

Virginia Administrative Code
Title 12. Health
Agency 5. Department Of Health
Chapter 481. Virginia Radiation Protection Regulations

Part XVI. Regulation and Licensing of Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM)

Article 7. Notification

12VAC5-481-3460. Purpose.

This part establishes radiation protection standards for the possession, use, transfer, and disposal of Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM).

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006.

12VAC5-481-3470. Scope.

- A. These regulations apply to any person who receives, owns, possesses, uses, processes, transfers, distributes, or disposes of TENORM.
- B. The regulations in this part address the introduction of TENORM into products in which neither the TENORM, nor the radiation emitted from the TENORM, is considered to be beneficial to the products.
- C. The manufacture and distribution of products containing TENORM, in which the TENORM and/or its emitted radiation is considered to be a beneficial attribute, are licensed under the provisions of Part III (12VAC5-481-380 et seq.) of this chapter.
- D. This part does not apply to radionuclides for which NRC retains exclusive jurisdiction.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006.

12VAC5-481-3480. Exemptions.

- A. Persons who receive, own, possess, use, process, transfer, distribute, or dispose of TENORM are exempt from the requirements of this part (12VAC5-481-3460 et seq.) of this chapter with respect to any combination of radium-226 and radium-228 if the materials contain, or are contaminated at, concentrations less than 185 Bq/kg (5 pCi/gm) excluding natural background. This does not apply to consumer or retail products that are discussed in 12VAC5-481-3560 C and 12VAC5-481-3570. Using purposeful dilution to render TENORM waste exempt shall not be allowed without prior agency approval.
- B. Persons who receive products or materials containing TENORM distributed in accordance with a specific license issued by the agency pursuant to 12VAC5-481-3540 1, or to an equivalent license issued by another licensing state, are exempt from these regulations with regard to those products or materials.

C. The distribution, including custom blending, possession, and use of fertilizers containing TENORM, is exempt from the requirements of this part.

D. TENORM waste regulated by CERCLA (The Comprehensive Environmental Response, Compensation, and Liability Act) or RCRA (Resources Conservation and Recovery Act) are exempt from this part.

E. The transportation and storage incident to transportation are governed by other parts of these regulations.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006; amended, Virginia Register Volume 24, Issue 18, eff. June 12, 2008.

12VAC5-481-3490. Standards for radiation protection for TENORM.

A. No person licensed under 12VAC5 481-3530 or 12VAC5-481-3540 shall conduct operations, use, or transfer TENORM in a manner such that a member of the public will receive an annual total effective dose equivalent in excess of 1mSv (100 mrem) per year from all licensed sources including TENORM.

B. Persons subject to a license under this part shall comply with radiation protection standards set out in Part IV (12VAC5-481-600 et seq.) of this chapter.

C. Doses from indoor radon and its progeny shall not be included in total effective dose equivalent calculations.

D. No person shall release TENORM for unrestricted use in such a manner that the reasonably maximally exposed individual will receive an annual total effective dose equivalent from the released TENORM in excess of 1mSv (100 mrem) per year excluding natural background.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006; amended, Virginia Register Volume 24, Issue 18, eff. June 12, 2008.

12VAC5-481-3500. Protection of Workers During Operations.

Each person subject to a specific license under Part XVI of this chapter shall conduct operations in compliance with the standards for radiation protection set out in other parts of these regulations.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006.

12VAC5-481-3510. Release for unrestricted use.

Each person subject to a license under this part shall:

1. Not transfer or release for unrestricted use facilities or equipment contaminated with TENORM in excess of levels in Table 6.

Table 6.

Acceptable Surface Contamination Levels¹ for TENORM

	AVERAGE ^{2,3,6}	MAXIMUM ^{2,4,6}	REMOVABLE ^{2,3,5,6}
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Alpha	5,000 dpm/100 cm ²	15,000 dpm/100 cm ²	1,000 dpm/100 cm ²
Beta-gamma	5,000 dpm/100 cm ²	15,000 dpm/100 cm ²	1,000 dpm/100 cm ²

¹Where surface contamination by both alpha and beta-gamma emitting nuclides exists, the limits established for alpha and beta-gamma emitting nuclides should apply independently.

²As used in this table, dpm (disintegrations per minute) means the rate of emission by radioactive material as determined by correcting the counts per minute observed by an appropriate detector for background, efficiency, and geometric factors associated with the instrumentation.

