



Ohio Administrative Code

Rule 3701:1-44-21 Transfer of source or byproduct material.

Effective: May 23, 2022

(A) No licensee shall transfer source or byproduct material except as authorized pursuant to this rule.

(B) Except as otherwise provided in his license and subject to the provisions of paragraphs (C) and (D) of this rule, any licensee may transfer source or byproduct material:

(1) To the United States department of energy;

(2) To the agency in any agreement state which regulates radioactive materials pursuant to an agreement with the United States nuclear regulatory commission or the atomic energy commission under section 274 of the "Atomic Energy Act of 1954 (68 Stat. 919)";

(3) To any person exempt from the licensing requirements of the act and regulations in this chapter, 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 exemptions;

(5) To any person authorized to receive such source or byproduct material under terms of a specific license or a general license or their equivalents issued by the director, the United States nuclear regulatory commission or an agreement state; or

(6) As otherwise authorized by the director in writing.

(C) Before transferring source or byproduct material to a specific licensee of the state of Ohio, United States nuclear regulatory commission or an agreement state or to a general licensee who is required to submit form HEA 5115 or the equivalent, with the director, United States nuclear



regulatory commission or with an agreement state prior to receipt of the source or byproduct material, the licensee transferring the material shall verify that the transferee's license authorizes receipt of the type, form, and quantity of source or byproduct material to be transferred.

(D) The following methods for the verification required by paragraph (C) of this rule are acceptable:

(1) The transferor may have in his possession, and read, a current copy of the transferee's specific license or form HEA 5115 or equivalent;

(2) The transferor may have in his possession a written certification by the transferee that he is authorized by license or form HEA 5115 or equivalent to receive the type, form, and quantity of source or byproduct material to be transferred, specifying the license or form HEA 5115 number, issuing agency and expiration date;

(3) For emergency shipments the transferor may accept oral certification by the transferee that the transferee is authorized by license or form HEA 5115 to receive the type, form, and quantity of source or byproduct material to be transferred, specifying the license or form HEA 5115 number, issuing agency and expiration date, provided that the oral certification is confirmed in writing within ten days;

(4) The transferor may obtain other sources of information compiled by a reporting service from official records of the director, United States nuclear regulatory commission or the licensing agency of an agreement state as to the identity of licensees and the scope and expiration dates of licenses and form HEA 5115; or

(5) When none of the methods of verification described in paragraphs (D)(1) to (D)(4) of this rule are readily available or when a transferor desires to verify that information received by one of such methods is correct or up-to-date, the transferor may obtain and record confirmation from the director, United States nuclear regulatory commission or the licensing agency of an agreement state that the transferee is licensed to receive the source or byproduct material.