<u>CESIUM</u> (55)	<u>CS</u> 131			2×10^{-2}	7×10^{-1}
	<u>CS</u> 134M			6×10^{-2}	2

	<u>CS</u> 134			9×10^{-5}	3×10^{-3}
<u>CHLORINE</u> (17)	<u>CL</u> 38	9×10^{-7}	3×10^{-5}	4×10^{-3}	1×10^{-1}
<u>CHROMIUM</u> (24)	<u>CR</u> 51			2×10^{-2}	7×10^{-1}
<u>COBALT</u> (27)	<u>CO</u> 57			5×10^{-3}	2×10^{-1}
	<u>CO</u> 58			1×10^{-3}	4×10^{-2}
	<u>CO</u> 60			5×10^{-4}	2×10^{-2}
<u>COPPER</u> (29)	<u>CU</u> 64			3×10^{-3}	1×10^{-1}
<u>DYSPROSIUM</u> (66)	<u>DY</u> 165			4×10^{-3}	1×10^{-1}
	<u>DY</u> 166			4×10^{-4}	1×10^{-2}
<u>ERBIUM</u> (68)	<u>ER</u> 169			9×10^{-4}	3×10^{-2}
	<u>ER</u> 171			1×10^{-3}	4×10^{-2}
<u>EUROPIUM</u> (63)	<u>EU</u> 152 ($T_{1/2}=9.2$ Hrs).			6×10^{-4}	2×10^{-2}
	<u>EU</u> 155			2×10^{-3}	7×10^{-2}
<u>FLUORINE</u> (9)	<u>F</u> 18	2×10^{-6}	7×10^{-5}	8×10^{-3}	3×10^{-1}
<u>GADOLINIUM</u> (64)	<u>GD</u> 153			2×10^{-3}	7×10^{-2}
	<u>GD</u> 159			8×10^{-4}	3×10^{-2}
<u>GALLIUM</u> (31)	<u>GA</u> 72			4×10^{-4}	1×10^{-2}
<u>GERMANIUM</u> (32)	<u>GE</u> 71			2×10^{-2}	7×10^{-1}
<u>GOLD</u> (79)	<u>AU</u> 196			2×10^{-3}	7×10^{-2}
	<u>AU</u> 198			5×10^{-4}	2×10^{-2}
	<u>AU</u> 199			2×10^{-3}	7×10^{-2}
<u>HAFNIUM</u> (72)	<u>HF</u> 181			7×10^{-4}	3×10^{-2}
<u>HYDROGEN</u> (1)	<u>H</u> 3	5×10^{-6}	2×10^{-4}	3×10^{-2}	1
<u>INDIUM</u> (49)	<u>IN</u> 113M			1×10^{-2}	4×10^{-1}
	<u>IN</u> 114M			2×10^{-4}	7×10^{-3}
<u>IODINE</u> (53)	<u>I</u> 126	3×10^{-9}	1×10^{-5}	2×10^{-5}	7×10^{-4}
	<u>I</u> 131	3×10^{-9}	1×10^{-7}	2×10^{-5}	7×10^{-4}
	<u>I</u> 132	8×10^{-8}	3×10^{-6}	6×10^{-4}	2×10^{-2}
	<u>I</u> 133	1×10^{-8}	4×10^{-7}	7×10^{-5}	3×10^{-3}

	<u>I</u> 134	2×10^{-7}	7×10^{-6}	1×10^{-3}	4×10^{-2}
<u>IRIDIUM</u> (77)	<u>IR</u> 190			2×10^{-3}	7×10^{-2}
	<u>IR</u> 192			4×10^{-4}	1×10^{-2}
	<u>IR</u> 194			3×10^{-4}	1×10^{-2}
<u>IRON</u> (26)	<u>FE</u> 55			8×10^{-3}	3×10^{-1}
	<u>FE</u> 59			6×10^{-4}	2×10^{-2}
<u>KRYPTON</u> (36)	<u>KR</u> 85M	1×10^{-6}	4×10^{-5}		
	<u>KR</u> 85	3×10^{-6}	1×10^{-4}		
<u>LANTHANUM</u> (57)	<u>LA</u> 140			2×10^{-4}	7×10^{-3}
<u>LEAD</u> (82)	<u>PB</u> 203			4×10^{-3}	1×10^{-1}
<u>LUTETIUM</u> (71)	<u>LU</u> 177			1×10^{-3}	4×10^{-2}
<u>MANGANESE</u> (25)	<u>MN</u> 52			3×10^{-4}	1×10^{-2}
	<u>MN</u> 54			1×10^{-3}	4×10^{-2}
	<u>MN</u> 56			1×10^{-3}	4×10^{-2}
<u>MERCURY</u> (80)	<u>HG</u> 197M			2×10^{-3}	7×10^{-2}
	<u>HG</u> 197			3×10^{-3}	1×10^{-1}
	<u>HG</u> 203			2×10^{-4}	7×10^{-3}
<u>MOLYBDENUM</u> (42)	<u>MO</u> 99			2×10^{-3}	7×10^{-2}
<u>NEODYMIUM</u> (60)	<u>ND</u> 147			6×10^{-4}	2×10^{-2}
	<u>ND</u> 149			3×10^{-3}	1×10^{-1}
<u>NICKEL</u> (28)	<u>NI</u> 65			1×10^{-3}	4×10^{-2}
<u>NIOBIUM</u> (<u>COLUMBIUM</u>) (41)	<u>NB</u> 95			1×10^{-3}	4×10^{-2}
	<u>NB</u> 97			9×10^{-3}	3×10^{-1}
<u>OSMIUM</u> (76)	<u>OS</u> 185			7×10^{-4}	3×10^{-2}
	<u>OS</u> 191M			3×10^{-2}	1
	<u>OS</u> 191			2×10^{-3}	7×10^{-2}
	<u>OS</u> 193			6×10^{-4}	2×10^{-2}
<u>PALLADIUM</u> (46)	<u>PD</u> 103			3×10^{-3}	1×10^{-1}
	<u>PD</u> 109			9×10^{-4}	3×10^{-2}

<u>P</u> HOSPHORUS (15)	<u>P</u> 32			2×10^{-4}	7×10^{-3}
<u>P</u> LATINUM (78)	<u>P</u> T 191			1×10^{-3}	4×10^{-2}
	<u>P</u> T 193M			1×10^{-2}	4×10^{-1}
	<u>P</u> T 197M			1×10^{-2}	4×10^{-1}
	<u>P</u> T 197			1×10^{-3}	4×10^{-2}
<u>P</u> OTASSIUM (19)	<u>K</u> 42			3×10^{-3}	1×10^{-1}
<u>P</u> RASEODYMIUM (59)	<u>P</u> R 142			3×10^{-4}	1×10^{-2}
	<u>P</u> R 143			5×10^{-4}	2×10^{-2}
<u>P</u> ROMETHIUM (61)	<u>P</u> M 147			2×10^{-3}	7×10^{-2}
	<u>P</u> M 149			4×10^{-4}	1×10^{-2}
<u>R</u> HENIUM (75)	<u>R</u> E 183			6×10^{-3}	2×10^{-1}
	<u>R</u> E 186			9×10^{-4}	3×10^{-2}
	<u>R</u> E 188			6×10^{-4}	2×10^{-2}
<u>R</u> HODIUM (45)	<u>R</u> H 103M			1×10^{-1}	4
	<u>R</u> H 105			1×10^{-3}	4×10^{-2}
<u>R</u> UBIDIUM (37)	<u>R</u> B 86			7×10^{-4}	3×10^{-2}
<u>R</u> UTHENIUM (44)	<u>R</u> U 97			4×10^{-4}	1×10^{-2}
	<u>R</u> U 103			8×10^{-4}	3×10^{-2}
	<u>R</u> U 105			1×10^{-3}	4×10^{-2}
	<u>R</u> U 106			1×10^{-4}	4×10^{-3}
<u>S</u> AMARIUM (62)	<u>S</u> M 153			8×10^{-4}	3×10^{-2}
<u>S</u> CANDIUM (21)	<u>S</u> C 46			4×10^{-4}	1×10^{-2}
	<u>S</u> C 47			9×10^{-4}	3×10^{-2}
	<u>S</u> C 48			3×10^{-4}	1×10^{-2}
<u>S</u> ELENIUM (34)	<u>S</u> E 75			3×10^{-3}	1×10^{-1}
<u>S</u> ILICON (14)	<u>S</u> I 31			9×10^{-3}	3×10^{-1}
<u>S</u> ILVER (47)	<u>A</u> G 105			1×10^{-3}	4×10^{-2}
	<u>A</u> G 110M			3×10^{-4}	1×10^{-2}
	<u>A</u> G 111			4×10^{-4}	1×10^{-2}
<u>S</u> ODIUM (11)	<u>N</u> A 24			2×10^{-3}	7×10^{-2}

<u>STRONTIUM</u> (38)	<u>SR</u> 85			1×10^{-4}	4×10^{-3}
	<u>SR</u> 89			1×10^{-4}	4×10^{-3}
	<u>SR</u> 91			7×10^{-4}	3×10^{-2}
	<u>SR</u> 92			7×10^{-4}	31×10^{-2}
<u>SULFUR</u> (16)	<u>S</u> 35	9×10^{-8}	3×10^{-6}	6×10^{-4}	2×10^{-2}
<u>TANTALUM</u> (73)	<u>TA</u> 182			4×10^{-4}	1×10^{-2}
<u>TECHNETIUM</u> (43)	<u>IC</u> 96M			1×10^{-1}	4
	<u>IC</u> 96			1×10^{-3}	4×10^{-2}
<u>TELLURIUM</u> (52)	<u>IE</u> 125M			2×10^{-3}	7×10^{-2}
	<u>IE</u> 127M			6×10^{-4}	2×10^{-2}
	<u>IE</u> 127			3×10^{-3}	1×10^{-1}
	<u>IE</u> 129M			3×10^{-4}	1×10^{-2}
	<u>IE</u> 131M			6×10^{-4}	2×10^{-2}
	<u>IE</u> 132			3×10^{-4}	1×10^{-2}
<u>TERBIUM</u> (65)	<u>IB</u> 160			4×10^{-4}	1×10^{-2}
<u>THALLIUM</u> (81)	<u>IL</u> 200			4×10^{-3}	1×10^{-1}
	<u>IL</u> 201			3×10^{-3}	1×10^{-1}
	<u>IL</u> 202			1×10^{-3}	4×10^{-2}
	<u>IL</u> 204			1×10^{-3}	4×10^{-2}
<u>THULIUM</u> (69)	<u>IM</u> 170			5×10^{-4}	2×10^{-2}
	<u>IM</u> 171			5×10^{-3}	2×10^{-1}
<u>TIN</u> (50)	<u>SN</u> 113			9×10^{-4}	3×10^{-2}
	<u>SN</u> 125			2×10^{-4}	7×10^{-3}
<u>TUNGSTEN (WOLFRAM)</u> (74)	<u>W</u> 181			4×10^{-3}	1×10^{-1}
	<u>W</u> 187			7×10^{-4}	3×10^{-2}
<u>VANADIUM</u> (23)	<u>V</u> 48			3×10^{-4}	1×10^{-2}
<u>XENON</u> (54)	<u>XE</u> 131M	4×10^{-6}	1×10^{-4}		
	<u>XE</u> 133	3×10^{-6}	1×10^{-4}		
	<u>XE</u> 135	1×10^{-6}	4×10^{-5}		

<u>Y</u> TTERBIUM (70)	<u>Y</u> B 175			1×10^{-3}	4×10^{-2}
<u>Y</u> TTTRIUM (39)	<u>Y</u> 90			2×10^{-4}	7×10^{-3}
	<u>Y</u> 91M			3×10^{-2}	1
	<u>Y</u> 91			3×10^{-4}	1×10^{-2}
	<u>Y</u> 92			6×10^{-4}	2×10^{-2}
	<u>Y</u> 93			3×10^{-4}	1×10^{-2}
<u>Z</u> INC (30)	<u>Z</u> N 65			1×10^{-3}	4×10^{-2}
	<u>Z</u> N 69M			7×10^{-4}	3×10^{-2}
	<u>Z</u> N 69			2×10^{-2}	7×10^{-1}
<u>Z</u> IRCONIUM (40)	<u>Z</u> R 95			6×10^{-4}	2×10^{-2}
	<u>Z</u> R 97			2×10^{-4}	7×10^{-3}
BETA AND/OR GAMMA EMITTING RADIOACTIVE MATERIAL NOT LISTED ABOVE WITH HALF-LIFE LESS THAN 3 YEARS.		1×10^{-10}	4×10^{-9}	1×10^{-6}	4×10^{-5}

FOOTNOTES TO APPENDIX A:

{1} VALUES ARE GIVEN ONLY FOR THOSE MATERIALS NORMALLY USED AS GASES.

{2} $\mu\text{Ci/gm}$ FOR SOLIDS.

NOTE 1: MANY RADIONUCLIDES DISINTEGRATE INTO ISOTOPES WHICH ARE ALSO RADIOACTIVE. IN EXPRESSING THE CONCENTRATIONS IN THIS APPENDIX, THE ACTIVITY STATED IS THAT OF THE PARENT ISOTOPE AND TAKES INTO ACCOUNT THE PROGENY.

NOTE 2: FOR PURPOSES OF THIS RULE, WHERE THERE IS INVOLVED A COMBINATION OF ISOTOPES, THE LIMIT FOR THE COMBINATION SHOULD BE DERIVED AS FOLLOWS:

DETERMINE FOR EACH ISOTOPE IN THE PRODUCT THE RATIO BETWEEN THE CONCENTRATION PRESENT IN THE PRODUCT AND THE EXEMPT CONCENTRATION ESTABLISHED IN APPENDIX A FOR THE SPECIFIC ISOTOPE WHEN NOT IN COMBINATION. THE SUM OF SUCH RATIOS MAY NOT EXCEED "1" (I.E., UNITY).

EXAMPLE:

$$\frac{\text{Concentration of isotope a in product}}{\text{Exempt concentration of isotope a}} + \frac{\text{Concentration of isotope b in product}}{\text{Exempt concentration of isotope b}} \leq 1$$

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

Prior effective date: none

3701:1-40-10 CERTAIN ITEMS CONTAINING BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL

- (A) EXCEPT FOR A PERSON WHO APPLIES BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL TO, OR A PERSON WHO INCORPORATES BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL INTO, THE FOLLOWING PRODUCTS, OR PERSONS WHO INITIALLY TRANSFER FOR SALE OR DISTRIBUTION THE FOLLOWING PRODUCTS CONTAINING BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL, A PERSON IS EXEMPT FROM THE LICENSE REQUIREMENTS SET FORTH IN THIS AND OTHER CHAPTERS OF THE ADMINISTRATIVE CODE ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE TO THE EXTENT THAT SUCH PERSON RECEIVES, POSSESSES, USES, TRANSFERS, OWNS, OR ACQUIRES THE FOLLOWING PRODUCTS:
- (1) TIMEPIECES OR HANDS OR DIALS CONTAINING NOT MORE THAN THE FOLLOWING SPECIFIED QUANTITIES OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL AND NOT EXCEEDING THE FOLLOWING SPECIFIED LEVELS OF RADIATION:
- (a) NINE HUNDRED TWENTY FIVE MEGABECQUERELS (TWENTY-FIVE MILLICURIES) OF TRITIUM PER TIMEPIECE,
 - (b) ONE HUNDRED EIGHTY FIVE MEGABECQUERELS (FIVE MILLICURIES) OF TRITIUM PER HAND,
 - (c) FIVE HUNDRED FIFTY FIVE MEGABECQUERELS (FIFTEEN MILLICURIES) OF TRITIUM PER DIAL (BEZELS WHEN USED SHALL BE CONSIDERED AS PART OF THE DIAL),
 - (d) THREE AND SEVEN TENTHS MEGABECQUERELS (ONE HUNDRED MICROCURIES) OF PROMETHIUM-147 PER WATCH OR TWO HUNDRED MICROCURIES OF PROMETHIUM-147 PER ANY OTHER TIMEPIECE,
 - (e) NINE HUNDRED TWENTY FIVE KILOBECQUERELS (TWENTY MICROCURIES) OF PROMETHIUM-147 PER WATCH HAND OR FOURTEEN HUNDRED AND EIGHTY KILOBECQUERELS (FORTY MICROCURIES) OF PROMETHIUM-147 PER OTHER TIMEPIECE HAND,
 - (f) TWENTY TWO HUNDRED AND TWENTY KILOBECQUERELS (SIXTY MICROCURIES) OF PROMETHIUM-147 PER WATCH DIAL OR FOUR AND FORTY FOUR ONE HUNDREDTHS MEGABECQUERELS (ONE HUNDRED AND TWENTY MICROCURIES) OF PROMETHIUM-147 PER OTHER TIMEPIECE DIAL (BEZELS WHEN USED SHALL BE CONSIDERED AS PART OF THE DIAL), AND
 - (g) THE LEVELS OF RADIATION FROM HANDS AND DIALS CONTAINING PROMETHIUM-147 WILL NOT EXCEED, WHEN MEASURED THROUGH FIFTY MILLIGRAMS PER SQUARE CENTIMETER OF ABSORBER:
 - (i) FOR WRIST WATCHES, ONE-TENTH MILLIRAD PER HOUR AT TEN CENTIMETERS FROM ANY SURFACE,
 - (ii) FOR POCKET WATCHES, ONE-TENTH MILLIRAD PER HOUR AT ONE CENTIMETER FROM ANY SURFACE, AND

- (iii) FOR ANY OTHER TIMEPIECE, TWO-TENTHS MILLIRAD PER HOUR AT TEN CENTIMETERS FROM ANY SURFACE.
 - (h) FOR TIMEPIECES CONTAINING RADIUM, THIRTY SEVEN KILOBECQUERELS (ONE MICROCURIE) OF RADIUM 226 PER TIMEPIECE IN TIMEPIECES ACQUIRED PRIOR TO THE EFFECTIVE DATE OF THE RULE
-
- (2) LOCK ILLUMINATORS CONTAINING NOT MORE THAN FIVE HUNDRED FIFTY FIVE MEGABECQUERELS (FIFTEEN MILLICURIES) OF TRITIUM OR NOT MORE THAN SEVENTY FOUR MEGABECQUERELS (TWO MILLICURIES) OF PROMETHIUM-147 INSTALLED IN AUTOMOBILE LOCKS. THE LEVELS OF RADIATION FROM EACH LOCK ILLUMINATOR CONTAINING PROMETHIUM-147 WILL NOT EXCEED ONE MILLIRAD PER HOUR AT ONE CENTIMETER FROM ANY SURFACE WHEN MEASURED THROUGH FIFTY MILLIGRAMS PER SQUARE CENTIMETER OF ABSORBER.
 - (3) BALANCES OF PRECISION CONTAINING NOT MORE THAN THIRTY SEVEN MEGABECQUERELS (ONE MILLICURIE) OF TRITIUM PER BALANCE OR NOT MORE THAN EIGHTEEN AND FIVE TENTHS MEGABECQUERELS (FIVE-TENTHS MILLICURIE) OF TRITIUM PER BALANCE PART.
 - (4) AUTOMOBILE SHIFT QUADRANTS CONTAINING NOT MORE THAN NINE HUNDRED TWENTY FIVE MEGABECQUERELS (TWENTY-FIVE MILLICURIES) OF TRITIUM.
 - (5) MARINE COMPASSES CONTAINING NOT MORE THAN TWENTY SEVEN AND SEVENTY FIVE ONE-HUNDREDTHS GIGABECQUERELS (SEVEN HUNDRED AND FIFTY MILLICURIES) OF TRITIUM GAS AND OTHER MARINE NAVIGATIONAL INSTRUMENTS CONTAINING NOT MORE THAN NINE AND 25 ONE HUNDREDTHS GIGABECQUERELS (TWO HUNDRED AND FIFTY MILLICURIES) OF TRITIUM GAS.
 - (6) THERMOSTAT DIALS AND POINTERS CONTAINING NOT MORE THAN NINE HUNDRED TWENTY FIVE MEGABECQUERELS (TWENTY-FIVE MILLICURIES) OF TRITIUM PER THERMOSTAT.
 - (7) ELECTRON TUBES: PROVIDED, THAT EACH TUBE DOES NOT CONTAIN MORE THAN ONE OF THE FOLLOWING SPECIFIED QUANTITIES OF BYPRODUCT MATERIAL:
 - (a) FIVE AND FIFTY FIVE ONE HUNDREDTHS GIGABECQUERELS (ONE HUNDRED AND FIFTY MILLICURIES) OF TRITIUM PER MICROWAVE RECEIVER PROTECTOR TUBE OR THREE HUNDRED SEVENTY MEGABECQUERELS (TEN MILLICURIES) OF TRITIUM PER ANY OTHER ELECTRON TUBE;
 - (b) THIRTY SEVEN KILOBECQUERELS (ONE MICROCURIE) OF COBALT-60;
 - (c) ONE HUNDRED EIGHTY FIVE KILOBECQUERELS (FIVE MICROCURIES) OF NICKEL-63;
 - (d) ELEVEN HUNDRED AND TEN KILOBECQUERELS (THIRTY MICROCURIES) OF KRYPTON-85;

- (e) ONE HUNDRED EIGHTY FIVE KILOBECQUERELS (FIVE MICROCURIES) OF CESIUM-137; AND
- (f) ELEVEN HUNDRED AND TEN KILOBECQUERELS (THIRTY MICROCURIES) OF PROMETHIUM-147;

AND PROVIDED FURTHER, THAT THE LEVELS OF RADIATION FROM EACH ELECTRON TUBE CONTAINING BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL DO NOT EXCEED ONE MILLIRAD PER HOUR AT ONE CENTIMETER FROM ANY SURFACE WHEN MEASURED THROUGH SEVEN MILLIGRAMS PER SQUARE CENTIMETER OF ABSORBER. FOR PURPOSES OF THIS PARAGRAPH "ELECTRON TUBES" INCLUDE SPARK GAP TUBES, POWER TUBES, GAS TUBES INCLUDING GLOW LAMPS, RECEIVING TUBES, MICROWAVE TUBES, INDICATOR TUBES, PICKUP TUBES, RADIATION DETECTION TUBES, AND ANY OTHER COMPLETELY SEALED TUBE THAT IS DESIGNED TO CONDUCT OR CONTROL ELECTRICAL CURRENTS.

- (8) IONIZING RADIATION MEASURING INSTRUMENTS CONTAINING, FOR PURPOSES OF INTERNAL CALIBRATION OR STANDARDIZATION, ONE OR MORE SOURCES OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL PROVIDED, THAT:
 - (a) EACH SOURCE CONTAINS NO MORE THAN ONE EXEMPT QUANTITY SET FORTH IN APPENDIX A OF THIS RULE; AND
 - (b) EACH INSTRUMENT CONTAINS NO MORE THAN TEN EXEMPT QUANTITIES. FOR PURPOSES OF PARAGRAPH (8)(A) OF THIS RULE, AN INSTRUMENT'S SOURCE MAY CONTAIN EITHER ONE TYPE OR DIFFERENT TYPES OF RADIONUCLIDES AND AN INDIVIDUAL EXEMPT QUANTITY MAY BE COMPOSED OF FRACTIONAL PARTS OF ONE OR MORE OF THE EXEMPT QUANTITIES IN APPENDIX A OF THIS RULE PROVIDED THAT THE SUM OF SUCH FRACTIONS SHALL NOT EXCEED UNITY.
 - (c) FOR PURPOSES OF THIS PARAGRAPH, ONE AND EIGHTY FIVE ONE HUNDREDTHS KILOBECQUERELS (FIVE ONE-HUNDREDTHS MICROCURIE) OF AMERICIUM-241 IS CONSIDERED AN EXEMPT QUANTITY UNDER APPENDIX A OF THIS RULE.
- (9) SPARK GAP IRRADIATORS CONTAINING NOT MORE THAN THIRTY SEVEN KILOBECQUERELS (ONE MICROCURIE) OF COBALT-60 PER SPARK GAP IRRADIATOR FOR USE IN ELECTRICALLY IGNITED FUEL OIL BURNERS HAVING A FIRING RATE OF AT LEAST THREE GALLONS PER HOUR (ELEVEN AND FOUR-TENTHS LITERS PER HOUR).
- (10) THE FOLLOWING MATERIALS ARE EXEMPT FROM LICENSURE IF THEY MEET THE CRITERIA FOR FREE RELEASE:
 - (a) A COMPONENT OF A PARTICLE ACCELERATOR THAT BECOMES RADIOACTIVE AS PART OF THE PARTICLE ACCELERATOR OPERATION UNLESS THE RADIOACTIVE COMPONENT IS REMOVED FROM THE IMMEDIATE PROXIMITY OF THE PARTICLE ACCELERATOR, OR IS ALTERED IN PHYSICAL OR CHEMICAL FORM.
 - (b) PRODUCTS OR MATERIALS CONTAINING QUANTITIES OF NARM THAT

ARE EXEMPT FROM LICENSURE AND THAT ARE DISTRIBUTED IN ACCORDANCE WITH A SPECIFIC LICENSE OR AN EQUIVALENT LICENSE ISSUED BY A CONFERENCE OF RADIATION CONTROL PROGRAM DIRECTORS (CRCPD) NARM LICENSING STATE OR UNITED STATES NUCLEAR REGULATORY COMMISSION AGREEMENT STATE OR A SPECIFIC LICENSE ISSUED BY THE UNITED STATES NUCLEAR REGULATORY COMMISSION.

- (B) ANY PERSON WHO DESIRES TO APPLY BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL TO, OR TO INCORPORATE BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL INTO, THE PRODUCTS EXEMPTED IN PARAGRAPH (A) OF THIS SECTION, OR WHO DESIRES TO INITIALLY TRANSFER FOR SALE OR DISTRIBUTION SUCH PRODUCTS CONTAINING BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL, SHALL APPLY FOR A SPECIFIC LICENSE PURSUANT TO CHAPTER 3748 OF THE REVISED CODE OR ANY RULES ADOPTED THEREUNDER. A LICENSE TO DISTRIBUTE EXEMPT QUANTITIES OF ATOMIC ENERGY ACT MATERIAL MUST BE OBTAINED FROM THE U. S. NUCLEAR REGULATORY COMMISSION.

APPENDIX A

EXEMPT QUANTITIES

RADIONUCLIDE	BECQUERELS (<u>KBQ</u>)	MICROCURIES (<u>μCI</u>)
<u>ANTIMONY 122</u> (<u>SB 122</u>)	3700	100

ANTIMONY 124 (SB 124)	370	10
ANTIMONY 125 (SB 125)	370	10
ARSENIC 73 (AS 73)	3700	100
ARSENIC 74 (AS 74)	370	10
ARSENIC 76 (AS 76)	370	10
ARSENIC 77 (AS 77)	3700	100
BARIUM 131 (BA 131)	370	10
BARIUM 133 (BA 133)	370	10
BARIUM 140 (BA 140)	370	10
BISMUTH 210 (BI 210)	37	1
BROMINE 82 (BR 82)	370	10
CADMIUM 109 (CD 109)	370	10
CADMIUM 115M (CD 115M)	370	10
CADMIUM 115 (CD 115)	3700	100
CALCIUM 45 (CA 45)	370	10
CALCIUM 47 (CA 47)	370	10
CARBON 14 (C 14)	3700	100
CERIUM 141 (CE 141)	3700	100
CERIUM 143 (CE 143)	3700	100
CERIUM 144 (CE 144)	37	1
*CESIUM 129 (CS 129)	3700	100
CESIUM 131 (CS 131)	37000	1,000
CESIUM 134M (CS 134M)	3700	100
CESIUM 134 (CS 134)	37	1
CESIUM 135 (CS 135)	370	10
CESIUM 136 (CS 136)	370	10
CESIUM 137 (CS 137)	370	10
CHLORINE 36 (CL 36)	370	10
CHLORINE 38 (CL 38)	370	10

<u>C</u> HRONIUM 51 (<u>C</u> R 51)	37000	1,000
* <u>C</u> OBALT 57 (<u>C</u> O 57)	3700	100
<u>C</u> OBALT 58M (<u>C</u> O 58M)	370	10
<u>C</u> OBALT 58 (<u>C</u> O 58)	370	10
<u>C</u> OBALT 60 (<u>C</u> O 60)	37	1
<u>C</u> OPPER 64 (<u>C</u> U 64)	3700	100
<u>D</u> YSPROSIUM 165 (<u>D</u> Y 165)	370	10
<u>D</u> YSPROSIUM 166 (<u>D</u> Y 166)	3700	100
<u>E</u> RBIUM 169 (<u>E</u> R 169)	3700	100
<u>E</u> RBIUM 171 (<u>E</u> R 171)	3700	100
<u>E</u> UROPIUM 152 (<u>E</u> U 152) 9.2 H	3700	100
<u>E</u> UROPIUM 152 (<u>E</u> U 152) 13 YR	37	1
<u>E</u> UROPIUM 154 (<u>E</u> U 154)	37	1
<u>E</u> UROPIUM 155 (<u>E</u> U 155)	370	10
<u>F</u> LUORINE 18 (<u>F</u> 18)	37000	1,000
<u>G</u> ADOLINIUM 153 (<u>G</u> D 153)	370	10
<u>G</u> ADOLINIUM 159 (<u>G</u> D 159)	3700	100
* <u>G</u> ALLIUM 67 (<u>G</u> A 67)	3700	100
<u>G</u> ALLIUM 72 (<u>G</u> A 72)	370	10
* <u>G</u> ERMANIUM 68 (<u>G</u> E 68)	370	10
<u>G</u> ERMANIUM 71 (<u>G</u> E 71)	3700	100
* <u>G</u> OLD 195 (<u>A</u> U 195)	370	10
<u>G</u> OLD 198 (<u>A</u> U 198)	3700	100
<u>G</u> OLD 199 (<u>A</u> U 199)	3700	100
<u>H</u> AFNIUM 181 (<u>H</u> F 181)	370	10
<u>H</u> OLMIUM 166 (<u>H</u> O 166)	3700	100
<u>H</u> YDROGEN 3 (<u>H</u> 3)	37000	1,000
* <u>I</u> NDIUM 111 (<u>I</u> N 111)	3700	100
<u>I</u> NDIUM 113M (<u>I</u> N 113M)	3700	100

INDIUM 114M (IN 114M)	370	10
INDIUM 115M (IN 115M)	3700	100
INDIUM 115 (IN 115)	370	10
*IODINE 123 (I 123)	3700	100
IODINE 125 (I 125)	37	1
IODINE 126 (I 126)	37	1
IODINE 129 (I 129)	3.7	0.1
IODINE 131 (I 131)	37	1
IODINE 132 (I 132)	370	10
IODINE 133 (I 133)	37	1
IODINE 134 (I 134)	370	10
Iodine 135 (I 135)	370	10
IRIDIUM 192 (IR 192)	370	10
IRIDIUM 194 (IR 194)	3700	100
*IRON 52 (FE 52)	370	10
IRON 55 (FE 55)	3700	100
IRON 59 (FE 59)	370	10
KRYPTON 85 (KR 85)	3700	100
KRYPTON 87 (KR 87)	370	10
LANTHANUM 140 (LA 140)	370	10
LUTETIUM 177 (LU 177)	3700	100
MANGANESE 52 (MN 52)	370	10
MANGANESE 54 (MN 54)	370	10
MANGANESE 56 (MN 56)	370	10
MERCURY 197M (HG 197M)	3700	100
MERCURY 197 (HG 197)	3700	100
Mercury 203 (Hg 203)	370	10
MOLYBDENUM 99 (MO 99)	3700	100
NEODYMIUM 147 (ND 147)	3700	100

