



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 21, 2016

David Decker, Chairman
Elko Band Colony
Te-Moak Tribe of Western Shoshone Indians
525 Sunset Street
Elko, NV 89801

Dear Chairman Decker:

This letter is to inform you that the U.S. Nuclear Regulatory Commission (NRC) recently performed an analysis of approved transportation routes for spent nuclear fuel and nuclear waste, and their proximity to tribal reservation lands. Our analysis indicates that your reservation is crossed by one or more of these routes (see enclosure). Based on the notification requirements for NRC's rule on the transportation of spent nuclear fuel and certain types of nuclear waste, your tribe is eligible to participate in the NRC's Advance Notification program. If you choose to participate in the program, shippers subject to these regulatory requirements will be required to notify you in advance of their shipments crossing your reservation boundaries. Provided below is some background information, what you will need to do to participate in the program, and our contact information.

On June 11, 2012, the NRC published a final rule titled, "Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste." This rule (77 FR 34194) amended regulations that require NRC licensees to provide participating Federally-recognized Tribes advance notification of commercial irradiated reactor fuel shipments and nuclear waste shipments transported within or across Tribal reservations. The rule also relieves 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, also known as SGI.

Since our analysis indicates that one of the approved transportation routes passes through the Elko Colony, your tribe qualifies to participate in the advance notification program. However, to participate in the program you will need to complete three steps. First, you must "opt in" to the program by providing the NRC the name of a Tribal official or Tribal designated representative that you choose as your Advance Notification designee. Second, the notifications contain sensitive information that is considered to be safeguards information (SGI) that must be protected and can only be shared with authorized individuals. In order to receive the SGI notifications, the Tribe must agree to protect the information in accordance with applicable regulations (10 CFR 73.21 through 73.22). Please note that failing to handle SGI per these regulations could result in criminal sanctions. Third, the Tribal official or the designee will need to document that he/she has reviewed the procedures for handling and protecting SGI. This is important because SGI is sensitive information that could assist an adversary in developing or carrying out an attack.

D. Decker

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The NRC based the enclosed map of your tribal reservation boundaries on information obtained from the 2012 US Census data and confirmed by Bureau of Indian Affairs during the census survey process. The referenced reservation boundaries will be used by NRC licensees to determine if a shipment, scheduled and/or approved for movement, would pass within or across your reservation. Confirmation, in writing to the NRC, is needed to verify that the referenced boundaries are correct. If by chance the referenced boundaries are incorrect, we request that you identify the discrepancy and where possible, provide corrections to the boundary map.

If you are interested in receiving advance notification of shipments or would like additional information, please feel free to contact me. I can be reached by telephone at (301) 415-3340 or by e-mail at Daniel.Collins@nrc.gov.

Sincerely,

/RA/

Daniel S. Collins, Director
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosure: Map of Reservation land and Route

D. Decker

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Daniel S. Collins, Director
Division of Material Safety, State, Tribal
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Office of Nuclear Material Safety
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Enclosure: Map of Reservation land and Route

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