

PUBLIC SUBMISSION

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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-0008

Comment on FR Doc # 2021-07281

Submitter Information

Email: tansey.moore@ncsl.org

Organization: Tribal Radioactive Materials Transportation Committee

General Comment

See attached file(s)

Attachments

TRMTC Support letter for NRC Petition for Rulemaking 6_22_21 Final

TRMTC

Tribal Radioactive Materials Transportation Committee

6/22/21

Agua Caliente Band of Cahuilla Indians

Confederated Tribes of the Umatilla Indian
Reservation

Consolidated Group of Tribes and
Organizations

Little Traverse Bay Bands of Odawa Indians

Mashpee Wampanoag Tribe

Morongo Band of Mission Indians

Navajo Nation

Nez Perce Tribe

Omaha Tribe of Nebraska

Oneida Nation of Wisconsin

Prairie Island Indian Community

Pueblo de San Ildefonso

Pueblo of Jemez

Pueblo of Laguna

Pueblo of Pojoaque

Pueblo of Tesuque

Santa Clara Pueblo

Seneca Nation of Indians

Shoshone-Bannock Tribes

Timbisha Shoshone Tribe

Secretary

U.S. Nuclear Regulatory Commission

Washington, DC 20555-0001

ATTN: Rulemakings and Adjudications Staff.

Dear Honorable Secretary,

The Tribal Radioactive Materials Transportation Committee (TRMTC) is comprised of 20 tribal nations and was established to address tribal interests associated with the Department of Energy (DOE) National Transportation Stakeholders Forum (NTSF). TRMTC is committed to interacting with senior level staff from DOE, Nuclear Regulatory Commission (NRC), Department of Transportation (DOT), other federal agencies and stakeholders. The impetus for these interactions is to address or create national policy, perpetuate program development and initiate corresponding activities of interest to tribal governments relating to shipments of radioactive materials, high-level waste and spent nuclear fuel.

The following comments are submitted on behalf of TRMTC and focus on the Petition for Rulemaking submitted on December 4, 2020, Docket No. PRM-37-2. TRMTC believes NRC should expand the existing regulations to apply consistent notification standards to tribal governments that are absent from 10 CFR 37, 71 and 73.

Specifically, TRMTC is requesting NRC review 10 CFR 37.77, Advance notification of shipment of Category 1 quantities of radioactive material, and address the disparity that exists within the following regulation which states: “each licensee shall provide advance notification to the NRC and the governor of a State, or the governor's designee, of the shipment of licensed material in a Category 1 quantity, through or across the boundary of the State, before the transport, or delivery to a carrier for transport of the licensed material outside the confines of the licensee's facility or other place of use or storage.” Currently, 10 CFR 37 contains no provision nor similar notification requirements for notifying federally recognized tribes, or the opportunity to “opt in” and receive notifications of such shipments, as promulgated in 10 CFR 71 and 73.

It is our understanding Tribes must submit a letter of interest to the NRC requesting to “opt in” the notification process and comply with the required safeguards training

provisions, verify reservation boundaries, and designate a responsible tribal official to receive information and comply with other provisions that may be consistently applied.

Recently, TRMTC learned about a radioactive shipment that traversed tribal lands in August of 2020 without notification to a federally recognized tribe which created significant consternation. The shipment in question was not subject to NRC Advance Notification Protocols identified under 10 CFR, Part 37, as those provisions only apply to states and excludes tribal governments as found in 10 CFR, Parts 71 and 73. TRMTC is concerned with the disparity that exists in Part 37 in contrast to what is contained in Parts 71 and 73.

TRMTC requests the NRC revise 10 CFR 37, to provide consistent application with the notification standards provided to federally recognized tribes. As written, NRC protocols have the potential to impact tribal communities, resources, and the lands they occupy. Tribal Governments have the inherent right and responsibility to uphold their fiduciary authority to protect tribal land and their communities for generations to come.

TRMTC appreciates the opportunity to comment on this important oversight and calls upon the collective wisdom of the NRC to address the inconsistencies enumerated in this letter.

Sincerely,

Richard Arnold, Pahrump Paiute Tribe/ Consolidated Group of Tribes and Organizations
TRMTC Co-Chair

Richard Arnold

Ron Johnson, Prairie Island Indian Community
TRMTC Co-Chair

Ron Johnson