

United States Nuclear Regulatory Commission
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NRC CONSIDERS REQUIRING LICENSEES TO NOTIFY NATIVE AMERICAN TRIBES OF CERTAIN RADIOACTIVE WASTE SHIPMENTS

The Nuclear Regulatory Commission is issuing an advance notice of proposed rulemaking to seek public comments on a proposal which would require its licensees to notify federally recognized 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.

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 also would recognize Tribal sovereignty and the need for Tribes to be aware of activities that occur on their land.

Current agency regulations require licensees to notify governors or their designees in writing seven days before a shipment is scheduled to leave its point of origin. The notification identifies the name, address, and telephone number of the shipper, carrier, and receiver, a description of the shipment, and a listing of routes to be used within the state.

Certain information regarding spent fuel shipments must be protected from unauthorized disclosure to help minimize the possibility of radiological sabotage. This includes the estimated date and time of the shipment from its point of origin and the date and time of its entry into the state. This information must be protected for 10 days after the shipment has entered the state.

The proposed rule would require licensees to provide similar notification to Federally recognized Native American Tribes. However, before preparing a proposed rule, the agency is seeking advice and recommendations from interested persons, particularly in the following areas:

- developing and updating a list of Native American Tribal contacts;
- minimizing the licensees' administrative burden;
- identifying the location of tribes along shipment routes; and
- handling of safeguards information.

If the proposed rule is developed by the Commission, there will be another opportunity for additional public comment in connection with that proposed rule.

Those seeking specific information on NRC's spent fuel transportation requirements can purchase NUREG-0725, "Public Information Circular for Shipments of Irradiated Reactor Fuel," from the National Technical Information Service, at 5285 Port Royal Road, Springfield, VA, 22161.

Comments regarding the proposed rulemaking may be submitted on the internet, at <http://ruleforum.llnl.gov>, for 90 days after a Federal Register notice that will be published shortly. Comments also may be mailed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, 20555-0001, Attention Rulemakings and Adjudications staff.

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