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OHIO LEGISLATIVE SERVICE
COMMISSION
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Ohio Administrative Code

Rule 3701:1-44-23 Records.

Effective: December 10, 2015

(A) Each person who receives source or byproduct material pursuant to a license issued pursuant to the rules under Chapter 3701:1-44 of the Administrative Code shall keep records showing the receipt, transfer, and disposal of this source or byproduct material as follows:

(1) The licensee shall retain each record of receipt of source or byproduct material as long as the material is possessed and for three years following transfer or disposition of the source or byproduct material.

(2) The licensee who transferred the material shall retain each record of transfer of source or byproduct material until the director terminates each license that authorizes the activity that is subject to the recordkeeping requirement.

(3) The licensee shall retain each record of disposal of source or byproduct material until the director terminates each license that authorizes the activity that is subject to the recordkeeping requirement.

(4) If source or byproduct material is combined or mixed with other licensed material and subsequently treated in a manner that makes direct correlation of a receipt record with a transfer, export, or disposition record impossible, the licensee may use evaluative techniques (such as first-in-first-out), to make the records that are required by Chapter 3701:1-44 of the Administrative Code account for one hundred per cent of the material received.

(B) The licensee shall retain each record that is required by the rules in Chapter 3701:1-44 of the Administrative Code or by license condition for the period specified by the appropriate rule or license condition. If a retention period is not otherwise specified by rule or license condition, each record must be maintained until the director terminates the license that authorizes the activity that is subject to the recordkeeping requirement.

(C)

(1) Records which must be maintained pursuant to Chapter 3701:1-44 of the Administrative Code may be the original or reproduced copy or microform if the reproduced 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 Chapter 3748. of the Revised Code and rules promulgated thereunder. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, and specifications must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

(2) If there is a conflict between the rules in Chapter 3701:1-44 of the Administrative Code, license condition, or other written director's approval or authorization pertaining to the retention period for the same type of record, the retention period specified in the rules in Chapter 3701:1-44 of the Administrative Code for such records shall apply unless the director, pursuant to rule 3701:1-44-10 of the Administrative Code, has granted a specific exemption from the record retention requirements specified in the rules in Chapter 3701:1-44 of the Administrative Code.

(D) Prior to license termination, each licensee authorized to possess source material, in an unsealed form, shall forward the following records to the director:

(1) Records of disposal of licensed material made under paragraphs (C) (including burials authorized before January 28, 1981), (D), (F), and (G) of rule 3701:1-38-19 of the Administrative Code; and

(2) Records required by paragraph (D)(4) of rule 3701:1-38-20 of the Administrative Code.

(E) If licensed activities are transferred or assigned in accordance with paragraph (B) of rule 3701:1-44-19 of the Administrative Code, each licensee authorized to possess source material, 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 paragraphs (C) (including burials authorized before January 28, 1981), (D), (F), and (G) of rule 3701:1-38-19 of the Administrative Code; and

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(2) Records required by paragraph (D)(4) of rule 3701:1-38-20 of the Administrative Code.

(F) Prior to license termination, each licensee shall forward the records required by paragraph (F) of rule 3701:1-44-18 of the Administrative Code to the director.