

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary  
FROM: COMMISSIONER MCGAFFIGAN  
SUBJECT: **SECY-99-258 - ADVANCE NOTICE OF PROPOSED  
RULEMAKING: 10 CFR PARTS 71 AND 73 - "ADVANCE  
NOTIFICATION TO NATIVE AMERICAN TRIBES OF  
TRANSPORTATION OF CERTAIN TYPES OF NUCLEAR  
WASTE"**

Approved   X   Disapproved        Abstain       

Not Participating       

COMMENTS: *See attached edits to press release (attachment 3)*

*Edward M. McGaffigan*  
\_\_\_\_\_  
SIGNATURE  
*November 19, 1999*  
\_\_\_\_\_  
DATE

Entered on "AS" Yes   X   No

November 1, 1999 (7:58AM)

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**OPA**

**DRAFT**

(Source:SECY paper, FR-notice)

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**NRC CONSIDERS REQUIRING LICENSEES TO NOTIFY NATIVE AMERICAN TRIBES OF  
CERTAIN RADIOACTIVE WASTE SHIPMENTS**

The Nuclear Regulatory Commission ~~is seeking~~ <sup>Federally recognized</sup> public comments on a proposal which would require its licensees to notify Native American Tribes of planned shipments of high-level waste or spent nuclear fuel through Tribal lands. Currently, such notification is only provided to the governors, or their designees, of individual States. X  
X

*is issuing an advance notice of proposed rulemaking to seek*

This proposal, in response to a request from Native American Tribes, would help the NRC comply with President Clinton's 1994 memorandum urging federal agencies to consult with Tribal governments before engaging in activities that may affect their communities. The proposed rule would also recognize Tribal sovereignty and the need for Tribes to be aware of activities that occur on their land.