<u>N</u> EODYMIUM 149 (<u>N</u> D 149)	3700	100
<u>N</u> ICKEL 59 (<u>N</u> I 59)	3700	100
<u>N</u> ICKEL 63 (<u>N</u> I 63)	370	10
<u>N</u> ICKEL 65 (<u>N</u> I 65)	3700	100
<u>N</u> IOBIUM 93M (<u>N</u> B 93M)	370	10
<u>N</u> IOBIUM 95 (<u>N</u> B 95)	370	10
<u>N</u> IOBIUM 97 (<u>N</u> B 97)	370	10
<u>O</u> SMIUM 185 (<u>O</u> S 185)	370	10
<u>O</u> SMIUM 191M (<u>O</u> S 191M)	3700	100
<u>O</u> SMIUM 191 (<u>O</u> S 191)	3700	100
<u>O</u> SMIUM 193 (<u>O</u> S 193)	3700	100
<u>P</u> ALLADIUM 103 (<u>P</u> D 103)	3700	100
<u>P</u> ALLADIUM 109 (<u>P</u> D 109)	3700	100
<u>P</u> HOSPHORUS 32 (<u>P</u> 32)	370	10
<u>P</u> LATINUM 191 (<u>P</u> T 191)	3700	100
<u>P</u> LATINUM 193M (<u>P</u> T 193M)	3700	100
<u>P</u> LATINUM 193 (<u>P</u> T 193)	3700	100
<u>P</u> LATINUM 197M (<u>P</u> T 197M)	3700	100
<u>P</u> LATINUM 197 (<u>P</u> T 197)	3700	100
<u>P</u> OLONIUM 210 (<u>P</u> O 210)	3.7	0.1
<u>P</u> OTASSIUM 42 (<u>K</u> 42)	370	10
* <u>P</u> OTASSIUM 43 (<u>K</u> 43)	370	10
<u>P</u> RASEODYMIUM 142 (<u>P</u> R 142)	3700	100
<u>P</u> RASEODYMIUM 143 (<u>P</u> R 143)	3700	100
<u>P</u> ROMETHIUM 147 (<u>P</u> M 147)	370	10
<u>P</u> ROMETHIUM 149 (<u>P</u> M 149)	370	10
* <u>R</u> ADIUM 224, 226, 228 (<u>R</u> A 224, 226, 228)	3.7	0.1
<u>R</u> HENIUM 186 (<u>R</u> E 186)	3700	100
<u>R</u> HENIUM 188 (<u>R</u> E 188)	3700	100

<u>R</u> HODIUM 103M (<u>R</u> H 103M)	3700	100
<u>R</u> HODIUM 105 (<u>R</u> H 105)	3700	100
* <u>R</u> BIDIUM 81 (<u>R</u> B 81)	370	10
<u>R</u> BIDIUM 86 (<u>R</u> B 86)	370	10
<u>R</u> BIDIUM 87 (<u>R</u> B 87)	370	10
<u>R</u> UTHENIUM 97 (<u>R</u> U 97)	3700	100
<u>R</u> UTHENIUM 103 (<u>R</u> U 103)	370	10
<u>R</u> UTHENIUM 105 (<u>R</u> U 105)	370	10
<u>R</u> UTHENIUM 106 (<u>R</u> U 106)	37	1
<u>S</u> AMARIUM 151 (<u>S</u> M 151)	370	10
<u>S</u> AMARIUM 153 (<u>S</u> M 153)	3700	100
<u>S</u> CANDIUM 46 (<u>S</u> C 46)	370	10
<u>S</u> CANDIUM 47 (<u>S</u> C 47)	3700	100
<u>S</u> CANDIUM 48 (<u>S</u> C 48)	370	10
<u>S</u> ELENIUM 75 (<u>S</u> E 75)	370	10
<u>S</u> ILICON 31 (<u>S</u> I 31)	3700	100
<u>S</u> ILVER 105 (<u>A</u> G 105)	370	10
<u>S</u> ILVER 110M (<u>A</u> G 110M)	37	1
<u>S</u> ILVER 111 (<u>A</u> G 111)	3700	100
* <u>S</u> ODIUM 22 (<u>N</u> A 22)	370	10
<u>S</u> ODIUM 24 (<u>N</u> A 24)	370	10
<u>S</u> TRONTIUM 85 (<u>S</u> R 85)	370	10
<u>S</u> TRONTIUM 89 (<u>S</u> R 89)	37	1
<u>S</u> TRONTIUM 90 (<u>S</u> R 90)	3.7	0.1
<u>S</u> TRONTIUM 91 (<u>S</u> R 91)	370	10
<u>S</u> TRONTIUM 92 (<u>S</u> R 92)	370	10
<u>S</u> ULPHUR 35 (<u>S</u> 35)	3700	100
<u>T</u> ANTALUM 182 (<u>T</u> A 182)	370	10
<u>T</u> ECHNETIUM 96 (<u>T</u> C 96)	370	10

TECHNETIUM 97M (TC 97M)	3700	100
TECHNETIUM 97 (TC 97)	3700	100
TECHNETIUM 99M (TC 99M)	3700	100
TECHNETIUM 99 (TC 99)	370	10
TELLURIUM 125M (TE 125M)	370	10
TELLURIUM 127M (TE 127M)	370	10
TELLURIUM 127 (TE 127)	3700	100
TELLURIUM 129M (TE 129M)	370	10
TELLURIUM 129 (TE 129)	3700	100
TELLURIUM 131M (TE 131M)	370	10
TELLURIUM 132 (TE 132)	370	10
TERBIUM 160 (TB 160)	370	10
THALLIUM 200 (TL 200)	3700	100
THALLIUM 201 (TL 201)	3700	100
THALLIUM 202 (TL 202)	3700	100
THALLIUM 204 (TL 204)	370	10
THULIUM 170 (TM 170)	370	10
THULIUM 171 (TM 171)	370	10
TIN 113 (SN 113)	370	10
TIN 125 (SN 125)	370	10
TUNGSTEN 181 (W 181)	370	10
TUNGSTEN 185 (W 185)	370	10
TUNGSTEN 187 (W 187)	3700	100
VANADIUM 48 (V 48)	370	10
XENON 131M (XE 131M)	37000	1,000
XENON 133 (XE 133)	3700	100
XENON 135 (XE 135)	3700	100
YTTERBIUM 175 (YB 175)	3700	100
*YTTRIUM 87 (Y 87)	370	10

* <u>Y</u> TTRIUM 88 (<u>Y</u> 88)	370	10
<u>Y</u> TTRIUM 90 (<u>Y</u> 90)	370	10
<u>Y</u> TTRIUM 91 (<u>Y</u> 91)	370	10
<u>Y</u> TTRIUM 92 (<u>Y</u> 92)	3700	100
<u>Y</u> TTRIUM 93 (<u>Y</u> 93)	3700	100
<u>Z</u> INC 65 (<u>Z</u> N 65)	370	10
<u>Z</u> INC 69M (<u>Z</u> N 69M)	3700	100
<u>Z</u> INC 69 (<u>Z</u> N 69)	37000	1,000
<u>Z</u> IRCONIUM 93 (<u>Z</u> R 93)	370	10
<u>Z</u> IRCONIUM 95 (<u>Z</u> R 95)	370	10
<u>Z</u> IRCONIUM 97 (<u>Z</u> R 97)	370	10
Any radioactive material not listed above other than alpha emitting radioactive material.	3.7	0.1

* NARM EXEMPT QUANTITIES REFER TO POSSESSION, STORAGE, USE, TRANSPORTATION AND COMMERCIAL DISTRIBUTION WHEN NOT INTENDED FOR MEDICAL USE.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

Prior effective date: none

3701:1-40-11

3701:1-40-11 RESINS CONTAINING SCANDIUM-46 AND DESIGNED FOR
SAND-CONSOLIDATION IN OIL WELLS.

A PERSON IS EXEMPT FROM THE LICENSE REQUIREMENTS SET FORTH IN THIS CHAPTER, OR OTHER CHAPTERS OF THE ADMINISTRATIVE CODE ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE TO THE EXTENT THAT SUCH PERSON RECEIVES, POSSESSES, USES, TRANSFERS, OWNS, OR ACQUIRES SYNTHETIC PLASTIC RESINS CONTAINING SCANDIUM-46 WHICH ARE DESIGNED FOR SAND-CONSOLIDATION IN OIL WELLS, AND WHICH HAVE BEEN MANUFACTURED OR INITIALLY TRANSFERRED FOR SALE OR DISTRIBUTION, IN ACCORDANCE WITH A SPECIFIC LICENSE ISSUED FOR MANUFACTURING AND DISTRIBUTION OR EQUIVALENT REGULATIONS OF AN AGREEMENT STATE, OR THE UNITED STATES NUCLEAR REGULATORY COMMISSION. THE EXEMPTION IN THIS SECTION DOES NOT AUTHORIZE THE MANUFACTURE OR INITIAL TRANSFER FOR SALE OR DISTRIBUTION OF ANY RESINS CONTAINING SCANDIUM-46.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

Prior effective date: none

3701:1-40-12 EXEMPT QUANTITIES.

- (A) EXCEPT AS MAY BE REQUIRED IN PARAGRAPHS (B) OR (C) OF THIS RULE, A PERSON IS EXEMPT FROM LICENSE REQUIREMENTS SET FORTH IN THIS OR OTHER CHAPTERS OF THE ADMINISTRATIVE CODE PURSUANT TO CHAPTER 3748 OF THE REVISED CODE, TO THE EXTENT THAT SUCH PERSON RECEIVES, POSSESSES, USES, TRANSFERS, OWNS, OR ACQUIRES BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL IN INDIVIDUAL QUANTITIES EACH OF WHICH DOES NOT EXCEED THE APPLICABLE QUANTITY SET FORTH IN APPENDIX A OF RULE 3701:1-40-10.
- (B) THIS RULE DOES NOT EXEMPT FROM LICENSURE THE COMMERCIAL DISTRIBUTION, PRODUCTION, PACKAGING, REPACKAGING, OR TRANSFER OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL OR THE INCORPORATION OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL INTO PRODUCTS INTENDED FOR COMMERCIAL DISTRIBUTION.
- (C) NO PERSON SHALL, FOR PURPOSES OF COMMERCIAL DISTRIBUTION, TRANSFER BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL IN THE INDIVIDUAL QUANTITIES SET FORTH IN APPENDIX A OF RULE 3701:1-40-10, KNOWING OR HAVING REASON TO BELIEVE THAT SUCH QUANTITIES OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL WILL BE TRANSFERRED TO PERSONS EXEMPT UNDER THIS CHAPTER OR EQUIVALENT REGULATIONS OF AN AGREEMENT STATE, NARM LICENSING STATE, OR THE UNITED STATES NUCLEAR REGULATORY COMMISSION, EXCEPT IN ACCORDANCE WITH A LICENSE ISSUED UNDER CHAPTER 3748 OF THE REVISED CODE OR ANY RULES AFFECTING A MANUFACTURE AND DISTRIBUTION LICENSE WHICH STATES THAT THE BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL MAY BE TRANSFERRED BY THE LICENSEE TO PERSONS EXEMPT UNDER THIS RULE OR THE EQUIVALENT REGULATIONS OF AN AGREEMENT STATE, NARM LICENSING STATE, OR THE UNITED STATES NUCLEAR REGULATORY COMMISSION.
- (4) THIS RULE DOES NOT AUTHORIZE:
- (1) THE BUNDLING OF EXEMPT QUANTITIES OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL;
 - (2) ANY PROGRAM ADVISING PERSONS TO COMBINE EXEMPT QUANTITY SOURCES; OR
 - (3) THE POSSESSION AND USE OF BUNDLED, EXEMPT SOURCES, IN UNREGISTERED DEVICES, BY PERSONS EXEMPT FROM LICENSING.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date
Rule promulgated under: Chapter 119.
Rule authorized by: section 3748.02
Rule amplifies:
Prior effective date: none

3701:1-40-13 SELF-LUMINOUS PRODUCTS

(A) TRITIUM, KRYPTON-85, OR PROMETHIUM-147.

- (1) EXCEPT FOR PERSONS WHO MANUFACTURE, PROCESS, PRODUCE, OR INITIALLY TRANSFER FOR SALE OR DISTRIBUTION SELF-LUMINOUS PRODUCTS CONTAINING TRITIUM, KRYPTON-85, OR PROMETHIUM-147, AND EXCEPT AS PROVIDED IN PARAGRAPH (A)(3) OF THIS RULE, A PERSON IS EXEMPT FROM THE LICENSE REQUIREMENTS SET FORTH IN RULE 3701-38-021 OR OTHER CHAPTERS OF THE ADMINISTRATIVE CODE ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE TO THE EXTENT THAT SUCH PERSON RECEIVES, POSSESSES, USES, TRANSFERS, OWNS, OR ACQUIRES TRITIUM, KRYPTON-85, OR PROMETHIUM-147 IN SELF-LUMINOUS PRODUCTS MANUFACTURED, PROCESSED, PRODUCED, OR INITIALLY TRANSFERRED IN ACCORDANCE WITH A SPECIFIC LICENSE ISSUED PURSUANT TO A LICENSE FOR MANUFACTURE AND DISTRIBUTION WHICH LICENSE AUTHORIZES THE INITIAL TRANSFER OF THE PRODUCT FOR USE.
 - (2) ANY PERSON WHO DESIRES TO MANUFACTURE, PROCESS, OR PRODUCE SELF-LUMINOUS PRODUCTS CONTAINING TRITIUM, KRYPTON-85, OR PROMETHIUM-147, OR TO TRANSFER SUCH PRODUCTS FOR USE PURSUANT TO PARAGRAPH (A)(1) OF THIS RULE, SHALL APPLY FOR A LICENSE FOR MANUFACTURING AND DISTRIBUTION PURSUANT TO, CHAPTER 3728 OF THE REVISED CODE OR RULES ADOPTED THEREUNDER WHICH LICENSE STATES THAT THE PRODUCT MAY BE TRANSFERRED BY THE LICENSEE TO PERSONS EXEMPT FROM THE REGULATIONS PURSUANT TO PARAGRAPH (A)(1) OF THIS RULE OR EQUIVALENT REGULATIONS OF AN AGREEMENT STATE, OR THE UNITED STATES NUCLEAR REGULATORY COMMISSION.
 - (3) THE EXEMPTION IN PARAGRAPH (A)(1) OF THIS RULE DOES NOT APPLY TO TRITIUM, KRYPTON-85, OR PROMETHIUM-147 USED IN PRODUCTS PRIMARILY FOR FRIVOLOUS PURPOSES OR IN TOYS OR ADORNMENTS.
- (2) RADIUM-226 - A PERSON IS EXEMPT FROM THE LICENSE REQUIREMENTS SET FORTH IN RULE 3701-38-021 OR OTHER CHAPTERS OF THE ADMINISTRATIVE CODE TO THE EXTENT THAT SUCH A PERSON RECEIVES, POSSESSES, USES, TRANSFERS, OR OWNS ARTICLES CONTAINING LESS THAN THIRTY SEVEN ONE HUNDREDTHS OF A KILOBECQUEREL (ONE ONE-HUNDREDTH OF A MICROCURIE) OF RADIUM 226 WHICH WERE ACQUIRED PRIOR TO EFFECTIVE DATE OF RULE

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119

Rule authorized by: section 3748.02

Rule amplifies:

Prior effective date: none

3701:1-40-14 GAS AND AEROSOL DETECTORS CONTAINING BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL

- (A) EXCEPT FOR PERSONS WHO MANUFACTURE, PROCESS, PRODUCE, OR INITIALLY TRANSFER FOR SALE OR DISTRIBUTION GAS AND AEROSOL DETECTORS CONTAINING BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL, A PERSON IS EXEMPT FROM LICENSE REQUIREMENTS SET FORTH IN THIS CHAPTER OR OTHER CHAPTERS OF THE ADMINISTRATIVE CODE ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE TO THE EXTENT THAT SUCH PERSON RECEIVES, POSSESSES, USES, TRANSFERS, OWNS, OR ACQUIRES BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL, IN GAS AND AEROSOL DETECTORS DESIGNED TO PROTECT LIFE OR PROPERTY FROM FIRES AND AIRBORNE HAZARDS, AND MANUFACTURED, PROCESSED, PRODUCED, OR INITIALLY TRANSFERRED IN ACCORDANCE WITH A SPECIFIC LICENSE FOR MANUFACTURE AND DISTRIBUTION ISSUED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE OR RULES ADOPTED THEREUNDER, WHICH LICENSE AUTHORIZES THE INITIAL TRANSFER OF THE PRODUCT FOR USE UNDER THIS RULE.
- (B) A PERSON WHO DESIRES TO MANUFACTURE, PROCESS, OR PRODUCE GAS AND AEROSOL DETECTORS CONTAINING BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL, OR TO INITIALLY TRANSFER SUCH PRODUCTS FOR USE PURSUANT TO PARAGRAPH (A) OF THIS RULE, SHALL APPLY FOR A LICENSE FOR MANUFACTURE AND DISTRIBUTION PURSUANT TO CHAPTER 3748 OF THE REVISED CODE AND RULES ADOPTED THEREUNDER, WHICH LICENSE STATES THAT THE PRODUCT MAY BE INITIALLY TRANSFERRED BY THE LICENSEE TO PERSONS EXEMPT FROM THE REGULATIONS PURSUANT TO PARAGRAPH (A) OF THIS RULE OR EQUIVALENT REGULATIONS OF AN AGREEMENT STATE, NARM LICENSING STATE, OR THE UNITED STATES NUCLEAR REGULATORY COMMISSION.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

3701:1-40-14

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

Prior effective date: none

3701:1-40-15 APPLICATION FOR SPECIFIC LICENSES.

- (A) AN APPLICANT FOR A LICENSE TO RECEIVE AND POSSESS BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL SHALL APPLY IN ACCORDANCE WITH RULE 3701-38-021 OF THE ADMINISTRATIVE CODE AND THIS CHAPTER ON A FORM PRESCRIBED BY THE DIRECTOR. THE ORIGINAL APPLICATION TOGETHER WITH TWO COPIES OF THE ORIGINAL APPLICATION SHALL BE FILED WITH THE DIRECTOR. INFORMATION CONTAINED IN PREVIOUS APPLICATIONS, STATEMENTS OR REPORTS FILED WITH THE DIRECTOR MAY BE INCORPORATED BY REFERENCE, PROVIDED THAT THE REFERENCE IS CLEAR, SPECIFIC, AND HAS BEEN ON FILE WITH THE DEPARTMENT FOR NOT MORE THAN TWO LICENSING PERIODS, AND PROVIDED THAT THE ITEM BEING REFERENCED IN THE DOCUMENT IS BEING REFERENCED WITHOUT CHANGE.
- (B) THE DIRECTOR MAY AT ANY TIME AFTER THE FILING OF THE ORIGINAL APPLICATION REQUIRE ADDITIONAL INFORMATION FROM THE APPLICANT IN ORDER TO DETERMINE WHETHER A LICENSE SHOULD BE ISSUED OR WHETHER A CURRENT LICENSE SHOULD BE MODIFIED OR REVOKED.
- (C) EACH APPLICATION SHALL BE SIGNED BY THE APPLICANT OR A PERSON DULY AUTHORIZED TO ACT FOR THE APPLICANT AND SHALL BE ACCOMPANIED BY THE FEE PRESCRIBED IN RULE 3701-38-021 OF THE ADMINISTRATIVE CODE.
- (D) AN APPLICATION FOR A LICENSE TO RECEIVE AND POSSESS BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL FOR THE CONDUCT OF ANY ACTIVITY WHICH THE DIRECTOR HAS DETERMINED PURSUANT TO RULE 3701:1-40-37 COULD POTENTIALLY AFFECT THE QUALITY OF THE ENVIRONMENT SHALL BE FILED AT LEAST NINE MONTHS PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE PLANT OR FACILITY IN WHICH THE ACTIVITY WILL BE CONDUCTED AND SHALL BE ACCOMPANIED BY ANY ENVIRONMENTAL REPORT REQUIRED PURSUANT TO RULE 3701:1-40-37 OF THE ADMINISTRATIVE CODE.
- (E) AN APPLICATION FOR A SPECIFIC LICENSE OTHER THAN BROAD SCOPE AS DEFINED IN RULE 3701:1-40-24 TO USE BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL IN THE FORM OF A SEALED SOURCE OR IN A DEVICE THAT CONTAINS THE SEALED SOURCE MUST EITHER:
 - (1) IDENTIFY THE SOURCE OR DEVICE BY MANUFACTURER AND MODEL NUMBER AS REGISTERED IN THE SEALED SOURCE AND DEVICE REGISTRY OF THE UNITED STATES NUCLEAR REGULATORY COMMISSION IN ACCORDANCE WITH SEALED SOURCE AND DEVICE REGISTRY REQUIREMENTS CONTAINED IN OTHER CHAPTERS OF THE ADMINISTRATIVE CODE ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE, WITH AN AGREEMENT STATE, NARM LICENSING STATE, OR THE UNITED STATES NUCLEAR REGULATORY COMMISSION; OR
 - (2) CONTAIN THE INFORMATION SPECIFIED IN SEALED SOURCE AND DEVICE REGISTRY REQUIREMENTS CONTAINED IN OTHER CHAPTERS OF THE ADMINISTRATIVE CODE ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE SO THAT THE DEPARTMENT IS ABLE TO PERFORM THE REVIEW.

- (F) IN THE CASE OF AN APPLICATION FOR A LICENSE SPECIFIED IN RULE 3701:1-40-17 OF THE ADMINISTRATIVE CODE, OR AN APPLICATION FOR A SPECIFIC LICENSE SPECIFIED IN OTHER CHAPTERS OF THE ADMINISTRATIVE CODE ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE, THE APPLICANT SHALL PROVIDE A PROPOSED DECOMMISSIONING PLAN OR A CERTIFICATION OF FINANCIAL ASSURANCE FOR DECOMMISSIONING.
- (1) EACH APPLICATION TO POSSESS RADIOACTIVE MATERIALS IN UNSEALED FORM, ON FOILS OR PLATED SOURCES, OR SEALED IN GLASS IN EXCESS OF THE QUANTITIES SPECIFIED IN APPENDIX A OF THIS RULE SHALL CONTAIN EITHER:
- (a) AN EVALUATION SHOWING THAT THE MAXIMUM DOSE TO A PERSON OFFSITE DUE TO A RELEASE OF RADIOACTIVE MATERIALS WOULD NOT EXCEED ONE REM TEDE OR FIVE REMS TO THE THYROID; OR
 - (b) AN EMERGENCY PLAN FOR RESPONDING TO A RELEASE OF RADIOACTIVE MATERIAL.
- (2) ONE OR MORE OF THE FOLLOWING FACTORS MAY BE USED TO SUPPORT AN EVALUATION OF THE NEED TO SUBMIT AN EMERGENCY PLAN UNDER THIS PARAGRAPH:
- (a) THE RADIOACTIVE MATERIAL IS PHYSICALLY SEPARATED SO THAT ONLY A PORTION OF THE MATERIAL COULD BE INVOLVED IN AN ACCIDENT;
 - (b) ALL OR PART OF THE RADIOACTIVE MATERIAL IS NOT SUBJECT TO RELEASE DURING AN ACCIDENT BECAUSE OF THE WAY IT IS STORED OR PACKAGED;
 - (c) THE RELEASE FRACTION IN THE RESPIRABLE SIZE RANGE WOULD BE LOWER THAN THE RELEASE FRACTION SPECIFIED IN APPENDIX A OF THIS RULE DUE TO THE CHEMICAL OR PHYSICAL FORM OF THE MATERIAL;
 - (d) THE SOLUBILITY OF THE RADIOACTIVE MATERIAL WOULD REDUCE THE DOSE RECEIVED;
 - (e) FACILITY DESIGN OR ENGINEERED SAFETY FEATURES IN THE FACILITY WOULD CAUSE THE RELEASE FRACTION TO BE LOWER THAN THE LIMIT SPECIFIED IN APPENDIX A OF THIS RULE;
 - (f) OPERATING RESTRICTIONS OR PROCEDURES WOULD PREVENT A RELEASE FRACTION AS LARGE AS THAT SHOWN IN APPENDIX A OF THIS RULE; OR
 - (g) OTHER FACTORS APPROPRIATE FOR THE SPECIFIC FACILITY AS DETERMINED BY THE DIRECTOR.

- (3) AN EMERGENCY PLAN FOR RESPONDING TO A RELEASE OF RADIOACTIVE MATERIAL SUBMITTED UNDER PARAGRAPH (F)(1)(b) OF THIS RULE SHALL INCLUDE THE FOLLOWING INFORMATION:
- (a) A BRIEF DESCRIPTION OF THE LICENSEE'S FACILITY AND THE AREA NEAR THE SITE.
 - (b) AN IDENTIFICATION OF EACH TYPE OF POSSIBLE RADIOACTIVE MATERIAL ACCIDENT WHICH MAY REQUIRE PROTECTIVE ACTION.
 - (c) A CLASSIFICATION SYSTEM FOR CLASSIFYING AN ACCIDENT AS EITHER AN ALERT OR A SITE AREA EMERGENCY.
 - (d) IDENTIFICATION OF THE MEANS OF DETECTING EACH TYPE OF ACCIDENT IN A TIMELY MANNER.
 - (e) A BRIEF DESCRIPTION OF THE MEANS AND EQUIPMENT FOR MITIGATING THE CONSEQUENCES OF EACH TYPE OF ACCIDENT, INCLUDING THOSE PROVIDED TO PROTECT WORKERS ONSITE, AND A DESCRIPTION OF THE PROGRAM FOR MAINTAINING THE EQUIPMENT.
 - (f) A BRIEF DESCRIPTION OF THE METHODS AND EQUIPMENT TO ASSESS RELEASES OF BYPRODUCT AND ACCELERATOR PRODUCED MATERIALS.
 - (g) A BRIEF DESCRIPTION OF THE RESPONSIBILITIES OF THE LICENSEE'S PERSONNEL SHOULD AN ACCIDENT OCCUR, INCLUDING IDENTIFICATION OF PERSONNEL RESPONSIBLE FOR PROMPTLY NOTIFYING OFFSITE RESPONSE ORGANIZATIONS AND THE DEPARTMENT, AND IDENTIFICATION OF PERSONNEL RESPONSIBLE FOR DEVELOPING, MAINTAINING, AND UPDATING THE PLAN.
 - (h) A COMMITMENT TO, AND A BRIEF DESCRIPTION OF, THE MEANS TO PROMPTLY NOTIFY OFFSITE RESPONSE ORGANIZATIONS AND REQUEST OFFSITE ASSISTANCE, INCLUDING MEDICAL ASSISTANCE FOR THE TREATMENT OF CONTAMINATED INJURED ONSITE WORKERS WHEN APPROPRIATE. A CONTROL POINT SHALL BE ESTABLISHED. THE NOTIFICATION AND COORDINATION SHALL BE PLANNED SO THAT IN THE EVENT THAT SOME PERSONNEL, PARTS OF THE FACILITY, OR SOME EQUIPMENT IS NOT AVAILABLE, THAT UNAVAILABILITY WILL NOT PREVENT SUCH NOTIFICATION AND COORDINATION. THE LICENSEE SHALL ALSO COMMIT TO NOTIFY THE DEPARTMENT IMMEDIATELY AFTER NOTIFICATION OF THE APPROPRIATE OFFSITE RESPONSE ORGANIZATIONS AND NOT LATER THAN ONE HOUR AFTER THE LICENSEE DECLARES AN EMERGENCY. THESE REPORTING REQUIREMENTS DO NOT SUPERSEDE OR RELEASE LICENSEES FROM COMPLYING WITH THE REQUIREMENTS OF THE "EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986", TITLE III, PUB. L. 99-499 OR OTHER STATE OR FEDERAL REPORTING REQUIREMENTS.

- (i) A BRIEF DESCRIPTION OF THE TYPES OF INFORMATION ON FACILITY STATUS, RADIOACTIVE RELEASES, AND RECOMMENDED PROTECTIVE ACTIONS, IF NECESSARY, TO BE GIVEN TO OFFSITE RESPONSE ORGANIZATIONS AND TO THE DEPARTMENT.
 - (j) A BRIEF DESCRIPTION OF THE FREQUENCY, PERFORMANCE OBJECTIVES AND PLANS FOR THE TRAINING THAT THE LICENSEE WILL PROVIDE WORKERS ON HOW TO RESPOND TO AN EMERGENCY INCLUDING ANY SPECIAL INSTRUCTIONS AND ORIENTATION TOURS THE LICENSEE WOULD OFFER TO FIRE, POLICE, MEDICAL AND OTHER EMERGENCY PERSONNEL. THE TRAINING SHALL FAMILIARIZE PERSONNEL WITH SITE-SPECIFIC EMERGENCY PROCEDURES. THE TRAINING ALSO SHALL THOROUGHLY PREPARE SITE PERSONNEL FOR THEIR RESPONSIBILITIES IN THE EVENT OF AN ACCIDENT, INCLUDING TRAINING ON THE EMERGENCY SCENARIOS POSTULATED AS MOST PROBABLE FOR THE SPECIFIC SITE, AND THE USE OF TEAM TRAINING FOR SUCH SCENARIOS.
 - (k) A BRIEF DESCRIPTION OF THE MEANS OF RESTORING THE FACILITY TO A SAFE CONDITION AFTER AN ACCIDENT.
 - (l) PROVISIONS FOR CONDUCTING QUARTERLY COMMUNICATION CHECKS WITH OFFSITE RESPONSE ORGANIZATIONS AND BIENNIAL ONSITE EXERCISES TO TEST RESPONSE TO SIMULATED EMERGENCIES. QUARTERLY COMMUNICATION CHECKS WITH OFFSITE RESPONSE ORGANIZATIONS MUST INCLUDE THE CHECK AND UPDATE OF ALL NECESSARY TELEPHONE NUMBERS. THE LICENSEE SHALL INVITE OFFSITE RESPONSE ORGANIZATIONS TO PARTICIPATE IN THE BIENNIAL EXERCISES. PARTICIPATION OF OFFSITE RESPONSE ORGANIZATIONS IN BIENNIAL EXERCISES, ALTHOUGH RECOMMENDED, IS NOT REQUIRED. EXERCISES MUST USE ACCIDENT SCENARIOS POSTULATED AS MOST PROBABLE FOR THE SPECIFIC SITE AND THE SCENARIOS SHALL NOT BE KNOWN TO MOST EXERCISE PARTICIPANTS. THE LICENSEE SHALL CRITIQUE EACH EXERCISE USING INDIVIDUALS NOT HAVING DIRECT IMPLEMENTATION RESPONSIBILITY FOR THE PLAN. CRITIQUES OF EXERCISES MUST EVALUATE THE APPROPRIATENESS OF THE PLAN, EMERGENCY PROCEDURES, FACILITIES, EQUIPMENT, TRAINING OF PERSONNEL, AND OVERALL EFFECTIVENESS OF THE RESPONSE. DEFICIENCIES FOUND BY THE CRITIQUES MUST BE CORRECTED.
 - (m) A CERTIFICATION THAT THE APPLICANT HAS MET ALL RESPONSIBILITIES UNDER THE "EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986," 5 U.S.C.A. 553, IF APPLICABLE TO THE APPLICANT'S ACTIVITIES AT THE PROPOSED PLACE OF USE OF THE BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL.
- (4) THE LICENSEE SHALL ALLOW THE OFFSITE RESPONSE ORGANIZATIONS EXPECTED TO RESPOND IN CASE OF AN ACCIDENT SIXTY DAYS TO COMMENT ON THE LICENSEE'S EMERGENCY PLAN BEFORE SUBMITTING IT

TO THE DEPARTMENT. THE LICENSEE SHALL PROVIDE ANY COMMENTS RECEIVED WITHIN THE SIXTY DAYS TO THE DEPARTMENT WITH THE EMERGENCY PLAN.