³Measurements of average contamination level should not be averaged over more than one square meter. For objects of less surface area, the average should be derived for each object.

⁴The maximum contamination level applies to an area of not more than 100 cm².

⁵The amount of removable radioactive material per 100 cm² of surface area should be determined by wiping that area with dry filter or soft absorbent paper, applying moderate pressure, and assessing the amount of radioactive material on the wipe with an appropriate instrument of known efficiency. When removable contamination on objects of surface area A (where A is less than 100 sq. cm) is determined, the entire surface should be wiped and the contamination level multiplied by 100/A to convert a "per 100 sq. cm" basis.

⁶The average and minimum radiation levels associated with surface contamination resulting from beta-gamma emitters should not exceed 0.2 mrad/hr (2μGy/hr) at 1 cm, respectively, measured through not more than 7 milligrams per square centimeter of total absorber.

2. Not transfer or release for unrestricted use equipment contaminated with TENORM in excess of a surface gamma radiation level of 200 μrem/hr at 1 cm excluding natural background; and

3. Not transfer land for unrestricted use where the concentration of radium-226 or radium-228 in soil averaged over any 100 square meters exceeds the background level by more than 185 Bq/kg (5 pCi/gm), averaged over any 15 cm layer of soil below the surface, unless compliance with 12VAC5-481-3490 B through D can be demonstrated.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006; amended, Virginia Register Volume 24, Issue 18, eff. June 12, 2008.

12VAC5-481-3520. Disposal and transfer of waste for disposal.

A. Each person subject to a license under this part shall manage and dispose of wastes containing TENORM:

1. By transfer of the wastes for disposal to a facility licensed under requirements for uranium or thorium byproduct materials in either 40 CFR Part 192 or 10 CFR Part 40 Appendix R;

2. By transfer of the wastes for disposal to a disposal facility licensed by the NRC, or another agreement state; or

3. In accordance with alternate methods authorized by the agency upon application or upon the agency's initiative, consistent with 12VAC5-481-3490 and where applicable the Clean Water Act, Safe Drinking Water Act and other requirements of the United States Environmental Protection Agency for disposal of such wastes.

B. Equipment contaminated with TENORM in excess of levels specified in Table 6 of this part, which is to be disposed of as waste, shall be disposed of:

1. So as to prevent any reintroduction into commerce or unrestricted use; and
2. Within disposal areas specifically designed to meet the criteria of subsection A of this section.

C. Transfers of waste containing TENORM for disposal shall be made only to a person specifically authorized by the NRC, or another agreement state, to receive such waste.

D. Records of disposal, including manifests, shall be maintained pursuant to the provisions of Part IV (12VAC5-481-600 et seq.) of this chapter.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006; amended, Virginia Register Volume 24, Issue 18, eff. June 12, 2008.

12VAC5-481-3530. General license.

A. Subject to the requirements of 12VAC5-481-3490 through 12VAC5-481-3520 and 12VAC5-481-3540, a general license is hereby issued to possess, own, use, transfer, distribute or dispose of TENORM without regard to quantity.

B. This general license does not authorize the manufacturing of products containing TENORM in concentrations greater than those specified in 12VAC5-481-3480 A nor the receipt and disposal of wastes from other persons.

C. The decontamination of equipment, facilities, and land shall be performed only by persons specifically licensed by the agency, NRC or another agreement state to conduct such work. However, employees or contractors under control and supervision of a general licensee can perform routine maintenance on equipment, facilities, and land owned or controlled by the general licensee. Maintenance that provides a different pathway for exposure than is found in daily operations and that increases the potential for additional exposure is not considered routine.

D. Any person subject to the general license issued by this section shall notify the agency. Such notification shall include:

1. Name and address of the licensee;
2. Location and description of the facility or operation; and
3. Description of the TENORM including estimates of the amount and extent of TENORM.

E. Transfer of material or real property.

1. The transfer of TENORM not exempt from these regulations from one general licensee to another general licensee is authorized if:

- a. The equipment and facilities contaminated with TENORM are to be used by the recipient for the same purpose; or
- b. The transfer of control or ownership of land contaminated with TENORM includes an annotation of the deed records, or notice to owners of surface and mineral rights, to indicate the presence of TENORM.

