

3701:1-43-08 General licenses.

- (A) Subject to the requirements of Chapter 3701:1-38, rule 3701:1-43-08, and rule 3701:1-43-18 of the Administrative Code, unless and until a specific license has been issued in accordance with rule 3701:1-43-03 of the Administrative Code, a general license is hereby issued to possess, use, transfer, distribute or dispose of TENORM without regard to quantity.
- (B) This general license does not authorize the manufacture of consumer or retail products containing TENORM in concentrations greater than those specified in paragraph (A) of rule 3701:1-43-07 of the Administrative Code or the receipt and disposal of wastes from other persons.
- (C) Employees or contractors under control and supervision of a general licensee may perform routine maintenance on equipment, facilities, and land owned or controlled by the general licensee. Maintenance that provides a pathway for exposure different from that found in periodic maintenance operations and that increases the potential for additional exposure is not considered routine maintenance. The decontamination of equipment, facilities, and land shall be performed only by persons specifically licensed by the director, an agreement state, or another licensing state to conduct such work.
- (D) Any person subject to the general license issued by paragraph (A) of this rule, shall notify the director within sixty days of the effective date of this rule or of becoming subject to the general license. Such notification shall include:
 - (1) Name and address of the licensee;
 - (2) Location and description of the facility, facilities, or portion of a facility where the TENORM is situated;
 - (3) Description of the TENORM including estimates of the amount and extent of TENORM.
- (E) Transfer of material, equipment or real property.
 - (1) The transfer of TENORM not exempt from the requirements of this chapter, from one general licensee to another general licensee, is authorized if the equipment and facilities contaminated with TENORM are to be used by the recipient for a similar purpose, provided that no member of the public shall receive a dose in excess of that allowed under rule 3701:1-38-13 of the Administrative Code.
 - (2) For transfers not made in accordance with paragraph (E)(1) of this rule, prior written approval by the director is required. To obtain director approval, the transferor shall submit information that demonstrates compliance with rule 3701:1-43-15 of the Administrative Code. Records of such compliance shall be maintained as specified in rule 3701:1-43-17 of the Administrative Code.
 - (3) For transfers made under paragraph (E)(1) of this rule, the general licensee who makes the transfer shall assess the amount and extent of TENORM contamination or material present, inform the general licensee receiving the TENORM of these assessments prior to such transfer, and maintain records required by these regulations that include:
 - (a) The date, recipient name, and location;

- (b) A description and quantity of the material; and
 - (c) A description of the procedures and mechanisms used to ensure that material will not be released in another manner, such as an unrestricted release.
- (4) A general licensee intending to transfer material or real property for unrestricted use shall document compliance with the requirements of rule 3701:1-43-15 of the Administrative Code. Records of such compliance shall be maintained as specified in rule 3701:1-43-17 of the Administrative Code.
- (F) The distribution of TENORM products not exempt from these regulations, from one general licensee to another general licensee, is authorized provided the product is accompanied by labels or manifests which identify the type and amount of TENORM. This may be accomplished by providing notification to the recipient through literature such as material safety data sheets, manifests, or labeling accompanying the product.
- (G) The director may, by written notice, require any person authorized by a general license to apply for, and obtain, a specific license if the director determines that specific licensure is necessary to ensure that exposures do not exceed the criteria of rule 3701:1-38-12 and rule 3701:1-38-13 of the Administrative Code. The notice shall state the reason or reasons for requiring a specific license.

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Certification

03/22/2012
Date

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