- (G) INFORMATION PROVIDED BY A LICENSEE OR APPLICANT FOR A LICENSE OR LICENSE RENEWAL THAT CONSTITUTES A "TRADE SECRET" AS DEFINED IN SECTION 1333.61 OF THE REVISED CODE IS NOT SUBJECT TO PUBLIC DISCLOSURE IN ACCORDANCE WITH SECTION 1333.51 OF THE REVISED CODE.
- (H) PORTABLE GAUGING DEVICES SHALL BE LICENSED AS A SPECIFIC LICENSE

APPENDIX A

QUANTITIES OF RADIOACTIVE MATERIALS REQUIRING CONSIDERATION OF THE NEED FOR AN EMERGENCY PLAN FOR RESPONDING TO A RELEASE.

<u>RADIONUCLIDE</u> ¹	<u>RELEASE</u>	<u>QUANTITY (TBQ)</u>	<u>QUANTITY (CI)</u>
	<u>FRACTION</u>		
<u>ACTINIUM-228</u>	0.001	148	4,000
<u>AMERICIUM-241</u>	0.001	0.074	2
<u>AMERICIUM-242</u>	0.001	0.074	2
<u>AMERICIUM-243</u>	0.001	0.074	2
<u>ANTIMONY-124</u>	0.01	148	4,000
<u>ANTIMONY-126</u>	0.01	222	6,000
<u>BARIUM-133</u>	0.01	370	10,000
<u>BARIUM-140</u>	0.01	1110	30,000
<u>BISMUTH-207</u>	0.01	185	5,000
<u>BISMUTH-210</u>	0.01	22.2	600
<u>CADMIUM-109</u>	0.01	37	1,000
<u>CADMIUM-113</u>	0.01	2.96	80
<u>CALCIUM-45</u>	0.01	740	20,000
<u>CALIFORNIUM-252</u>	0.001	0.333	9 (20 MG)
<u>CARBON-14 (NON-CARBON DIOXIDE)</u>	0.01	1850	50,000

<u>C</u> ERIUM-141	0.01	370	10,000
<u>C</u> ERIUM-144	0.01	11.1	300
<u>C</u> ESIUM-134	0.01	74	2,000
<u>C</u> ESIUM-137	0.01	111	3,000
<u>C</u> HLORINE-36	0.5	3.7	100
<u>C</u> HRONIUM-51	0.01	11100	300,000
<u>C</u> OBALT-60	0.001	185	5,000
<u>C</u> OPPER-64	0.01	7400	200,000
<u>C</u> URIUM-242	0.001	2.22	60
<u>C</u> URIUM-243	0.001	0.111	3
<u>C</u> URIUM-244	0.001	0.148	4
<u>C</u> URIUM-245	0.001	0.074	2
<u>E</u> UROPIUM-152	0.01	18.5	500
<u>E</u> UROPIUM-154	0.01	14.8	400
<u>E</u> UROPIUM-155	0.01	111	3,000
<u>G</u> ERMANIUM-68	0.01	74	2,000
<u>G</u> ADOLINIUM-153	0.01	185	5,000
<u>G</u> OLD-198	0.01	1110	30,000
<u>H</u> AFNIUM-172	0.01	14.8	400
<u>H</u> AFNIUM-181	0.01	259	7,000
<u>H</u> OLMIUM-166M	0.01	3.7	100
<u>H</u> YDROGEN-3	0.5	740	20,000
<u>I</u> ODINE-125	0.5	0.37	10
<u>I</u> ODINE-131	0.5	0.37	10
<u>I</u> NDIUM-114M	0.01	37	1,000
<u>I</u> RIDIUM-192	0.001	1480	40,000
<u>I</u> RON-55	0.01	1480	40,000
<u>I</u> RON-59	0.01	259	7,000

<u>K</u> RYPTON-85	1.0	222000	6,000,000
<u>L</u> EAD-210	0.01	0.296	8
<u>M</u> ANGANESE-56	0.01	2220	60,000
<u>M</u> ERCURY-203	0.01	370	10,000
<u>M</u> OLYBDENUM-99	0.01	1110	30,000
<u>N</u> EPTUNIUM-237	0.001	0.074	2
<u>N</u> ICKEL-63	0.01	740	20,000
<u>N</u> IOBIUM-94	0.01	11.1	300
<u>P</u> HOSPHORUS-32	0.5	3.7	100
<u>P</u> HOSPHORUS-33	0.5	37	1,000
<u>P</u> OLONIUM-210	0.01	0.37	10
<u>P</u> OTASSIUM-42	0.01	333	9,000
<u>P</u> ROMETHIUM-145	0.01	140	4,000
<u>P</u> ROMETHIUM-147	0.01	148	4,000
<u>R</u> UTHENIUM-106	0.01	7.4	200
<u>S</u> AMARIUM-151	0.01	148	4,000
<u>S</u> CANDIUM-46	0.01	111	3,000
<u>S</u> ELENIUM-75	0.01	370	10,000
<u>S</u> ILVER-110M	0.01	37	1,000
<u>S</u> ODIUM-22	0.01	333	9,000
SODIUM-24	0.01	370	10,000
<u>S</u> TRONTIUM-89	0.01	111	3,000
<u>S</u> TRONTIUM-90	0.01	3.33	90
<u>S</u> ULFUR-35	0.5	33.3	900
<u>T</u> ECHNETIUM-99	0.01	370	10,000
<u>T</u> ECHNETIUM-99M	0.01	14800	400,000
<u>T</u> ELLURIUM-127M	0.01	185	5,000
<u>T</u> ELLURIUM-129M	0.01	185	5,000

TERBIUM-160	0.01	148	4,000
THULIUM-170	0.01	148	4,000
TIN-113	0.01	370	10,000
TIN-123	0.01	111	3,000
TIN-126	0.01	37	1,000
TITANIUM-44	0.01	3.7	100
VANADIUM-48	0.01	259	7,000
XENON-133	1.0	33300	900,000
YTTRIUM-91	0.01	74	2,000
ZINC-65	0.01	185	5,000
ZIRCONIUM-93	0.01	14.8	400
ZIRCONIUM-95	0.01	185	5,000
ANY OTHER BETA-GAMMA EMITTER	0.01	370	10,000
MIXED FISSION PRODUCTS	0.01	37	1,000
MIXED CORROSION PRODUCTS	0.01	370	10,000
CONTAMINATED EQUIPMENT BETA-GAMMA	0.001	370	10,000
IRRADIATED MATERIAL, ANY FORM OTHER THAN SOLID NONCOMBUSTIBLE.	0.01	37	1,000
IRRADIATED MATERIAL, SOLID NONCOMBUSTIBLE	0.001	370	10,000
MIXED RADIOACTIVE WASTE, BETA-GAMMA	0.01	37	1,000
PACKAGED MIXED WASTE, BETA-GAMMA	0.001	370	10,000
ANY OTHER ALPHA EMITTER	0.001	0.074	2
CONTAMINATED EQUIPMENT, ALPHA	0.0001	0.74	20
PACKAGED WASTE, ALPHA	0.0001	0.74	20

COMBINATIONS OF RADIOACTIVE MATERIALS LISTED ABOVE ¹			
---	--	--	--

¹ FOR COMBINATIONS OF RADIOACTIVE MATERIALS, CONSIDERATION OF THE NEED FOR AN EMERGENCY PLAN IS REQUIRED IF THE SUM OF THE RATIOS OF THE QUANTITY OF EACH RADIOACTIVE MATERIAL AUTHORIZED TO THE QUANTITY LISTED FOR THAT MATERIAL IN THIS APPENDIX EXCEEDS ONE.

² WASTE PACKAGED IN TYPE B CONTAINERS DOES NOT REQUIRE AN EMERGENCY PLAN.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

Prior effective date: none

3701:1-40-16 GENERAL REQUIREMENTS FOR ISSUANCE OF SPECIFIC LICENSES.

(A) AN APPLICATION FOR A SPECIFIC LICENSE WILL BE APPROVED IF:

- (1) THE APPLICATION IS FOR A PURPOSE AUTHORIZED BY CHAPTER 3748 OF THE REVISED CODE AND THE RULES ADOPTED THEREUNDER;
- (2) THE APPLICANT'S PROPOSED EQUIPMENT AND FACILITIES ARE ADEQUATE TO PROTECT HEALTH AND MINIMIZE DANGER TO LIFE OR PROPERTY OR THE ENVIRONMENT;
- (3) THE APPLICANT IS QUALIFIED BY TRAINING AND EXPERIENCE TO USE THE RADIOACTIVE MATERIAL FOR THE PURPOSE REQUESTED IN SUCH MANNER AS TO PROTECT HEALTH AND MINIMIZE DANGER TO LIFE OR PROPERTY OR THE ENVIRONMENT;
- (4) THE APPLICANT SATISFIES ANY SPECIAL REQUIREMENTS CONTAINED IN RULE 3701-38-021, AND OTHER CHAPTERS OF THE ADMINISTRATIVE CODE ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE; AND
- (5) IN THE CASE OF AN APPLICATION FOR A LICENSE TO RECEIVE AND POSSESS BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL FOR THE CONDUCT OF ANY ACTIVITY WHICH THE DIRECTOR DETERMINES COULD POTENTIALLY AFFECT THE QUALITY OF THE ENVIRONMENT, THE DEPARTMENT, BEFORE COMMENCEMENT OF CONSTRUCTION OF THE PLANT OR FACILITY IN WHICH THE ACTIVITY WILL BE CONDUCTED, ON THE BASIS OF INFORMATION FILED AND EVALUATIONS MADE PURSUANT TO CHAPTER 3748 OF THE REVISED CODE OR RULES ADOPTED THEREUNDER, HAS CONCLUDED, AFTER WEIGHING THE ENVIRONMENTAL, ECONOMIC, TECHNICAL, AND OTHER BENEFITS AGAINST ENVIRONMENTAL COSTS AND CONSIDERING AVAILABLE ALTERNATIVES, SHALL CONCLUDE THAT THE ACTION CALLED FOR IS THE ISSUANCE OF THE PROPOSED LICENSE, WITH ANY APPROPRIATE CONDITIONS TO PROTECT ENVIRONMENTAL VALUES. COMMENCEMENT OF CONSTRUCTION PRIOR TO SUCH CONCLUSION SHALL BE GROUNDS FOR DENIAL OF A LICENSE TO RECEIVE AND POSSESS BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL IN SUCH PLANT OR FACILITY. AS USED IN THIS PARAGRAPH THE TERM "COMMENCEMENT OF CONSTRUCTION" MEANS ANY CLEARING OF LAND, EXCAVATION, OR OTHER SUBSTANTIAL ACTION THAT WOULD ADVERSELY AFFECT THE ENVIRONMENT OF A SITE. THE TERM DOES NOT MEAN SITE EXPLORATION, NECESSARY ROADS FOR SITE EXPLORATION, BORINGS TO DETERMINE FOUNDATION CONDITIONS, OR OTHER PRECONSTRUCTION MONITORING OR TESTING TO ESTABLISH BACKGROUND INFORMATION RELATED TO THE SUITABILITY OF THE SITE OR THE PROTECTION OF ENVIRONMENTAL VALUES.

(B) UPON A DETERMINATION THAT AN APPLICATION MEETS THE REQUIREMENTS OF CHAPTER 3748 OF THE REVISED CODE AND THE RULES ADOPTED THEREUNDER, THE DIRECTOR WILL ISSUE A SPECIFIC LICENSE AUTHORIZING THE POSSESSION AND USE OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL.

3701: 1-40-16

2

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

Prior effective date: none

3701:1-40-17 TERMS AND CONDITIONS OF LICENSES.

- (A) A LICENSE, OR ANY RIGHT UNDER A LICENSE, SHALL NOT BE TRANSFERRED, ASSIGNED OR IN ANY MANNER DISPOSED OF, EITHER VOLUNTARILY OR INVOLUNTARILY, DIRECTLY OR INDIRECTLY, THROUGH TRANSFER OF CONTROL OF ANY LICENSE TO ANY PERSON, UNLESS THE DIRECTOR FINDS THAT THE TRANSFER IS IN ACCORDANCE WITH THIS RULE AND CHAPTER 3748 OF THE REVISED CODE. THE TRANSFER OF A LICENSE OR ANY RIGHT CONTAINED THEREIN MAY NOT BE TRANSFERRED OR CONVEYED WITHOUT THE WRITTEN AUTHORIZATION OF THE DIRECTOR. IF THE DIRECTOR APPROVES THE TRANSFER AND RECEIVES PAYMENT OF THE APPROPRIATE LICENSING FEE, A NEW LICENSE WILL BE ISSUED TO THE TRANSFEREE.
- (B) EACH LICENSEE SHALL CONFINE POSSESSION AND USE OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL TO THE LOCATIONS AND PURPOSES AUTHORIZED IN THE LICENSE. PREPARATION FOR SHIPMENT AND TRANSPORT OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL SHALL BE IN ACCORDANCE WITH TRANSPORTATION REGULATIONS CONTAINED IN CHAPTER 3748 OF THE REVISED CODE AND RULES ADOPTED THEREUNDER.
- (C) THE DIRECTOR MAY INCORPORATE AT THE TIME OF ISSUANCE, OR THEREAFTER BY APPROPRIATE RULE, REGULATION, OR ORDER, SUCH ADDITIONAL REQUIREMENTS OR CONDITIONS WITH RESPECT TO THE LICENSEE'S RECEIPT, POSSESSION, USE AND TRANSFER OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL AS THE DIRECTOR DEEMS APPROPRIATE OR NECESSARY IN ORDER TO PROTECT THE ENVIRONMENT, PROTECT HEALTH, OR MINIMIZE DANGER TO LIFE OR PROPERTY. THE DIRECTOR MAY REQUIRE SUCH REPORTS AND THE KEEPING OF SUCH RECORDS, AND PROVIDE FOR SUCH INSPECTIONS OF ACTIVITIES UNDER THE LICENSE AS MAY BE NECESSARY TO EFFECTUATE THE PURPOSES OF CHAPTER 3748 OR THE RULES ADOPTED THEREUNDER.
- (D) A LICENSEE THAT IS REQUIRED TO SUBMIT AN EMERGENCY PLAN PURSUANT TO RULE 3701:1-40-15 OF THE ADMINISTRATIVE CODE SHALL FOLLOW THE EMERGENCY PLAN APPROVED BY THE DIRECTOR. THE LICENSEE MAY AMEND THE APPROVED PLAN WITHOUT APPROVAL OF THE DIRECTOR PROVIDED THAT THE AMENDMENT DOES NOT DECREASE THE EFFECTIVENESS OF THE PLAN. WITHIN SIX MONTHS AFTER AMENDING THE EMERGENCY PLAN, THE LICENSEE SHALL FURNISH THE AMENDED PLAN TO BOTH THE DIRECTOR AND TO AFFECTED OFFSITE RESPONSE ORGANIZATIONS. ANY PROPOSED AMENDMENT TO THE EMERGENCY PLAN THAT DECREASES, OR POTENTIALLY DECREASES, THE EFFECTIVENESS OF THE APPROVED EMERGENCY PLAN MAY NOT BE IMPLEMENTED WITHOUT PRIOR APPROVAL BY THE DIRECTOR.
- (E) EACH LICENSEE PREPARING TECHNETIUM-99M RADIOPHARMACEUTICALS FROM MOLYBDENUM-99/TECHNETIUM-99M GENERATORS SHALL TEST THE GENERATOR ELUATES FOR MOLYBDENUM-99 BREAKTHROUGH IN ACCORDANCE WITH RULES FOR MEDICAL USE OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL PROMULGATED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE. THE LICENSEE SHALL RECORD THE RESULTS OF EACH TEST AND RETAIN EACH RECORD FOR THREE YEARS AFTER THE RECORD IS MADE.
- (F) EACH LICENSEE SHALL IMMEDIATELY FILE A WRITTEN NOTICE WITH THE DIRECTOR OF ANY VOLUNTARY OR INVOLUNTARY PETITION FOR BANKRUPTCY

THAT HAS BEEN FILED BY OR AGAINST:

- (1) THE LICENSEE;
- (2) AN ENTITY, AS THAT TERM IS DEFINED IN 11 U.S.C. 101(14), CONTROLLING THE LICENSEE OR LISTING THE LICENSE OR LICENSEE AS PROPERTY OF THE ESTATE; OR
- (3) AN AFFILIATE, AS THAT TERM IS DEFINED IN 11 U.S.C. 101(2), OF THE LICENSEE.

THE NOTIFICATION SHALL SPECIFY THE BANKRUPTCY COURT IN WHICH THE PETITION FOR BANKRUPTCY WAS FILED AND THE DATE OF THE FILING PETITION.

- (G) THE DIRECTOR MAY, UPON APPLICATION INCLUDING ADEQUATE DOCUMENTATION BY A PERSON OR BY HIS OWN INITIATIVE, GRANT SUCH EXEMPTIONS FROM THE REQUIREMENTS OF THIS CHAPTER OR OTHER CHAPTERS OF THE ADMINISTRATIVE CODE INVOLVING RADIOACTIVE MATERIALS PROMULGATED UNDER CHAPTER 3748. OF THE REVISED CODE THAT ARE AUTHORIZED BY LAW AND WILL NOT RESULT IN UNDUE HAZARD TO LIFE OR PROPERTY AND ARE OTHERWISE IN THE PUBLIC INTEREST.

Effective date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under:
Rule authorized by:
Rule amplifies:
R.C. 119.032 review date:
Prior effective date:

3701:1-40-18 FINANCIAL ASSURANCE AND RECORD KEEPING FOR DECOMMISSIONING.

- (A) EACH APPLICANT FOR A SPECIFIC LICENSE AUTHORIZING THE POSSESSION AND USE OF UNSEALED BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL OF HALF-LIFE GREATER THAN ONE HUNDRED AND TWENTY DAYS AND IN QUANTITIES EXCEEDING $10E5$ TIMES THE APPLICABLE QUANTITIES SET FORTH IN APPENDIX A TO RULE 3701:1-40-12 SHALL SUBMIT A DECOMMISSIONING FUNDING PLAN AS DESCRIBED IN PARAGRAPH (D) OF THIS RULE. THE DECOMMISSIONING FUNDING PLAN MUST ALSO BE SUBMITTED WHEN A COMBINATION OF ISOTOPES IS INVOLVED IF R DIVIDED BY $10E5$ IS GREATER THAN ONE, WHERE R IS DEFINED HERE AS THE SUM OF THE RATIOS OF THE QUANTITY OF EACH ISOTOPE TO THE APPLICABLE VALUE IN APPENDIX A TO RULE 3701:1-40-12 OF THE ADMINISTRATIVE CODE.
- (B) EACH APPLICANT FOR A SPECIFIC LICENSE AUTHORIZING POSSESSION AND USE OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL OF HALF-LIFE GREATER THAN ONE HUNDRED AND TWENTY DAYS AND IN QUANTITIES SPECIFIED IN PARAGRAPH (C) OF THIS RULE SHALL EITHER:
- (1) SUBMIT A DECOMMISSIONING FUNDING PLAN AS DESCRIBED IN PARAGRAPH (D) OF THIS RULE; OR
 - (2) SUBMIT A CERTIFICATION THAT FINANCIAL ASSURANCE FOR DECOMMISSIONING HAS BEEN PROVIDED IN THE AMOUNT PRESCRIBED BY PARAGRAPH (C) OF THIS RULE USING ONE OF THE METHODS DESCRIBED IN PARAGRAPH (E) OF THIS RULE. THE APPLICANT SHALL SUBMIT TO THE DEPARTMENT, AS PART OF THE CERTIFICATION, A SIGNED ORIGINAL OF THE FINANCIAL INSTRUMENT OBTAINED TO SATISFY THE REQUIREMENTS OF PARAGRAPH (E) OF THIS RULE.
- (C) REQUIRED FINANCIAL ASSURANCE AMOUNTS FOR DECOMMISSIONING SHALL BE BASED UPON THE QUANTITY OF LICENSED MATERIAL AND IS SPECIFIED AS FOLLOWS:
- (1) GREATER THAN $10E4$ BUT LESS THAN OR EQUAL TO $10E5$ TIMES THE APPLICABLE QUANTITIES OF APPENDIX A TO RULE 3701:1-40-12 IN UNSEALED FORM, AND FOR A COMBINATION OF ISOTOPES, IF R , AS DEFINED IN PARAGRAPH (A) OF THIS RULE OF THE ADMINISTRATIVE CODE, DIVIDED BY $10E4$ IS GREATER THAN ONE BUT R DIVIDED BY $10E5$ IS LESS THAN OR EQUAL TO ONE, THE SUM OF SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS.
 - (2) GREATER THAN $10E3$ BUT LESS THAN OR EQUAL TO $10E4$ TIMES THE APPLICABLE QUANTITIES OF APPENDIX A TO RULE 3701:1-40-12 OF THE ADMINISTRATIVE CODE IN UNSEALED FORM. FOR A COMBINATION OF ISOTOPES, IF R , AS DEFINED IN PARAGRAPH (A) OF THIS RULE, DIVIDED BY $10E3$ IS GREATER THAN 1 BUT R DIVIDED BY $10E4$ IS LESS THAN OR EQUAL TO ONE, THE SUM OF ONE HUNDRED AND FIFTY THOUSAND DOLLARS.

- (3) GREATER THAN 10^{10} TIMES THE APPLICABLE QUANTITIES OF APPENDIX A TO RULE 3701:1-40-12 OF THE ADMINISTRATIVE CODE IN SEALED SOURCES OR PLATED FOILS. FOR A COMBINATION OF ISOTOPES, IF R , AS DEFINED IN PARAGRAPH (A) OF THIS RULE, DIVIDED BY 10^{10} IS GREATER THAN ONE, THE SUM OF SEVENTY-FIVE THOUSAND DOLLARS.
- (D) EACH DECOMMISSIONING FUNDING PLAN MUST CONTAIN A COST ESTIMATE FOR DECOMMISSIONING AND A DESCRIPTION OF THE METHOD OF ASSURING FUNDS FOR DECOMMISSIONING FROM PARAGRAPH (E) OF THIS RULE, INCLUDING THE MEANS FOR ADJUSTING COST ESTIMATES AND ASSOCIATED FUNDING LEVELS PERIODICALLY OVER THE LIFE OF THE FACILITY. THE DECOMMISSIONING FUNDING PLAN MUST ALSO CONTAIN A CERTIFICATION BY THE LICENSEE THAT FINANCIAL ASSURANCE FOR DECOMMISSIONING HAS BEEN PROVIDED IN THE AMOUNT OF THE COST ESTIMATE FOR DECOMMISSIONING AND A SIGNED ORIGINAL OF THE FINANCIAL INSTRUMENT OBTAINED TO SATISFY THE REQUIREMENTS OF PARAGRAPH (E) OF THIS RULE.
- (E) FINANCIAL ASSURANCE FOR DECOMMISSIONING MUST BE PROVIDED BY ONE OR MORE OF THE FOLLOWING METHODS:
 - (1) PREPAYMENT BY DEPOSITING PRIOR TO THE START OF OPERATION INTO AN ACCOUNT SEGREGATED FROM LICENSEE ASSETS AND OUTSIDE THE LICENSEE'S ADMINISTRATIVE CONTROL OF CASH OR LIQUID ASSETS SUCH THAT THE AMOUNT OF FUNDS WOULD BE SUFFICIENT TO PAY DECOMMISSIONING COSTS. PREPAYMENT MAY BE IN THE FORM OF A TRUST, ESCROW ACCOUNT, GOVERNMENT FUND, CERTIFICATE OF DEPOSIT, OR DEPOSIT OF GOVERNMENT SECURITIES.
 - (2) SURETY, INSURANCE, OR OTHER METHOD THAT GUARANTEES THAT DECOMMISSIONING COSTS WILL BE PAID. A SURETY METHOD MAY BE IN THE FORM OF A SURETY BOND, LETTER OF CREDIT, OR LINE OF CREDIT. A PARENT COMPANY GUARANTEE OF FUNDS FOR DECOMMISSIONING COSTS BASED ON A FINANCIAL TEST MAY BE USED IF THE GUARANTEE AND TEST ARE IN ACCORDANCE WITH APPENDIX A OF THIS RULE. A PARENT COMPANY GUARANTEE MAY NOT BE USED IN COMBINATION WITH OTHER FINANCIAL METHODS TO SATISFY THE REQUIREMENTS OF THIS RULE. ANY SURETY METHOD OR INSURANCE USED TO PROVIDE FINANCIAL ASSURANCE FOR DECOMMISSIONING MUST CONTAIN THE FOLLOWING CONDITIONS:
 - (a) THE SURETY METHOD OR INSURANCE MUST BE OPEN-ENDED OR, IF WRITTEN FOR A SPECIFIED TERM, SUCH AS FIVE YEARS, MUST BE RENEWED AUTOMATICALLY UNLESS NINETY DAYS OR MORE PRIOR TO THE RENEWAL DATE, THE ISSUER NOTIFIES THE DIRECTOR, THE BENEFICIARY, AND THE LICENSEE OF ITS INTENTION NOT TO RENEW. THE SURETY METHOD OR INSURANCE MUST ALSO PROVIDE THAT THE FULL FACE AMOUNT BE PAID TO THE BENEFICIARY AUTOMATICALLY PRIOR TO THE EXPIRATION WITHOUT PROOF OF FORFEITURE IF THE LICENSEE FAILS TO PROVIDE A REPLACEMENT ACCEPTABLE TO THE DIRECTOR WITHIN THIRTY DAYS AFTER RECEIPT OF NOTIFICATION OF CANCELLATION.

- (b) THE SURETY METHOD OR INSURANCE MUST BE PAYABLE TO A TRUST ESTABLISHED FOR DECOMMISSIONING COSTS. THE TRUSTEE AND TRUST MUST BE ACCEPTABLE TO THE DIRECTOR. AN ACCEPTABLE TRUSTEE INCLUDES AN APPROPRIATE STATE OR FEDERAL GOVERNMENT AGENCY OR AN ENTITY WHICH HAS THE AUTHORITY TO ACT AS A TRUSTEE AND WHOSE TRUST OPERATIONS ARE REGULATED AND EXAMINED BY A FEDERAL OR STATE AGENCY.
 - (c) THE SURETY METHOD OR INSURANCE MUST REMAIN IN EFFECT UNTIL THE DIRECTOR HAS TERMINATED THE LICENSE.
 - (4) THE SURETY COMPANY ISSUING THE BOND MUST, AT A MINIMUM, BE AMONG THOSE LISTED AS ACCEPTABLE IN "CIRCULAR 570" OF THE UNITED STATES DEPARTMENT OF THE TREASURY.
 - (3) AN EXTERNAL SINKING FUND IN WHICH DEPOSITS ARE MADE AT LEAST ANNUALLY, COUPLED WITH A SURETY METHOD OR INSURANCE, THE VALUE OF WHICH MAY DECREASE BY THE AMOUNT BEING ACCUMULATED IN THE SINKING FUND. AN EXTERNAL SINKING FUND IS A FUND ESTABLISHED AND MAINTAINED BY SETTING ASIDE FUNDS PERIODICALLY IN AN ACCOUNT SEGREGATED FROM LICENSEE ASSETS AND OUTSIDE THE LICENSEE'S ADMINISTRATIVE CONTROL IN WHICH THE TOTAL AMOUNT OF FUNDS WOULD BE SUFFICIENT TO PAY DECOMMISSIONING COSTS AT THE TIME TERMINATION OF OPERATION IS EXPECTED. AN EXTERNAL SINKING FUND MAY BE IN THE FORM OF A TRUST, ESCROW ACCOUNT, GOVERNMENT FUND, CERTIFICATE OF DEPOSIT, OR DEPOSIT OF GOVERNMENT SECURITIES. THE SURETY OR INSURANCE PROVISIONS MUST BE AS STATED IN PARAGRAPH (E)(2) OF THIS RULE.
 - (4) IN THE CASE OF FEDERAL, STATE, OR LOCAL GOVERNMENT LICENSEES, A STATEMENT OF INTENT CONTAINING A COST ESTIMATE FOR DECOMMISSIONING OR AN AMOUNT BASED ON THE TABLE IN PARAGRAPH (C) OF THIS RULE, AND INDICATING THAT FUNDS FOR DECOMMISSIONING WILL BE OBTAINED WHEN NECESSARY.
 - (5) WHEN A GOVERNMENTAL ENTITY IS ASSUMING CUSTODY AND OWNERSHIP OF A SITE, AN ARRANGEMENT THAT IS DEEMED ACCEPTABLE BY SUCH GOVERNMENTAL ENTITY.
- (F) A LICENSEE MUST NOTIFY THE DEPARTMENT BY CERTIFIED MAIL WITHIN TEN DAYS OF THE COMMENCEMENT OF A VOLUNTARY OR INVOLUNTARY BANKRUPTCY PROCEEDING UNDER TITLE 11 OF THE UNITED STATES CODE. A LICENSEE WHO FULFILLS THE FINANCIAL ASSURANCE REQUIREMENTS BY OBTAINING A TRUST FUND, SURETY BOND, OR OTHER ACCEPTABLE FINANCIAL ASSURANCE WILL BE DEEMED TO BE WITHOUT THE REQUIRED FINANCIAL ASSURANCE OR LIABILITY COVERAGE IN THE EVENT OF BANKRUPTCY OF THE TRUSTEE OR ISSUING INSTITUTION, OR A SUSPENSION OR REVOCATION OF THE AUTHORITY OF THE TRUSTEE INSTITUTION ISSUING THE INSTRUMENT. THE LICENSEE SHALL ESTABLISH OTHER FINANCIAL ASSURANCE WITHIN SIXTY DAYS AFTER SUCH AN EVENT.

