

**Advance Notification to Native American tribes of Transportation of Certain Types of Nuclear Waste**  
(77 FR 34194, Published June 11, 2012) RATS ID: 2012-2 Effective: August 10, 2012  
Date Due for State Adoption August 10, 2015

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§71.4	Definition: Indian tribe	105 CMR 120.772	B	<p><b>In § 71.4, the new definition for the term “Indian tribe” was added as follows:</b></p> <p><i>Indian tribe</i> means an Indian or Alaska native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.</p>	No		
§71.4	Definition: Tribal official	105 CMR 120.772	B	<p><b>In § 71.4, the new definition for the term “Tribal official” was added as follows:</b></p> <p><i>Tribal official</i> means the highest ranking individual that represents Tribal leadership, such as the Chief, President, or Tribal Council leadership.</p>	No		

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§71.97(a)	Advance notification of shipment of irradiated reactor fuel and nuclear waste	105 CMR 120.789 (A)	B	<p><b>In § 71.97, paragraph (a) is revised to read as follows:</b></p> <p>(a)(1) As specified in paragraphs (b), (c), and (d) of this section, each licensee shall provide advance notification to the governor of a State, or the governor's designee, of the shipment of licensed material, within 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.</p> <p>(2) As specified in paragraphs (b), (c), and (d) of this section, after June 11, 2013, each licensee shall provide advance notification to the Tribal official of participating Tribes referenced in paragraph (c)(3)(iii) of this section, or the official's designee, of the shipment of licensed material, within or across the boundary of the 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.</p>	No		

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§71.97(c)(1)	Advance notification of shipment of irradiated reactor fuel and nuclear waste	105 CMR 120.789 (C)(1)	B	<p><b>In § 71.97, paragraph (c)(1) is revised to read as follows:</b></p> <p><i>(c) Procedures for submitting advance notification.</i></p> <p>(1) The notification must be made in writing to:</p> <p>(i) The office of each appropriate governor or governor's designee;</p> <p>(ii) The office of each appropriate Tribal official or Tribal official's designee; and</p> <p>(iii) The Director, Division of Security Policy, Office of Nuclear Security and Incident Response.</p>	No		
§71.97(c)(3)	Advance notification of shipment of irradiated reactor fuel and nuclear waste	105 CMR 120.789 (C)(3)	B	<p><b>In § 71.97, paragraph (c)(3) is revised to read as follows:</b></p> <p>(c) * * *</p> <p>(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</p>	No		

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				<p>least 4 days before the beginning of the 7-day period during which departure of the shipment is estimated to occur.</p> <p>(i) A list of the names and mailing addresses of the governors' designees receiving advance notification of transportation of nuclear waste was published in the <i>Federal Register</i> on June 30, 1995 (60 FR 34306).</p> <p>(ii) The list of governor's designees and Tribal official's designees of participating Tribes will be published annually in the <i>Federal Register</i> on or about June 30<sup>th</sup> to reflect any changes in information.</p> <p>(iii) 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, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.</p>			

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§71.97(d)(4)	Advance notification of shipment of irradiated reactor fuel and nuclear waste	105 CMR 120.789 (D)(4)	B	<p><b>In § 71.97, paragraph (d)(4) is revised to read as follows:</b></p> <p>(d) * * *</p> <p>(4) The 7-day period during which arrival of the shipment at State boundaries or Tribal reservation boundaries is estimated to occur;</p>	No		
§71.97(e)	Advance notification of shipment of irradiated reactor fuel and nuclear waste	105 CMR 120.789 (E)	B	<p><b>In § 71.97, paragraph (e) is revised to read as follows:</b></p> <p>(e) <i>Revision notice.</i> 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 3 years.</p>	No		

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§71.97(f)(1)	Advance notification of shipment of irradiated reactor fuel and nuclear waste	105 CMR 120.789 (F)(1)	B	<p><b>In § 71.97, paragraph (f)(1) is revised to read as follows:</b></p> <p>(f) <i>Cancellation notice.</i> (1) Each licensee who can cancels an irradiated reactor fuel or nuclear waste shipment for which advance notification has been sent shall send a cancellation notice to the governor of each State or to the governor’s designee previously notified, each Tribal official or to the Tribal official’s designee previously notified, and the Director, Division of Security Policy, Office of Nuclear Security and Incident Response.</p>	Yes	No	“can” in second line is removed since it is typo not actually in CFR cited.
§ 73.2	Definition: Indian tribe	N/A	NRC	<b>In § 73.2, the new definition for the term “Indian tribe” was added:</b>			
§ 73.2	Definition: Tribal official	N/A	NRC	<b>In § 73.2, the new definition for the term “Tribal official” was added:</b>			

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§ 73.21	Protection of Safeguards Information: Performance Requirements.	N/A	NRC	In § 73.21, paragraph (a)(2) is revised:			
§ 73.37	Requirements for physical protection of irradiated reactor fuel in transit	N/A	NRC	In § 73.37, paragraphs (f) and (g) are revised:			
§ 73.59	Relief from fingerprinting, identification and criminal history records checks and other elements of background checks for designated categories of individuals	N/A	NRC	In § 73.59, new paragraph (I) is added:			