

**3701:1-50-23 Advance notification of shipment of irradiated reactor fuel and nuclear waste.**

(A)

- (1) As specified in paragraphs (B), (C) and (D) of this rule, each licensee shall provide advance notification to the governor of a state, or the governor's designee, of the 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 in compliance with section 4163.07 of the Revised Code.
- (2) As specified in paragraphs (B), (C), and (D) of this rule, each licensee shall provide advance notification to the tribal official of participating indian tribes referenced in paragraph (C)(3)(c) of this rule, or the official's designee, of the shipment of licensed material, within or across the boundary of the indian tribe's reservation, 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 in compliance with section 4163.07 of the Revised Code.

(B) Advance notification is also required under this rule for shipments of licensed material, other than irradiated reactor fuel, meeting the following three conditions:

- (1) The licensed material is required by this part to be in type B packaging for transportation;
- (2) The licensed material is being transported to or across a state boundary in route to a disposal facility or to a collection point for transport to a disposal facility; and
- (3) The quantity of licensed material in a single package exceeds the least of the following:
  - (a) Three thousand times the  $A_1$  value of the radionuclides as specified in rule 3701:1-50-25 of the Administrative Code for special form radioactive material;
  - (b) Three thousand times the  $A_2$  value of the radionuclides as specified in rule 3701:1-50-25 of the Administrative Code for normal form radioactive material; or
  - (c) One thousand terabecquerels (twenty-seven thousand curies).

(C) Each licensee shall submit an advance notification as follows:

- (1) The notification must be made in writing to the office of each appropriate governor or governor's designee, the office of each appropriate tribal official or tribal official's designee, and to the director, division of security policy, office of nuclear security and incident response, United States nuclear regulatory commission.
- (2) A notification delivered by mail must be postmarked at least seven days before the beginning of the seven-day period during which departure of the shipment is estimated to occur.

- (3) A notification delivered by any other means than mail must reach the office of the governor or of the governor's designee or the tribal official or tribal official's designee at least four days before the beginning of the seven-day period during which departure of the shipment is estimated to occur.
    - (a) A list of the names and mailing addresses of the governors' designees receiving advance notification of transportation of nuclear waste was published in the federal register on June 30, 1995 (60 FR 34306).
    - (b) The list of governor's designees and tribal official's designees of participating tribes will be published annually in the federal register on or about June thirtieth of each year to reflect any changes in information.
    - (c) A list of the names and mailing addresses of the governors' designees and tribal officials' designees of participating tribes is available on request from the "Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs, United States Nuclear Regulatory Commission, Washington, DC 20555-0001."
  - (4) The licensee shall retain a copy of the notification as a record for three years.
- (D) Each advance notification of shipment of nuclear waste must contain the following information:
- (1) The name, address, and telephone number of the shipper, carrier, and receiver of the nuclear waste shipment;
  - (2) A description of the nuclear waste contained in the shipment, as specified in the regulation of DOT in 49 C.F.R. 172.202 and 49 C.F.R. 172.203(D) (as published in the October 1, 2014 Code of Federal Regulations);
  - (3) The point of origin of the shipment and the seven-day period during which departure of the shipment is estimated to occur;
  - (4) The seven-day period during which arrival of the shipment at state boundaries, or tribal reservation boundaries is estimated to occur;
  - (5) The destination of the shipment, and the seven-day period during which arrival at the destination of the shipment is estimated to occur; and
  - (6) A point of contact, with a telephone number, for current shipment information.
- (E) Revision notice.
- (1) A licensee who finds that schedule information previously furnished to a governor or governor's designee or a tribal official or tribal official's designee, in accordance with this section, will not be met, shall telephone a responsible individual in the office of the governor of the state or of the governor's designee or the tribal official or the tribal official's designee and inform that individual of the extent of the delay beyond the schedule originally reported. The licensee shall maintain a record of the name of the individual contacted for three years.
- (F) Cancellation notice.

- (1) Each licensee who cancels a nuclear waste shipment for which advance notification has been sent shall send a cancellation notice to the offices listed in paragraph (A) of this rule previously notified, and to the director, division of nuclear security, office of security policy and incident response, United States nuclear regulatory commission.
- (2) The licensee shall state in the notice that it is a cancellation and identify the advance notification that is being canceled. The licensee shall retain a copy of the notice as a record for three years.

Effective: 02/18/2016

Five Year Review (FYR) Dates: 11/27/2015 and 11/15/2020

CERTIFIED ELECTRONICALLY

\_\_\_\_\_  
Certification

02/08/2016

\_\_\_\_\_  
Date

Promulgated Under: 119.03  
Statutory Authority: 3748.04  
Rule Amplifies: 3748.04  
Prior Effective Dates: 10/19/2001, 10/22/06, 9/1/11, 2/13/14, 2/18/16