- (G) EACH PERSON LICENSED UNDER THIS CHAPTER, AND RULE 3701-38-021 OF THE ADMINISTRATIVE CODE AS WELL AS CHAPTERS CONTAINING RULES REGARDING GENERAL LICENSES, MANUFACTURING AND DISTRIBUTION, INDUSTRIAL RADIOGRAPHY, WELL LOGGING, IRRADIATORS, AND MEDICAL USE PROMULGATED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE SHALL KEEP RECORDS OF INFORMATION IMPORTANT TO THE DECOMMISSIONING OF A FACILITY IN AN IDENTIFIED LOCATION UNTIL THE SITE IS RELEASED FOR UNRESTRICTED USE. BEFORE LICENSED ACTIVITIES ARE TRANSFERRED OR ASSIGNED IN ACCORDANCE WITH PARAGRAPH (B) OF RULE 3701:1-40-21 OF THE ADMINISTRATIVE CODE, A LICENSEE SHALL TRANSFER ALL RECORDS DESCRIBED IN THIS PARAGRAPH TO THE NEW LICENSEE, WHICH WILL BE RESPONSIBLE FOR MAINTAINING THESE RECORDS UNTIL THE LICENSE IS TERMINATED. IF RECORDS IMPORTANT TO THE DECOMMISSIONING OF A FACILITY ARE KEPT FOR OTHER PURPOSES, REFERENCE TO THESE RECORDS AND THEIR LOCATIONS MAY BE USED. AS USED IN THIS RULE, "INFORMATION IMPORTANT TO THE DECOMMISSIONING OF A FACILITY" INCLUDES THE FOLLOWING:
- (1) RECORDS OF SPILLS OR OTHER UNUSUAL OCCURRENCES INVOLVING THE SPREAD OF CONTAMINATION IN AND AROUND THE FACILITY, EQUIPMENT, OR SITE. THESE RECORDS MAY BE LIMITED TO INSTANCES WHEN CONTAMINATION REMAINS AFTER ANY CLEANUP PROCEDURES OR WHEN THERE IS REASONABLE LIKELIHOOD THAT CONTAMINANTS MAY HAVE SPREAD TO INACCESSIBLE AREAS AS IN THE CASE OF POSSIBLE SEEPAGE INTO POROUS MATERIALS SUCH AS CONCRETE. THESE RECORDS MUST INCLUDE ANY KNOWN INFORMATION ON IDENTIFICATION OF INVOLVED NUCLIDES, QUANTITIES, FORMS, AND CONCENTRATIONS.
 - (2) AS-BUILT DRAWINGS AND MODIFICATIONS OF STRUCTURES AND EQUIPMENT IN RESTRICTED AREAS WHERE RADIOACTIVE MATERIALS ARE USED OR STORED, AND OF LOCATIONS OF POSSIBLE INACCESSIBLE CONTAMINATION SUCH AS BURIED PIPES WHICH MAY BE SUBJECT TO CONTAMINATION. IF REQUIRED DRAWINGS ARE REFERENCED, EACH RELEVANT DOCUMENT NEED NOT BE INDEXED INDIVIDUALLY. IF DRAWINGS ARE NOT AVAILABLE, THE LICENSEE SHALL SUBSTITUTE APPROPRIATE RECORDS OF AVAILABLE INFORMATION CONCERNING THESE AREAS AND LOCATIONS.
 - (3) EXCEPT IN THE CASE OF AN AREA THAT CONTAINS ONLY A SEALED SOURCE, PROVIDED THE SOURCE HAS NOT LEAKED OR NO CONTAMINATION REMAINS AFTER ANY LEAK, OR IN THE CASE OF A BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL HAVING ONLY A HALF-LIFE OF LESS THAN SIXTY-FIVE DAYS, A LIST CONTAINED IN A SINGLE DOCUMENT AND UPDATED EVERY TWO YEARS, OF THE FOLLOWING:
 - (a) ALL AREAS DESIGNATED AND FORMERLY DESIGNATED RESTRICTED AREAS AS DEFINED IN RULES FOR GENERAL RADIATION PROTECTION ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE.
 - (b) ALL AREAS OUTSIDE OF RESTRICTED AREAS THAT REQUIRE DOCUMENTATION UNDER PARAGRAPH (G)(1) OF THIS RULE.
 - (c) ALL AREAS OUTSIDE OF RESTRICTED AREAS WHERE CURRENT AND

PREVIOUS WASTES HAVE BEEN BURIED AS DOCUMENTED UNDER RULES FOR WASTE DISPOSAL PROMULGATED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE; AND

- (d) 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 OR APPLY FOR APPROVAL FOR DISPOSAL UNDER RULES FOR DECOMMISSIONING AND DISPOSAL PROMULGATED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE.
- (4) RECORDS OF THE COST ESTIMATE PERFORMED FOR THE DECOMMISSIONING FUNDING PLAN OR OF THE AMOUNT CERTIFIED FOR DECOMMISSIONING, AND RECORDS OF THE FUNDING METHOD USED FOR ASSURING FUNDS IF EITHER A FUNDING PLAN OR CERTIFICATION IS USED.
- (H) A FINANCIAL GUARANTEE SHALL NOT INCLUDE ANY ARRANGEMENT THAT CONSTITUTES SELF-INSURANCE.
- (1) EACH LICENSEE REQUIRED TO PROVIDE AN EMERGENCY PLAN MUST DEMONSTRATE FINANCIAL RESPONSIBILITY FOR BODILY INJURY AND PROPERTY DAMAGE TO THIRD PARTIES CAUSED BY INCIDENTS WHICH WOULD ACTIVATE THE PLAN. THE LICENSEE MUST HAVE AND MAINTAIN LIABILITY COVERAGE FOR INCIDENTS WHICH WOULD ACTIVATE THE PLAN IN THE AMOUNT OF AT LEAST ONE MILLION DOLLARS PER OCCURRENCE WITH AN ANNUAL AGGREGATE OF AT LEAST TWO MILLION DOLLARS, EXCLUSIVE OF LEGAL DEFENSE COSTS.

APPENDIX A

CRITERIA RELATING TO USE OF FINANCIAL TESTS AND PARENT COMPANY GUARANTEES FOR PROVIDING REASONABLE ASSURANCE OF FUNDS FOR DECOMMISSIONING.

I. INTRODUCTION

AN APPLICANT OR LICENSEE MAY PROVIDE REASONABLE ASSURANCE OF THE AVAILABILITY OF FUNDS FOR DECOMMISSIONING BASED ON OBTAINING A PARENT COMPANY GUARANTEE THAT FUNDS WILL BE AVAILABLE FOR DECOMMISSIONING COSTS AND ON A DEMONSTRATION THAT THE PARENT COMPANY PASSES A FINANCIAL TEST. THIS APPENDIX ESTABLISHES CRITERIA FOR PASSING THE FINANCIAL TEST AND FOR OBTAINING THE PARENT COMPANY GUARANTEE.

II. FINANCIAL TEST

- (A) TO PASS THE FINANCIAL TEST, THE PARENT COMPANY MUST MEET THE CRITERIA OF EITHER PARAGRAPH (A)(1) OR (A)(2) OF THIS SECTION:

(1) THE PARENT COMPANY MUST HAVE:

- (a) TWO OF THE FOLLOWING THREE RATIOS: A RATIO OF TOTAL LIABILITIES TO NET WORTH LESS THAN 2.0; A RATIO OF THE SUM OF NET INCOME PLUS DEPRECIATION, DEPLETION, AND AMORTIZATION TO TOTAL LIABILITIES GREATER THAN 0.1; AND A RATIO OF CURRENT ASSETS TO CURRENT LIABILITIES GREATER THAN 1.5; AND
- (b) NET WORKING CAPITAL AND TANGIBLE NET WORTH EACH AT LEAST SIX TIMES THE CURRENT DECOMMISSIONING COST ESTIMATES (OR PRESCRIBED AMOUNT IF A CERTIFICATION IS USED); AND
- (c) TANGIBLE NET WORTH OF AT LEAST TEN MILLION DOLLARS; AND
- (d) ASSETS LOCATED IN THE UNITED STATES AMOUNTING TO AT LEAST NINETY PERCENT OF TOTAL ASSETS OR AT LEAST SIX TIMES THE CURRENT DECOMMISSIONING COST ESTIMATES (OR PRESCRIBED AMOUNT IF A CERTIFICATION IS USED).

(2) THE PARENT COMPANY MUST HAVE:

- (a) A CURRENT RATING FOR ITS MOST RECENT BOND ISSUANCE OF AAA, AA, A, OR BBB AS ISSUED BY STANDARD AND POOR'S OR AAA, AA, A, OR BAA AS ISSUED BY MOODY'S; AND
- (b) TANGIBLE NET WORTH AT LEAST SIX TIMES THE CURRENT DECOMMISSIONING COST ESTIMATE (OR PRESCRIBED AMOUNT IF A CERTIFICATION IS USED); AND
- (1) TANGIBLE NET WORTH OF AT LEAST TEN MILLION DOLLARS; AND
- (d) ASSETS LOCATED IN THE UNITED STATES AMOUNTING TO AT LEAST NINETY PERCENT OF TOTAL ASSETS OR AT LEAST SIX TIMES THE CURRENT DECOMMISSIONING COST ESTIMATES (OR PRESCRIBED AMOUNT IF CERTIFICATION IS USED).

- (B) THE PARENT COMPANY'S INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT MUST HAVE COMPARED THE DATA USED BY THE PARENT COMPANY IN THE FINANCIAL TEST, WHICH IS DERIVED FROM THE INDEPENDENTLY AUDITED, YEAR END FINANCIAL STATEMENTS FOR THE LATEST FISCAL YEAR, WITH THE AMOUNTS IN SUCH FINANCIAL STATEMENT. IN CONNECTION WITH THAT PROCEDURE THE LICENSEE SHALL INFORM THE DIRECTOR WITHIN

NINETY DAYS OF ANY MATTERS COMING TO THE AUDITOR'S ATTENTION WHICH CAUSE THE AUDITOR TO BELIEVE THAT THE DATA SPECIFIED IN THE FINANCIAL TEST SHOULD BE ADJUSTED AND THAT THE COMPANY NO LONGER PASSES THE TEST.

- (C) (1) AFTER THE INITIAL FINANCIAL TEST, THE PARENT COMPANY MUST REPEAT THE PASSAGE OF THE TEST WITHIN NINETY DAYS AFTER THE CLOSE OF EACH SUCCEEDING FISCAL YEAR.
- (2) IF THE PARENT COMPANY NO LONGER MEETS THE REQUIREMENTS OF PARAGRAPH (A) OF THIS SECTION, THE LICENSEE MUST SEND NOTICE TO THE DIRECTOR OF INTENT TO ESTABLISH ALTERNATE FINANCIAL ASSURANCE AS SPECIFIED IN THE REGULATIONS. THE NOTICE MUST BE SENT BY CERTIFIED MAIL WITHIN NINETY DAYS AFTER THE END OF THE FISCAL YEAR FOR WHICH THE YEAR END FINANCIAL DATA SHOW THAT THE PARENT COMPANY NO LONGER MEETS THE FINANCIAL TEST REQUIREMENTS. THE LICENSEE MUST PROVIDE ALTERNATE FINANCIAL ASSURANCE WITHIN ONE HUNDRED TWENTY DAYS AFTER THE END OF SUCH FISCAL YEAR.

III. PARENT COMPANY GUARANTEE

THE TERMS OF A PARENT COMPANY GUARANTEE WHICH AN APPLICANT OR LICENSEE OBTAINS MUST PROVIDE THAT:

- (A) THE PARENT COMPANY GUARANTEE WILL REMAIN IN FORCE UNLESS THE GUARANTOR SENDS NOTICE OF CANCELLATION BY CERTIFIED MAIL TO THE LICENSEE AND THE DIRECTOR. CANCELLATION MAY NOT OCCUR, HOWEVER, DURING THE ONE HUNDRED TWENTY DAYS BEGINNING ON THE DATE OF RECEIPT OF THE NOTICE OF CANCELLATION BY BOTH THE LICENSEE AND THE DIRECTOR AS EVIDENCED BY THE RETURN RECEIPTS.
- (B) IF THE LICENSEE FAILS TO PROVIDE ALTERNATE FINANCIAL ASSURANCE AS SPECIFIED IN THE REGULATIONS WITHIN ONE HUNDRED TWENTY DAYS AFTER RECEIPT BY THE LICENSEE AND DIRECTOR OF A NOTICE OF CANCELLATION OF THE PARENT COMPANY GUARANTEE FROM THE GUARANTOR, THE GUARANTOR WILL PROVIDE SUCH ALTERNATIVE FINANCIAL ASSURANCE IN THE NAME OF THE LICENSEE.
- (C) THE PARENT COMPANY GUARANTEE AND FINANCIAL TEST PROVISIONS MUST REMAIN IN EFFECT UNTIL THE DIRECTOR HAS TERMINATED THE LICENSE.
- (D) IF A TRUST IS ESTABLISHED FOR DECOMMISSIONING COSTS, THE TRUSTEE AND TRUST MUST BE ACCEPTABLE TO THE DIRECTOR. AN ACCEPTABLE TRUSTEE INCLUDES AN APPROPRIATE STATE OR FEDERAL GOVERNMENT AGENCY OR AN ENTITY WHICH HAS THE AUTHORITY TO ACT AS A TRUSTEE AND WHOSE TRUST OPERATIONS ARE REGULATED AND EXAMINED BY A FEDERAL OR STATE AGENCY.

APPENDIX B**CRITERIA RELATING TO USE OF FINANCIAL TESTS AND SELF-GUARANTEE
FOR PROVIDING REASONABLE ASSURANCE OF FUNDS FOR
DECOMMISSIONING BY NONPROFIT COLLEGES, UNIVERSITIES, AND
HOSPITALS****I. INTRODUCTION**

AN APPLICANT OR LICENSEE MAY PROVIDE REASONABLE ASSURANCE OF THE AVAILABILITY OF FUNDS FOR DECOMMISSIONING BASED ON FURNISHING ITS OWN GUARANTEE THAT FUNDS WILL BE AVAILABLE FOR DECOMMISSIONING COSTS AND ON A DEMONSTRATION THAT THE APPLICANT OR LICENSEE PASSES THE FINANCIAL TEST OF SECTION II OF THIS APPENDIX. THE TERMS OF THE SELF-GUARANTEE ARE IN SECTION III OF THIS APPENDIX. THIS APPENDIX ESTABLISHES CRITERIA FOR PASSING THE FINANCIAL TEST FOR THE SELF-GUARANTEE AND ESTABLISHES THE TERMS FOR A SELF-GUARANTEE.

II FINANCIAL TEST

- A. FOR COLLEGES AND UNIVERSITIES, TO PASS THE FINANCIAL TEST A COLLEGE OR UNIVERSITY MUST MEET EITHER THE CRITERIA IN PARAGRAPH II.A.(1) OR THE CRITERIA IN PARAGRAPH II.A.(2) OF THIS APPENDIX.
- (1) FOR APPLICANTS OR LICENSEES THAT ISSUE BONDS, A CURRENT RATING FOR ITS MOST RECENT BOND ISSUANCE OF AAA, AA, OR A AS ISSUED BY STANDARD AND POORS (S&P) OR AAA, AA, OR A AS ISSUED BY MOODYS.
 - (2) FOR APPLICANTS OR LICENSEES THAT DO NOT ISSUE BONDS, ENDOWMENT CONSISTING OF ASSETS LOCATED IN THE UNITED STATES OF AT LEAST FIFTY MILLION DOLLARS, OR AT LEAST THIRTY TIMES THE TOTAL CURRENT DECOMMISSIONING COST ESTIMATE (OR THE CURRENT AMOUNT REQUIRED IF CERTIFICATION IS USED), WHICHEVER IS GREATER, FOR ALL DECOMMISSIONING ACTIVITIES FOR WHICH THE COLLEGE OR UNIVERSITY IS RESPONSIBLE AS A SELF-GUARANTEERING LICENSEE.
- B. FOR HOSPITALS, TO PASS THE FINANCIAL TEST A HOSPITAL MUST MEET EITHER THE CRITERIA IN PARAGRAPH II.B.(1) OR THE CRITERIA IN PARAGRAPH II.B.(2) OF THIS APPENDIX:
- (1) FOR APPLICANTS OR LICENSEES THAT ISSUE BONDS, A CURRENT RATING FOR ITS MOST RECENT BOND ISSUANCE OF AAA, AA, OR A AS ISSUED BY STANDARD AND POORS (S&P) OR AAA, AA, OR A AS ISSUED BY MOODYS.
 - (2) FOR APPLICANTS OR LICENSEES THAT DO NOT ISSUE BONDS, ALL

THE FOLLOWING TESTS MUST BE MET:

- (A) (TOTAL REVENUES LESS TOTAL EXPENDITURES) DIVIDED BY TOTAL REVENUES MUST BE EQUAL TO OR GREATER THAN 0.04.
 - (B) LONG TERM DEBT DIVIDED BY NET FIXED ASSETS MUST BE LESS THAN OR EQUAL TO 0.67.
 - (C) (CURRENT ASSETS AND DEPRECIATION FUND) DIVIDED BY CURRENT LIABILITIES MUST BE GREATER THAN OR EQUAL TO 2.55.
 - (D) OPERATING REVENUES MUST BE AT LEAST ONE HUNDRED TIMES THE TOTAL CURRENT DECOMMISSIONING COST ESTIMATE (OR THE CURRENT AMOUNT REQUIRED IF CERTIFICATION IS USED) FOR ALL DECOMMISSIONING ACTIVITIES FOR WHICH THE HOSPITAL IS RESPONSIBLE AS A SELF-GUARANTEERING LICENSE.
- C. IN ADDITION, TO PASS THE FINANCIAL TEST, A LICENSEE MUST MEET ALL THE FOLLOWING REQUIREMENTS:
- (1) THE LICENSEE'S INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT MUST HAVE COMPARED THE DATA USED BY THE LICENSEE IN THE FINANCIAL TEST, WHICH IS REQUIRED TO BE DERIVED FROM THE INDEPENDENTLY AUDITED YEAR END FINANCIAL STATEMENTS, BASED ON UNITED STATES GENERALLY ACCEPTED ACCOUNTING PRACTICES, FOR THE LATEST FISCAL YEAR, WITH THE AMOUNTS IN SUCH FINANCIAL STATEMENT. IN CONNECTION WITH THAT PROCEDURE, THE LICENSEE SHALL INFORM THE DEPARTMENT WITHIN 90 DAYS OF ANY MATTERS COMING TO THE ATTENTION OF THE AUDITOR THAT CAUSE THE AUDITOR TO BELIEVE THAT THE DATA SPECIFIED IN THE FINANCIAL TEST SHOULD BE ADJUSTED AND THAT THE LICENSEE NO LONGER PASSES THE TEST.
 - (2) AFTER THE INITIAL FINANCIAL TEST, THE LICENSEE MUST REPEAT PASSAGE OF THE TEST WITHIN NINETY DAYS AFTER THE CLOSE OF EACH SUCCEEDING FISCAL YEAR.
 - (3) IF THE LICENSEE NO LONGER MEETS THE REQUIREMENTS OF SECTION I OF THIS APPENDIX, THE LICENSEE MUST SEND NOTICE TO THE DEPARTMENT OF ITS INTENT TO ESTABLISH ALTERNATIVE FINANCIAL ASSURANCE. THE NOTICE MUST BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, WITHIN NINETY DAYS AFTER THE END OF THE FISCAL YEAR FOR WHICH THE YEAR END FINANCIAL DATA SHOW THAT THE LICENSEE NO LONGER MEETS THE FINANCIAL TEST REQUIREMENTS. THE LICENSEE MUST PROVIDE ALTERNATE FINANCIAL ASSURANCE WITHIN ONE HUNDRED TWENTY DAYS AFTER THE END OF SUCH FISCAL YEAR.

3701:1-40-18

10

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119

Rule authorized by: section 3748.04

Rule amplifies:

Prior effective date: None

3701:1-40-19 EXPIRATION OR TERMINATION OF LICENSE; DECOMMISSIONING
OF SITES AND SEPARATE BUILDINGS OR OUTDOOR AREAS.

- (A) EACH SPECIFIC LICENSE EXPIRES AT THE END OF THE DAY ON THE EXPIRATION DATE STATED IN THE LICENSE UNLESS THE LICENSEE HAS FILED AN APPLICATION FOR RENEWAL UNDER RULE 3701-38-021 OF THE ADMINISTRATIVE CODE AND THIS RULE NOT LESS THAN NINETY DAYS BEFORE THE EXPIRATION DATE STATED IN THE EXISTING LICENSE. EXCEPT THAT A LICENSEE HOLDING A BROAD SCOPE LICENSE SHALL APPLY FOR RENEWAL NOT LESS THAN ONE HUNDRED AND EIGHTY DAYS PRIOR TO EXPIRATION IN ACCORDANCE WITH PARAGRAPH (F) OF RULE 3701-38-021 OF THE ADMINISTRATIVE CODE. IF AN APPLICATION FOR RENEWAL HAS BEEN FILED AT LEAST NINETY DAYS, OR IN THE CASE OF A BROAD SCOPE LICENSE, AT LEAST ONE HUNDRED AND EIGHTY DAYS PRIOR TO THE EXPIRATION DATE STATED IN THE EXISTING LICENSE, THE EXISTING LICENSE EXPIRES AT THE LATER OF THE END OF THE DAY ON WHICH THE DIRECTOR MAKES A FINAL DETERMINATION TO DENY THE RENEWAL APPLICATION OR, IF THE DETERMINATION STATES AN EXPIRATION DATE, THE EXPIRATION DATE STATED IN THE DETERMINATION.
- (B) EACH SPECIFIC LICENSE FOR THE POSSESSION OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL THAT REQUIRES A DECOMMISSIONING PLAN SHALL CONTINUE IN EFFECT AND SHALL BE RENEWED DURING THE DECOMMISSIONING PERIOD, UNTIL THE DIRECTOR NOTIFIES THE LICENSEE IN WRITING AFTER DECOMMISSIONING THAT THE LICENSE IS TERMINATED. DURING THIS TIME, THE LICENSEE SHALL:
 - (1) LIMIT ACTIONS INVOLVING BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL TO THOSE RELATED TO DECOMMISSIONING; AND
 - (2) CONTINUE TO CONTROL ENTRY TO ANY RESTRICTED AREA UNTIL THAT AREA IS SUITABLE FOR RELEASE IN ACCORDANCE WITH DEPARTMENT REQUIREMENTS AS MAY BE IMPOSED BY CHAPTER 3748 OF THE REVISED CODE OR RULES ADOPTED THEREUNDER.
- (C) A LICENSEE SHALL PROVIDE WRITTEN NOTICE TO THE DIRECTOR WITHIN SIXTY DAYS OF THE OCCURRENCE OF ANY OF THE FOLLOWING, IN ACCORDANCE WITH RULE 3701:1-40-04 OF THE ADMINISTRATIVE CODE:
 - (1) THE LICENSE HAS EXPIRED;
 - (2) THE LICENSEE HAS DECIDED TO PERMANENTLY CEASE LICENSED ACTIVITIES AT THE ENTIRE SITE OR IN ANY SEPARATE BUILDING OR OUTDOOR AREA THAT CONTAINS RESIDUAL RADIOACTIVITY SUCH THAT THE BUILDING OR OUTDOOR AREA IS UNSUITABLE FOR RELEASE IN ACCORDANCE WITH THE DEFINITION OF ADECOMMISSIONING@ IN CHAPTER 3748 OF THE REVISED CODE AND THE RULES ADOPTED THEREUNDER. THE REGULATIONS FOR LICENSE TERMINATION SET FORTH IN SUBPART E OF 10 CFR 20 SHALL BE LIMITED TO AN UNRESTRICTED RELEASE WHERE THE RESIDUAL RADIOACTIVITY THAT IS DISTINGUISHABLE FROM BACKGROUND RADIATION RESULTS IN A TOTAL EFFECTIVE DOSE EQUIVALENT TO AN AVERAGE MEMBER OF THE CRITICAL GROUP THAT DOES

NOT EXCEED TWENTY-FIVE MILLIREM PER YEAR (25 MILLIREM/YR) OR TWO HUNDRED AND FIFTY MICRO SIEVERT PER YEAR (250 μ SV/YR), INCLUDING THAT FROM GROUNDWATER SOURCES OF DRINKING WATER, AND THE RESIDUAL RADIOACTIVITY HAS BEEN REDUCED TO LEVELS THAT ARE AS LOW AS REASONABLE ACHIEVABLE (ALARA). THE PROVISIONS IN 10 CFR 20 SUBPART E APPLICABLE TO A RESTRICTED RELEASE MAY APPLY PROVIDED THAT THE LICENSE IS NOT TERMINATED. AS USED IN THIS RULE, THE TERM "DECOMMISSIONING" HAS THE SAME MEANING AS DEFINED IN DIVISION (D) OF SECTION 3748.01 OF THE REVISED CODE. WHEN A RESTRICTED RELEASE IS PROPOSED BY A LICENSEE, A LICENSE IS REQUIRED TO ASSURE THAT THE PROVISIONS OF THE DECOMMISSIONING PLAN AS APPROVED BY THE DIRECTOR REMAIN EFFECTIVE. IN ACCORDANCE WITH THE PROVISIONS OF 10 CFR 20.1401(C) AND 10 CFR 20.1403, THE LICENSE WILL CONTAIN A CONDITION THAT THE DIRECTOR WILL NOT REQUIRE FURTHER CLEAN-UP UNLESS HE OR SHE DETERMINES THAT RESIDUAL RADIOACTIVITY AT THE SITE COULD RESULT IN A SIGNIFICANT THREAT TO PUBLIC HEALTH AND SAFETY. IN ACCORDANCE WITH 10 CFR 20.1401(B)(3), THE DIRECTOR WILL APPROVE A DECOMMISSIONING PLAN SUBMITTED AND APPROVED BY THE COMMISSION ON OR BEFORE THE EFFECTIVE DATE OF ANY AGREEMENT WITH THE STATE OF OHIO PURSUANT TO SECTION 274(B) OF THE "ATOMIC ENERGY ACT". ANY FACILITY THAT HAS BEEN DECOMMISSIONED AND HAS HAD THE NUCLEAR REGULATORY COMMISSION LICENSE TERMINATED IN ACCORDANCE WITH A PLAN APPROVED BY THE COMMISSION ON OR BEFORE THE EFFECTIVE DATE OF ANY AGREEMENT WITH THE STATE OF OHIO PURSUANT TO SECTION 274(B) OF THE "ATOMIC ENERGY ACT" WILL NOT BE REQUIRED TO OBTAIN A LICENSE OR CONDUCT FURTHER CLEAN-UP UNLESS THE DIRECTOR DETERMINES THAT RESIDUAL RADIOACTIVITY AT THE SITE COULD RESULT IN A SIGNIFICANT THREAT TO PUBLIC HEALTH AND SAFETY.

- (3) NO LICENSED ACTIVITIES HAVE BEEN CONDUCTED FOR A PERIOD OF TWENTY-FOUR MONTHS; OR
 - (4) NO LICENSED ACTIVITIES HAVE BEEN CONDUCTED FOR A PERIOD OF TWENTY-FOUR MONTHS IN ANY SEPARATE BUILDING OR OUTDOOR AREA THAT CONTAINS RESIDUAL RADIOACTIVITY SUCH THAT THE BUILDING OR OUTDOOR AREA IS UNSUITABLE FOR RELEASE IN ACCORDANCE WITH CHAPTER 3748 OF THE REVISED CODE AND THE RULES ADOPTED THEREUNDER.
- (D) IN THE EVENT OF AN OCCURRENCE AS SET FORTH IN PARAGRAPH (C) OF THIS RULE, THE LICENSEE SHALL EITHER:
- (1) BEGIN DECOMMISSIONING THE SITE, AND ANY SEPARATE BUILDING OR OUTDOOR AREA THAT CONTAINS RESIDUAL RADIOACTIVITY SO THAT THE SITE, BUILDING AND OUTDOOR AREA ARE SUITABLE FOR RELEASE IN ACCORDANCE WITH CHAPTER 3748 OF THE REVISED CODE AND THE RULES ADOPTED THEREUNDER; OR
 - (2) IF REQUIRED BY PARAGRAPH (G)(1) OF THIS RULE, SUBMIT WITHIN TWELVE MONTHS OF NOTIFICATION, A DECOMMISSIONING PLAN AND

BEGIN DECOMMISSIONING UPON THE DIRECTOR'S APPROVAL OF THAT PLAN.

- (E) IN ADDITION TO WRITTEN NOTIFICATION OF AN OCCURRENCE, THE LICENSEE SHALL MAINTAIN ALL DECOMMISSIONING FINANCIAL ASSURANCES ESTABLISHED BY THE LICENSEE PURSUANT TO RULE 3701:1-40-18 OF THE ADMINISTRATIVE CODE IN CONJUNCTION WITH A LICENSE ISSUANCE OR RENEWAL OR AS REQUIRED BY THIS RULE. ANY LICENSEE WHO HAS NOT PROVIDED FINANCIAL ASSURANCE TO COVER THE DETAILED COST ESTIMATE SUBMITTED WITH THE DECOMMISSIONING PLAN SHALL DO SO UPON THE EFFECTIVE DATE OF THIS RULE.
- (F) THE DIRECTOR MAY GRANT A REQUEST TO EXTEND THE TWELVE-MONTH TIME PERIOD TO SUBMIT A DECOMMISSIONING PLAN ESTABLISHED IN PARAGRAPH (C) OF THIS RULE PROVIDED THAT THE DIRECTOR DETERMINES THAT THE ALTERNATIVE SCHEDULE IS NECESSARY TO THE EFFECTIVE CONDUCT OF DECOMMISSIONING OPERATIONS AND THAT THE EXTENSION IS NOT DETRIMENTAL TO THE PUBLIC HEALTH AND SAFETY OR THE ENVIRONMENT AND IS OTHERWISE IN THE PUBLIC INTEREST. THE EXTENSION REQUEST MUST BE SUBMITTED NO LATER THAN THIRTY DAYS AFTER THE OCCURRENCE FOR WHICH NOTIFICATION IS REQUIRED. DECOMMISSIONING SET FORTH IN PARAGRAPH (D)(2) OF THIS RULE MAY NOT COMMENCE UNTIL THE DIRECTOR HAS MADE A DETERMINATION ON THE EXTENSION REQUEST.
- (G) THE LICENSEE SHALL SUBMIT A DECOMMISSIONING PLAN TO THE DIRECTOR PRIOR TO COMMENCING ANY DECOMMISSIONING IN THE FOLLOWING CASES:
 - (1) IF REQUIRED BY LICENSE CONDITION; OR
 - (2) IF THE PROCEDURES AND ACTIVITIES NECESSARY TO CARRY OUT DECOMMISSIONING OF THE SITE OR SEPARATE BUILDING OR OUTDOOR AREA HAVE NOT BEEN PREVIOUSLY APPROVED BY THE DIRECTOR AND THESE PROCEDURES COULD INCREASE POTENTIAL HEALTH AND SAFETY RISK TO WORKERS OR TO THE PUBLIC, SUCH AS IN ANY OF THE FOLLOWING CASES:
 - (a) DECOMMISSIONING PROCEDURES WOULD INVOLVE TECHNIQUES NOT APPLIED ROUTINELY DURING CLEANUP OR MAINTENANCE OPERATIONS;
 - (b) WORKERS WOULD BE ENTERING AREAS NOT NORMALLY OCCUPIED WHERE SURFACE CONTAMINATION AND RADIATION LEVELS ARE SIGNIFICANTLY HIGHER THAN ROUTINELY ENCOUNTERED DURING OPERATION;
 - (c) DECOMMISSIONING PROCEDURES COULD RESULT IN SIGNIFICANTLY GREATER AIRBORNE CONCENTRATIONS OF RADIOACTIVE MATERIALS THAN ARE PRESENT DURING OPERATION; OR
 - (d) DECOMMISSIONING PROCEDURES COULD RESULT IN SIGNIFICANTLY GREATER RELEASES OF RADIOACTIVE MATERIAL TO THE

ENVIRONMENT THAN THOSE ASSOCIATED WITH OPERATION.

