

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
OFFICE OF NUCLEAR REACTOR REGULATION  
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS  
WASHINGTON, DC 20555-0001

April 23, 2003

**NRC REGULATORY ISSUE SUMMARY 2003-07  
ISSUANCE OF REGULATIONS REVISING FILING  
REQUIREMENTS FOR ADVANCE NOTIFICATION OF THE  
SHIPMENT OF SPENT NUCLEAR FUEL AND  
SPECIAL NUCLEAR MATERIAL**

**ADDRESSEES**

All U.S. Nuclear Regulatory Commission (NRC) power reactor licensees, research and test reactor licensees, independent spent fuel storage installation licensees, and special nuclear material licensees who ship spent nuclear fuel and special nuclear material.

**INTENT**

The NRC is issuing this regulatory issue summary (RIS) to inform addressees of the publication of a final rule which revises the advance notification requirements for the shipment of spent nuclear fuel and special nuclear material in 10 CFR 70.20b, 71.97, 73.26, 73.27, 73.67, 73.71, 73.72, 73.73, and 73.74.

**BACKGROUND**

On January 25, 2002, the NRC published a final rule (67 FR 3584) which, in part, amended the filing requirements for advance notification to the NRC of shipments of spent nuclear fuel and special nuclear material. The January 2002 rule directed licensees to submit these advance notifications and any revisions or changes to the Director of the Spent Fuel Project Office (SFPO) in the Office of Nuclear Material Safety and Safeguards (NMSS). However, on April 2, 2002, in response to the September 11, 2001, terrorist attacks on New York City and Washington, DC, the Commission created the Office of Nuclear Security and Incident Response (NSIR) to consolidate the NRC's security functions. The Division of Nuclear Security (DNS) in NSIR was assigned the responsibility for receiving these advance notifications.

**DISCUSSION**

The NRC published in the March 26, 2003, *Federal Register* a revised final rule (68 FR 14528) that changed the filing location for advance notifications from NMSS/SFPO to NSIR/DNS.

**ML031070432**

Advance notifications of shipments of spent nuclear fuel and special nuclear material should be sent to the following address and should be protected in accordance with the requirements of 10 CFR 73.21, as applicable:

U.S. Nuclear Regulatory Commission  
Director, Division of Nuclear Security  
M/S: T4-D8  
Washington, DC 20555-0001

This final rule did not change the timeliness requirements for submitting advance notifications of the shipment of spent nuclear fuel in 10 CFR Parts 71 and 73 and the Orders dated October 3, 2002, that were issued to certain licensees. The issuance of these Orders is discussed in RIS 2002-18, "Issuance of Orders Imposing Additional Physical Protection Measures for the Transportation of Spent Nuclear Fuel Greater Than 100 Grams," dated October 3, 2002. Nor did this final rule change the timeliness requirements in 10 CFR Parts 70 and 73 for submitting advance notifications of shipments of special nuclear material.

Additionally, the guidance issued to licensees relating to shipments of certain quantities of radioactive special nuclear material, including advance notification of shipments, which is contained in the NRC's December 13, 2001, Security Advisory SA-01-01, Rev. 1, "Recommendations for Shipment of Radioactive Material Exceeding Highway Route Controlled Quantity," remains in place.

#### **BACKFIT DISCUSSION**

RISs are generally used to communicate with the nuclear industry on a variety of matters for which no response or action is required. This RIS requires no action or written response and, therefore, is not a backfit under 10 CFR 50.109. Therefore, the staff did not perform a backfit analysis.

#### **FEDERAL REGISTER NOTIFICATION**

A notice of opportunity for public comment was not published in the *Federal Register* because this RIS is informational.

#### **PAPERWORK REDUCTION ACT STATEMENT**

This RIS does not contain any new or amended information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). Existing collection requirements under 10 CFR 70.20b, 71.97, 73.26, 73.27, 73.67, 73.71, 73.72, 73.73, and 73.74 were approved by the Office of Management and Budget (OMB), approval number 3150-0002, which expires April 30, 2005.

#### Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control Number.

If you have any questions about this RIS, please telephone or e-mail the technical contacts listed below.

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/RA/

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