

**3701:1-40-15      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 3701:1-38-02 of the Administrative Code, and Chapters 3701:1-46, 3701:1-48, 3701:1-49, 3701:1-52, and 3701:1-58 of the Administrative Code; and
  - (5) In the case of an application for a license to receive and possess radioactive 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 rule 3701:1-40-30 of the Administrative Code, 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 radioactive material in such plant or facility. As used in this paragraph the term "commencement of construction" is as defined in rule 3701:1-38-01 of the Administrative Code.
- (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 radioactive material.

Five Year Review (FYR) Dates:                      04/08/2015 and 04/01/2020

CERTIFIED ELECTRONICALLY

\_\_\_\_\_  
Certification

04/08/2015

\_\_\_\_\_  
Date

Promulgated Under: 119.03  
Statutory Authority: 3748.02, 3748.04  
Rule Amplifies: 3748.04  
Prior Effective Dates: 7/22/2001, 8/15/05, 10/4/10, 7/25/13