

3701:1-46-31 Radioactive material contained in devices for use under rule 3701:1-46-05 of the Administrative Code: conditions of licenses.

- (A) If a device containing radioactive material is to be transferred for use under the general license contained in rule 3701:1-46-05 of the Administrative Code, each person that is licensed under rule 3701:1-46-30 of the Administrative Code shall provide the information specified in this paragraph to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to the initial transfer to the intermediate person. The required information includes:
- (1) A copy of rule 3701:1-46-05 of the Administrative Code; if paragraphs (C)(2) to (C)(4), or (C)(13) of rule 3701:1-46-05 of the Administrative Code do not apply to the particular device, those paragraphs may be omitted;
 - (2) A copy of rule 3701:1-46-03, paragraphs (A) and (B) of rule 3701:1-38-21, and rule 3701:1-40-21 of the Administrative Code;
 - (3) A list of the services that can only be performed by a specific licensee;
 - (4) Information on acceptable disposal options including estimated costs of disposal at the time of the purchase;
 - (5) A copy of rule 3701:1-38-05 of the Administrative Code which provides for penalties for improper disposal; and
 - (6) The device has been registered in the sealed source and device registry.
- (B) If radioactive material is to be transferred in a device for use under an equivalent general license of the United States nuclear regulatory commission or an agreement state, each person that is licensed under rule 3701:1-46-30 of the Administrative Code shall provide the information specified in this paragraph to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes:
- (1) A copy of paragraphs (A) and (B) of rule 3701:1-38-21, and rules 3701:1-40-21, 3701:1-46-03, and 3701:1-46-05 of the Administrative Code;
 - (2) A list of the services that can only be performed by a specific licensee;
 - (3) Information on acceptable disposal options including estimated costs of disposal at the time of the purchase; and
 - (4) The name, address, and phone number of the contact at the United States nuclear regulatory commission or the agreement state regulatory agency from which additional information may be obtained.
- (C) An alternate approach to informing customers may be proposed by the licensee for approval by the director.

(D) If a notification of bankruptcy has been made under paragraph (F) of rule 3701:1-40-16 of the Administrative Code, or the license is to be terminated, each person licensed under rule 3701:1-46-30 of the Administrative Code shall provide, upon request, to the director, and if appropriate, to the United States nuclear regulatory commission and any appropriate agreement state records of final disposition required under paragraph (C) of rule 3701:1-46-32 of the Administrative Code.

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Certification

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