



MIDWEST

The Honorable Annette Vietti-Cook
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

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Dear Ms. Vietti-Cook:

Michael H. McCabe
Regional Director

We are writing on behalf of the members of The Council of State Governments' Midwestern Radioactive Materials Transportation Committee (MRMTC) to express our strong support for Richard Arnold and Ron Johnson's petition for rulemaking, Docket No. PRM-37-2, on behalf of the Tribal Radioactive Materials Transportation Committee (TRMTC). This petition requests that the U.S. Nuclear Regulatory Commission (NRC) revise its regulations to ensure consistency regarding advance notification of certain radioactive material shipments to Tribes. Currently, there is a discrepancy between 10 CFR Part 37 and 10 CFR Parts 71 and 73. § 71.79 requires licensees to provide advance notification of shipment of irradiated reactor fuel and nuclear waste to the NRC, States and participating Tribes. Likewise, § 73.37 requires the same for spent nuclear fuel shipment. However, § 37.77 only requires the advance notification of shipment of category 1 quantities of radioactive material to the NRC and States, not participating Tribes.

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The U.S. Constitution recognizes Native American Tribes as distinct governments with the same powers to regulate their internal affairs as federal and state governments. Therefore, the MRMTC agrees with the TRMTC that the NRC should revise its regulations in 10 CFR Part 37, "Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material" to include participating Tribes with States and the NRC as receivers of advance notification of radioactive material shipments.

Thank you very much for your attention to this matter. We appreciate the U.S. NRC's partnership with the States and Tribes to ensure the safe, uneventful transport of radioactive waste through the United States. Please contact Mitch Arvidson at 630.925.1922 or marvidson@csg.org if you have any questions about this letter.

Sincerely,
Tiffany Drake
Tiffany Drake, Co-Chair
CSG Midwestern Radioactive Materials
Transportation Committee

Michael Snee
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