

PUBLIC SUBMISSION

As of: 6/16/21 2:47 PM
Received: June 15, 2021
Status: Pending_Post
Tracking No. kpy-hy8m-mxep
Comments Due: June 23, 2021
Submission Type: Web

Docket: NRC-2021-0051

Advance Tribal Notification of Certain Radioactive Material Shipments

Comment On: NRC-2021-0051-0002

Petition for Rulemaking: Advance Tribal Notification of Certain Radioactive Material Shipments

Document: NRC-2021-0051-DRAFT-0004

Comment on FR Doc # 2021-07281

Submitter Information

Email: atb@nei.org

Organization: Nuclear Energy Institute

General Comment

See attached file(s)

Attachments

06-15-21_NRC_NEI Comments Regarding PRM-37-2 NRC 2021-0051 Advance Tribal Notification of Certain Radioactive Material Shipments

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June 15, 2021

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

Subject: NEI Comments Regarding PRM-37-2, NRC 2021-0051, "Advance Tribal Notification of Certain Radioactive Material Shipments"

Project Number: 689

Dear Rulemaking and Adjudications Staff:

On behalf of our members and in support of the Tribal Radioactive Materials Transportation Committee (TRMTC), the Nuclear Energy Institute (NEI) ¹ offers its endorsement of petition for rulemaking PRM-37-2, NRC 2021-0051, "Advance Tribal Notification of Certain Radioactive Material Shipments." As announced in the April 9 Federal Register FRN 18477, the NRC is examining the issues raised in the petition to determine whether they should be considered in rulemaking. The petition calls for NRC to consider changes to its rules governing the transportation of radioactive materials, asking that the agency revise its regulations under 10 CFR Part 37, "Physical protection of category 1 and category 2 quantities of radioactive material," to make them conform with those under 10 CFR Part 71, "Packaging and transportation of radioactive material," and 10 CFR Part 73, "Physical protection of plants and materials."

The basis for the petition is the apparent discrepancy in notification requirements. Under 10 CFR Part 37, Sec. 37.77, licensees are required to provide advance notification of shipments of category 1 materials to the NRC and states but are not required to notify tribes. Licensees are required to provide advance notification to participating tribes under 10 CFR Part 71, Sec. 71.79, which covers the shipment of irradiated fuel and other licensed material meeting the certain conditions, and under 10 CFR Part 73, Sec. 73.37, which pertains to spent nuclear fuel.

¹ The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

Rulemaking and Adjudications Staff

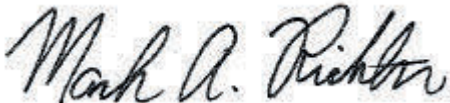
June 15, 2021

Page 2

In consideration of 10 CFR Part 37, NEI supports the assertion made by TRMTC that consistent notification standards must be applied to states and tribal governments as well as constituencies under their respective jurisdiction, and that the NRC should examine these discrepancies and take appropriate action to modify the language, consistent with Parts 71 and 73 advance notification to tribes. Undertaking the appropriate actions to reconcile the discrepancies noted will bring consistent alignment of the spent nuclear fuel transportation and other radioactive wastes regulatory framework. Reconciliation of differences between these regulations is consistent with and called for under the NRC's Principles of Good Regulation.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Mark A. Richter". The signature is written in a cursive style with a large, prominent "M" and "R".

Mark A. Richter