

**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

| NRC Reg Section | Section Title                  | Differences | Compatibility Category | Summary of Change to CFR   | NE References                 | NEBRASKA   |
|-----------------|--------------------------------|-------------|------------------------|--|-------------------------------|--|
| §71.4           | Definition:<br>Indian tribe    |             | 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> | <a href="#">180 NAC 1-002</a> | <a href="#">Indian tribe 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.</a> |
| §71.4           | Definition:<br>Tribal official |             | 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>   | <a href="#">180 NAC 1-002</a> | <a href="#">Tribal official means the highest ranking individual that represents Tribal leadership, such as the Chief, President, or Tribal Council leadership.</a>  |

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| §71.97(a)       | Advance notification of shipment of irradiated reactor fuel and nuclear waste |             | 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><del>180 NAC 13-20.01</del></p> | <p><del>13-020.01 As specified in 180 NAC 13-020.02, 13-20.03 and 13-020.04:</del></p> <p><del>1. Each licensee must 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.</del></p> <p><del>Prior to the transport of any nuclear waste outside of the confines of the licensee's facility or other place of use or storage, or prior to the delivery of any nuclear waste to a carrier for transport, each licensee must provide advance notification of such transport to the governor, or governor's designee, of each state within or through which the waste will be</del></p> |

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|                 |               |             |                        | <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> |               | <p><del>transported.<sup>4</sup> Footnote 2. After the effective date of these regulations, each licensee must provide advance notification to the Tribal official of participating Tribes referenced in 180 NAC 13-020.03, 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.</del></p> <p><u>2. After the effective date of these regulations, each licensee must provide advance notification to the Tribal official of participating Tribes referenced in 180 NAC 13-020.03, 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 .</u></p> |

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|                 |   |             |                        |   |                   | <u>licensed material outside the confines of the licensee's plant or other place of use or storage.</u>   |
| §71.97(c)(3)    | Advance notification of shipment of irradiated reactor fuel and nuclear waste |             | B                      | In § 71.97, paragraph (c)(3) is revised to read as follows: | 180 NAC 13-020.04 | <p><u>4. 13-020.04 Procedures for submitting advance notification</u></p> <p><u>i. 1. The notification required by 180 NAC 13-020.01 must be made in writing to:</u></p> <p><u>iii. a. The office of each appropriate governor, or governor's designee;</u></p> <p><u>b. The office of each appropriate Tribal official or Tribal official's designee and</u></p> <p><u>c. To the U.S. Nuclear Regulatory Director, Division of Nuclear Security, Office of Nuclear Security and Incident Response.</u></p> <p>2, A notification delivered by mail must be postmarked at least seven days before the beginning of the seven-day period during which departure of the shipment is estimated to occur.</p> <p><u>3. 3. A notification</u></p> |

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|                 |               |             |                        | <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 least 4 days before the beginning of the 7-day period during which departure of the shipment is estimated to occur.</p> <p>(i) 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)</p> <p><del>(ii)</del> 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>delivered by <u>any other means than mail messenger</u> must reach the office of the governor, or governor's designee, <u>or the Tribal official or Tribal official's designee</u>, at least four days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. <del>A copy of the notification must be retained by the licensee for three years.</del></p> <p><u>a. A list of 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).</u></p> <p><u>b. 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.</u></p> |

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|                 |   |             |                        | <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> |                  | <p><u>c. 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.</u><br/> <u>d. The licensee must retain a copy of the notification as a record for 3 years.</u></p> |
| §71.97(d)(4)    | Advance notification of shipment of irradiated reactor fuel and nuclear waste |             | 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>   | <u>13-020.03</u> | <p><u>Item 4</u> The seven-day period during which arrival of the shipment at state <u>boundaries or Tribal reservation boundaries</u> is estimated to occur;</p>   |
| §71.97(e)       | Advance notification of shipment of irradiated reactor fuel                   |             | 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</p>   | <u>13-020.05</u> | <p><u>13-020.05 Revision notice.</u> <u>A licensee who finds that schedule information previously furnished to a governor or governor's designee or a Tribal official</u></p>   |

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|                 | and nuclear waste |             |                        | 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><del>or Tribal official's designee, in accordance with 180 NAC 13-020, will not be met, must all 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.</del></p> <p><del>.The licensee must notify each appropriate governor, or governor's designee, and the Department of any changes to schedule information provided pursuant to 180 NAC 13-020.01. Such notification must be by telephone to a responsible individual in the office of the governor, or governor's designee, of the appropriate state or states.</del></p> <p>The licensee must maintain for one year a record of the name of the individual contacted.</p> |

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| §71.97(f)(1) | Advance notification of shipment of irradiated reactor fuel and nuclear waste |  | 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> | <u>13-020.06</u> | <p><u>13-020.06 Cancellation notice.</u><br/> <u>1. Each licensee who cancels an irradiated reactor fuel or nuclear waste shipment for which advance notification has been sent must 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. Each licensee who cancels a nuclear waste shipment, for which advance notification has been sent, must send a cancellation notice, identifying the advance notification that is being canceled, to the governor, or governor's designee, of each appropriate state and to the Department. A copy of the notice must be retained by the licensee for three years.</u><br/> <u>2. The licensee must state in the notice that it is a cancellation and identify the advance notifications that .</u></p> |
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|         |  |  |     |  |           | <u>it is being canceled. The licensee must retain a copy of the notice as a record for three years.</u> |
| § 73.2  | Definition:<br>Indian tribe  |  | NRC | <b>In § 73.2, the new definition for the term “Indian tribe” was added:</b>    | <u>NA</u> |   |
| § 73.2  | Definition:<br>Tribal official   |  | NRC | <b>In § 73.2, the new definition for the term “Tribal official” was added:</b> | <u>NA</u> |   |
| § 73.21 | Protection of<br>Safeguards<br>Information:<br>Performance<br>Requirements   |  | NRC | <b>In § 73.21, paragraph (a)(2) is revised:</b>                                | <u>NA</u> |   |
| § 73.37 | Requirements<br>for physical<br>protection of<br>irradiated<br>reactor fuel in<br>transit  |  | NRC | <b>In § 73.37, paragraphs (f) and (g) are revised:</b>                         | <u>NA</u> |   |
| § 73.59 | Relief from<br>fingerprinting,<br>identification<br>and criminal<br>history<br>records<br>checks and<br>other<br>elements of<br>background<br>checks for |  | NRC | <b>In § 73.59, new paragraph (l) is added:</b>                                 | <u>NA</u> |   |

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|  | designated<br>categories of<br>individuals |  |  |  |  |  |
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