

3701:1-40-28 Recognition of agreement state licenses - reciprocity.

- (A) Any person who holds a specific license from another agreement state or the United States nuclear regulatory commission and who maintains an office from which the licensee directs the licensed activity and retains radiation safety records, will be granted reciprocity in the state of Ohio to conduct the same licensed activity provided that:
- (1) The reciprocity form is current;
 - (2) The person has not violated Chapter 3748. of the Revised Code or the rules adopted thereunder;
 - (3) The person applies for reciprocity as outlined in this rule;
 - (4) The person notifies the department at least three days in advance of each entry into the state after the reciprocity agreement has been granted unless all dates and locations are specified within the agreement document; and
 - (5) There is no permanent location in Ohio requiring a specific license for radioactive materials.
- (B) The United States nuclear regulatory commission retains authority to issue a general license to conduct the same activity in non-agreement states, areas of exclusive federal jurisdiction within agreement states, and offshore waters. The provisions of this paragraph do not apply if the agreement state, or the United States nuclear regulatory commission limits the authorized activity to a specific installation or location not within Ohio.
- (C) A person applying for reciprocity in the state of Ohio as specified in paragraph (A) of this rule shall do the following:
- (1) At least three days prior to engaging in each activity for the first time in a calendar year, the person shall submit on a form provided by the director, an application for reciprocity to conduct the activity in the state of Ohio, and a copy of his or her United States nuclear regulatory commission or agreement state specific license. The person shall pay the invoiced fee as prescribed in rule 3701:1-38-02 of the Administrative Code.
 - (2) If the person, due to an emergency, is unable to file the submittal three days before engaging in activities under reciprocity, the department may waive the three-day time requirement provided that the licensee:
 - (a) Informs the department by telephone or facsimile of the information provided on the reciprocity application;
 - (b) Receives oral or written authorization for the activity from the department; and
 - (c) Within three days after the notification, files the reciprocity application form, and a copy of the United States nuclear regulatory commission or agreement state license.

- (3) For changes in work locations, radioactive material, or work activities different from the information contained on the initial reciprocity application, the person shall file an amended reciprocity form and pay the invoiced fee as prescribed in rule 3701: 1-38-02 of the Administrative Code.
- (D) An Ohio reciprocity agreement shall expire on the last day of December of the same year that the reciprocity agreement was issued.
- (E) A licensee that is engaging in activities authorized by an Ohio reciprocity agreement shall comply with all terms and conditions of the specific license for which Ohio reciprocity was issued, except for such terms or conditions as are contrary to the requirements of this rule.
- (F) No person shall engage in the activities authorized by an Ohio reciprocity agreement for more than one hundred eighty days in any calendar year.

Effective: 06/25/2015
 Five Year Review (FYR) Dates: 04/09/2015 and 04/01/2020

CERTIFIED ELECTRONICALLY

 Certification

06/15/2015

 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