2. Transfers not made in accordance with subdivision 1 of this subsection require prior approval by the agency.

3. Transfers made under subdivision 1 of this subsection do not relieve the general licensee who makes the transfer from the responsibilities of assessing the extent of TENORM contamination or material present, informing the general licensee receiving the TENORM of these assessments, and maintaining records required by this chapter.

4. A general licensee intending to transfer material or real property for unrestricted use shall document compliance with the requirements of 12VAC5-481-3510.

F. Distribution of TENORM products between general licensees. 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.

G. The agency may, by written notice, require any person authorized by a general license to apply for and obtain a specific license. The notice shall state the reason or reasons for requiring a specific license.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006; amended, Virginia Register Volume 24, Issue 18, eff. June 12, 2008.

12VAC5-481-3540. Specific Licenses.

Unless otherwise exempt, a specific license is required to:

1. Manufacture and distribute any material or product containing TENORM unless authorized by 12VAC5-481-3530 F, exempted under the provisions of 12VAC5-481-3480, or licensed under the provisions of Part III (12VAC5-481-380 et seq.) of this chapter;

2. Except as provided in 12VAC5-481-3530 C, decontaminate equipment or land not otherwise exempted under the provisions of 12VAC5-481-3480 or facilities contaminated with TENORM in excess of the levels set forth in 12VAC5-481-3510, as applicable; for purposes of this subsection, the term "decontaminate" shall not include maintenance that incidentally results in removal of contamination;

3. Receive TENORM from other persons for disposal.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006.

12VAC5-481-3550. Filing application for specific licenses.

A. Applications for specific licenses shall be filed in a manner and on a form prescribed by the agency.

B. The agency may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the agency to determine whether the application should be granted or denied or whether a license should be modified or revoked.

C. Each application shall be signed by the applicant or licensee or a person duly authorized to act for and on the licensee's behalf.

D. An application for a license may include a request for a license authorizing one or more activities.

E. Each application for a specific license shall be accompanied by a fee of \$50.

F. In an application, the applicant may incorporate by reference information contained in previous applications, statements, or reports filed with the agency provided such references are clear and specific.

G. Applications and documents submitted to the agency may be made available for public inspection.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006.

12VAC5-481-3560. Requirements for the issuance of specific licenses.

A. A license application will be approved if the agency determines that:

1. The applicant is qualified by reason of training and experience to use the TENORM in question for the purpose requested in accordance with these rules in such a manner as to protect the public health and safety or property;
2. The applicant's proposed equipment, facilities, and procedures are adequate to protect the public health and safety or property;
3. The issuance of the license will not be inimical to the health and safety of the public;
4. The applicant satisfied all applicable special requirements in this part;
5. The applicant has met the financial surety requirements of 12VAC5-481-450 C; and
6. The applicant has adequately addressed the following items in the application:
 - a. Procedures and equipment for monitoring and protecting workers;
 - b. An evaluation of the radiation levels and concentrations of contamination expected during normal operations;
 - c. Operating and emergency procedures, including procedures for waste reduction and quality assurance of items released for unrestricted use; and
 - d. A method for managing the radioactive material removed from contaminated equipment and facilities.

B. An application for a specific license to decontaminate equipment, land, or facilities contaminated with TENORM in excess of the levels set forth in 12VAC5-481-3480 A, 12VAC5-481-3510 2, or Table 6, as applicable, and to dispose of the resulting waste will be approved if:

1. The applicant satisfies the general requirements specified in subsection A of this section; and
2. The applicant has adequately addressed the following items in the application:
 - a. Procedures and equipment for monitoring and protection of workers;
 - b. An evaluation of the radiation levels and concentrations of contamination expected during normal operations;
 - c. Operating and emergency procedures, including procedures for waste reduction and quality assurance of items released for unrestricted use; and
 - d. Method of disposing of the TENORM removed from contaminated equipment, facilities, and/or land.