- (H) A PROPOSED DECOMMISSIONING PLAN FOR A SITE OR SEPARATE BUILDING OR OUTDOOR AREA SHALL INCLUDE THE FOLLOWING:
- (1) A DESCRIPTION OF THE CONDITIONS OF THE SITE OR SEPARATE BUILDING OR OUTDOOR AREA SUFFICIENT TO EVALUATE THE ACCEPTABILITY OF THE PLAN;
 - (2) A DESCRIPTION OF PLANNED DECOMMISSIONING ACTIVITIES;
 - (3) A DESCRIPTION OF METHODS USED TO ENSURE PROTECTION OF WORKERS AND THE ENVIRONMENT AGAINST RADIATION HAZARDS DURING DECOMMISSIONING;
 - (4) A DESCRIPTION OF THE PLANNED FINAL RADIATION SURVEY;
 - (5) AN UPDATED DETAILED COST ESTIMATE FOR DECOMMISSIONING, COMPARISON OF THAT ESTIMATE WITH PRESENT FUNDS SET ASIDE FOR DECOMMISSIONING, AND A PLAN FOR ASSURING THE AVAILABILITY OF ADEQUATE FUNDS FOR COMPLETION OF DECOMMISSIONING; AND
 - (6) IN THE CASE OF A DECOMMISSIONING PLAN THAT RESULTS IN THE LICENSEE COMPLETING DECOMMISSIONING LATER THAN TWENTY-FOUR MONTHS AFTER PLAN APPROVAL, THE PLAN SHALL INCLUDE A JUSTIFICATION FOR THE DELAY BASED ON THE CRITERIA IN PARAGRAPH (I) OF THIS RULE.

THE PROPOSED DECOMMISSIONING PLAN WILL BE APPROVED BY THE DIRECTOR IF THE INFORMATION THEREIN DEMONSTRATES COMPLIANCE WITH CHAPTER 3748 OF THE REVISED CODE AND THE RULES ADOPTED THEREUNDER, THAT THE DECOMMISSIONING WILL BE COMPLETED AS SOON AS PRACTICABLE, AND THAT THE HEALTH AND SAFETY OF WORKERS AND THE PUBLIC WILL BE ADEQUATELY PROTECTED.

- (I) EXCEPT AS PROVIDED IN PARAGRAPH (J) OF THIS RULE, A LICENSEE SHALL:
- (1) COMPLETE DECOMMISSIONING OF THE SITE OR SEPARATE BUILDING OR OUTDOOR AREA AS SOON AS PRACTICABLE BUT NO LATER THAN TWENTY-FOUR MONTHS FOLLOWING THE INITIATION OF DECOMMISSIONING; AND
 - (2) WHEN DECOMMISSIONING INVOLVES THE ENTIRE SITE, REQUEST LICENSE TERMINATION AS SOON AS PRACTICABLE BUT NO LATER THAN TWENTY-FOUR MONTHS FOLLOWING THE INITIATION OF DECOMMISSIONING, UNLESS THE DECOMMISSIONING IS STILL ACTIVELY IN PROGRESS.
- (J) THE DIRECTOR MAY APPROVE A REQUEST FOR AN ALTERNATIVE SCHEDULE FOR COMPLETION OF DECOMMISSIONING AND LICENSE TERMINATION. IN CONSIDERING WHETHER AN ALTERNATIVE SCHEDULE IS WARRANTED, THE DIRECTOR SHALL CONSIDER THE FOLLOWING:

- (1) WHETHER IT IS TECHNICALLY FEASIBLE TO COMPLETE DECOMMISSIONING WITHIN TWENTY-FOUR MONTHS;
 - (2) WHETHER SUFFICIENT WASTE DISPOSAL CAPACITY IS AVAILABLE TO ALLOW COMPLETION OF DECOMMISSIONING WITHIN TWENTY-FOUR MONTHS;
 - (3) WHETHER A SIGNIFICANT VOLUME REDUCTION IN WASTES REQUIRING DISPOSAL WILL BE ACHIEVED BY ALLOWING SHORT-LIVED RADIONUCLIDES TO DECAY;
 - (4) WHETHER A SIGNIFICANT REDUCTION IN RADIATION EXPOSURE TO WORKERS CAN BE ACHIEVED BY ALLOWING SHORT-LIVED RADIONUCLIDES TO DECAY; AND
 - (5) ANY OTHER FACTOR THAT THE DIRECTOR FINDS IS UNIQUE TO THE SITE, SUCH AS THE REGULATORY REQUIREMENTS OF OTHER GOVERNMENT AGENCIES, LAWSUITS, GROUND-WATER TREATMENT ACTIVITIES, MONITORED NATURAL GROUND-WATER RESTORATION, ACTIONS THAT COULD RESULT IN MORE ENVIRONMENTAL HARM THAN DEFERRED CLEANUP, AND OTHER FACTORS BEYOND THE CONTROL OF THE LICENSEE.
- (K) AFTER DECOMMISSIONING THE SITE, THE LICENSEE SHALL:
- (1) CERTIFY THE DISPOSITION OF ALL LICENSED MATERIAL, INCLUDING ACCUMULATED WASTES, BY SUBMITTING A COMPLETED DISPOSITION OF RADIOACTIVE MATERIALS FORM PROVIDED BY THE DIRECTOR; AND
 - (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 SET FORTH IN RULES PROMULGATED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE. THE LICENSEE SHALL SURVEY AND REPORT AS FOLLOWS:
 - (i) LEVELS OF GAMMA RADIATION IN UNITS OF MILLISIEVERTS (MICROROENTGEN) PER HOUR AT ONE METER FROM SURFACES AND RADIOACTIVITY, INCLUDING ALPHA AND BETA, IN UNITS OF MEGABECQUERELS (DISINTEGRATIONS PER MINUTE OR MICROCURIES) PER ONE HUNDRED SQUARE CENTIMETERS, REMOVABLE AND FIXED, FOR SURFACES, MEGABECQUERELS (MICROCURIES) PER MILLILITER FOR WATER, AND BECQUERELS (PICOCURIES) PER GRAM FOR SOLIDS SUCH AS SOILS OR CONCRETE; AND
 - (ii) IDENTIFICATION OF ANY SURVEY INSTRUMENT USED AND A CERTIFICATION THAT EACH INSTRUMENT WAS PROPERLY CALIBRATED AND TESTED PRIOR TO BEING USED TO MEASURE RADIOACTIVITY AT THE SITE.
- (L) SPECIFIC LICENSES, INCLUDING EXPIRED LICENSES, WILL BE TERMINATED BY

WRITTEN NOTICE TO THE LICENSEE WHEN THE DIRECTOR DETERMINES THAT:

- (1) BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL HAS BEEN PROPERLY DISPOSED;
- (2) REASONABLE EFFORT HAS BEEN MADE TO ELIMINATE RESIDUAL RADIOACTIVE CONTAMINATION, IF PRESENT; AND
- (3) A RADIATION SURVEY HAS BEEN PERFORMED WHICH DEMONSTRATES THAT THE PREMISES ARE SUITABLE FOR RELEASE IN ACCORDANCE WITH THE CRITERIA FOR DECOMMISSIONING, OR OTHER INFORMATION IS SUBMITTED BY THE LICENSEE IS INSUFFICIENT TO DEMONSTRATE THAT THE PREMISES IS SUITABLE FOR RELEASE IN ACCORDANCE WITH THE CRITERIA FOR DECOMMISSIONING IN RULES FOR DECOMMISSIONING ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE; AND
- (4) THE DEPARTMENT HAS RECEIVED ALL REQUIRED RECORDS IN ACCORDANCE WITH PARAGRAPHS (D) AND (F) OF RULE 3701:1-40-22 OF THE ADMINISTRATIVE CODE.
- (5) ALL APPLICABLE FEES HAVE BEEN PAID.

Effective date:

R.C. 119.032 Review Date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under:

Rule authorized by:

Rule amplifies:

Prior effective date:

3701:1-40-20 TRANSFER OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL.

- (A) NO LICENSEE SHALL TRANSFER BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL EXCEPT AS AUTHORIZED PURSUANT TO RULE 3701:1-40-17 OF THE ADMINISTRATIVE CODE AND THIS RULE.
- (B) EXCEPT AS OTHERWISE PROVIDED IN THE LICENSE AND SUBJECT TO THE PROVISIONS OF PARAGRAPH (C) OF THIS RULE, ANY LICENSEE MAY TRANSFER BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL:
 - (1) TO THE DEPARTMENT OF ENERGY;
 - (2) TO THE AGENCY IN ANY AGREEMENT STATE WHICH REGULATES RADIOACTIVE MATERIAL PURSUANT TO AN AGREEMENT UNDER SECTION 274 OF THE "ATOMIC ENERGY ACT", AS AMENDED;
 - (3) TO ANY PERSON EXEMPT FROM THE LICENSING REQUIREMENTS OF THE ACT AND REGULATIONS IN THIS PART, TO THE EXTENT PERMITTED UNDER SUCH EXEMPTION;
 - (4) TO ANY PERSON IN AN AGREEMENT STATE, SUBJECT TO THE JURISDICTION OF THAT STATE, WHO HAS BEEN EXEMPTED FROM THE LICENSING REQUIREMENTS AND REGULATIONS OF THAT STATE, TO THE EXTENT PERMITTED UNDER SUCH EXEMPTION;
 - (5) TO ANY PERSON AUTHORIZED TO RECEIVE SUCH BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL UNDER TERMS OF A SPECIFIC LICENSE OR A GENERAL LICENSE OR THEIR EQUIVALENTS ISSUED BY THE ATOMIC ENERGY COMMISSION, THE UNITED STATES NUCLEAR REGULATORY COMMISSION, A NARM LICENSING STATE, OR AN AGREEMENT STATE;
 - (6) AS OTHERWISE AUTHORIZED BY THE DIRECTOR IN WRITING.
- (C) BEFORE TRANSFERRING BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL TO AN ENTITY SPECIFIED IN PARAGRAPH (B) OF THIS RULE, THE LICENSEE TRANSFERRING THE MATERIAL SHALL VERIFY THAT THE TRANSFEREE'S LICENSE AUTHORIZES THE RECEIPT OF THE TYPE, FORM, AND QUANTITY OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL TO BE TRANSFERRED. THE LICENSEE MAY VERIFY THE TRANSFEREE'S AUTHORIZATION TO ACCEPT THE MATERIAL BY POSSESSING ONE OF THE FOLLOWING:
 - (1) A CURRENT COPY OF THE TRANSFEREE'S SPECIFIC LICENSE OR REGISTRATION CERTIFICATE SPECIFYING THE TYPE, FORM, AND QUANTITY OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL TO BE TRANSFERRED;
 - (2) A WRITTEN CERTIFICATION BY THE RECEIVING LICENSEE CERTIFYING THAT THE LICENSEE IS AUTHORIZED BY LICENSE OR REGISTRATION CERTIFICATE TO RECEIVE THE TYPE, FORM, AND QUANTITY OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL TO BE TRANSFERRED, AND

FURTHER SPECIFYING THE LICENSE OR REGISTRATION CERTIFICATE NUMBER, ISSUING AGENCY, AND EXPIRATION DATE;

- (3) IN THE CASE OF AN EMERGENCY SHIPMENT, THE TRANSFERRING LICENSEE MAY ACCEPT ORAL CERTIFICATION BY THE RECEIVING LICENSEE THAT THE LICENSEE IS AUTHORIZED BY LICENSE OR REGISTRATION CERTIFICATE TO RECEIVE THE TYPE, FORM, AND QUANTITY OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL TO BE TRANSFERRED, AND FURTHER, SPECIFYING THE LICENSE OR REGISTRATION CERTIFICATE NUMBER, ISSUING AGENCY AND EXPIRATION DATE. THE TRANSFERRING LICENSEE SHALL OBTAIN WRITTEN CONFIRMATION DETAILING THE ORAL CERTIFICATION WITHIN TEN DAYS OF THE EMERGENCY TRANSFER; OR
- (4) THE TRANSFEROR MAY OBTAIN OTHER SOURCES OF INFORMATION COMPILED BY A REPORTING SERVICE FROM OFFICIAL RECORDS OF THE DEPARTMENT, UNITED STATES NUCLEAR REGULATORY COMMISSION, OR THE LICENSING AGENCY OF AN AGREEMENT STATE OR NARM LICENSING STATE AS TO THE IDENTITY OF THE RECEIVING LICENSEE, WHETHER THE LICENSEE IS AUTHORIZED BY LICENSE OR REGISTRATION CERTIFICATE TO RECEIVE THE TYPE, FORM, AND QUANTITY OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL TO BE TRANSFERRED, AND THE EXPIRATION DATE OF THE RECEIVING LICENSEE'S LICENSE OR REGISTRATION.

Effective date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under:

Rule authorized by:

Rule amplifies:

R.C. 119.032 review date:

Prior effective date:

3701:1-40-21 REPORTING REQUIREMENTS.

- (A) EXCEPT AS PROVIDED IN PARAGRAPH (D) OF THIS RULE, EACH LICENSEE SHALL NOTIFY THE DEPARTMENT AS SOON AS POSSIBLE, BUT NOT LATER THAN FOUR HOURS AFTER THE DISCOVERY OF AN EVENT THAT PREVENTS IMMEDIATE PROTECTIVE ACTION NECESSARY TO AVOID EXPOSURE TO RADIATION OR RADIOACTIVE MATERIAL THAT COULD EXCEED REGULATORY LIMITS, OR A RELEASE OF LICENSED MATERIAL THAT COULD EXCEED REGULATORY LIMITS. AN EVENT THAT REQUIRES SUCH AN IMMEDIATE REPORT MAY INCLUDE A FIRE, EXPLOSION, OR TOXIC GAS RELEASE.
- (B) EACH LICENSEE SHALL NOTIFY THE DEPARTMENT WITHIN TWENTY-FOUR HOURS AFTER THE DISCOVERY OF ANY OF THE FOLLOWING EVENTS INVOLVING LICENSED MATERIAL:
 - (1) AN UNPLANNED CONTAMINATION EVENT THAT:
 - (a) REQUIRES ACCESS TO THE CONTAMINATED AREA, BY WORKERS OR THE PUBLIC, TO BE RESTRICTED FOR MORE THAN TWENTY-FOUR HOURS BY IMPOSING ADDITIONAL RADIOLOGICAL CONTROLS OR BY PROHIBITING ENTRY INTO THE AREA;
 - (b) INVOLVES A QUANTITY OF MATERIAL GREATER THAN FIVE TIMES THE LOWEST ANNUAL LIMIT ON INTAKE SPECIFIED IN THE GENERAL RADIATION PROTECTION RULES ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE; AND
 - (c) HAS ACCESS TO THE AREA RESTRICTED FOR A REASON OTHER THAN TO ALLOW ISOTOPES WITH A HALF-LIFE OF LESS THAN TWENTY-FOUR HOURS TO DECAY PRIOR TO DECONTAMINATION.
 - (2) AN EVENT IN WHICH EQUIPMENT IS DISABLED OR FAILS TO FUNCTION AS DESIGNED WHEN:
 - (a) THE EQUIPMENT IS REQUIRED BY REGULATION OR LICENSE CONDITION TO PREVENT A RELEASE EXCEEDING REGULATORY LIMITS, TO PREVENT EXPOSURE TO RADIATION OR RADIOACTIVE MATERIAL EXCEEDING REGULATORY LIMITS, OR TO MITIGATE THE CONSEQUENCES OF AN ACCIDENT;
 - (b) THE EQUIPMENT IS REQUIRED TO BE AVAILABLE AND OPERABLE WHEN IT IS DISABLED OR FAILS TO FUNCTION; AND
 - (c) NO REDUNDANT EQUIPMENT IS AVAILABLE AND OPERABLE TO PERFORM THE REQUIRED SAFETY FUNCTION.
 - (3) AN EVENT THAT REQUIRES UNPLANNED MEDICAL TREATMENT OF AN INDIVIDUAL WITH SPREADABLE RADIOACTIVE CONTAMINATION ON THE INDIVIDUAL'S CLOTHING OR BODY.
 - (4) AN UNPLANNED FIRE OR EXPLOSION DAMAGING ANY LICENSED MATERIAL

OR ANY DEVICE, CONTAINER, OR EQUIPMENT CONTAINING LICENSED MATERIAL WHEN:

- (a) THE QUANTITY OF MATERIAL INVOLVED IS GREATER THAN FIVE TIMES THE LOWEST ANNUAL LIMIT OF INTAKE SPECIFIED IN THE GENERAL RADIATION PROTECTION RULES ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE; AND
 - (b) THE DAMAGE AFFECTS THE INTEGRITY OF THE LICENSED MATERIAL OR ITS CONTAINER.
- (C) THE LICENSEE SHALL PREPARE AND SUBMIT A REPORT IN RESPONSE TO THE REQUIREMENTS OF THIS RULE AS FOLLOWS:
 - (1) LICENSEES SHALL MAKE REPORTS REQUIRED BY PARAGRAPHS (A) AND (B) OF THIS RULE BY TELEPHONE, TO THE DEPARTMENT IN THE MANNER SPECIFIED IN THE GENERAL RADIATION PROTECTION RULES ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE. TO THE EXTENT THAT THE INFORMATION IS AVAILABLE AT THE TIME OF NOTIFICATION, THE INFORMATION PROVIDED IN THESE REPORTS MUST INCLUDE:
 - (a) THE CALLER'S NAME AND CALL BACK TELEPHONE NUMBER;
 - (b) A DESCRIPTION OF THE EVENT, INCLUDING DATE AND TIME;
 - (c) THE EXACT LOCATION OF THE EVENT;
 - (d) THE ISOTOPES, QUANTITIES, AND CHEMICAL AND PHYSICAL FORM OF THE LICENSED MATERIAL INVOLVED; AND
 - (e) ANY PERSONNEL RADIATION EXPOSURE DATA AVAILABLE.
 - (2) EACH LICENSEE WHO MAKES A REPORT REQUIRED BY PARAGRAPHS (A) OR (B) OF THIS RULE SHALL SUBMIT A WRITTEN FOLLOW-UP REPORT WITHIN THIRTY DAYS OF THE INITIAL REPORT. WRITTEN REPORTS PREPARED PURSUANT TO OTHER REGULATIONS MAY BE SUBMITTED TO FULFILL THIS REQUIREMENT IF THE REPORT CONTAINS ALL OF THE NECESSARY INFORMATION AND THE APPROPRIATE DISTRIBUTION IS MADE. THESE WRITTEN REPORTS SHALL BE SENT TO THE DEPARTMENT IN THE MANNER SPECIFIED IN THE GENERAL RADIATION PROTECTION RULES ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE. THE REPORT MUST INCLUDE THE FOLLOWING:
 - (a) A DESCRIPTION OF THE EVENT, INCLUDING THE PROBABLE CAUSE AND THE MANUFACTURER AND MODEL NUMBER, IF APPLICABLE, OF ANY EQUIPMENT THAT FAILED OR MALFUNCTIONED;
 - (b) THE EXACT LOCATION OF THE EVENT;
 - (c) THE ISOTOPES, QUANTITIES, AND CHEMICAL AND PHYSICAL FORM OF THE LICENSED MATERIAL INVOLVED;

- (d) DATE AND TIME OF THE EVENT;
 - (e) CORRECTIVE ACTIONS TAKEN OR PLANNED AND THE RESULTS OF ANY EVALUATIONS OR ASSESSMENTS; AND
 - (f) THE EXTENT OF EXPOSURE OF INDIVIDUALS TO RADIATION OR TO RADIOACTIVE MATERIALS WITHOUT IDENTIFICATION OF INDIVIDUALS BY NAME.
- (D) THIS RULE APPLIES TO ALL LICENSEES POSSESSING MATERIAL LICENSED UNDER RULE 3701-38-021 OF THE ADMINISTRATIVE CODE. THIS RULE DOES NOT APPLY TO MATERIAL UNDER A LICENSE SUBJECT TO THE NOTIFICATION REQUIREMENTS IN 10 C.F.R. 50.72.
- (5) AN APPLICANT FOR A LICENSE OR A LICENSEE SHALL NOTIFY THE DEPARTMENT WITHIN TWO WORKING DAYS OF INFORMATION IDENTIFIED BY THE APPLICANT OR LICENSEE AS HAVING FOR THE REGULATED ACTIVITY. AN ACTIVE ADVERSE IMPACT ON EQUIPMENT OR PERSONNEL READILY OBVIOUS BY HUMAN OBSERVATION OR INSTRUMENTATION, OR A RADIOLOGICAL IMPACT ON PERSONNEL OR THE ENVIRONMENT IN EXCESS OF REGULATORY LIMITS. AN APPLICANT OR LICENSEE VIOLATES THIS PARAGRAPH ONLY IF THE APPLICANT OR LICENSEE FAILS TO NOTIFY THE DIRECTOR OF INFORMATION THAT THE APPLICANT OR LICENSEE HAS OR SHOULD HAVE IDENTIFIED.

Effective date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under:

Rule authorized by:

Rule amplifies:

R.C. 119.032 review date:

Prior effective date:

3701:1-40-22 RECORDS.

- (A) EACH PERSON WHO RECEIVES BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL UNDER A LICENSE ISSUED PURSUANT TO THE REGULATIONS IN THIS CHAPTER, AND OTHER CHAPTERS OF THE ADMINISTRATIVE CODE ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE, AND RULE 3701-38-021 OF THE ADMINISTRATIVE CODE, SHALL KEEP RECORDS SHOWING THE RECEIPT, TRANSFER, AND DISPOSAL OF THE BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL AS FOLLOWS:
- (1) THE LICENSEE SHALL RETAIN EACH RECORD OF RECEIPT OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL AS LONG AS THE MATERIAL IS POSSESSED AND FOR THREE YEARS FOLLOWING TRANSFER OR DISPOSAL OF THE MATERIAL.
 - (2) THE LICENSEE WHO TRANSFERRED THE MATERIAL SHALL RETAIN EACH RECORD OF TRANSFER FOR THREE YEARS AFTER EACH TRANSFER UNLESS OTHERWISE SPECIFIED BY RULE FOR THAT PARTICULAR LICENSED ACTIVITY.
 - (3) THE LICENSEE WHO DISPOSED OF THE MATERIAL SHALL RETAIN EACH RECORD OF DISPOSAL OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL UNTIL THE DIRECTOR TERMINATES EACH LICENSE THAT AUTHORIZES DISPOSAL OF THE MATERIAL.
- (B) EXCEPT AS PROVIDED IN PARAGRAPH (C) OF THIS RULE, THE LICENSEE SHALL RETAIN EACH RECORD THAT IS REQUIRED BY THIS CHAPTER, AND OTHER CHAPTERS OF THE ADMINISTRATIVE CODE ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE AND RULE 3701-38-021 OF THE ADMINISTRATIVE CODE, OR BY LICENSE CONDITION FOR THE PERIOD SPECIFIED BY THE APPROPRIATE REGULATION OR LICENSE CONDITION. IF A RETENTION PERIOD IS NOT OTHERWISE SPECIFIED BY RULE OR LICENSE CONDITION, THE RECORD MUST BE RETAINED UNTIL THE DIRECTOR TERMINATES EACH LICENSE THAT AUTHORIZES THE ACTIVITY THAT IS SUBJECT TO THE RECORD-KEEPING REQUIREMENT. SUCH RECORDS MAY BE EITHER THE ORIGINAL RECORD OR A REPRODUCED COPY OR MICROFORM, PROVIDED THAT SUCH COPY OR MICROFORM IS DULY AUTHENTICATED BY AUTHORIZED PERSONNEL AND THE MICROFORM IS CAPABLE OF PRODUCING A CLEAR AND LEGIBLE COPY AFTER STORAGE FOR THE PERIOD SPECIFIED BY THE DIRECTOR. THE RECORD ALSO MAY BE STORED IN ELECTRONIC MEDIA PROVIDED THAT THE LICENSEE IS CAPABLE OF PRODUCING LEGIBLE, ACCURATE, AND COMPLETE RECORDS DURING THE REQUIRED RETENTION PERIOD. RECORDS SUCH AS LETTERS, DRAWINGS, SPECIFICATIONS, MUST INCLUDE ALL PERTINENT INFORMATION SUCH AS STAMPS, INITIALS, AND SIGNATURES. THE LICENSEE SHALL MAINTAIN ADEQUATE SAFEGUARDS AGAINST RECORD TAMPERING AND LOSS.
- (C) IN THE CASE OF A CONFLICT BETWEEN A RECORD REQUIREMENT SPECIFIED IN RULE AND THAT REQUIREMENT SPECIFIED AS A LICENSE CONDITION, THE LICENSEE SHALL COMPLY WITH THE LICENSE CONDITION.
- (D) PRIOR TO LICENSE TERMINATION, EACH LICENSEE AUTHORIZED TO POSSESS

RADIOACTIVE MATERIAL WITH A HALF-LIFE GREATER THAN ONE HUNDRED AND TWENTY DAYS, IN AN UNSEALED FORM, SHALL FORWARD THE FOLLOWING RECORDS TO THE DEPARTMENT:

- (1) RECORDS OF DISPOSAL OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL BURIED WITHOUT SPECIFIC STATE AUTHORITY OR BURIED WITHOUT AUTHORIZATION FROM THE UNITED STATES NUCLEAR REGULATORY COMMISSION PRIOR TO JANUARY 28, 1981, PURSUANT TO 10 C.F.R. 20.304.
 - (2) RECORDS REQUIRED BY THE GENERAL RADIATION PROTECTION RULES PROMULGATED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE.
- (E) IF LICENSED ACTIVITIES ARE TRANSFERRED OR ASSIGNED IN ACCORDANCE WITH PARAGRAPH (B) OF RULE 3701:1-40-20 OF THE ADMINISTRATIVE CODE, EACH LICENSEE AUTHORIZED TO POSSESS RADIOACTIVE MATERIAL, WITH A HALF-LIFE GREATER THAN ONE HUNDRED AND TWENTY DAYS, IN AN UNSEALED FORM, SHALL TRANSFER THE FOLLOWING RECORDS TO THE NEW LICENSEE AND THE NEW LICENSEE WILL BE RESPONSIBLE FOR MAINTAINING THESE RECORDS UNTIL THE LICENSE IS TERMINATED:
- (1) RECORDS OF DISPOSAL OF LICENSED MATERIAL MADE UNDER THE GENERAL RADIATION PROTECTION RULES PROMULGATED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE, INCLUDING ANY BURIAL AUTHORIZED UNDER A UNITED STATES NUCLEAR REGULATORY COMMISSION LICENSE ON OR BEFORE JANUARY 28, 1981, OR A PREVIOUS ASECTION 20.304" PERMITTED BURIAL OF A SMALL QUANTITY OF LICENSED MATERIAL IN SOIL BY A UNITED STATES NUCLEAR REGULATORY COMMISSION LICENSEE ON OR BEFORE JANUARY 28, 1981, WITHOUT SPECIFIC AUTHORIZATION, IN ACCORDANCE WITH 10 C.F.R. 20.304 AS THAT SECTION EXISTED ON JANUARY 1, 1981.
 - (2) RECORDS REQUIRED BY THE GENERAL RADIATION PROTECTION RULES PROMULGATED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE.
- (F) PRIOR TO LICENSE TERMINATION, EACH LICENSEE SHALL FORWARD TO THE DEPARTMENT ALL THE RECORDS REQUIRED BY PARAGRAPH (F) OF RULE 3701:1-40-18 OF THE ADMINISTRATIVE CODE.

Effective date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

3701:1-40-22

3

Rule promulgated under:
Rule authorized by:
Rule amplifies:
R.C. 119.032 review date:
Prior effective date:

3701:1-40-23 SPECIFIC LICENSES OF BROAD SCOPE.

- (A) AN APPLICATION FOR SPECIFIC LICENSE OF BROAD SCOPE SHALL BE MADE IN ACCORDANCE WITH RULES 3701:1-40-15 AND 3701-38-021 OF THE ADMINISTRATIVE. IF A CURRENT LICENSEE WANTS TO OBTAIN A BROAD SCOPE LICENSE, THE APPLICATION WILL BE CONSIDERED BY THE DIRECTOR IF THE APPLICATION ADDRESSES AND MEETS REQUIREMENTS OF THIS CHAPTER AND RULE 3701-38-021 OF THE ADMINISTRATIVE CODE.
- (B) A "TYPE A SPECIFIC LICENSE OF BROAD SCOPE", OR "TYPE A BROAD LICENSE" IS A SPECIFIC LICENSE AUTHORIZING RECEIPT, ACQUISITION, OWNERSHIP, POSSESSION, USE, AND TRANSFER OF ANY CHEMICAL OR PHYSICAL FORM OF THE BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL SPECIFIED IN THE LICENSE, BUT NOT EXCEEDING QUANTITIES SPECIFIED IN THE LICENSE, FOR AUTHORIZED PURPOSES, WITH QUANTITIES USUALLY SPECIFIED IN THE MULTICURIE RANGE.
- (C) A "TYPE B SPECIFIC LICENSE OF BROAD SCOPE" OR "TYPE B BROAD LICENSE" IS A SPECIFIC LICENSE AUTHORIZING RECEIPT, ACQUISITION, OWNERSHIP, POSSESSION, USE, AND TRANSFER OF ANY CHEMICAL OR PHYSICAL FORM OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL SPECIFIED IN APPENDIX A, COLUMN I, TO THIS RULE FOR AUTHORIZED PURPOSES. THE POSSESSION LIMIT FOR A TYPE B BROAD LICENSE, IF ONLY ONE RADIONUCLIDE IS POSSESSED THEREUNDER, IS THE QUANTITY SPECIFIED FOR THAT RADIONUCLIDE IN APPENDIX A, COLUMN I, TO THIS RULE. IF TWO OR MORE RADIONUCLIDES ARE POSSESSED UNDER A TYPE B BROAD LICENSE, THE POSSESSION LIMIT FOR EACH IS CALCULATED AS FOLLOWS:
- (1) FOR EACH RADIONUCLIDE, DETERMINE THE RATIO OF THE QUANTITY POSSESSED TO THE APPLICABLE QUANTITY SPECIFIED FOR THAT RADIONUCLIDE IN APPENDIX A, COLUMN I, OF THIS RULE.
 - (2) ADD THE RATIOS FOR ALL RADIONUCLIDES POSSESSED UNDER THE LICENSE. THE POSSESSION LIMIT IS REACHED WHEN THE SUM OF ALL RATIOS EXCEED UNITY.
- (D) A "TYPE C SPECIFIC LICENSE OF BROAD SCOPE" OR "TYPE C BROAD LICENSE" IS A SPECIFIC LICENSE AUTHORIZING RECEIPT, ACQUISITION, OWNERSHIP, POSSESSION, USE, AND TRANSFER OF ANY CHEMICAL OR PHYSICAL FORM OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL SPECIFIED IN APPENDIX A, COLUMN II, OF THIS RULE, FOR AUTHORIZED PURPOSES. THE POSSESSION LIMIT FOR A TYPE C BROAD LICENSE, IF ONLY ONE RADIONUCLIDE IS POSSESSED THEREUNDER, IS THE QUANTITY SPECIFIED FOR THAT RADIONUCLIDE IN APPENDIX A, COLUMN II, OF THIS RULE. IF TWO OR MORE RADIONUCLIDES ARE POSSESSED UNDER A TYPE C BROAD LICENSE, THE POSSESSION LIMIT FOR EACH IS CALCULATED AS FOLLOWS:
- (1) FOR EACH RADIONUCLIDE, DETERMINE THE RATIO OF THE QUANTITY POSSESSED TO THE APPLICABLE QUANTITY SPECIFIED FOR THAT RADIONUCLIDE IN APPENDIX A, COLUMN II, OF THIS RULE.
 - (2) ADD THE RATIOS FOR ALL RADIONUCLIDES POSSESSED UNDER THE LICENSE. THE POSSESSION LIMIT IS REACHED WHEN THE SUM OF ALL RATIOS EXCEED UNITY.

