

3701:1-56-08 Transfer of special nuclear material.

- (A) No licensee shall transfer special nuclear material except as authorized pursuant to this rule.
- (B) Except as otherwise provided in the license and subject to the provisions of paragraphs (C) and (D) of this rule, any licensee may transfer special nuclear material:
 - (1) To the agency in any agreement state which regulates radioactive materials pursuant to an agreement with the United States nuclear regulatory commission, if the quantity transferred is not sufficient to form a critical mass;
 - (2) To any person exempt from the licensing requirements of the Chapter 3701:1-40 of the Administrative Code and rules in this chapter, to the extent permitted under such exemption;
 - (3) 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 exemption;
 - (4) To any person authorized to receive such special nuclear material under terms of a specific license or a general license or their equivalents issued by the United States nuclear regulatory commission or an agreement state; or
 - (5) As otherwise authorized by the director in writing.
- (C) When transferring special nuclear material:
 - (1) The licensee transferring the material shall verify that the transferee's license authorizes receipt of the type, form, and quantity of special nuclear material to be transferred, before transferring special nuclear material to a specific licensee of the director, the United States nuclear regulatory commission or an agreement state; or
 - (2) The licensee transferring the material shall verify that the transferee's license authorizes receipt of the type, form, and quantity of special nuclear material to be transferred, prior to receipt of the special nuclear material by a general licensee who is required to register with the director, the United States nuclear regulatory commission or with an agreement state.
- (D) The following methods for the verification required by paragraph (C) of this rule are acceptable:
 - (1) The transferor may have in his or her possession, and read, a current copy of the transferee's specific license or registration certificate. The transferor shall retain a copy of each license or certificate for three years from the date that it was obtained;
 - (2) The transferor may have in its possession a written certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of special nuclear material to be transferred, specifying the license or registration certificate number, issuing

agency, and expiration date. The transferor shall retain the written certification as a record for three years from the date of receipt of the certification;

- (3) For emergency shipments the transferor may accept oral certification by the transferee that he or she is authorized by license or registration certificate to receive the type, form, and quantity of special nuclear material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date, provided that the oral certification is confirmed in writing within ten days. The transferor shall retain the written confirmation of the oral certification for three years from the date of receipt of the confirmation;
- (4) The transferor may obtain other sources of information compiled by a reporting service from official records of the department, the 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 registrations. The transferor shall retain the compilation of information as a record for three years from the date that it was obtained; 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 these methods is correct or up-to-date, the transferor may obtain and record confirmation from the department, the United States nuclear regulatory commission or the licensing agency of an agreement state that the transferee is licensed to receive the special nuclear material. The transferor shall retain the record of confirmation for three years from the date the record is made.

Five Year review (FYR) Dates: 06/07/2016 and 06/01/2021

CERTIFIED ELECTRONICALLY

Certification

06/07/2016

Date

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