C. An application for a specific license to transfer materials or manufacture or distribute products containing TENORM to persons exempted from these regulations pursuant to 12VAC5-481-3530 B will be approved if:

1. The applicant satisfies the general requirements specified in subsection A of this section;
2. The TENORM is not contained in any food, beverage, cosmetic, drug, or other commodity designed for ingestion or inhalation by, or application to, a human being; and
3. The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, and conditions of handling, storage, use, and disposal of the TENORM material or

product to demonstrate that the material or product will meet the safety criteria set forth in 12VAC5-481-3570. The information shall include:

- a. A description of the material or product and its intended use or uses;
 - b. The type, quantity, and concentration of TENORM in each material or product;
 - c. The chemical and physical form of the TENORM in the material or product, and changes in chemical and physical form that may occur during the useful life of the material or product;
 - d. An analysis of the solubility in water and body fluids of the TENORM in the material or product;
 - e. The details of manufacture and design of the material or product relating to containment and shielding of the TENORM and other safety features under normal and severe conditions of handling, storage, use, reuse, and disposal of the material or product;
 - f. The degree of access of human beings to the material or product during normal handling, use, and disposal;
 - g. The total quantity of TENORM expected to be distributed annually in the material or product;
 - h. The expected useful life of the material or product;
 - i. The proposed method of labeling or marking each unit of the material or product with identification of the manufacturer or initial transferor of the product and the radionuclides and quantity of TENORM in the material or product;
 - j. The procedures for prototype testing of the material or product to demonstrate the effectiveness of the containment, shielding, and other safety features under both normal and severe conditions of handling, storage, use, reuse, and disposal;
 - k. The results of the prototype testing of the material or product, including any change in the form of the TENORM contained in it, the extent to which the TENORM may be released to the environment, any change in radiation levels, and any other changes in safety features;
 - l. The estimated external radiation doses and dose commitments relevant to the safety criteria in 12VAC5-481-3570 and the basis for such estimates;
 - m. A determination that the probabilities with respect to doses referred to in 12VAC5-481-3570 meet the safety criteria;
 - n. The quality control procedures to be followed in the production of production lots of the material or product, and the quality control standards the material or product will be required to meet; and
 - o. Any additional information, including experimental studies and tests, required by the agency to facilitate a determination of the radiation safety of the material or product.
- D. Notwithstanding the provisions of subdivision 2 of 12VAC5-481-3570, the agency may deny an application for a specific license if the end uses of the product are frivolous or cannot be reasonably foreseen.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006; amended, Virginia Register Volume 24, Issue 18, eff. June 12, 2008.

12VAC5-481-3570. Safety Criteria for Products.

An applicant for a license under 12VAC5-481-3560 C shall demonstrate that the product is designed and will be manufactured so that:

1. In normal use and disposal of a single exempt item, and in normal handling and storage of the quantities of exempt items likely to accumulate in one location during marketing, distribution, installation, and servicing of the product, it is unlikely that the TEDE in any one year, to a suitable sample of the group of individuals expected to be most highly exposed to radiation or radioactive material from the product will exceed the doses in Column I of 12VAC5-481-3580.

2. In use and disposal of a single exempt item and in handling and storage of the quantities of exempt items likely to accumulate in one location during marketing, distribution, installation, and servicing of the product, the probability is low (not more than one failure per year for each 10,000 exempt units distributed) that the containment, shielding, or other safety features of the product would fail under such circumstances that a person would receive an external radiation dose or dose commitment in excess of the dose to the appropriate organ as specified in Column II of the table in 12VAC5-481-3580 and the probability is negligible (not more than one such failure per year for each one millions exempt units distributed) that a person would receive an external radiation dose or dose commitment in excess of the dose to the appropriate organ as specified in Column III of the table in 12VAC5-481-3580. It is the intent of this paragraph that as the magnitude of the potential dose increases above that permitted under normal conditions, the probability that any individual will receive such a dose must decrease. The probabilities have been expressed in general terms to emphasize the approximate nature of the estimates that are to be made. The above values may be used a guidelines in estimating compliance with the criteria.

3. It is unlikely that there will be a significant reduction in the effectiveness of the containment, shielding, or other safety features of the product from wear and abuse likely to occur in normal handling and use of the product during its useful life.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006.

12VAC5-481-3580. Table of organ doses.

Part of Body	Column I (rem)	Column II (rem)	Column III (rem)	Column IV (rem)
Whole body; head and trunk; active blood-forming organs; gonads; or lens of eye	0.001	0.01	0.5	15
Hands and forearms; feet and ankles; localized areas of skin averaged over areas no larger than 1 square centimeter	0.015	0.15	7.5	200
Other organs	0.003	0.03	1.5	50

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006; amended, Virginia Register Volume 24, Issue 18, eff. June 12, 2008.

