

December 8, 2010

President Etta Kuzakin  
Agdaagux Tribe of King Cove  
P.O. Box 249  
King Cove, AK 99612

Dear President Kuzakin,

The U.S. Nuclear Regulatory Commission's (NRC's) mission is to license and regulate the Nation's civilian use of radioactive materials in order to protect public health and safety, promote the common defense and security, and protect the environment. The NRC is committed to engaging in meaningful government-to-government interaction with Tribes and to informing Native American communities of the nature of NRC's regulatory activities.

On December 6, 2010, NRC published a proposed rule for public comment to amend its regulations of Title 10 of the *Code of Federal Regulations*, Parts 71 and 73 to (1) require licensees to provide participating Federally-recognized Tribes advance notification of commercial irradiated reactor fuel shipments that may be transported within or across Tribal reservations; and (2) to relieve Tribal officials, Tribal officials' designees, and Tribal law enforcement personnel from the criminal history checks, fingerprinting, and other elements of background checks required to allow access to Safeguards Information (SGI) for the purpose of receiving advance notifications of these shipments.

Previously, the NRC published an Advance Notice of Proposed Rulemaking (ANPR) to solicit comments on this possible rulemaking (64 FR 71331; December 21, 1999). NRC received over 40 comment letters (36 letters from Tribes and Tribal organizations). These documents can be found at <http://www.regulations.gov> by searching under Docket ID NRC-1999-0005. NRC staff suspended the rulemaking following the terrorist attacks of September 11, 2001, to address nuclear security related issues. NRC is now going forward with the proposed rule and has considered comments previously received in response to the ANPR during the development of this proposed rule. The proposed rule was published in the *Federal Register* (December 6, 2010; 75 FR 75641) and is available for public comment.

Should you have comments on the proposed rule, please submit them by February 22, 2011. Instructions on submittal of comments can be found in the address section of the enclosed *Federal Register* notice. Also enclosed is information about spent fuel transportation and a question and answer sheet entitled, "NRC's Proposed Rulemaking to Notify Native American Tribes about Irradiated Reactor Fuel Shipments." We hope you find these enclosures informative and useful. Finally, in keeping with NRC's commitment to meaningful government-to-government communication, we request that you contact and inform us as to your Tribe's preferred method of communication (by e-mail or by postal mail) when corresponding with the NRC.

If you wish to obtain additional information about the NRC's Tribal-related activities, please contact Richard Turtill, Chief of the Intergovernmental Liaison Branch, at (301) 415-2308, or by e-mail at [Tribal\\_Outreach.Resource@nrc.gov](mailto:Tribal_Outreach.Resource@nrc.gov).

Sincerely,



Josephine M. Piccone, Director  
Division of Intergovernmental Liaison  
and Rulemaking  
Office of Federal and State Materials  
and Environmental Management Programs

Enclosures:

- 1) Safety of Spent Fuel Transportation,  
NUREG/BR-0292
- 2) Transporting Spent Fuel, NUREG/BR-0111
- 3) Question and Answer Sheet: NRC's Proposed  
Rulemaking to Notify Native American Tribes  
about Irradiated Reactor Fuel Shipments
- 4) Proposed Rule, "Advance Notification to Native  
American Tribes of Transportation of Certain  
Types of Nuclear Waste"

If you wish to obtain additional information about the NRC's Tribal-related activities, please contact Richard Turtill, Chief of the Intergovernmental Liaison Branch, at (301) 415-2308, or by e-mail at [Tribal\\_Outreach.Resource@nrc.gov](mailto:Tribal_Outreach.Resource@nrc.gov).

Sincerely,

*/RA/*

Josephine M. Piccone, Director  
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and Environmental Management Programs

Enclosures:

- 1) Safety of Spent Fuel Transportation, NUREG/BR-0292
- 2) Transporting Spent Fuel, NUREG/BR-0111
- 3) Question and Answer Sheet: NRC's Proposed Rulemaking to Notify Native American Tribes about Irradiated Reactor Fuel Shipments
- 4) Proposed Rule, "Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste"

Identical letters sent to the attached Distribution List

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**OFFICIAL RECORD COPY**

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