APPENDIX A

BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL	COLUMN I TYPE B		COLUMN II TYPE C	
	<u>GBQ</u>	<u>CI</u>	<u>GBQ</u>	<u>CI</u>
<u>ANTIMONY</u> -122	37	1	0.37	0.01
<u>ANTIMONY</u> -124	37	1	0.37	0.01
<u>ANTIMONY</u> -125	37	1	0.37	0.01
<u>ARSENIC</u> -73	370	10	3.7	0.1
<u>ARSENIC</u> -74	37	1	0.37	0.01
<u>ARSENIC</u> -76	37	1	0.37	0.01
<u>ARSENIC</u> -77	370	10	3.7	0.1
<u>BARIUM</u> -131	370	10	3.7	0.1
<u>BARIUM</u> -140	37	1	0.37	0.01
<u>BERYLLIUM</u> -7	370	10	3.7	0.1
<u>BISMUTH</u> -210	3.7	0.1	0.037	0.001
<u>BROMINE</u> -82	370	10	3.7	0.1
<u>CADMIUM</u> -109	37	1	0.37	0.01
<u>CADMIUM</u> -115M	37	1	0.37	0.01
<u>CADMIUM</u> -115	370	10	3.7	0.1
<u>CALCIUM</u> -45	37	1	0.37	0.01
<u>CALCIUM</u> -47	370	10	3.7	0.1
<u>CARBON</u> -14	3700	100	37	1.0
<u>CERIUM</u> -141	370	10	3.7	0.1
<u>CERIUM</u> -143	370	10	3.7	0.1
<u>CERIUM</u> -144	3.7	0.1	0.037	0.001
<u>CESIUM</u> -131	3700	100	37	1.0
<u>CESIUM</u> -134M	3700	100	37	1.0
<u>CESIUM</u> -134	3.7	0.1	0.037	0.001
<u>CESIUM</u> -135	37	1	0.37	0.01

<u>C</u> ESIUM-136	370	10	3.7	0.1
<u>C</u> ESIUM-137	3.7	0.1	0.037	0.001
<u>C</u> HLORINE-36	37	1	0.37	0.01
<u>C</u> HLORINE-38	3700	100	37	1.0
<u>C</u> HRONIUM-51	3700	100	37	1.0
<u>C</u> OBALT-57	370	10	3.7	0.1
<u>C</u> OBALT-58M	3700	100	37	1.0
<u>C</u> OBALT-58	37	1	0.37	0.01
<u>C</u> OBALT-60	3.7	0.1	0.037	0.001
<u>C</u> OPPER-64	370	10	3.7	0.1
<u>D</u> YSPROSIUM-165	3700	100	37	1.0
<u>D</u> YSPROSIUM-166	370	10	3.7	0.1
<u>E</u> RBIUM-169	370	10	3.7	0.1
<u>E</u> RBIUM-171	370	10	3.7	0.1
<u>E</u> UROPIUM-152 9.2 H	370	10	3.7	0.1
<u>E</u> UROPIUM-152 13 Y	3.7	0.1	0.037	0.001
<u>E</u> UROPIUM-154	3.7	0.1	0.037	0.001
<u>E</u> UROPIUM-155	37	1	0.37	0.01
<u>F</u> LUORINE-18	3700	100	37	1.0
<u>G</u> ADOLINIUM-153	37	1	0.37	0.01
<u>G</u> ADOLINIUM-159	370	10	3.7	0.1
<u>G</u> ALLIUM-72	370	10	3.7	0.1
<u>G</u> ERMANIUM-71	3700	100	37	1.0
<u>G</u> OLD-198	370	10	3.7	0.1
<u>G</u> OLD-199	370	10	3.7	0.1
<u>H</u> AFNIUM-181	37	1	0.37	0.01
<u>H</u> OLMIUM-166	370	10	3.7	0.1
<u>H</u> YDROGEN-3	3700	100	37	1.0
<u>I</u> NDIUM-113M	3700	100	37	1.0

<u>I</u> NDIUM-114M	37	1	0.37	0.01
<u>I</u> NDIUM-115M	3700	100	37	1.0
<u>I</u> NDIUM-115	37	1	0.37	0.01
<u>I</u> ODINE-125	3.7	0.1	0.037	0.001
<u>I</u> ODINE-126	3.7	0.1	0.037	0.001
<u>I</u> ODINE-129	3.7	0.1	0.37	0.01
<u>I</u> ODINE-131	3.7	0.1	0.037	0.001
<u>I</u> ODINE-132	370	10	3.7	0.1
<u>I</u> ODINE-133	37	1	0.37	0.01
<u>I</u> ODINE-134	370	10	3.7	0.1
<u>I</u> ODINE-135	37	1	0.37	0.01
<u>I</u> RIDIUM-192	37	1	0.37	0.01
<u>I</u> RIDIUM-194	370	10	3.7	0.1
<u>I</u> RON-55	370	10	3.7	0.1
<u>I</u> RON-59	37	1	0.37	0.01
<u>K</u> RYPTON-85	3700	100	37	1.0
<u>K</u> RYPTON-87	370	10	3.7	0.1
<u>L</u> ANTHANUM-140	37	1	0.37	0.01
<u>L</u> UTETIUM-177	370	10	3.7	0.1
<u>M</u> ANGANESE-52	37	1	0.37	0.01
<u>M</u> ANGANESE-54	37	1	0.37	0.01
<u>M</u> ANGANESE-56	370	10	3.7	0.1
<u>M</u> ERCURY-197M	370	10	3.7	0.1
<u>M</u> ERCURY-197	370	10	3.7	0.1
<u>M</u> ERCURY-203	37	1	0.37	0.01
<u>M</u> OLYBDENUM-99	370	10	3.7	0.1
<u>N</u> EODYMIUM-147	370	10	3.7	0.1
<u>N</u> EODYMIUM-149	370	10	3.7	0.1
<u>N</u> ICKEL-59	370	10	3.7	0.1

<u>NICKEL-63</u>	37	1	0.37	0.01
<u>NICKEL-65</u>	370	10	3.7	0.1
<u>NIOBIUM-93M</u>	37	1	0.37	0.01
<u>NIOBIUM-95</u>	37	1	0.37	0.01
<u>NIOBIUM-97</u>	3700	100	37	1.0
<u>OSMIUM-185</u>	37	1	0.37	0.01
<u>OSMIUM-191M</u>	3700	100	37	1.0
<u>OSMIUM-191</u>	370	10	3.7	0.1
<u>OSMIUM-193</u>	370	10	3.7	0.1
<u>PALLADIUM-103</u>	370	10	3.7	0.1
<u>PALLADIUM-109</u>	370	10	3.7	0.1
<u>PHOSPHORUS-32</u>	37	1	0.37	0.01
<u>PLATINUM-191</u>	370	10	3.7	0.1
<u>PLATINUM-193M</u>	3700	100	37	1.0
<u>PLATINUM-193</u>	370	10	3.7	0.1
<u>PLATINUM-197M</u>	3700	100	37	1.0
<u>PLATINUM-197</u>	370	10	3.7	0.1
<u>POLONIUM-210</u>	0.37	0.01	0.0037	0.0001
<u>POTASSIUM-42</u>	37	1	0.37	0.01
<u>PRASEODYMIUM-142</u>	370	10	3.7	0.1
<u>PRASEODYMIUM-143</u>	370	10	3.7	0.1
<u>PROMETHIUM-147</u>	37	1	0.37	0.01
<u>PROMETHIUM-149</u>	370	10	3.7	0.1
<u>RADIUM-226</u>	0.37	0.01	0.0037	0.0001
<u>RHENIUM-186</u>	370	10	3.7	0.1
<u>RHENIUM-188</u>	370	10	3.7	0.1
<u>RHODIUM-103M</u>	37000	1,000	370	10.0
<u>RHODIUM-105</u>	370	10	3.7	0.1
<u>RUBIDIUM-86</u>	37	1	0.37	0.01

<u>R</u> BIDIUM-87	37	1	0.37	0.01
<u>R</u> UTHENIUM-97	3700	100	37	1.0
<u>R</u> UTHENIUM-103	37	1	0.37	0.01
<u>R</u> UTHENIUM-105	370	10	3.7	0.1
<u>R</u> UTHENIUM-106	3.7	0.1	0.037	0.001
<u>S</u> AMARIUM-151	37	1	0.37	0.01
<u>S</u> AMARIUM-153	370	10	3.7	0.1
<u>S</u> CANDIUM-46	37	1	0.37	0.01
<u>S</u> CANDIUM-47	370	10	3.7	0.1
<u>S</u> CANDIUM-48	37	1	0.37	0.01
<u>S</u> ELENIUM-75	37	1	0.37	0.01
<u>S</u> ILICON-31	370	10	3.7	0.1
<u>S</u> ILVER-105	37	1	0.37	0.01
<u>S</u> ILVER-110M	3.7	0.1	0.037	0.001
<u>S</u> ILVER-111	370	10	3.7	0.1
<u>S</u> ODIUM-22	3.7	0.1	0.037	0.001
<u>S</u> ODIUM-24	37	1	0.37	0.01
<u>S</u> TRONTIUM-85M	37000	1,000	370	10.0
<u>S</u> TRONTIUM-85	37	1	0.37	0.01
<u>S</u> TRONTIUM-89	37	1	0.37	0.01
<u>S</u> TRONTIUM-90	0.37	0.01	0.0037	0.0001
<u>S</u> TRONTIUM-91	370	10	3.7	0.1
<u>S</u> TRONTIUM-92	370	10	37	0.1
<u>S</u> ULPHUR-35	370	10	3.7	0.1
<u>T</u> ANTALUM-182	37	1	0.37	0.01
<u>T</u> ECHNETIUM-96	370	10	3.7	0.1
<u>T</u> ECHNETIUM-97M	370	10	3.7	0.1
<u>T</u> ECHNETIUM-97	370	10	3.7	0.1
<u>T</u> ECHNETIUM-99M	3700	100	37	1.0

TECHNETIUM-99	37	1	0.37	0.01
TELLURIUM-125M	37	1	0.37	0.01
TELLURIUM-127M	37	1	0.37	0.01
TELLURIUM-127	370	10	3.7	0.1
TELLURIUM-129M	37	1	0.37	0.01
TELLURIUM-129	3700	100	37	1.0
TELLURIUM-131M	370	10	3.7	0.1
TELLURIUM-132	37	1	0.37	0.01
TERBIUM-160	37	1	0.37	0.01
THALLIUM-200	370	10	3.7	0.1
THALLIUM-201	370	10	3.7	0.1
THALLIUM-202	370	10	3.7	0.1
THALLIUM-204	37	1	0.37	0.01
THULIUM-170	37	1	0.37	0.01
THULIUM-171	37	1	0.37	0.01
TIN-113	37	1	0.37	0.01
TIN-125	37	1	0.37	0.01
TUNGSTEN-181	37	1	0.37	0.01
TUNGSTEN-185	37	1	0.37	0.01
TUNGSTEN-187	370	10	3.7	0.1
VANADIUM-48	37	1	0.37	0.01
XENON-131M	37000	1,000	370	10.0
XENON-133	3700	100	37	1.0
XENON-135	3700	100	37	1.0
YTTERBIUM-175	370	10	3.7	0.1
YTTRIUM-90	37	1	0.37	0.01
YTTRIUM-91	37	1	0.37	0.01
YTTRIUM-92	370	10	3.7	0.1
YTTRIUM-93	37	1	0.37	0.01

<u>Z</u> INC-65	37	1	0.37	0.01
<u>Z</u> INC-69M	370	10	3.7	0.1
<u>Z</u> INC-69	3700	100	37	1.0
<u>Z</u> IRCONIUM-93	37	1	0.37	0.01
<u>Z</u> IRCONIUM-95	37	1	0.37	0.01
<u>Z</u> IRCONIUM-97	37	1	0.37	0.01
ANY BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL OTHER THAN ALPHA EMITTING BYPRODUCT MATERIAL NOT LISTED ABOVE.	3.7	0.1	0.037	0.001

Effective date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

R.C. 119.032 review date:

Prior effective date: none

3701:1-40-24 REQUIREMENTS FOR THE ISSUANCE OF A TYPE A SPECIFIC LICENSE OF BROAD SCOPE.

THE DIRECTOR SHALL APPROVE AN APPLICATION FOR A TYPE A SPECIFIC LICENSE OF BROAD SCOPE PROVIDED THAT THE APPLICANT:

- (A) SATISFIES THE GENERAL REQUIREMENTS SPECIFIED IN RULE 3701:1-40-16 AND RULE 3701-38-021 OF THE ADMINISTRATIVE CODE;
- (B) HAS ENGAGED IN A REASONABLE NUMBER OF ACTIVITIES INVOLVING THE USE OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL; AND
- (C) HAS ESTABLISHED ADMINISTRATIVE CONTROLS AND PROVISIONS RELATING TO ORGANIZATION AND MANAGEMENT, PROCEDURES, RECORD KEEPING, MATERIAL CONTROL, AND ACCOUNTING AND MANAGEMENT REVIEW THAT ARE NECESSARY TO ASSURE SAFE OPERATIONS, INCLUDING:
 - (1) THE ESTABLISHMENT OF A RADIATION SAFETY COMMITTEE COMPOSED OF SUCH PERSONS AS A RADIATION SAFETY OFFICER, A REPRESENTATIVE OF MANAGEMENT, AND PERSONS TRAINED AND EXPERIENCED IN THE SAFE USE OF RADIOACTIVE MATERIALS;
 - (2) THE APPOINTMENT OF A RADIATION SAFETY OFFICER WHO IS QUALIFIED BY TRAINING AND EXPERIENCE IN RADIATION PROTECTION, AND WHO IS AVAILABLE FOR ADVICE AND ASSISTANCE ON RADIOLOGICAL SAFETY MATTERS; AND
 - (3) THE ESTABLISHMENT OF APPROPRIATE ADMINISTRATIVE PROCEDURES TO ASSURE:
 - (a) CONTROL OF PROCUREMENT AND USE OF BYPRODUCT AND ACCELERATOR PRODUCED MATERIAL;
 - (b) COMPLETION OF SAFETY EVALUATIONS OF PROPOSED USES OF BYPRODUCT AND ACCELERATOR PRODUCED MATERIAL WHICH TAKE INTO CONSIDERATION SUCH MATTERS AS THE ADEQUACY OF FACILITIES AND EQUIPMENT, TRAINING AND EXPERIENCE OF THE USER, AND THE OPERATING OR HANDLING PROCEDURES; AND
 - (c) REVIEW, APPROVAL, AND RECORDING BY THE RADIATION SAFETY COMMITTEE OF SAFETY EVALUATIONS OF PROPOSED USES PREPARED IN ACCORDANCE WITH PARAGRAPH (C)(3)(b) OF THIS RULE PRIOR TO USE OF THE BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL.

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

R.C. 119.032 review date:

Prior effective date: none

3701:1-40-25 REQUIREMENTS FOR THE ISSUANCE OF A TYPE B SPECIFIC
LICENSE OF BROAD SCOPE.

THE DIRECTOR SHALL APPROVE AN APPLICATION FOR A TYPE B SPECIFIC LICENSE OF BROAD SCOPE PROVIDED THAT THE APPLICANT :

- (A) SATISFIES THE GENERAL REQUIREMENTS SPECIFIED IN RULE 3701:1-40-16 OF THIS CHAPTER AND RULE 3701-38-021 OF THE ADMINISTRATIVE CODE; AND
- (B) HAS ESTABLISHED ADMINISTRATIVE CONTROLS AND PROVISIONS RELATING TO ORGANIZATION AND MANAGEMENT, PROCEDURES, RECORD KEEPING, MATERIAL CONTROL AND ACCOUNTING, AND MANAGEMENT REVIEW THAT ARE NECESSARY TO ASSURE SAFE OPERATIONS, INCLUDING:
 - (1) THE APPOINTMENT OF A RADIATION SAFETY OFFICER WHO IS QUALIFIED BY TRAINING AND EXPERIENCE IN RADIATION PROTECTION, AND WHO IS AVAILABLE FOR ADVICE AND ASSISTANCE ON RADIOLOGICAL SAFETY MATTERS; AND
 - (2) THE ESTABLISHMENT OF APPROPRIATE ADMINISTRATIVE PROCEDURES TO ASSURE:
 - (a) CONTROL OF PROCUREMENT AND USE OF BYPRODUCT AND ACCELERATOR PRODUCED MATERIAL;
 - (b) COMPLETION OF SAFETY EVALUATIONS OF PROPOSED USES OF BYPRODUCT AND ACCELERATOR PRODUCED MATERIAL WHICH TAKE INTO CONSIDERATION SUCH MATTERS AS THE ADEQUACY OF FACILITIES AND EQUIPMENT, TRAINING AND EXPERIENCE OF THE USER, AND THE OPERATING OR HANDLING PROCEDURES; AND
 - (c) REVIEW, APPROVAL, AND RECORDING BY THE RADIOLOGICAL SAFETY OFFICER OF SAFETY EVALUATIONS OF PROPOSED USES PREPARED IN ACCORDANCE WITH PARAGRAPH (B)(2)(b) OF THIS RULE PRIOR TO USE OF THE BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL.

Effective date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

R.C. 119.032 review date:

Prior effective date: none

3701:1-40-26 REQUIREMENTS FOR THE ISSUANCE OF A TYPE C SPECIFIC
LICENSE OF BROAD SCOPE.

THE DIRECTOR SHALL APPROVE AN APPLICATION FOR A TYPE C SPECIFIC LICENSE OF BROAD SCOPE PROVIDED THAT THE APPLICANT :

- (A) SATISFIES THE GENERAL REQUIREMENTS SPECIFIED IN RULE 3701:1-40-16 OF THIS CHAPTER AND RULE 3701-38-021 OF THE ADMINISTRATIVE CODE; AND
- (B) THE APPLICANT SUBMITS A STATEMENT THAT BYPRODUCT AND ACCELERATOR PRODUCED MATERIAL WILL BE USED ONLY BY, OR UNDER THE DIRECT SUPERVISION OF, INDIVIDUALS WHO HAVE RECEIVED:
 - (1) A COLLEGE DEGREE FROM AN ACCREDITED INSTITUTION AT THE BACHELOR LEVEL, OR EQUIVALENT TRAINING AND EXPERIENCE, IN THE PHYSICAL OR BIOLOGICAL SCIENCES OR IN ENGINEERING; AND
 - (2) AT LEAST FORTY HOURS OF TRAINING AND EXPERIENCE IN THE SAFE HANDLING OF RADIOACTIVE MATERIALS, AND IN THE CHARACTERISTICS OF IONIZING RADIATION, UNITS OF RADIATION DOSE AND QUANTITIES, RADIATION DETECTION INSTRUMENTATION, AND BIOLOGICAL HAZARDS OF EXPOSURE TO RADIATION APPROPRIATE TO THE TYPE AND FORMS OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL TO BE USED; AND
- (C) THE APPLICANT HAS ESTABLISHED ADMINISTRATIVE CONTROLS AND PROVISIONS RELATING TO PROCUREMENT OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL, PROCEDURES, RECORD KEEPING, MATERIAL CONTROL AND ACCOUNTING, AND MANAGEMENT REVIEW NECESSARY TO ASSURE SAFE OPERATIONS.

Effective date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

R.C. 119.032 review date:

Prior effective date: none

3701:1-40-27 CONDITIONS OF SPECIFIC LICENSES OF BROAD SCOPE.

- (A) UNLESS SPECIFICALLY AUTHORIZED PURSUANT TO OTHER RULES OF THIS CHAPTER, PERSONS LICENSED UNDER RULES 3701:1-40-23 TO 3701:1-40-26 OF THE ADMINISTRATIVE CODE SHALL NOT:
- (1) CONDUCT TRACER STUDIES IN THE ENVIRONMENT INVOLVING DIRECT RELEASE OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL;
 - (2) RECEIVE, ACQUIRE, OWN, POSSESS, USE, TRANSFER, OR IMPORT DEVICES CONTAINING THIRTY ONE HUNDRED TERABECQUERELS (ONE HUNDRED THOUSAND CURIES) OR MORE OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL IN SEALED SOURCES USED FOR IRRADIATION OF MATERIALS;
 - (3) CONDUCT ACTIVITIES FOR WHICH A SPECIFIC LICENSE ISSUED BY THE DIRECTOR UNDER THIS CHAPTER OR OTHER CHAPTERS OF THE ADMINISTRATIVE CODE ADOPTED PURSUANT TO CHAPTER 3748 OF THE REVISED CODE IS REQUIRED ; OR
 - (4) ADD OR CAUSE THE ADDITION OF BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL TO ANY FOOD, BEVERAGE, COSMETIC, DRUG, OR OTHER PRODUCT DESIGNED FOR INGESTION OR INHALATION BY, OR APPLICATION TO, A HUMAN BEING.
- (B) EACH TYPE A SPECIFIC LICENSE OF BROAD SCOPE ISSUED UNDER THIS CHAPTER AND RULE 3701-38-021 OF THE ADMINISTRATIVE CODE SHALL BE SUBJECT TO THE CONDITION THAT BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL POSSESSED UNDER THE LICENSE MAY ONLY BE USED BY, OR UNDER THE DIRECT SUPERVISION OF, INDIVIDUALS APPROVED BY THE LICENSEE'S RADIATION SAFETY COMMITTEE.
- (C) EACH TYPE B SPECIFIC LICENSE OF BROAD SCOPE ISSUED UNDER THIS CHAPTER AND RULE 3701-38-021 OF THE ADMINISTRATIVE CODE SHALL BE SUBJECT TO THE CONDITION THAT BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL POSSESSED UNDER THE LICENSE MAY ONLY BE USED BY, OR UNDER THE DIRECT SUPERVISION OF, INDIVIDUALS APPROVED BY THE LICENSEE'S RADIOLOGICAL SAFETY OFFICER.
- (D) EACH TYPE C SPECIFIC LICENSE OF BROAD SCOPE ISSUED UNDER THIS CHAPTER AND RULE 3701-38-021 OF THE ADMINISTRATIVE CODE SHALL BE SUBJECT TO THE CONDITION THAT BYPRODUCT OR ACCELERATOR PRODUCED MATERIAL POSSESSED UNDER THE LICENSE MAY ONLY BE USED BY, OR UNDER THE DIRECT SUPERVISION OF, INDIVIDUALS WHO SATISFY THE REQUIREMENTS OF RULE 3701:1-40-26 OF THE ADMINISTRATIVE CODE.

Effective date:

Certified by:

Jodi Govern, Secretary
Public Health Counsel

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

R.C. 119.032 review date:

Prior effective date: none

3701:1-40-28 EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN
AGREEMENT STATES AND IN OFFSHORE WATERS UNDER
SECTION 274 OF THE ATOMIC ENERGY ACT.

- (A) EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS RULE, A PERSON WHO RECEIVES, POSSESSES, USES OR TRANSFERS BYPRODUCT MATERIAL, SOURCE, OR SPECIAL NUCLEAR MATERIAL IN OHIO, IN QUANTITIES NOT SUFFICIENT TO FORM A CRITICAL MASS IS REQUIRED TO OBTAIN A LICENSE FROM OHIO IN ACCORDANCE WITH CHAPTER 3748 OF THE REVISED CODE, AND RULE 3701-38-021 OF THE ADMINISTRATIVE CODE.
- (B) THE FOLLOWING ACTIVITIES ARE EXEMPT BASED ON CHAPTER 3748.21 OF THE REVISED CODE SINCE THESE ACTIVITIES ARE UNDER UNITED STATES NUCLEAR REGULATORY COMMISSION JURISDICTION:
- (1) ACTIVITIES SET FORTH IN 10 C.F.R. 150.15 AND ANY PERSON IN OFFSHORE WATERS WITH RESPECT TO BYPRODUCT, SOURCE, AND SPECIAL NUCLEAR MATERIAL.
- (2) ALL PERSONS WHO KNOWINGLY PROVIDE TO ANY LICENSEE, CONTRACTOR, OR SUBCONTRACTOR, COMPONENTS, EQUIPMENT, MATERIALS, OR OTHER GOODS OR SERVICES THAT RELATE TO A LICENSEE'S ACTIVITIES, AND AS SUCH, MAY BE INDIVIDUALLY SUBJECT TO ENFORCEMENT ACTION BY THE UNITED STATES NUCLEAR REGULATORY COMMISSION FOR VIOLATION OF 10 C.F.R. §§ 30.10, 40.10, AND 70.10 IF APPLICABLE, FOR RADIOACTIVE MATERIAL TAKEN OR USED IN A NON-AGREEMENT STATE OUTSIDE OF THE STATE OF OHIO OR WITHIN OHIO UNDER EXCLUSIVE FEDERAL JURISDICTION.
- (3) ANY FEDERAL GOVERNMENT AGENCY AS THAT TERM IS DEFINED IN 10 C.F.R. 150.3.

Effective date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

R.C. 119.032 review date:

Prior effective date: none

3701:1-40-29 RECOGNITION OF AGREEMENT STATE LICENSES -
RECIPROCITY.

- (A) ANY PERSON WHO HOLDS A SPECIFIC LICENSE FROM ANOTHER AGREEMENT STATE OR NARM LICENSING STATE, OR THE UNITED STATES NUCLEAR REGULATORY COMMISSION AND WHO MAINTAINS AN OFFICE FROM WHICH THE LICENSEE DIRECTS THE LICENSED ACTIVITY AND RETAINS RADIATION SAFETY RECORDS, WILL BE GRANTED RECIPROCITY IN THE STATE OF OHIO TO CONDUCT THE SAME LICENSED ACTIVITY PROVIDED THAT:
- (1) THE RECIPROCITY FORM IS CURRENT;
 - (2) THE PERSON HAS NOT VIOLATED CHAPTER 3748 OF THE REVISED CODE OR THE RULES ADOPTED THEREUNDER;
 - (3) THE PERSON APPLIES FOR RECIPROCITY AS OUTLINED IN THIS RULE;
 - (4) THE PERSON NOTIFIES THE DEPARTMENT AT LEAST 3 DAYS IN ADVANCE OF EACH ENTRY INTO THE STATE AFTER THE RECIPROCITY AGREEMENT HAS BEEN GRANTED UNLESS ALL DATES AND LOCATIONS ARE SPECIFIED WITHIN THE AGREEMENT DOCUMENT; AND
 - (5) THERE IS NO PERMANENT LOCATION IN OHIO REQUIRING A SPECIFIC LICENSE FOR RADIOACTIVE MATERIALS.
- (B) THE UNITED STATES NUCLEAR REGULATORY COMMISSION RETAINS AUTHORITY TO ISSUE A GENERAL LICENSE TO CONDUCT THE SAME ACTIVITY IN NON-AGREEMENT STATES, AREAS OF EXCLUSIVE FEDERAL JURISDICTION WITHIN AGREEMENT STATES, AND OFFSHORE WATERS. THE PROVISIONS OF THIS PARAGRAPH DO NOT APPLY IF THE AGREEMENT STATE, NARM LICENSING STATE, OR THE UNITED STATES NUCLEAR REGULATORY COMMISSION LIMITS THE AUTHORIZED ACTIVITY TO A SPECIFIC INSTALLATION OR LOCATION NOT WITHIN OHIO.
- (C) A PERSON APPLYING FOR RECIPROCITY IN THE STATE OF OHIO AS SPECIFIED IN PARAGRAPH (A) OF THIS RULE SHALL DO THE FOLLOWING:
- (1) AT LEAST THREE DAYS PRIOR TO ENGAGING IN EACH ACTIVITY FOR THE FIRST TIME IN A CALENDAR YEAR, THE PERSON SHALL SUBMIT ON A FORM PROVIDED BY THE DIRECTOR, AN APPLICATION FOR RECIPROCITY TO CONDUCT THE ACTIVITY IN THE STATE OF OHIO, A COPY OF HIS OR HER UNITED STATES NUCLEAR REGULATORY COMMISSION OR AGREEMENT STATE OR NARM LICENSING STATE SPECIFIC LICENSE, AND THE APPROPRIATE FEE AS PRESCRIBED IN RULE 3701-38-021 OF THE ADMINISTRATIVE CODE. IF THE PERSON, DUE TO AN EMERGENCY, IS UNABLE TO FILE THE SUBMITTAL THREE DAYS BEFORE ENGAGING IN ACTIVITIES UNDER RECIPROCITY, THE DEPARTMENT MAY WAIVE THE THREE-DAY TIME REQUIREMENT PROVIDED THAT THE LICENSEE:
 - (a) INFORMS THE DEPARTMENT BY TELEPHONE OR FACSIMILE OF THE

INFORMATION PROVIDED ON THE RECIPROCITY APPLICATION;

- (b) RECEIVES ORAL OR WRITTEN AUTHORIZATION FOR THE ACTIVITY FROM THE DEPARTMENT; AND
 - (c) WITHIN THREE DAYS AFTER THE NOTIFICATION, FILES THE RECIPROCITY APPLICATION FORM, A COPY OF THE UNITED STATES NUCLEAR REGULATORY COMMISSION OR AGREEMENT STATE OR NARM LICENSING STATE LICENSE, AND THE APPROPRIATE FEE.
- (2) THE PERSON SHALL FILE AN AMENDED RECIPROCITY FORM WITH THE APPROPRIATE FEE WITH THE DEPARTMENT TO REQUEST APPROVAL FOR CHANGES IN WORK LOCATIONS, RADIOACTIVE MATERIAL, OR WORK ACTIVITIES DIFFERENT FROM THE INFORMATION CONTAINED ON THE INITIAL RECIPROCITY APPLICATION.
- (D) AN OHIO RECIPROCITY AGREEMENT SHALL EXPIRE ON THE LAST DAY OF DECEMBER OF THE SAME YEAR THAT THE RECIPROCITY AGREEMENT WAS ISSUED. NO PERSON SHALL ENGAGE IN THE ACTIVITIES AUTHORIZED BY AN OHIO RECIPROCITY AGREEMENT FOR MORE THAN ONE HUNDRED AND EIGHTY DAYS IN ANY CALENDAR YEAR.
- (E) A LICENSEE THAT IS ENGAGING IN ACTIVITIES AUTHORIZED BY AN OHIO RECIPROCITY AGREEMENT SHALL COMPLY WITH ALL TERMS AND CONDITIONS OF THE SPECIFIC LICENSE FOR WHICH OHIO RECIPROCITY WAS ISSUED, EXCEPT FOR SUCH TERMS OR CONDITIONS AS ARE CONTRARY TO THE REQUIREMENTS OF THIS RULE.

Effective date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

R.C. 119.032 review date:

Prior effective date: none

3701:1-40-30 FUNDS FOR RECLAMATION OF BYPRODUCT MATERIAL.