12VAC5-481-3590. Issuance of Specific Licenses.

A. Upon a determination that an application meets the requirements of these regulations, the agency will issue a specific license authorizing the proposed activity in such form and containing such conditions and limitations as it deems appropriate or necessary.

B. The agency may incorporate in any license at the time of issuance, or thereafter by amendment, such additional requirements and conditions with respect to the licensee's receipt, possession, use, and transfer of TENORM subject to

this part as it deems appropriate or necessary in order to:

1. Protect public health and safety or property;
2. Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be appropriate or necessary; and
3. Prevent loss, theft, or loss of control of TENORM subject to this part.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006.

12VAC5-481-3600. Conditions of specific licenses issued under 12VAC5-481-3560.

A. General terms and conditions.

1. Each license issued pursuant to this part shall be subject to all the provisions of the Act, now or hereafter in effect, and to all rules, regulations, and orders of the agency.
2. No license issued or granted under this part and no right to possess or utilize TENORM granted by any license issued pursuant to this part shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the agency shall, after securing full information, find that the transfer is in accordance with the provisions of the Act, and shall give its consent in writing.
3. Each person licensed by the agency pursuant to this part shall confine use and possession of the TENORM licensed to the locations and purposes authorized in the license.
4. Each person licensed by the agency pursuant to this part is subject to the general license provisions of 12VAC5-481-3500, 12VAC5-481-3510, and 12VAC5-481-3520.
5. Each licensee shall:
 - a. Notify the agency, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapters of Title II (Bankruptcy) of the United States Code (11 USC) by or against a licensee, an entity (as that term is defined in 11 USC § 101 (15)) controlling a licensee or listing the license or licensee as property of the estate; or an affiliate (as that term is defined in 11 USC § 101 (2)) of the licensee.
 - b. Indicate in their bankruptcy notification the bankruptcy court in which the petition for bankruptcy was filed; and the date of the filing of the petition.

B. Quality control, labeling, and reports of transfer. Each person licensed under 12VAC5-481-3560 C shall:

1. Carry out adequate control procedures in the manufacture of the product to assure that each production lot meets the quality control standards approved by the agency;
2. Label or mark each unit so that the manufacturer, processor, producer, or initial transferor of the material or product and the TENORM in the product can be identified; and
3. Maintain records identifying, by name and address, each person to whom TENORM is transferred for use under 12VAC5-481-3480 B or the equivalent regulations of another licensing state, and stating the kinds, quantities, and uses of TENORM transferred. An annual summary report stating the total quantity of each radionuclide transferred under the specific license shall be filed with the agency. Each report shall cover the year ending December 31, and shall be filed within 90 days thereafter. If no transfers of TENORM have been made pursuant to 12VAC5-481-3560 C during the reporting period, the report shall so indicate.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006; amended, Virginia Register Volume 24, Issue 18, eff. June 12, 2008.

12VAC5-481-3610. Expiration and termination of specific licenses.

A. Except as provided in subdivision D 6 of this section and 12VAC5-481-3620 B, each specific license shall expire at the end of the specified day in the month and year stated therein.

B. Each licensee shall notify the agency in writing and request termination of the license when the licensee decides to terminate all activities involving TENORM authorized under the license. This notification and request for termination of the license must include the reports and information specified in subdivision D 4 of this section. The licensee is subject to the provisions of subsections D and E of this section, as applicable.

C. No less than 30 days before the expiration date specified in a specific license, the licensee shall either:

1. Submit an application for license renewal under 12VAC5-481-3620; or
2. Notify the agency in writing, under subsection B of this section, if the licensee decides to discontinue all activities involving TENORM.

D. If a licensee does not submit an application for license renewal under 12VAC5-481-3620, the licensee shall, on or before the expiration date specified in the license:

1. Terminate use of TENORM;
2. Remove TENORM contamination consistent with the requirements of 12VAC5-481-3510.
3. Properly dispose of TENORM; and
4. Submit a report of disposal of TENORM and radiation surveys to confirm the absence of TENORM or to establish the levels of residual TENORM contamination. The licensee shall, as appropriate:
 - a. Report levels of radiation in units of microrentgens per hour of beta and gamma radiation at one centimeter and gamma radiation at one meter from surfaces and report levels of radioactivity in units of disintegrations per minute (or microcuries) per 100 square centimeters removable and fixed on surfaces, microcuries or Becquerel per milliliter in water, and picocuries or becquerels per gram in contaminated solids such as soils or concrete; and
 - b. Specify the instruments used and certify that each instrument is properly calibrated and tested.

