

4731.0615 TRANSFER OF SPECIAL NUCLEAR MATERIAL.

Subpart 1. **Authorization required.** No licensee shall transfer special nuclear material except as authorized under this part.

Subp. 2. **Approved transfer.** Except as otherwise provided in a license and subject to subpart 3, a licensee may transfer special nuclear material:

- A. to the commissioner after approval from the commissioner;
- B. to the United States Department of Energy;
- C. to the agency in an agreement state that regulates radioactive material according to an agreement with the NRC, if the quantity transferred is not sufficient to form critical mass;
- D. to a person exempt from this chapter to the extent permitted under the exemption;
- E. to a person in an agreement state, subject to the jurisdiction of that state, who has been exempted from licensing requirements of that state, to the extent permitted under the exemption;
- F. to a person authorized to receive such material under terms of a specific license or a general license or their equivalents issued by the commissioner, the NRC, an agreement state, or a licensing state; or
- G. as otherwise authorized by the commissioner in writing.

Subp. 3. **Verification for transfer.**

A. Before transferring special nuclear material to a specific licensee of the commissioner, the NRC, an agreement state, or a licensing state or to a general licensee who is required to register with the commissioner, the NRC, an agreement state, or a licensing state before receipt of the special nuclear material, the licensee transferring radioactive material must verify that the transferee's license authorizes the receipt of the type, form, and quantity of special nuclear material to be transferred.

- B. Any of the following methods of verification are acceptable:
- (1) the transferor may possess and read a current copy of the transferee's specific license or general license registration certificate. The transferor must retain a copy of each license or certificate until the next inspection;
 - (2) the transferor may possess 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:
 - (a) the license or registration certificate number;

- (b) the issuing agency; and
- (c) the expiration date.

The transferor must retain the written certification as a record for three years from the date of receipt of the certification; or

(3) for emergency shipments, the transferor may accept oral 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:

- (a) the license or registration certificate number;
- (b) the issuing agency; and
- (c) the expiration date.

The oral certification must be confirmed in writing within ten days. The transferor must retain the written confirmation of the oral certification for three years from the date of receipt of the confirmation.

Subp. 4. **Other sources of information.** The transferor may obtain other information compiled by a reporting service from official records of the commissioner, the NRC, or the licensing agency of an agreement state regarding the identity of licensees or registrants and the scope and expiration dates of the licenses and registrations. The transferor must retain the compilation of information as a record for three years from the date that it was obtained.

Subp. 5. **Confirmation.** The transferor may obtain and record confirmation from the commissioner, the NRC, or the licensing agency of an agreement state or licensing state that the transferee is licensed to receive the special nuclear material:

A. when none of the methods of verification described in subparts 3 and 4 are readily available; or

B. when a transferor desires to verify that information received by one of the verification methods is correct or up-to-date.

The transferor must retain the record of confirmation for three years from the date the record is made.

Statutory Authority: *MS s 144.1202; 144.1203*

History: *29 SR 755*

Published Electronically: *March 12, 2009*