- (A) THE TOTAL AMOUNT OF FUNDS THE DEPARTMENT COLLECTS, PURSUANT TO A LICENSE FOR BYPRODUCT MATERIAL AS DEFINED IN CHAPTER 3748.01(A)(2) OF THE REVISED CODE OR FOR ANY ACTIVITY THAT RESULTS IN THE PRODUCTION OF SUCH MATERIAL, FOR RECLAMATION OR LONG TERM MAINTENANCE AND MONITORING OF SUCH MATERIAL, SHALL AFTER NOVEMBER 8, 1981, BE TRANSFERRED TO THE UNITED STATES IF TITLE AND CUSTODY OF SUCH MATERIAL AND ITS DISPOSAL SITE IS TRANSFERRED TO THE UNITED STATES UPON TERMINATION OF SUCH LICENSE. SUCH FUNDS INCLUDE, BUT ARE NOT LIMITED TO, SUMS COLLECTED FOR LONG TERM SURVEILLANCE WHICH INCLUDES CONTINUED SITE OBSERVATION, MONITORING AND, WHERE NECESSARY, MAINTENANCE. SUCH FUNDS DO NOT, HOWEVER, INCLUDE MONIES HELD AS SURETY WHERE NO DEFAULT HAS OCCURRED AND THE RECLAMATION OR OTHER BONDED ACTIVITY HAS BEEN PERFORMED.
- (B) THE PAYMENTS THE DEPARTMENT RECEIVES FOR RECLAMATION OR LONG TERM SURVEILLANCE MUST, AFTER NOVEMBER 8, 1981, BE SUFFICIENT TO ENSURE COMPLIANCE WITH THOSE STANDARDS ESTABLISHED BY THE UNITED STATES NUCLEAR REGULATORY COMMISSION PERTAINING TO BONDS, SURETIES, AND FINANCIAL ARRANGEMENTS TO ENSURE ADEQUATE RECLAMATION AND LONG TERM MANAGEMENT OF SUCH BYPRODUCT MATERIAL AND ITS DISPOSAL SITE.

Effective date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

R.C. 119.032 review date:

Prior effective date: none

- (A) THE DEPARTMENT SHALL REQUIRE AN ENVIRONMENTAL REPORT TO BE SUBMITTED WITH THE LICENSE APPLICATION AND A BUREAU ASSESSMENT REPORT FOLLOWING THE DEPARTMENT REVIEW OF THE ENVIRONMENTAL REPORT IN THE CASE OF ANY OF THE FOLLOWING:
- (1) THE APPLICANT PROPOSES A MAJOR ACTION THAT COULD POTENTIALLY AFFECT THE ENVIRONMENT AS IT RELATES TO HUMAN HEALTH;
 - (2) ANY OTHER ACTION WHICH THE DIRECTOR DETERMINES IS A MAJOR ACTION WHICH COULD POTENTIALLY AFFECT THE ENVIRONMENT AS IT RELATES TO HUMAN HEALTH ;
 - (3) THE APPLICANT APPLIES FOR A LICENSE TO POSSESS AND USE SOURCE MATERIAL FOR URANIUM MILLING OR PRODUCTION OF URANIUM HEXAFLUORIDE PURSUANT TO RULES ADOPTED UNDER SECTION 3748.04 OF THE REVISED CODE;
 - (4) THE APPLICANT APPLIES FOR A LICENSE OR RENEWAL AUTHORIZING RECEIPT AND DISPOSAL OF RADIOACTIVE WASTE FROM OTHER PERSONS PURSUANT TO RULES ADOPTED UNDER SECTION 3748.04 OF THE REVISED CODE.
 - (5) THE APPLICANT APPLIES FOR A LICENSE AMENDMENT PURSUANT TO RULES ADOPTED UNDER SECTION 3748.04 OF THE REVISED CODE AUTHORIZING EITHER OF THE FOLLOWING:
 - (a) CLOSURE OF A LAND DISPOSAL SITE; OR
 - (2) TRANSFER OF THE LICENSE TO THE DISPOSAL SITE OWNER FOR THE PURPOSE OF INSTITUTIONAL CONTROL; OR
 - (6) NOTWITHSTANDING PARAGRAPH (C) OF THIS RULE, AND IN ACCORDANCE WITH PARAGRAPH (B) OF THIS RULE, THE DEPARTMENT MAY, IN SPECIAL CIRCUMSTANCES, REQUIRE THE PREPARATION OF AN ENVIRONMENTAL REPORT AND BUREAU ASSESSMENT REPORT ON AN ACTION THAT IS LISTED AS A CATEGORICAL EXCLUSION.
- (B) EXCEPT IN SPECIAL CIRCUMSTANCES AS DETERMINED BY THE DIRECTOR AT HIS OR HER DISCRETION, AN ENVIRONMENTAL REPORT AND BUREAU ASSESSMENT REPORT IS NOT REQUIRED IN THE CASE OF AN ACTION INCLUDED IN THE LIST OF CATEGORICAL EXCLUSIONS SET FORTH IN PARAGRAPH (C) OF THIS RULE. NOTWITHSTANDING PARAGRAPH (C) OF THIS RULE, THE DIRECTOR, AT HIS OR HER DISCRETION, MAY REQUIRE AN ENVIRONMENTAL REPORT AND BUREAU ASSESSMENT REPORT IF HE OR SHE DETERMINES THAT SPECIAL CIRCUMSTANCES EXIST BECAUSE THE PROPOSED ACTION INVOLVES AN UNREASONABLE OR UNNECESSARY INDIVIDUAL OR CUMULATIVE RISK TO THE HUMAN ENVIRONMENT.
- (C) THE FOLLOWING CATEGORIES OF ACTIONS ARE CONSIDERED CATEGORICAL EXCLUSIONS:
- (1) ISSUANCE OF AN AMENDMENT TO A LICENSE FOR A RADIOACTIVE MATERIAL WASTE DISPOSAL SITE OR AN AMENDMENT TO A MATERIALS

LICENSE IF REQUIRED BY RULES ADOPTED UNDER SECTION 3748.04 OF THE REVISED CODE WHICH ARE ADMINISTRATIVE, ORGANIZATIONAL, OR PROCEDURAL IN NATURE, OR WHICH RESULT IN A CHANGE IN PROCESS OPERATIONS OR EQUIPMENT, PROVIDED THAT:

- (a) THERE IS NO SIGNIFICANT CHANGE IN THE TYPE OR SIGNIFICANT INCREASE IN THE AMOUNT OF ANY EFFLUENT THAT MAY BE RELEASED OFFSITE;
 - (b) THERE IS NO SIGNIFICANT INCREASE IN INDIVIDUAL OR CUMULATIVE OCCUPATIONAL RADIATION EXPOSURE;
 - (c) THERE IS NO SIGNIFICANT CONSTRUCTION IMPACT; AND
 - (d) THERE IS NO SIGNIFICANT INCREASE IN THE POTENTIAL FOR OR CONSEQUENCES FROM RADIOLOGICAL ACCIDENTS.
- (1) ISSUANCE, AMENDMENT OR RENEWAL OF MATERIALS LICENSES ISSUED PURSUANT TO THIS CHAPTER AND OTHER CHAPTERS OF THE ADMINISTRATIVE CODE AFFECTING GENERAL LICENSES, MANUFACTURE AND DISTRIBUTION, INDUSTRIAL RADIOGRAPHY, WELL LOGGING, IRRADIATORS, MEDICAL USE, SOURCE MATERIAL, SPECIAL NUCLEAR MATERIAL OF LESS THAN CRITICAL MASS AUTHORIZING THE FOLLOWING:
- (a) DISTRIBUTION OF RADIOACTIVE MATERIALS AND DEVICES OR PRODUCTS CONTAINING RADIOACTIVE MATERIAL TO GENERAL LICENSEES AND TO PERSONS EXEMPT FROM LICENSING;
 - (b) DISTRIBUTION OF RADIO-PHARMACEUTICALS, GENERATORS, REAGENT KITS, OR SEALED SOURCES TO PERSONS LICENSED IN ACCORDANCE WITH RULES ADOPTED UNDER SECTION 3748.04 OF THE REVISED CODE;
 - (c) NUCLEAR PHARMACIES;
 - (d) MEDICAL AND VETERINARY FACILITIES;
 - (e) USE OF RADIOACTIVE MATERIALS FOR RESEARCH AND DEVELOPMENT AND FOR EDUCATIONAL PURPOSES;
 - (f) INDUSTRIAL RADIOGRAPHY;
 - (g) IRRADIATORS;
 - (h) USE OF SEALED SOURCES OR GAUGING DEVICES, ANALYTICAL INSTRUMENTS OR OTHER DEVICES CONTAINING SEALED SOURCES;
 - (i) USE OF URANIUM AS SHIELDING MATERIAL IN CONTAINERS OR DEVICES;
 - (j) POSSESSION OF RADIOACTIVE MATERIAL INCIDENT TO PERFORMING SERVICES SUCH AS INSTALLATION, MAINTENANCE, LEAK TESTS AND

CALIBRATION;

- (k) USE OF SEALED SOURCES OR RADIOACTIVE TRACERS IN WELL-LOGGING PROCEDURES;
- (l) ACCEPTANCE OF PACKAGED RADIOACTIVE WASTES FROM OTHERS FOR TRANSFER TO A LICENSED DISPOSAL FACILITY, PROVIDED THAT THE INTERIM STORAGE PERIOD FOR ANY PACKAGE DOES NOT EXCEED ONE HUNDRED AND EIGHTY DAYS AND THE TOTAL POSSESSION LIMIT FOR ALL PACKAGES HELD IN INTERIM STORAGE AT THE SAME TIME DOES NOT EXCEED FIFTY CURIES;
- (m) MANUFACTURING OR PROCESSING OF SOURCE, BYPRODUCT, SPECIAL NUCLEAR MATERIALS OR NARM FOR DISTRIBUTION TO OTHER LICENSEES, EXCEPT PROCESSING OF SOURCE MATERIAL FOR EXTRACTION OF RARE EARTH AND OTHER METALS AND PROCESSING OF NARM FOR EXTRACTION OF METALS;
- (n) NUCLEAR LAUNDRIES;
- (o) POSSESSION, MANUFACTURING, PROCESSING, SHIPMENT, TESTING, OR OTHER USE OF DEPLETED URANIUM MILITARY MUNITIONS; OR
- (p) ANY USE OF NARM, SOURCE, BYPRODUCT, OR SPECIAL NUCLEAR MATERIAL NOT LISTED ABOVE WHICH INVOLVES QUANTITIES AND FORMS OF SOURCE, BYPRODUCT, OR SPECIAL NUCLEAR MATERIAL OF QUANTITIES LESS THAN A CRITICAL MASS, SIMILAR TO THOSE LISTED IN PARAGRAPHS (C)(3) (a) TO (C)(3)(o) OF THIS RULE.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Promulgated under: Chapter 119.
Rule authorized by: section 3748.04
Rules amplifies: section 3748.
Prior effective date: none

3701:1-40-32 DETERMINATION TO PREPARE BUREAU ASSESSMENT REPORT;
ELIGIBILITY FOR CATEGORICAL EXCLUSION.

- (A) BEFORE TAKING A PROPOSED ACTION SUBJECT TO THE PROVISIONS OF THIS RULE, THE DEPARTMENT WILL DETERMINE WHETHER THE PROPOSED ACTION IS OF THE TYPE LISTED IN PARAGRAPH (C) OF RULE 3701:1-40-31 OF THE ADMINISTRATIVE CODE AS A CATEGORICAL EXCLUSION, OR WHETHER AN ENVIRONMENTAL REPORT IS REQUIRED AND A BUREAU ASSESSMENT REPORT WILL BE PREPARED. A BUREAU ASSESSMENT REPORT MAY BE A FINDING OF EITHER NO SIGNIFICANT IMPACT, OR A REPORT THAT ASSESSES THE ADVERSE RADIOLOGICAL IMPACT OF A PROPOSED FACILITY OR ACTION.
- (B) WHENEVER THE DIRECTOR DETERMINES THAT A BUREAU ASSESSMENT REPORT WILL BE PREPARED BY THE DEPARTMENT IN CONNECTION WITH A PROPOSED ACTION, THE DEPARTMENT SHALL DEVELOP AN ACTION PLAN AND PROPOSED TIME LINE. THE DEPARTMENT SHALL ALSO DO THE FOLLOWING:
 - (1) PUBLISH NOTICE OF A PUBLIC MEETING ON THE PROPOSED LICENSE AND CONTENT OF THE APPLICANT'S ENVIRONMENTAL REPORT AS PROVIDED IN RULE 3701:1-40-38 OF THE ADMINISTRATIVE CODE.
 - (2) PROVIDE THAT THE PUBLIC MEETING INCLUDES DISCUSSION ON THE PROPOSED ENVIRONMENTAL REPORT, ACTION PLAN AND TIME LINE FOR THE BUREAU ASSESSMENT REPORT AND PROVIDE THE OUTLINE AND DEADLINES FOR PUBLIC COMMENT.
 - (3) PROVIDE THE LOCATIONS WHERE A COPY OF THE ENVIRONMENTAL REPORT MAY BE VIEWED.
- (C) IN PREPARING THE BUREAU ASSESSMENT REPORT, THE DEPARTMENT SHALL, TO THE EXTENT NECESSARY:
 - (1) INVOLVE ANY STATE AGENCY WHICH HAS JURISDICTION OR RELEVANT, SUBSTANTIAL EXPERTISE WITH RESPECT TO ANY ENVIRONMENTAL IMPACT INVOLVED OR WHICH IS AUTHORIZED TO DEVELOP AND ENFORCE RELEVANT ENVIRONMENTAL STANDARDS;
 - (2) INVOLVE AFFECTED FEDERAL AND LOCAL AGENCIES, INCLUDING THOSE AUTHORIZED TO DEVELOP AND ENFORCE RELEVANT ENVIRONMENTAL STANDARDS;
 - (3) IDENTIFY OTHER ENVIRONMENTAL REVIEW AND CONSULTATION REQUIREMENTS RELATED TO THE PROPOSED ACTION SO THAT OTHER REQUIRED ANALYSES AND STUDIES MAY BE PREPARED CONCURRENTLY AND INTEGRATED WITH THE BUREAU ASSESSMENT REPORT;
 - (4) INDICATE THE RELATIONSHIP BETWEEN THE TIMING OF THE PREPARATION OF ENVIRONMENTAL ANALYSES AND THE DEPARTMENT'S TENTATIVE PLANNING AND DECISION-MAKING SCHEDULE;
 - (5) IDENTIFY ANY COOPERATING AGENCIES, AND AS APPROPRIATE, ALLOCATE ASSIGNMENTS FOR PREPARATION AND SCHEDULES FOR COMPLETION OF THE ASSESSMENT REPORT TO THE DIRECTOR AND ANY COOPERATING AGENCIES;

- (6) DESCRIBE THE MEANS BY WHICH THE BUREAU ASSESSMENT REPORT WILL BE PREPARED, INCLUDING ANY CONTRACTOR ASSISTANCE TO BE USED;
 - (7) PREPARE THE REPORT, WHICH SHALL INCLUDE AT LEAST THE FOLLOWING:
 - (a) A DISCUSSION OF THE PROPOSED ACTION;
 - (b) THE NEED FOR THE PROPOSED ACTION;
 - (c) ALTERNATIVES;
 - (d) THE ENVIRONMENTAL IMPACT OF THE PROPOSED ACTION AND THE ALTERNATIVES AS APPROPRIATE; AND
 - (e) A LIST OF AGENCIES AND PERSONS CONSULTED, AND IDENTIFICATION OF SOURCES USED; AND
 - (8) PROVIDE A CONCISE SUMMARY OF THE DETERMINATIONS AND CONCLUSIONS REACHED, INCLUDING THE SIGNIFICANT ISSUES IDENTIFIED.
- (D) AT ANY TIME PRIOR TO ISSUANCE OF THE BUREAU ASSESSMENT REPORT, THE DIRECTOR MAY REVISE THE DETERMINATIONS MADE UNDER PARAGRAPHS (B) AND (C) OF THIS RULE, AS APPROPRIATE, IF SUBSTANTIAL CHANGES ARE MADE IN THE PROPOSED ACTION, OR IF SIGNIFICANT NEW CIRCUMSTANCES OR INFORMATION ARISE WHICH BEAR ON THE PROPOSED ACTION OR ITS IMPACTS.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Promulgated under: Chapter 119.
Rule authorized by: section 3748.04
Rules amplifies: section 3748.
Prior effective date: none

3701:1-40-33 FINDING OF NO SIGNIFICANT IMPACT.

- (A) IN ACCORDANCE WITH PARAGRAPH (A) OF RULE 3701:1-40-32, THE DEPARTMENT MAY PREPARE A BUREAU ASSESSMENT REPORT THAT MAKES A FINDING THAT THE PROPOSED ACTION PRESENTS NO SIGNIFICANT RADIOLOGICAL IMPACT TO THE ENVIRONMENT AS IT AFFECTS HUMAN HEALTH. A FINDING OF NO SIGNIFICANT IMPACT SHALL:
 - (1) IDENTIFY THE PROPOSED ACTION;
 - (2) STATE THAT THE DEPARTMENT HAS DETERMINED NOT TO PREPARE A FORMAL BUREAU ASSESSMENT REPORT FOR THE PROPOSED ACTION;
 - (3) BRIEFLY PRESENT THE REASONS WHY THE PROPOSED ACTION WILL NOT HAVE A SIGNIFICANT ADVERSE RADIOLOGICAL IMPACT ON THE QUALITY OF HUMAN HEALTH OR THE ENVIRONMENT;
 - (4) NOTE ANY OTHER RELATED ENVIRONMENTAL DOCUMENTS; AND
 - (5) STATE THAT THE FINDING AND ANY RELATED ENVIRONMENTAL DOCUMENTS ARE AVAILABLE FOR PUBLIC INSPECTION AND WHERE THE DOCUMENTS MAY BE INSPECTED.
- (B) AS PROVIDED IN PARAGRAPH (C) OF THIS RULE, THE DEPARTMENT MAY MAKE A DETERMINATION TO PREPARE AND ISSUE A DRAFT FINDING OF NO SIGNIFICANT IMPACT FOR PUBLIC REVIEW AND COMMENT BEFORE MAKING A FINAL DETERMINATION WHETHER TO PREPARE A BUREAU ASSESSMENT REPORT OR A FINAL FINDING OF NO SIGNIFICANT IMPACT ON THE PROPOSED ACTION. THE DEPARTMENT MAY USE CONSULTANTS TO PREPARE A DRAFT OR FINAL FINDING OF NO SIGNIFICANT IMPACT. THE COST OF ANY SUCH FINDING IS A PART OF THE LICENSING OR RENEWAL OF A FACILITY AND SHALL BE PAID BY THE APPLICANT UPON RECEIPT OF AN INVOICE FROM THE DEPARTMENT.
- (C) CIRCUMSTANCES IN WHICH A DRAFT FINDING OF NO SIGNIFICANT IMPACT MAY BE PREPARED MAY INCLUDE THE FOLLOWING:
 - (1) A FINDING OF NO SIGNIFICANT IMPACT APPEARS WARRANTED FOR THE PROPOSED ACTION BUT THE PROPOSED ACTION IS CLOSELY SIMILAR TO ONE WHICH NORMALLY REQUIRES THE PREPARATION OF BUREAU ASSESSMENT REPORT, OR
 - (2) THE PROPOSED ACTION IS WITHOUT PRECEDENT.
- (D) A DRAFT FINDING OF NO SIGNIFICANT IMPACT WILL
 - (1) BE MARKED "DRAFT";
 - (2) CONTAIN THE INFORMATION SPECIFIED IN PARAGRAPH (A) OF THIS RULE;
 - (3) BE ACCOMPANIED BY OR INCLUDE A REQUEST FOR COMMENTS ON THE PROPOSED ACTION AND ON THE DRAFT FINDING WITHIN THIRTY DAYS, OR SUCH LONGER PERIOD AS MAY BE SPECIFIED IN THE NOTICE OF THE DRAFT FINDING; AND

- (4) BE PUBLISHED IN THE APPROPRIATE NEWSPAPERS WITHIN THE STATE OF OHIO AS REQUIRED BY PARAGRAPH (I) OF THIS RULE AND RULE 3701:1-40-38 OF THE ADMINISTRATIVE CODE.
- (E) A DRAFT FINDING OF NO SIGNIFICANT IMPACT SHALL BE DISTRIBUTED AS PROVIDED FOR A BUREAU ASSESSMENT REPORT IN RULE 3701:1-40-35 OF THE ADMINISTRATIVE CODE.
- (F) WHEN A DRAFT FINDING OF NO SIGNIFICANT IMPACT IS ISSUED FOR A PROPOSED ACTION, A FINAL DETERMINATION TO PREPARE A BUREAU ASSESSMENT REPORT OR A FINAL FINDING OF NO SIGNIFICANT IMPACT FOR THAT ACTION SHALL NOT BE MADE UNTIL THE LAST DAY OF THE PUBLIC COMMENT PERIOD HAS EXPIRED.
- (G) EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS RULE, THE FINDING OF NO SIGNIFICANT IMPACT WILL BE PREPARED BY THE DEPARTMENT.
- (H) THE DEPARTMENT WILL CONDUCT A PUBLIC MEETING PRIOR TO ISSUING A FINAL FINDING OF NO SIGNIFICANT IMPACT. THE MEETING SHALL BE NOTICED IN ACCORDANCE WITH THE REQUIREMENTS OF RULE 3701:1-40-38 OF THE ADMINISTRATIVE CODE AND SHALL BE HELD IN THE COUNTY WHERE THE PROPOSED FACILITY IS LOCATED. WHENEVER THE DEPARTMENT MAKES A DRAFT OR FINAL FINDING OF NO SIGNIFICANT IMPACT ON A PROPOSED ACTION, THE FINDING WILL BE PUBLISHED AS PROVIDED FOR A BUREAU ASSESSMENT REPORT IN RULE 3701:1-40-35 OF THE ADMINISTRATIVE CODE.
- (I) THE DEPARTMENT SHALL NOT TAKE THE PROPOSED ACTION UNTIL AFTER THE FINAL FINDING HAS BEEN PUBLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF RULE 3701:1-40-38 OF THE ADMINISTRATIVE CODE.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Promulgated under: Chapter 119.
Rule authorized by: section 3748.04
Rules amplifies: section 3748.
Prior effective date: none

3701:1-40-34 ENVIRONMENTAL REPORT.

- (A) EACH APPLICANT FOR A LICENSE OR LICENSE AMENDMENT OR A RENEWAL OF A LICENSE THAT IS LISTED IN PARAGRAPHS (F)(1) TO (F)(5) OF THIS RULE, SHALL SUBMIT TO THE DEPARTMENT THE APPLICATION WITH A SEPARATE DOCUMENT ENTITLED "APPLICANT'S ENVIRONMENTAL REPORT" OR "SUPPLEMENT TO APPLICANT'S ENVIRONMENTAL REPORT" WITH COPIES IN AN AMOUNT SPECIFIED IN APPENDIX A TO THIS RULE. THE APPLICANT'S ENVIRONMENTAL REPORT SHALL CONTAIN THE INFORMATION SPECIFIED IN THIS RULE. IF THE APPLICATION IS FOR AN AMENDMENT TO OR A RENEWAL OF A LICENSE FOR WHICH THE APPLICANT HAS PREVIOUSLY SUBMITTED AN ENVIRONMENTAL REPORT, THE SUPPLEMENT TO APPLICANT'S ENVIRONMENTAL REPORT MAY BE LIMITED TO INCORPORATING BY REFERENCE, UPDATING OR SUPPLEMENTING THE INFORMATION PREVIOUSLY SUBMITTED TO REFLECT ANY SIGNIFICANT ENVIRONMENTAL CHANGE, INCLUDING A CHANGE RESULTING FROM OPERATIONAL EXPERIENCE OR A CHANGE IN OPERATIONS OR PROPOSED DECOMMISSIONING ACTIVITIES. IF THE APPLICANT IS A CONTRACTOR OF THE UNITED STATES DEPARTMENT OF ENERGY THAT IS LICENSED BY THE STATE OF OHIO FOR THE POSSESSION AND USE OF RADIOACTIVE MATERIALS, THE ENVIRONMENTAL REPORT MAY BE IN THE FORM OF EITHER AN ENVIRONMENTAL IMPACT STATEMENT OR AN ENVIRONMENTAL ASSESSMENT, AS APPROPRIATE. AN APPLICANT MAY SUBMIT A SUPPLEMENT TO AN ENVIRONMENTAL REPORT AT ANY TIME.
- (B) THE ENVIRONMENTAL REPORT SHALL CONTAIN A DESCRIPTION OF THE PROPOSED ACTION, A STATEMENT OF ITS PURPOSES, A DESCRIPTION OF THE ENVIRONMENT AFFECTED, AND DISCUSS ALL OF THE FOLLOWING:
 - (1) THE RADIOLOGICAL IMPACT OF THE PROPOSED ACTION ON THE ENVIRONMENT;
 - (2) ANY ADVERSE RADIOLOGICAL ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED SHOULD THE PROPOSAL BE IMPLEMENTED; AND
 - (3) A COMPLETE DISCUSSION OF ALTERNATIVES IN ORDER TO AID THE DEPARTMENT IN DEVELOPING AND EXPLORING APPROPRIATE ALTERNATIVES TO RECOMMENDED COURSES OF ACTION. TO THE EXTENT PRACTICABLE, THE ENVIRONMENTAL IMPACTS OF THE PROPOSAL AND THE ALTERNATIVES SHOULD BE PRESENTED IN COMPARATIVE FORM.
- (C) THE ENVIRONMENTAL REPORT SHALL INCLUDE AN ANALYSIS THAT CONSIDERS AND BALANCES THE ENVIRONMENTAL EFFECTS OF THE PROPOSED ACTION, THE ENVIRONMENTAL IMPACTS OF ALTERNATIVES TO THE PROPOSED ACTION, AND ALTERNATIVES AVAILABLE FOR REDUCING OR AVOIDING ADVERSE ENVIRONMENTAL EFFECTS AS THEY RELATE TO HUMAN HEALTH. THE ANALYSES FOR ENVIRONMENTAL REPORTS SHALL, TO THE FULLEST EXTENT PRACTICABLE, QUANTIFY THE VARIOUS FACTORS CONSIDERED. TO THE EXTENT THAT THERE ARE IMPORTANT QUALITATIVE CONSIDERATIONS OR FACTORS THAT CANNOT BE QUANTIFIED, THOSE CONSIDERATIONS OR FACTORS SHALL BE DISCUSSED IN QUALITATIVE TERMS. THE ENVIRONMENTAL REPORT SHOULD CONTAIN SUFFICIENT DATA TO AID THE DEPARTMENT IN DEVELOPMENT OF AN INDEPENDENT ANALYSIS.
- (D) THE ENVIRONMENTAL REPORT SHALL LIST ALL STATE OF OHIO PERMITS, LICENSES, APPROVALS AND OTHER ENTITLEMENTS WHICH MUST BE OBTAINED IN CONNECTION WITH THE PROPOSED ACTION AND ALL FEDERAL PERMITS, LICENSES, APPROVALS

AND OTHER ENTITLEMENTS WHICH MUST BE OBTAINED IN CONNECTION WITH THE PROPOSED ACTION AND SHALL DESCRIBE THE STATUS OF COMPLIANCE WITH THESE REQUIREMENTS. THE ENVIRONMENTAL REPORT SHALL ALSO INCLUDE A DISCUSSION OF THE STATUS OF COMPLIANCE WITH APPLICABLE ENVIRONMENTAL QUALITY STANDARDS AND REQUIREMENTS INCLUDING, BUT NOT LIMITED TO, APPLICABLE ZONING AND LAND-USE REGULATIONS, AND WATER POLLUTION LIMITATIONS OR REQUIREMENTS WHICH HAVE BEEN IMPOSED BY FEDERAL OR STATE AGENCIES HAVING RESPONSIBILITY FOR ENVIRONMENTAL PROTECTION. THE DISCUSSION OF ALTERNATIVES IN THE REPORT SHALL INCLUDE A DISCUSSION OF WHETHER THE ALTERNATIVES WILL COMPLY WITH SUCH APPLICABLE ENVIRONMENTAL QUALITY STANDARDS AND REQUIREMENTS.

- (E) THE INFORMATION SUBMITTED PURSUANT TO PARAGRAPHS (B) TO (D) OF THIS RULE SHOULD NOT BE CONFINED TO INFORMATION SUPPORTING THE PROPOSED ACTION BUT SHALL ALSO INCLUDE ANY ADVERSE INFORMATION.
- (F) IN ACCORDANCE WITH PARAGRAPH (A) OF THIS RULE, EACH APPLICANT SHALL PREPARE AN ENVIRONMENTAL REPORT FOR THE FOLLOWING TYPES OF ACTIONS:
 - (1) ISSUANCE OR RENEWAL OF A LICENSE FOR:
 - (a) POSSESSION AND USE OF SPECIAL NUCLEAR MATERIAL FOR PROCESSING, SCRAP RECOVERY, OR CONVERSION OF URANIUM HEXAFLUORIDE PURSUANT TO RULES ADOPTED UNDER SECTION 3748.04 OF THE REVISED CODE.
 - (b) POSSESSION AND USE OF SOURCE MATERIAL FOR URANIUM MILLING OR PRODUCTION OF URANIUM HEXAFLUORIDE PURSUANT TO RULES ADOPTED UNDER SECTION 3748.04 OF THE REVISED CODE.
 - (c) RECEIPT, PROCESSING, OR DISPOSAL OF RADIOACTIVE WASTE FROM OTHER PERSONS PURSUANT TO RULES ADOPTED UNDER SECTION 3748.04 OF THE REVISED CODE.
 - (d) PROCESSING OF SOURCE MATERIAL FOR EXTRACTION OF RARE EARTH AND OTHER METALS.
 - (e) USE OF RADIOACTIVE TRACERS IN FIELD FLOOD STUDIES INVOLVING SECONDARY AND TERTIARY OIL AND GAS RECOVERY.
 - (f) PROCESSING OR RECYCLING OF NARM THAT WOULD RESULT IN CONCENTRATION OF RADIOACTIVITY IN WASTE MATERIALS IN AMOUNTS THAT EXCEED CONCENTRATIONS PROVIDED IN RULES ADOPTED UNDER SECTION 3748.04 OF THE REVISED CODE FOR THE PROCESSING OR RECYCLING OF NARM.
 - (g) PROCESSING OR RECYCLING OF SOILS OR MATERIALS CONTAINING CONCENTRATIONS OF SOURCE OR BYPRODUCT MATERIAL OR NARM THAT EXCEED CONCENTRATIONS PROVIDED IN RULES ADOPTED UNDER SECTION 3748.04 OF THE REVISED CODE RELATIVE TO DISPOSAL.
 - (2) ISSUANCE OF AN AMENDMENT THAT WOULD AUTHORIZE OR RESULT IN:

- (a) A SIGNIFICANT EXPANSION OF A SITE;
 - (b) A SIGNIFICANT CHANGE IN THE TYPES OF EFFLUENTS;
 - (c) A SIGNIFICANT INCREASE IN THE AMOUNTS OF EFFLUENTS;
 - (d) A SIGNIFICANT INCREASE IN INDIVIDUAL OR CUMULATIVE OCCUPATIONAL RADIATION EXPOSURE; OR
 - (e) A SIGNIFICANT INCREASE IN THE POTENTIAL FOR OR CONSEQUENCES FROM RADIOLOGICAL ACCIDENTS.
- (3) TERMINATION OF A LICENSE FOR THE POSSESSION AND USE OF SOURCE MATERIAL FOR URANIUM MILLING.
- (4) ISSUANCE OF A LICENSE AMENDMENT PURSUANT TO RULES ADOPTED UNDER SECTION 3748.04 OF THE REVISED CODE AUTHORIZING:
 - (a) CLOSURE OF A LAND DISPOSAL SITE;
 - (b) TRANSFER OF THE LICENSE TO THE DISPOSAL SITE OWNER FOR THE PURPOSE OF INSTITUTIONAL CONTROL; OR
- (5) ANY OTHER LICENSING ACTION FOR WHICH THE DIRECTOR DETERMINES AN ENVIRONMENTAL REPORT IS NECESSARY.
- (G) EACH APPLICANT FOR ISSUANCE OF A LICENSE FOR DISPOSAL OF RADIOACTIVE WASTE PURSUANT TO RULES ADOPTED UNDER SECTION 3748.04 OF THE REVISED CODE SHALL SUBMIT TO THE DEPARTMENT WITH THE APPLICATION A SEPARATE DOCUMENT, ENTITLED "APPLICANT'S ENVIRONMENTAL REPORT -- LICENSE FOR DISPOSAL OF RADIOACTIVE WASTE" WITH COPIES AS SPECIFIED IN APPENDIX A TO THIS RULE. THE ENVIRONMENTAL REPORT AND ANY SUPPLEMENT TO THE ENVIRONMENTAL REPORT MAY INCORPORATE BY REFERENCE INFORMATION CONTAINED IN THE APPLICATION OR IN ANY PREVIOUS APPLICATION, STATEMENT OR REPORT FILED WITH THE DIRECTOR, PROVIDED THAT SUCH REFERENCES ARE CLEAR AND SPECIFIC AND THAT COPIES OF THE INFORMATION SO INCORPORATED ARE AVAILABLE AT THE DEPARTMENT AND IN ANY PUBLIC DOCUMENT ROOM ESTABLISHED BY THE DIRECTOR NEAR THE PROPOSED DISPOSAL SITE.
- (H) THE ENVIRONMENTAL REPORT SHALL CONTAIN THE INFORMATION SPECIFIED IN THIS RULE, SHALL ADDRESS THE APPLICANT'S ENVIRONMENTAL MONITORING PROGRAM REQUIRED BY RULES ADOPTED UNDER SECTION 3748.04 OF THE REVISED CODE, AND SHALL BE AS COMPLETE AS POSSIBLE IN THE LIGHT OF INFORMATION THAT IS AVAILABLE AT THE TIME THE ENVIRONMENTAL REPORT IS SUBMITTED.