5. If levels of residual activity are less than those established in 12VAC5-481-3510, the licensee shall so certify. If the agency determines that this certification and the information submitted under subdivision 4 of this subsection is adequate and surveys confirm the findings, the agency will notify the licensee in writing that the license is terminated.

6. If levels of residual TENORM are not in conformance with criteria established in 12VAC5-481-3510, the license continues in effect beyond the expiration date, if necessary, with respect to possession of residual TENORM until the agency notifies the licensee in writing that the license is terminated. During this time, the licensee is subject to the provisions of subsection E of this section. In addition to the information submitted under subdivision 4 of this subsection, the licensee shall submit a plan, if appropriate, for decontaminating the location(s) and disposing of this subsection of the residual TENORM.

E. Each licensee who possesses residual TENORM under subdivision D 6 of this section, following the expiration date specified in the license, shall:

1. Be limited to actions involving TENORM related to preparing the locations for release for unrestricted use; and

2. Continue to control entry to restricted areas until the locations are suitable for release for unrestricted use and the agency notifies the licensee in writing that the license is terminated.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006; amended, Virginia Register Volume 24, Issue 18, eff. June 12, 2008.

12VAC5-481-3620. Renewal of specific licenses.

A. Applications for renewal of specific licenses shall be filed in accordance with 12VAC5-481-3550.

B. In any case in which a licensee, not less than 30 days prior to expiration of an existing license, has filed an application in proper form for renewal or for a new license authorizing the same activities, such existing license shall not expire until final action by the agency.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006.

12VAC5-481-3630. Amendment of specific licenses at request of licensee.

Applications for amendment of a license shall be filed in accordance with 12VAC5-481-3550 and shall specify the respects in which the licensee desires the license to be amended and the grounds for such amendment.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006.

12VAC5-481-3640. Agency action on applications to renew and amend specific licenses.

In considering an application by a licensee to renew or amend the license, the agency will apply the criteria set forth in 12VAC5-481-3560.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006.

12VAC5-481-3650. Modification and revocation of specific licenses.

A. The terms and conditions of all licenses shall be subject to amendment, revision, or modification or the license may be suspended or revoked by reason of amendments to the Act, or by reason of rules, regulations, and orders issued by the agency.

B. Any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under provisions of the Act, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the agency to refuse to grant a license on an original application, or for violation of, or failure to observe any of the terms and conditions of the Act, or of the license, or of any rule, regulation, or order of the agency.

C. Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, the agency shall not modify, suspend or revoke a license prior to the institution of proceedings unless facts or conduct that may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006; amended, Virginia Register Volume 24, Issue 18, eff. June 12, 2008.

12VAC5-481-3660. Reciprocal recognition of specific licenses.

Subject to these regulations, any person who holds a specific license from an agreement state or a licensing state, and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this state for a period not in excess of 180 days in any calendar year provided that:

1. The licensing document does not limit the activity authorized by such document to specified installations or locations;
2. The out-of-state licensee notifies the agency in writing at least three days prior to engaging in such activity. Such notification shall indicate the location, period, and type of proposed possession and use within the State, and shall be accompanied by a copy of the pertinent licensing document. If, for a specific case, the three-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the agency, obtain permission to proceed sooner. The agency may waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license provided in subdivision 1 of this section;
3. The out-of-state licensee complies with all applicable regulations of the agency and with all the terms and conditions of the licensing document, except any such terms and conditions which may be inconsistent with applicable regulations of the agency;
4. The out-of-state licensee supplies such other information as the agency may request; and
5. The out-of-state licensee shall not transfer or dispose of TENORM possessed or used under the general license provided in subsection A of this section, except by transfer to a person:
 - a. Specifically licensed by the agency or by another licensing state to receive such TENORM; or
 - b. Exempt from the requirements for a license for such TENORM under 12VAC5-481-3480.

Statutory Authority

§ 32.1-229 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006.

12VAC5-481-3670. (Repealed.)

Statutory Authority

Historical Notes

Derived from Virginia Register Volume 22, Issue 25, eff. September 20, 2006; repealed, Virginia Register Volume 24, Issue 18, eff. June 12, 2008.

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