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Cc: [FHBC; Angelo Gonzales; "Paul Echo Hawk \(paulechohawk@gmail.com\)" \(paulechohawk@gmail.com\); Monte Sanford; Wes Jones](#)
Subject: [External_Sender] Comments on NRC Emergency Preparedness for Small Modular Reactors and other New Technologies [Docket No. NRC-2015-0225]
Date: Tuesday, June 27, 2017 7:03:42 PM
Attachments: [06272017_SBT_Draft Comment Letter To NRC EP-EPZ Proposal_Final Letterhea....pdf](#)

Submission of comments to the Nuclear Regulatory Commission on the Draft Regulatory Basis
Docket ID NRC-2015-0225.

Talia T. Martin

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The SHOSHONE-BANNOCK TRIBES



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June 27, 2017

Secretary
Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

RE: Comments on the Nuclear Regulatory Commission's Rulemaking for Emergency Preparedness for Small Modular Reactors and other New Technologies (Docket ID NRC-2015-0225)

Dear NRC Secretary:

We are pleased to offer comments on the NRC's Proposed Rulemaking for Emergency Preparedness for Small Modular Reactors and other New Technologies (Docket ID NRC-2015-0225). The Shoshone-Bannock Tribes (Tribes) subject matter experts (SMEs) involved in working with NRC and DOE are interested in this particular issue surrounding NRC's Emergency Planning (EP) procedures, rules and regulations. INL is located on the Tribes original ancestral lands, where we retain inherent treaty rights. Furthermore, our Tribal Lands, located within the external boundaries of the Fort Hall Indian Reservation are less than 50 miles of the Idaho National Laboratory (INL). Our people rely on these lands to continue our customs and traditions, our sacred ceremonies, hunting and gathering, and overall well-being, health, and safety.

At INL, Utah Associated Municipal Power Systems (UAMPS) is proposing to construct and operate a small modular reactor (SMR) based on NuScale technology. Since, 2012 The Tribes have had limited involvement with UAMPS and the DOE concerning SMR siting on the INL site. We have determined that their siting decision, is not favorable to the Tribal sacred sites and cultural resources located on and surrounding the siting area. We must ensure that these Tribal resources, our People, and our Reservation lands and water are protected in perpetuity.

In general, we see the benefits of NRC's proposed changes to Emergency Planning and Preparedness (EP). The proposed rulemaking process is for changes to EP functions, specifically to ensure that performance-based emergency preparedness regimen for small modular reactors is in place for the Small Modular Reactors. Which means that a response component shall be evident and able to implement and exercise emergency response organization functions contingent upon potential reactor incidents. The incidents that would warrant response include the Emergency Planning Zones (EPZ) that are derived from a design base accident of the reactor and the potential for plume exposures that impact ingestion pathways such as soil, air, water, crops, and intake by animals and humans.

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The NRC is very stringent in ensuring operating facilities address concerns specific to people, facilities, and the environment. The only current guidance is for the operation of light-water reactors that are used in commercial reactor operation, and therefore the Commission is looking at modifications to the rule specific to the observable hazards and planning processes that are utilized in response functions and activities. The SMR and Other New Technology will be reviewed and considered on a case-by-case basis.

The EPZ is reduced based since the operational release potential of nuclear contamination is smaller with the SMR as compared to the larger light water reactors. This reduced footprint is a good thing, as the potential impact areas are smaller. The footprint should be smaller since the hazard is smaller. We understand that the rule changes do not reduce the area or landmass of our Tribe and ancestral land. That land mass will remain the same regardless of the size of the EPZ. The proposed rule changes are for a new voluntary performance-based regulatory regimen that will focus on licensee efforts on actual performance competencies, rather than control of emergency plans and procedures. The enforcement of performance over compliance is a good thing. Performance will be required to demonstrate proficiency and safety. Licenses will be withdrawn if operators cannot perform.

We thank the NRC for the opportunity to comment on this proposed rulemaking for EP/EPZ. While the NRC proposal may have benefits for EP planning and efficiency, we encourage the NRC to ensure that the health and well-being of the Shoshone-Bannock Peoples come first and foremost, and not at the expense of efficiency.

Sincerely,

Talia Martin, Tribal DOE Program Director

CC:

Fort Hall Business Council, Shoshone-Bannock Tribes
Paul Echo Hawk, Tribal Attorney
Wes Jones, Department of Public Safety
Monte Sanford, Environmental Consultant