(I) THE APPLICANT SHALL SUPPLEMENT THE ENVIRONMENTAL REPORT IN A TIMELY MANNER AS NECESSARY TO PERMIT THE DEPARTMENT TO REVIEW, PRIOR TO ISSUANCE, AMENDMENT OR RENEWAL OF A LICENSE, NEW INFORMATION REGARDING THE ENVIRONMENTAL IMPACT OF PREVIOUSLY PROPOSED ACTIVITIES, INFORMATION REGARDING THE ENVIRONMENTAL IMPACT OF ANY CHANGES IN PREVIOUSLY PROPOSED ACTIVITIES, OR ANY SIGNIFICANT NEW INFORMATION REGARDING THE ENVIRONMENTAL IMPACT OF CLOSURE ACTIVITIES AND LONG-TERM PERFORMANCE OF THE DISPOSAL SITE.

(J) EACH APPLICANT FOR A LICENSE, OR AN AMENDMENT TO, OR RENEWAL OF A LICENSE THAT PURSUANT TO THESE RULES REQUIRES AN ENVIRONMENTAL REPORT SHALL SUBMIT SUCH REPORT OR ANY SUPPLEMENT TO AN ENVIRONMENTAL REPORT WITH THE NUMBER OF COPIES SPECIFIED IN APPENDIX A TO THIS RULE. THE APPLICANT SHALL RETAIN ADDITIONAL COPIES OF THE ENVIRONMENTAL REPORT OR ANY SUPPLEMENT TO THE ENVIRONMENTAL REPORT IN THE NUMBER OF COPIES SPECIFIED FOR DISTRIBUTION TO FEDERAL, STATE, AND LOCAL OFFICIALS IN ACCORDANCE WITH WRITTEN INSTRUCTIONS ISSUED BY THE DIRECTOR.

Appendix A

TYPE OF LICENSING ACTION	NUMBER OF COPIES TO BE SUBMITTED WITH APPLICATION	NUMBER OF COPIES TO BE RETAINED BY APPLICANT FOR SUBSEQUENT DISTRIBUTION
LICENSING ACTIONS REQUIRING BUREAU ASSESSMENT REPORTS PURSUANT TO THIS RULE.	25 COPIES	125 COPIES

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Promulgated under: Chapter 119.

Rule authorized by: section 3748.04

Rules amplifies: section 3748.

Prior effective date: none

3701:1-40-35 BUREAU ASSESSMENT REPORT.

- (A) THE DEPARTMENT SHALL PREPARE EITHER A DRAFT OR FINAL BUREAU ASSESSMENT REPORT AS SOON AS PRACTICABLE AFTER RECEIPT OF THE APPLICANT'S ENVIRONMENTAL REPORT AND AFTER A DETERMINATION THAT A FINDING OF NO SIGNIFICANT IMPACT IS NOT APPROPRIATE. THE ACTION PLAN AND TIME LINE SHALL ADDRESS WHETHER A DRAFT ASSESSMENT REPORT SHALL BE PREPARED PRIOR TO PREPARATION OF THE FINAL BUREAU ASSESSMENT REPORT. TO THE FULLEST EXTENT PRACTICABLE, THE BUREAU ASSESSMENT REPORT SHALL BE PREPARED CONCURRENTLY OR INTEGRATED WITH ENVIRONMENTAL IMPACT ANALYSES AND RELATED SURVEYS AND STUDIES IF REQUIRED BY STATE OR FEDERAL LAW.
- (B) THE BUREAU ASSESSMENT REPORT AND ANY DRAFT REPORT THEREOF, SHALL BE CONCISE, CLEAR AND ANALYTIC, AND WRITTEN IN PLAIN LANGUAGE WITH APPROPRIATE GRAPHICS. THE REPORT SHALL STATE HOW ALTERNATIVES CONSIDERED IN IT AND DECISIONS BASED ON IT WILL OR WILL NOT ACHIEVE THE REQUIREMENTS OF ANY RELEVANT AND APPLICABLE ENVIRONMENTAL LAWS AND POLICIES. THE REPORT ALSO SHALL IDENTIFY ANY METHODOLOGIES USED AND SOURCES RELIED UPON, AND SHALL BE SUPPORTED BY EVIDENCE THAT THE NECESSARY ENVIRONMENTAL ANALYSES HAVE BEEN MADE.
- (C) THE DIRECTOR SHALL COOPERATE WITH OTHER RELEVANT STATE AND LOCAL AGENCIES AND THE UNITED STATES NUCLEAR REGULATORY COMMISSION TO THE FULLEST EXTENT POSSIBLE TO REDUCE DUPLICATION BETWEEN FEDERAL, STATE AND LOCAL REQUIREMENTS.
- (D) THE EXTENT SUFFICIENT INFORMATION IS AVAILABLE, THE BUREAU ASSESSMENT REPORT AND ANY DRAFT REPORT THEREOF, SHALL INCLUDE CONSIDERATION OF MAJOR POINTS OF VIEW CONCERNING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION AND THE ALTERNATIVES, AND CONTAIN AN ANALYSIS OF SIGNIFICANT PROBLEMS AND OBJECTIONS RAISED BY OTHER FEDERAL, STATE, AND LOCAL AGENCIES AND BY ANY COMMENTS RECEIVED FROM THE PUBLIC.
- (E) THE BUREAU ASSESSMENT REPORT AND ANY DRAFT REPORT THEREOF, SHALL LIST ALL STATE AND FEDERAL PERMITS, LICENSES, APPROVALS, AND OTHER ENTITLEMENTS WHICH MUST BE OBTAINED IN IMPLEMENTING THE PROPOSED ACTION AND SHALL DESCRIBE THE STATUS OF COMPLIANCE WITH THOSE REQUIREMENTS. IF IT IS UNCERTAIN WHETHER A STATE OR FEDERAL PERMIT, LICENSE, APPROVAL, OR OTHER ENTITLEMENT IS NECESSARY, THE BUREAU ASSESSMENT REPORT SHALL SO INDICATE.
- (F) THE BUREAU ASSESSMENT REPORT AND ANY DRAFT REPORT THEREOF, SHALL INCLUDE A PRELIMINARY ANALYSIS THAT CONSIDERS AND WEIGHS THE ENVIRONMENTAL EFFECTS OF THE PROPOSED ACTION; THE ENVIRONMENTAL IMPACTS OF ALTERNATIVES TO THE PROPOSED ACTION; AND ALTERNATIVES AVAILABLE FOR REDUCING OR AVOIDING ADVERSE ENVIRONMENTAL EFFECTS. THE ANALYSIS FOR ALL BUREAU ASSESSMENT REPORTS SHALL, TO THE FULLEST EXTENT PRACTICABLE, QUANTIFY THE VARIOUS FACTORS CONSIDERED. TO THE EXTENT THAT THERE ARE IMPORTANT QUALITATIVE CONSIDERATIONS OR FACTORS THAT CANNOT BE QUANTIFIED, THESE CONSIDERATIONS OR FACTORS SHALL BE DISCUSSED IN QUALITATIVE TERMS. DUE CONSIDERATION SHALL BE GIVEN TO COMPLIANCE WITH ENVIRONMENTAL QUALITY STANDARDS AND REQUIREMENTS THAT HAVE BEEN IMPOSED BY FEDERAL OR STATE AGENCIES

HAVING RESPONSIBILITY FOR ENVIRONMENTAL PROTECTION. SATISFACTION OF DEPARTMENT OF HEALTH STANDARDS AND CRITERIA PERTAINING TO RADIOLOGICAL EFFECTS SHALL BE NECESSARY TO MEET THE LICENSING REQUIREMENTS OF CHAPTER 3748. OF THE REVISED CODE. THE ANALYSIS SHALL CONSIDER THE RADIOLOGICAL EFFECTS OF THE PROPOSED ACTION AND ALTERNATIVES.

- (G) THE BUREAU ASSESSMENT REPORT NORMALLY SHALL INCLUDE A RECOMMENDATION BY THE DIRECTOR RESPECTING THE PROPOSED ACTION. THIS RECOMMENDATION SHALL BE BASED ON THE INFORMATION AND ANALYSIS DESCRIBED IN PARAGRAPHS (A) TO (F) OF THIS RULE AND SHALL BE REACHED AFTER CONSIDERING THE ENVIRONMENTAL EFFECTS OF THE PROPOSED ACTION AND REASONABLE ALTERNATIVES.
- (H) THE DEPARTMENT SHALL PREPARE A SUPPLEMENT TO A BUREAU ASSESSMENT REPORT FOR WHICH A NOTICE OF AVAILABILITY HAS BEEN PUBLISHED IF THERE ARE SUBSTANTIAL CHANGES IN THE PROPOSED ACTION THAT ARE RELEVANT TO ADVERSE RADIOLOGICAL CONCERNS THAT BEAR ON THE PROPOSED ACTION OR ITS IMPACTS.
- (I) THE DEPARTMENT MAY PREPARE A SUPPLEMENT TO A BUREAU ASSESSMENT REPORT WHEN PREPARATION OF A SUPPLEMENT WILL PROVIDE ADDITIONAL INFORMATION NECESSARY TO ADDRESS CONCERNS RELATED TO ADVERSE RADIOLOGICAL IMPACT.
- (J) THE SUPPLEMENT TO A BUREAU ASSESSMENT REPORT SHALL BE PREPARED AND NOTICED IN THE SAME MANNER AS THE BUREAU ASSESSMENT REPORT EXCEPT THAT ADDITIONAL ACTION PLANS AND TIME LINES NEED NOT BE USED.
- (K) EACH BUREAU ASSESSMENT REPORT AND EACH SUPPLEMENT TO A BUREAU ASSESSMENT REPORT DISTRIBUTED IN ACCORDANCE WITH THIS RULE, AND EACH NEWS RELEASE PROVIDED PURSUANT TO THIS RULE SHALL BE ACCOMPANIED BY OR INCLUDE A REQUEST FOR COMMENTS ON THE PROPOSED ACTION AND ON THE BUREAU ASSESSMENT REPORT OR ANY SUPPLEMENT TO THE BUREAU ASSESSMENT REPORT AND SHALL STATE WHERE COMMENTS SHOULD BE SUBMITTED AND THE DATE ON WHICH THE COMMENT PERIOD CLOSES. A MINIMUM COMMENT PERIOD OF FORTY-FIVE DAYS SHALL BE PROVIDED. THE COMMENT PERIOD SHALL BE CALCULATED FROM THE PUBLICATION DATE FOR THE NOTICE IN THE APPLICABLE AREA NEWSPAPERS. IF NO COMMENTS ARE PROVIDED WITHIN THE TIME SPECIFIED, IT WILL BE PRESUMED, UNLESS THE APPLICANT REQUESTS AN EXTENSION OF TIME, THAT THE APPLICANT HAS NO COMMENT TO MAKE. TO THE EXTENT PRACTICABLE, THE DEPARTMENT WILL GRANT REASONABLE REQUESTS FOR EXTENSIONS OF TIME OF UP TO FIFTEEN DAYS. THE COMMENT PERIOD FOR ANY AGENCY IS CONCURRENT WITH THE PUBLIC COMMENT PERIOD.
- (L) A COPY OF THE BUREAU ASSESSMENT REPORT SHALL BE DISTRIBUTED TO:
 - (1) THE OHIO ENVIRONMENTAL PROTECTION AGENCY;
 - (2) ANY OTHER STATE OR FEDERAL AGENCY WHICH HAS SPECIAL EXPERTISE OR JURISDICTION BY LAW WITH RESPECT TO ANY ENVIRONMENTAL IMPACT INVOLVED OR WHICH IS AUTHORIZED TO DEVELOP AND ENFORCE

RELEVANT ENVIRONMENTAL STANDARDS;

- (3) THE APPLICANT;
- (4) APPROPRIATE FEDERAL, STATE, AND LOCAL AGENCIES AUTHORIZED TO DEVELOP AND ENFORCE RELEVANT ENVIRONMENTAL STANDARDS, LAND USE, AND ZONING;
- (5) APPROPRIATE STATE, REGIONAL AND METROPOLITAN CLEARINGHOUSES; AND
- (6) UPON WRITTEN REQUEST, ANY OTHER PERSON TO THE EXTENT AVAILABLE.

ADDITIONAL COPIES WILL BE MADE AVAILABLE UPON REQUEST IN WRITING TO THE DEPARTMENT.

- (M) A SUPPLEMENT TO A BUREAU ASSESSMENT REPORT SHALL BE DISTRIBUTED IN THE SAME MANNER AS THE BUREAU ASSESSMENT REPORT TO WHICH IT RELATES.
- (N) NEWS RELEASES STATING THE AVAILABILITY FOR COMMENT AND PLACE FOR OBTAINING OR INSPECTING A BUREAU ASSESSMENT REPORT OR SUPPLEMENT WILL BE PROVIDED TO AT LEAST ONE LOCAL NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY WHERE THE ACTION IS PROPOSED TO OCCUR.
- (O) A NOTICE OF AVAILABILITY SHALL BE PUBLISHED IN APPROPRIATE AREA NEWSPAPERS IN ACCORDANCE WITH RULE 3701:1-40-38 OF THE ADMINISTRATIVE CODE.
- (P) THE DIRECTOR SHALL NOT RENDER A DECISION ON A PROPOSED ACTION, INCLUDING THE ISSUANCE OF A LICENSE, OR AMENDMENT TO, OR RENEWAL OF A LICENSE, FOR WHICH A BUREAU ASSESSMENT REPORT IS REQUIRED, UNTIL THE LATER OF THE FOLLOWING DATES:
 - (1) FORTY-FIVE DAYS AFTER THE DEPARTMENT PUBLISHES IN AN APPROPRIATE AREA NEWSPAPER, A NOTICE STATING THAT THE DRAFT BUREAU ASSESSMENT REPORT IS AVAILABLE AT THE DEPARTMENT FOR REVIEW.
 - (2) THIRTY DAYS AFTER THE DEPARTMENT PUBLISHES IN AN APPROPRIATE AREA NEWSPAPER, A NOTICE STATING THAT THE FINAL BUREAU ASSESSMENT REPORT HAS BEEN COMPLETED AND IS AVAILABLE AT THE DEPARTMENT FOR REVIEW.

IF A NOTICE OF FILING OF A FINAL BUREAU ASSESSMENT REPORT IS PUBLISHED BY THE DEPARTMENT WITHIN FORTY-FIVE DAYS AFTER A NOTICE OF A DRAFT BUREAU ASSESSMENT REPORT HAS BEEN PUBLISHED BY THE DEPARTMENT, THE MINIMUM THIRTY-DAY PERIOD AND THE MINIMUM FORTY-FIVE-DAY PERIOD MAY RUN CONCURRENTLY TO THE EXTENT THEY OVERLAP.

- (Q) THE COST OF PREPARING A BUREAU ASSESSMENT REPORT SHALL BE PAID BY THE APPLICANT FOR THE ACTION BEING REQUESTED. THE AMOUNT SHALL INCLUDE THE COST OF ANY CONTRACTORS EMPLOYED BY THE DEPARTMENT, AND STAFF TIME INVOLVED IN THE PREPARATION AND ANALYSIS OF THE ENVIRONMENTAL

REPORT AND THE SUBSEQUENT BUREAU ASSESSMENT REPORT.

- (R) THE FORMAT OF THE REPORT SHALL BE IN ACCORDANCE WITH DEPARTMENT GUIDELINES FOR THE PREPARATION OF A BUREAU ASSESSMENT REPORT.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Promulgated under: Chapter 119.

Rule authorized by: section 3748.04

Rules amplifies: section 3748.

Prior effective date: none

3701:1-40-36 FINAL PUBLISHING OF BUREAU ASSESSMENT REPORT.

- (A) THE DEPARTMENT SHALL CONSIDER COMMENTS RECEIVED PURSUANT TO RULES 3701:1-40-35 AND 3701:1-40-38 OF THE ADMINISTRATIVE CODE AND PREPARE A FINAL BUREAU ASSESSMENT REPORT THAT CONTAINS THE ELEMENTS SPECIFIED IN RULE 3701:1-40-35 OF THE ADMINISTRATIVE CODE.
- (B) THE FINAL BUREAU ASSESSMENT REPORT SHALL CONTAIN ALL OF THE FOLLOWING:
 - (1) A SUMMARY OF RESPONSES TO ANY RELEVANT COMMENTS RECEIVED ON THE DRAFT BUREAU ASSESSMENT REPORT OR ON ANY SUPPLEMENT TO THE DRAFT BUREAU ASSESSMENT REPORT;
 - (2) A DISCUSSION OF ANY RELEVANT OPPOSING VIEW NOT ADEQUATELY DISCUSSED IN THE DRAFT BUREAU ASSESSMENT REPORT OR IN ANY SUPPLEMENT TO THE DRAFT BUREAU ASSESSMENT REPORT, AND A RESPONSE TO THE ISSUES RAISED;
 - (3) A STATEMENT ON HOW THE ALTERNATIVES CONSIDERED IN IT AND DECISIONS BASED ON IT WILL OR WILL NOT ACHIEVE THE REQUIREMENTS OF ANY RELEVANT AND APPLICABLE ENVIRONMENTAL LAWS AND POLICIES; AND
 - (4) A FINAL ANALYSIS AND A FINAL RECOMMENDATION ON THE ACTION TO BE TAKEN.
- (C) IF THE PROPOSED ACTION HAS NOT BEEN TAKEN, THE DEPARTMENT WILL PREPARE A SUPPLEMENT TO A FINAL BUREAU ASSESSMENT REPORT FOR WHICH A NOTICE OF AVAILABILITY HAS BEEN PUBLISHED AS PROVIDED IN RULE 3701:1-40-45 OF THE ADMINISTRATIVE CODE, IF:
 - (1) THERE ARE SUBSTANTIAL CHANGES IN THE PROPOSED ACTION THAT ARE RELEVANT TO ENVIRONMENTAL CONCERNS; OR
 - (2) THERE ARE SIGNIFICANT NEW CIRCUMSTANCES OR INFORMATION RELEVANT TO ENVIRONMENTAL CONCERNS AND BEARING ON THE PROPOSED ACTION OR ITS IMPACTS.

THE SUPPLEMENT SHALL CONTAIN A REQUEST FOR COMMENTS AS PROVIDED IN RULE 3701:1-40-41 OF THE ADMINISTRATIVE CODE AND A NOTICE OF AVAILABILITY SHALL BE PUBLISHED IN APPLICABLE LOCAL NEWSPAPERS AS PROVIDED IN RULE 3701:1-40-45 OF THE ADMINISTRATIVE CODE. IF COMMENTS ARE NOT REQUESTED, A NOTICE OF AVAILABILITY OF A SUPPLEMENT TO A FINAL BUREAU ASSESSMENT REPORT SHALL BE PUBLISHED AS PROVIDED IN RULE 3701:1-40-45 OF THE ADMINISTRATIVE CODE.

- (D) THE SUPPLEMENT TO A FINAL BUREAU ASSESSMENT REPORT WILL BE PREPARED IN THE SAME MANNER AS THE FINAL BUREAU ASSESSMENT REPORT.
- (E) A COPY OF THE FINAL BUREAU ASSESSMENT REPORT WILL BE DISTRIBUTED TO THE FOLLOWING:
 - (1) THE OHIO ENVIRONMENTAL PROTECTION AGENCY;

- (2) THE APPLICANT;
- (3) APPROPRIATE FEDERAL, STATE, REGIONAL AND METROPOLITAN CLEARINGHOUSES; AND
- (4) EACH PERSON PROVIDING COMMENT.

ADDITIONAL COPIES WILL BE MADE AVAILABLE BY REQUEST IN WRITING TO THE DEPARTMENT.

- (F) IF THE FINAL BUREAU ASSESSMENT REPORT IS UNUSUALLY LONG OR THERE ARE SO MANY COMMENTS ON A DRAFT BUREAU ASSESSMENT REPORT OR ANY SUPPLEMENT TO A DRAFT BUREAU ASSESSMENT REPORT THAT DISTRIBUTION OF THE ENTIRE FINAL REPORT TO ALL PERSONS PROVIDING COMMENTS IS IMPRACTICABLE, A SUMMARY OF THE FINAL STATEMENT AND THE SUBSTANTIVE COMMENTS MAY BE DISTRIBUTED.
- (G) A SUPPLEMENT TO A FINAL BUREAU ASSESSMENT REPORT SHALL BE DISTRIBUTED IN THE SAME MANNER AS THE FINAL BUREAU ASSESSMENT REPORT TO WHICH IT RELATES.
- (H) NEWS RELEASES STATING THE AVAILABILITY AND PLACE FOR OBTAINING OR INSPECTING A FINAL BUREAU ASSESSMENT REPORT OR SUPPLEMENT SHALL BE PROVIDED TO AREA NEWSPAPERS WHERE THE PROPOSED ACTION IS TO OCCUR AND OTHER APPROPRIATE MEDIA.
- (I) A NOTICE OF AVAILABILITY WILL BE PUBLISHED IN ACCORDANCE WITH RULE 3701:1-40-38 OF THE ADMINISTRATIVE CODE.
- (J) THE FINAL BUREAU ASSESSMENT REPORT, TOGETHER WITH ANY COMMENTS AND ANY SUPPLEMENT, WILL ACCOMPANY THE APPLICATION AND BE CONSIDERED IN THE DIRECTOR'S DECISION-MAKING PROCESS. THE FINAL BUREAU ASSESSMENT REPORT, TOGETHER WITH ANY COMMENTS AND ANY SUPPLEMENT, WILL BE MADE A PART OF THE RECORD OF ANY ADJUDICATORY PROCEEDING RESULTING FROM THE DIRECTOR'S DECISION.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Promulgated under: Chapter 119.
Rule authorized by: section 3748.04
Rules amplifies: section 3748.
Prior effective date: none

3701:1-40-37 REQUIREMENT TO PROVIDE A DECISION.

- (A) IF A FINAL BUREAU ASSESSMENT REPORT IS REQUIRED, THE REPORT SHALL BECOME PART OF THE DIRECTOR'S DECISION. THE DECISION SHALL BE CLEARLY IDENTIFIED AND SHALL INCLUDE THE FOLLOWING:
- (1) A STATEMENT OF THE DECISION.
 - (2) IDENTIFICATION OF ALL ALTERNATIVES CONSIDERED BY THE DEPARTMENT, A STATEMENT THAT THESE ALTERNATIVES WERE INCLUDED IN THE RANGE OF ALTERNATIVES DISCUSSED IN THE BUREAU ASSESSMENT REPORT, AND A STATEMENT SPECIFYING ANY ALTERNATIVE THAT IS CONSIDERED TO BE ENVIRONMENTALLY PREFERABLE.
 - (3) A DISCUSSION OF PREFERENCES AMONG ALTERNATIVES BASED ON RELEVANT FACTORS INCLUDING STATUTORY REQUIREMENTS IN CHAPTER 3748 OF THE REVISED CODE.
 - (4) A STATEMENT INDICATING WHETHER THE DEPARTMENT HAS TAKEN ALL PRACTICABLE MEASURES TO AVOID OR MINIMIZE ENVIRONMENTAL HARM FROM THE ALTERNATIVE SELECTED, AND IF NOT, TO EXPLAIN WHY THOSE MEASURES WERE NOT ADOPTED. THE STATEMENT ALSO SHALL SUMMARIZE ANY LICENSE CONDITIONS AND MONITORING PROGRAMS ADOPTED IN CONNECTION WITH MITIGATION MEASURES.
- (B) THE DECISION MAY BE INTEGRATED INTO ANY OTHER RECORD PREPARED BY THE DEPARTMENT IN CONNECTION WITH THE ACTION.
- (C) THE DECISION MAY INCORPORATE BY REFERENCE MATERIAL CONTAINED IN A FINAL BUREAU ASSESSMENT REPORT. THE APPLICANT MAY APPEAL A FINAL DECISION AS PROVIDED IN RULE 3701:1-38-06 OF THE ADMINISTRATIVE CODE.

Effective date:

R.C. 119.032 review date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Promulgated under: Chapter 119.

Rule authorized by: section 3748.04

Rules amplifies: section 3748.

Prior effective date: none

- (A) AS USED IN THIS RULE, THE TERM "PUBLISH" SHALL MEAN A PRINTED NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY WHERE A PROPOSED ACTION OR A FACILITY IS OR IS TO BE LOCATED. THE DEPARTMENT SHALL INVOICE THE APPLICANT AND THE APPLICANT SHALL PAY FOR ALL COSTS OF PUBLISHING NOTICES REQUIRED BY THIS RULE.
- (B) IN ACCORDANCE WITH RULE 3701:1-40-32 OF THE ADMINISTRATIVE CODE, THE DEPARTMENT SHALL PUBLISH A NOTICE OF INTENT STATING THAT A BUREAU ASSESSMENT REPORT WILL BE PREPARED. THE NOTICE WILL CONTAIN THE INFORMATION SPECIFIED IN PARAGRAPH (B) OF RULE 3701:1-40-32 OF THE ADMINISTRATIVE CODE. COPIES OF THE NOTICE WILL BE SENT TO APPROPRIATE FEDERAL, STATE, AND LOCAL AGENCIES, AND APPROPRIATE STATE, REGIONAL, AND METROPOLITAN CLEARINGHOUSES.
- (C) UPON COMPLETION OF A DRAFT BUREAU ASSESSMENT REPORT OR ANY SUPPLEMENT TO A DRAFT BUREAU ASSESSMENT REPORT, THE DEPARTMENT SHALL PUBLISH A NOTICE OF AVAILABILITY OF THE DRAFT REPORT. THE NOTICE OF AVAILABILITY WILL REQUEST COMMENTS ON THE PROPOSED ACTION AND ON THE DRAFT REPORT OR ANY SUPPLEMENT TO THE DRAFT REPORT AND WILL SPECIFY WHERE COMMENTS SHOULD BE SUBMITTED AND WHEN THE COMMENT PERIOD EXPIRES. THE NOTICE FURTHER SHALL STATE THAT COPIES OF THE DRAFT REPORT OR ANY SUPPLEMENT TO THE DRAFT REPORT ARE AVAILABLE FOR PUBLIC INSPECTION AT THE DEPARTMENT ALONG WITH ANY COMMENTS RECEIVED FROM INTERESTED PERSONS. COPIES OF THE NOTICE WILL BE SENT TO APPROPRIATE STATE, REGIONAL, AND METROPOLITAN CLEARINGHOUSES, THE INVOLVED LICENSEE OR APPLICANT, AND TO INTERESTED PERSONS UPON REQUEST.
- (D) UPON COMPLETION OF A FINAL BUREAU ASSESSMENT REPORT OR ANY SUPPLEMENT TO A FINAL BUREAU ASSESSMENT REPORT, THE DEPARTMENT SHALL PUBLISH A NOTICE OF AVAILABILITY OF THE FINAL REPORT. THE NOTICE WILL STATE THAT COPIES OF THE FINAL REPORT OR ANY SUPPLEMENT TO THE FINAL REPORT ARE AVAILABLE FOR PUBLIC INSPECTION AND THAT INSPECTION MAY BE MADE AT THE DEPARTMENT. COPIES OF THE NOTICE WILL BE SENT TO APPROPRIATE FEDERAL, STATE AND LOCAL AGENCIES AND APPROPRIATE STATE REGIONAL, AND METROPOLITAN CLEARINGHOUSES, THE INVOLVED LICENSEE OR APPLICANT, AND TO INTERESTED PERSONS UPON REQUEST.
- (E) IN ACCORDANCE WITH RULE 3701:1-40-33 OF THE ADMINISTRATIVE CODE, THE DEPARTMENT SHALL PUBLISH THE FINDING OF NO SIGNIFICANT IMPACT. THE FINDING OF NO SIGNIFICANT IMPACT WILL BE IDENTIFIED AS A DRAFT OR FINAL FINDING, AND SHALL CONTAIN THE INFORMATION SPECIFIED IN RULE 3701:1-40-33 OF THE ADMINISTRATIVE CODE, AS APPROPRIATE. A DRAFT FINDING OF NO SIGNIFICANT IMPACT WILL INCLUDE A REQUEST FOR COMMENTS WHICH SPECIFIES WHERE COMMENTS SHOULD BE SUBMITTED AND WHEN THE COMMENT PERIOD EXPIRES. THE FINDING WILL STATE THAT COPIES OF THE FINDING, THE ENVIRONMENTAL REPORT SETTING FORTH THE BASIS FOR THE FINDING AND ANY RELATED

ENVIRONMENTAL DOCUMENTS ARE AVAILABLE FOR PUBLIC INSPECTION AT THE DEPARTMENT.

- (F) A COPY OF A DRAFT OR FINAL FINDING OF NO SIGNIFICANT IMPACT WILL BE SENT TO THE APPLICANT AND TO APPROPRIATE FEDERAL, STATE, AND LOCAL AGENCIES AND APPROPRIATE STATE, REGIONAL, AND METROPOLITAN CLEARINGHOUSES. A COPY OF THE DRAFT FINDING ALSO SHALL BE SENT TO EACH PERSON MAKING COMMENT.
- (G) COPIES OF ENVIRONMENTAL REPORTS, DRAFT AND FINAL BUREAU ASSESSMENT REPORTS, BUREAU ASSESSMENT REPORT AND FINDINGS OF NO SIGNIFICANT IMPACT, TOGETHER WITH ANY RELATED COMMENTS AND ENVIRONMENTAL DOCUMENTS, WILL BE PLACED IN THE DEPARTMENT OF HEALTH, BUREAU OF RADIATION PROTECTION LIBRARY AT 246 NORTH HIGH STREET, COLUMBUS, OHIO.

Effective date:

Certified by:

Jodi Govern, Secretary
Public Health Council

Date

Rule promulgated under: Chapter 119.

Rule authorized by: section 3748.02

Rule amplifies:

R.C. 119.032 review date:

Prior effective date: none