

TRMTC

December 4, 2020

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

Ms. Sandra Talley

Senior Liaison Project Manager

Materials Safety and Tribal Liaison Branch

Division of Material Safety, Office of Nuclear Material Safety
and Safeguards

Dear Sandra,

The Tribal Radioactive Materials Transportation Committee (TRMTC) appreciates the long-standing relationship with the U.S. Nuclear Regulatory Commission (NRC) and specifically with the Materials Safety and Tribal Liaison Branch. Over the years, TRMTC has had productive discussions and has addressed many topics of interest to tribal governments.

Recently, TRMTC learned about a radioactive shipment that crossed the Omaha Tribe of Nebraska's reservation land without notification and 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. TRMTC understands the NRC is reviewing Parts 37, 71 and 73 for potential inconsistencies that may exist, so they can be corrected.

In reviewing 10 CFR Part 37, TRMTC believes consistent notification standards must be applied to states and tribal governments as well as constituencies under their respective jurisdictions. Therefore, TRMTC would like to request that the NRC examine these discrepancies and take swift action to modify the language, consistent with Parts 71 and 73 advance notification to tribes.

Similarly, the Department of Energy (DOE), is revising DOE Order 460.2A Departmental Materials Transportation and Packaging Management, which addresses notifications of radioactive shipments. TRMTC notes that there is no mechanism for tribes to receive adequate notifications of these important shipments. Under DOE Order 460.2A States and tribes are eligible to receive the same advanced notifications for applicable DOE shipments. However, Category 1 radioactive materials were not included in the DOE Order 460.2A since the document pre-dated NRC's regulations for the transport of those materials. As departmental policy, DOE transport of radioactive materials will meet the same level of protection as comparable shipments conducted by NRC-licensees under NRC regulations. TRMTC is hopeful that NRC will proactively address TRMTC's concerns in Part 37 as the

group monitors the impending revisions of DOE Order 460.2A.

TRMTC urges the NRC to consider the gravity of these situations and address the unique needs of tribal governments that remain overlooked.

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

Tribal Radioactive Materials Transportation Committee
