

## **3701:1-37-26 Advance notification of shipment of category one quantities of radioactive material.**

As specified in paragraphs (A) and (B) of this rule, each licensee shall provide advance notification to the director and the governor of a state, or the governor's designee, of the shipment of licensed material in a category one quantity, through or across the boundary of the state, before the transport, or delivery to a carrier for transport of the radioactive material outside the confines of the licensee's facility or other place of use or storage.

(A) Procedures for submitting advance notification:

(1) The notification must be made to the office of each appropriate governor or governor's designee. The contact information, including telephone and mailing addresses, of governors and governors' designees, is available on the NRC website at <https://scp.nrc.gov/special/designee.pdf>. A list of the contact information is also available upon request from the " Director, Division of Material Safety, State, Tribal, and Rulemaking Programs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001." The notification to the director may be made by an appropriate method listed in rule [3701:1-37-04](#) of the Administrative Code.

(2) A notification delivered by mail must be postmarked at least seven days before transport of the shipment commences at the shipping facility.

(3) A notification delivered by any means other than mail must reach the director at least four days before the transport of the shipment commences and must reach the office of the governor or the governor's designee at least four days before transport of a shipment within or through the state.

(B) Information to be furnished in advance notification of shipment: Each advance notification of shipment of category one quantities of radioactive material must contain the following information, if available at the time of notification:

(1) The name, address, and telephone number of the shipper, carrier, and receiver of the category one radioactive material;

(2) The license numbers of the shipper and receiver;

(3) A description of the radioactive material contained in the shipment, including the radionuclides and quantity;

(4) The point of origin of the shipment and the estimated time and date that shipment will commence;

(5) The estimated time and date that the shipment is expected to enter each state along the route;

(6) The estimated time and date of arrival of the shipment at the destination; and

(7) A point of contact, with a telephone number, for current shipment information.

(C) Revision notice:

(1) The licensee shall provide any information not previously available at the time of the initial notification, as soon as the information becomes available but not later than commencement of the shipment, to the governor of the state or the governor's designee and to the director.

(2) A licensee shall promptly notify the governor of the state or the governor's designee of any such changes to the information provided in accordance with paragraphs (B) and (C)(1) of this rule. The licensee shall also immediately notify the director of any such changes.

(D) Cancellation notice: each licensee who cancels a shipment for which the advance notification has been sent shall send a cancellation notice to the governor of each state or to the governor's designee previously notified and to the director. The licensee shall send the cancellation notice before the shipment would have commenced or as soon thereafter as possible. The licensee shall state in the notice that it is a cancellation and identify the advance notification that is being canceled.

(E) Records: the licensee shall retain a copy of the advance notification and any revision and cancellation notices as a record for three years.

(F) Protection of information: state officials, state employees, and other individuals, whether or not licensees of the U.S. nuclear regulatory commission or an agreement state, who receive schedule information of the kind specified in paragraph (B) of this rule shall protect that information against unauthorized disclosure as specified in paragraph (D) of rule [3701:1-37-15](#) of the Administrative Code.

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## **3701:1-37-28 Reporting of transportation events.**

(A) The shipping licensee shall notify the appropriate LLEA and the director in accordance with rule [3701:1-37-05](#) of the Administrative Code within one hour of its determination that a shipment of category one quantities of radioactive material is lost or missing. The appropriate LLEA would be the law enforcement agency in the area of the shipment's last confirmed location. During the investigation required by paragraph (C) of rule [3701:1-37-27](#) of the Administrative Code, the shipping licensee will provide agreed upon updates to the director on the status of the investigation.

(B) The shipping licensee shall notify the director in accordance with rule [3701:1-37-05](#) of the Administrative Code within four hours of its determination that a shipment of category two quantities of radioactive material is lost or missing. If, after twenty-four hours of its determination that the shipment is lost or missing, the radioactive material has not been located and secured, the licensee shall immediately notify the director.

(C) The shipping licensee shall notify the designated LLEA along the shipment route as soon as possible upon discovery of any actual or attempted theft or diversion of a shipment or suspicious activities related to the theft or diversion of a shipment of a category one quantity of radioactive material. As soon as possible after notifying the LLEA, the licensee shall notify the director in accordance with rule [3701:1-37-05](#) of the Administrative Code upon discovery of any actual or attempted theft or diversion of a shipment, or any suspicious activity related to the shipment of category one radioactive material.

(D) The shipping licensee shall notify the director in accordance with rule [3701:1-37-05](#) of the Administrative Code as soon as possible upon discovery of any actual or attempted theft or diversion of a shipment, or any suspicious activity related to the shipment, of a category two quantity of radioactive material.

(E) The shipping licensee shall notify the director in accordance with rule [3701:1-37-05](#) of the Administrative Code and the LLEA as soon as possible upon recovery of any lost or missing category one quantities of radioactive material.

(F) The shipping licensee shall notify the director in accordance with rule [3701:1-37-05](#) of the Administrative Code as soon as possible upon recovery of any lost or missing category two quantities of radioactive materials.

(G) The initial telephonic notification required by paragraphs (A) to (D) of this rule must be followed within a period of thirty days by a written report submitted to the director by an appropriate method listed in rule [3701:1-37-04](#) of the Administrative Code. A written report is not required for notifications on suspicious activities required by paragraphs (C) and (D) of this rule. The report must set forth the following information:

- (1) A description of the licensed material involved, including kind, quantity, and chemical and physical form;
- (2) A description of the circumstances under which the loss or theft occurred;
- (3) A statement of disposition, or probable disposition, of the licensed material involved;
- (4) Actions that have been taken, or will be taken, to recover the material; and
- (5) Procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed material.

(H) Subsequent to filing the written report, the licensee shall also report any additional substantive information on the loss or theft within thirty days after the licensee learns of such information.

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## **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, 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) Contact information for each state, including telephone and mailing addresses of governors and governors' designees, and participating tribes, including telephone and mailing addresses of tribal officials and tribal official's designees, is available on the United States nuclear regulatory commission's web site at: <https://scp.nrc.gov/special/designee.pdf>.

(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 Material Safety, Security, State, and Tribal Programs, Office of Nuclear Material Safety and Safeguards, 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 in effect on the effective date of this rule);

(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, office of nuclear security 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.

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