

# PUBLIC SUBMISSION

<b>As of:</b> 6/30/21 5:31 PM
<b>Received:</b> June 23, 2021
<b>Status:</b> Pending_Post
<b>Tracking No.</b> kq9-odsx-8lnd
<b>Comments Due:</b> June 23, 2021
<b>Submission Type:</b> 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-0009

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\_23\_21 Final

# TRMTC

TRMTC

6/23/21

Tribal Radioactive  
Materials Transportation  
Committee

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

RE: PRM 37-2, NRC 2021-0051, Advance Notification of Certain Radioactive Materials  
Shipments

Dear Rulemakings and Adjudications Staff:

The Tribal Radioactive Materials Transportation Committee (TRMTC) is a committee of 20 tribal nations established under the auspices of the Department of Energy's (DOE) National Transportation Stakeholders Forum (NTSF), which engages with senior-level staff from DOE, Nuclear Regulatory Commission (NRC), Department of Transportation, other federal agencies and stakeholders who focus on national policy, program development and related activities associated with shipments of radioactive materials transportation. TRMTC respectfully submits the following comments related to the Petition for Rulemaking submitted on December 4, 2020, as published in the Federal Register on April 9, 2021 (86FR18477).

TRMTC is requesting consistent notification standards to be applied across 10 CFR 37, 71 and 73. Specifically, TRMTC would like NRC to review 10 CFR 37.77, Advance notification of shipment of category 1 quantities of radioactive material, that 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 has no provisions or similar notification requirements to federally recognized tribes, nor is there an opportunity for tribes to "opt in" and receive notifications of such shipments, as promulgated in 10 CFR 71 and 73. Tribes would still be required to submit a letter to the NRC asking to "opt in" and comply with required safeguards training or other provisions therein.

TRMTC learned about a radioactive shipment that crossed through tribal land in August of 2020 without notification, which caused some concerns. It is TRMTC's understanding that the shipment was not subject to NRC Advance Notification Protocols under 10 CFR, Part 37, as notification only applies to states and does not include tribal governments as

---

promulgated in 10 CFR, Parts 71 and 73. TRMTC is concerned with the divergence that exists in Part 37 in contrast to the content that is provided in Parts 71 and 73.

Because of this shipment, TRMTC submitted a letter to the NRC on December 2, 2020, requesting that the NRC revise 10 CFR 37, to be consistent with notification standards to federally recognized tribes, provided in 10 CFR 71 and 73. Tribes will then have the option of “opting in” if they believe it is in their best interest to do so.

TRMTC appreciates the opportunity to comment and is hopeful that the NRC will take these concerns of inconsistency into consideration and revise the rule accordingly.

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*