

# TRMTC

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### Tribal Radioactive Materials Transportation Committee

Agua Caliente Band of Cahuilla  
Indians

Catawba Indian Nation

Confederated Tribes  
of the Umatilla Indian Reservation

Morongo Band of Mission Indians

Navajo Nation

Nez Perce Tribe

Oneida Nation of Wisconsin

Consolidated Group of  
Tribes and Organizations

Prairie Island Indian Community

Pueblo de San Ildefonso

Pueblo of Jemez

Pueblo of Laguna

Pueblo of Pojoaque

Santa Clara Pueblo

Seneca Nation of Indians

Shoshone-Bannock Tribes

Timbisha Shoshone Tribe

September 17, 2019

Ms. Sandra Talley  
Senior Liaison Project Manager  
U.S. Nuclear Regulatory Commission  
Office of Nuclear Material Safety and Safeguards  
Mail Stop TWFN-5B60  
Washington, DC 20555-0001

Re: Interim Guidance for Nuclear Regulatory Commission's Advance Notification Program

Dear Ms. Talley:

The Tribal Radioactive Materials Transportation Committee (TRMTC) appreciates the opportunity to provide feedback to the Nuclear Regulatory Commission (NRC) on the Interim Guidance for the Advanced Notification Program.

TRMTC members have reviewed the guidance and identified some general comments and modifications including alignment of the document with terminology used in the NRC's Tribal Protocol Manual (see Section I under Introduction). NCSL has collected TRMTC comments that were provided both through an editing process and during phone and in-person meetings. The attached version of the Interim Guidance document contains this feedback. Following are some broad comments and concerns:

- 1) As you know, tribes are sovereign nations and should not be treated as states. TRMTC believes the guidance document should contain a clause about tribal sovereignty and how tribes may have specific considerations in the Advanced Notification Program. This should be weighed against the process by which states are notified. Why is the process different? (see Section I under Introduction)
- 2) TRMTC also has questions about how the NRC will implement the Advanced Notification Program. For example, what is the notification process for a defective cask? Tribes would need to know where the defective cask originated from, its contents and its destination to ensure the safety and wellbeing of their community and ancestral tribal lands.
- 3) Tribes and federal government agencies have staff changes that may impact the notification process. TRMTC identified the need to build a procedure into the NRC Advanced Notification Protocol to modify the Point-of-Contact (POC) as necessary (see Section IV, E). How can NRC ensure that this program is institutionalized considering staff turnover and personnel changes?

The attached document contains TRMTC member comments and concerns in a red-lined version.

TRMTC would like to extend an invitation to NRC to discuss the Advanced Notification Protocol Program further at its next meeting on January 23-24, 2020 in Scottsdale, AZ. If you have any questions, please feel free to contact Tansey Moore at 303-856-1498 or [tansey.moore@ncsl.org](mailto:tansey.moore@ncsl.org)

Sincerely,

*Richard Arnold*

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

*Ron Johnson*

Ron Johnson, Prairie Island Indian Community  
TRMTC Co-Chair

Tribal Radioactive Materials Transportation Committee

Cc:

Hipolito Gonzales, Material Safety Licensing Branch and Tribal Liaison Branch  
Dave Pstrak, Senior Project Manager Inspections and Operations, Branch Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards  
Gerard Jackson, Transportation Security Specialist, Office of Nuclear Security & Incident Response

Enc: Interim Guidance for Nuclear Regulatory Commission's Advance Notification Program with TRMTC comments