



Ohio Administrative Code

Rule 3701:1-43-12 Terms and conditions of licenses.

Effective: September 28, 2017

(A) General terms and conditions of licenses include:

(1) Each license issued pursuant to the rules in Chapter 3701:1-43 of the Administrative Code shall be subject to all the provisions of Chapter 3748. of the Revised Code and the rules adopted thereunder, now or hereafter in effect, and to all rules, requirements, and orders of the director.

(2) No license issued or granted pursuant to the rules in Chapter 3701:1-43 of the Administrative Code shall 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 shall, after securing full information, find that the transfer is in accordance with the provisions of Chapter 3748. of the Revised Code and rules promulgated thereunder, and shall give consent in writing.

(3) Neither the license, nor any right under the license, shall be assigned or otherwise transferred in violation of the provisions of Chapter 3748. of the Revised Code and the rules adopted thereunder.

(4) Each person licensed by the director pursuant to the rules in Chapter 3701:1-43 of the Administrative Code shall confine his possession and use of TENORM to the locations and purposes authorized in the license. Except as otherwise provided in the license, a license issued pursuant to the rules in Chapter 3701:1-43 of the Administrative Code shall carry with it the right to receive, possess, and use TENORM. Preparation for shipment and transport of TENORM shall be in accordance with the provisions of Chapter 3701:1-50 of the Administrative Code.

(5) The director may incorporate in any license at the time of issuance, or thereafter, by appropriate rule, regulation or order, such additional requirements and conditions with respect to the licensee's receipt, possession, use, and transfer of TENORM subject to this chapter as it deems appropriate or necessary in order to:



- (a) Protect health or to minimize danger to life or property;
 - (b) Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be necessary or appropriate to effectuate the purposes of Chapter 3748. of the Revised Code and the rules adopted thereunder; and
 - (c) Prevent loss, theft, or loss of control of TENORM subject to this chapter.
- (a) Each licensee shall notify the director, in writing, within ten days following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (bankruptcy) of the United States Code (as amended April 20, 2005) by or against:
- (i) The licensee;
 - (ii) An entity, defined in this rule as person, estate, trust, governmental unit, and United States trustee, controlling the licensee or listing the license or licensee as property of the estate; or
 - (iii) An affiliate of the licensee, defined in this rule as an entity that directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the debtor, other than an entity that holds such securities:
 - (a) In a fiduciary or agency capacity without sole discretionary power to vote such securities; or
 - (b) Solely to secure a debt, if such entity has not in fact exercised such power to vote.
- (b) This notification must indicate:
- (i) The bankruptcy court in which the petition for bankruptcy was filed; and
 - (ii) The date of the filing of the petition.
- (7) Each licensee shall notify the director in writing prior to commencing activities to reclaim the licensed facility and site.



(8) When a licensee has permanently ceased use of radioactive materials at a site or portion of a facility and the licensee has not decontaminated the area, or when an area has not been used for a period of two years, the licensee shall, within sixty days, provide the following information in writing to the director:

(a) The location of the facility, site, or area;

(b) The plan for reclaiming or decontaminating the facility, site or area; and

(c) An evaluation of any changes to the financial assurance submitted in accordance with rule 3701:1-43-13 of the Administrative Code.

(9) For temporary jobsites:

(a) When temporary jobsites are authorized on a specific license, TENORM may be used at temporary jobsites throughout the state of Ohio in accordance with the reciprocal recognition provisions of rule 3701:1-43-19 of the Administrative Code, in areas not under exclusive federal jurisdiction.

(b) Before TENORM can be used at a temporary jobsite at any federal facility within the state of Ohio, the jurisdictional status of the jobsite shall be determined as it pertains to the TENORM. Authorization for use of TENORM at jobsites under exclusive federal jurisdiction shall be obtained from the applicable federal agency.

(B) Each person licensed under rule 3701:1-43-10 of the Administrative Code shall:

(1) Carry out adequate control procedures in the manufacture of the product to assure that each production lot meets the quality control standards approved by the director;

(2) Label or mark each unit so that the manufacturer, processor, producer, or initial transferor of the product and the TENORM in the product can be identified; and



(3) Maintain records identifying, by name and address, each person to whom TENORM is transferred for use under paragraph (B) of rule 3701:1-43-07 of the Administrative Code, or the equivalent regulations of another licensing state, and stating the kinds, quantities, and uses of TENORM transferred. An annual summary report stating the total quantity of each radionuclide transferred under the specific license shall be filed with the director. Each report shall cover the year ending December thirty-first, and shall be filed within ninety days thereafter. If no transfers of TENORM have been made pursuant to paragraph (C) of rule 3701:1-43-10 of the Administrative Code during the reporting period, the report shall so indicate.