

**4731.0419 ADVANCE NOTIFICATION OF SHIPMENT OF IRRADIATED REACTOR FUEL AND NUCLEAR WASTE.**

Subpart 1. **Notice required.** As specified in subparts 2 to 4, a licensee must provide advance notification to the commissioner, the governor of the state or the governor's designee, and the NRC of a shipment of licensed material through or across the boundary of the state before the transport, or delivery to a carrier for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.

Subp. 2. **Shipments requiring notice.** Advance notification is required under this part for shipments of irradiated reactor fuel in quantities less than that subject to the advance notification requirements of Code of Federal Regulations, title 10, section 73.37, paragraph (f). Advance notification is also required under this part for shipments of licensed material, other than irradiated fuel, meeting the following three conditions:

A. the licensed material is required by parts 4731.0400 to 4731.0455 to be in Type B packaging for transportation;

B. the licensed material is being transported to or across the state boundary enroute to a disposal facility or to a collection point for transport to a disposal facility; and

C. the quantity of licensed material in a single package exceeds the least of the following:

(1) 3,000 times the  $A_1$  value of radionuclides as specified in part 4731.0422 for special form radioactive material;

(2) 3,000 times the  $A_2$  value of radionuclides as specified in part 4731.0422 for normal form radioactive material; or

(3) 27,000 Ci (1,000 TBq).

Subp. 3. **Procedures for submitting notification.**

A. The notification required under this part must:

(1) be made in writing to the commissioner, the office of each appropriate state governor or governor's designee, and to the director of the Division of Nuclear Security, Office of Nuclear Security and Incident Response, NRC;

(2) if delivered by mail, be postmarked at least seven days before the beginning of the seven-day period during which departure of the shipment is estimated to occur; and

(3) if delivered by any other means than mail, reach the office of the commissioner and the governor or governor's designee at least four days before the beginning of the seven-day period during which departure of the shipment is estimated to occur.

B. A list of the names and mailing addresses of the governor's designees receiving advance notification of transportation of nuclear waste is published annually in the Federal Register on or about June 30 to reflect changes in information. The list of the names and mailing addresses of the governor's designees is available on request from the Director, Office of State and Tribal Programs, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

C. The licensee must retain a copy of the notification as a record for three years.

Subp. 4. **Information to be furnished in advance notification of shipment.** An advance notification of shipment of irradiated reactor fuel or nuclear waste must contain the following information:

A. the name, address, and telephone number of the shipper, carrier, and receiver of the irradiated reactor fuel or nuclear waste shipment;

B. a description of the irradiated reactor fuel or nuclear waste contained in the shipment according to DOT regulations in Code of Federal Regulations, title 49, sections 172.202 and 172.203, paragraph (d);

C. the point of origin of the shipment and the seven-day period during which departure of the shipment is estimated to occur;

D. the seven-day period during which arrival of the shipment at state boundaries is estimated to occur;

E. the destination of the shipment and the seven-day period during which arrival of the shipment is estimated to occur; and

F. a point of contact, with a telephone number, for current shipment information.

Subp. 5. **Revision notice.** A licensee who finds that schedule information, previously furnished under this part to the commissioner and a governor or governor's designee, will not be met must telephone a responsible individual in the commissioner's office and the governor or governor's designee and inform the individual of the extent of the delay beyond the schedule originally reported.

Subp. 5a. **Record retained.** The licensee must maintain a record of the name of the individual contacted for three years.

Subp. 6. **Cancellation notice.**

A. A licensee who cancels an irradiated reactor fuel or nuclear waste shipment for which advance notification has been sent must send a cancellation notice to the commissioner, the governor of each state or the governor's designee previously notified, and the director of the Division of Nuclear Security, Office of Nuclear Security and Incident Response, NRC.

B. The licensee must state in the notice that it is a cancellation and identify the advance notification that is being canceled.

C. The licensee must retain a copy of the notice as a record for three years.

**Statutory Authority:** *MS s 144.1202; 144.1203*

**History:** *29 SR 755; 32 SR 831*

**Published Electronically:** *March 12, 2009*