



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

September 15, 2023

ALL FEDERALLY RECOGNIZED TRIBAL NATIONS  
ALL AGREEMENT STATES

NOTIFICATION OF UPCOMING GOVERNMENT-TO-GOVERNMENT MEETING TO  
PROVIDE AN OVER OF THE ADVANCE TRIBAL NOTIFICATION OF CATEGORY 1  
QUANTITIES OF RADIOACTIVE MATERIAL RULEMAKING (STC-23-067)

**Purpose:** To notify all Federally recognized Tribes that U.S. Nuclear Regulatory Commission (NRC) will conduct a government-to-government meeting with all Agreement States to share an overview of the preliminary proposed rule language and draft frequently asked questions that would revise the NRC's regulations to ensure consistency regarding advance Tribal notification of certain radioactive material shipments with similar regulations for State notification.

**Background:** On December 4, 2020, the NRC received a petition for rulemaking (PRM) from Richard Arnold and Ron Johnson, on behalf of the Tribal Radioactive Materials Transportation Committee (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML21042B011](#)). The petitioners identified a discrepancy between 10 CFR Part 37 and 10 CFR Parts 71 and 73 regarding advanced notification for Tribal governments concerning certain radioactive material shipments. The NRC regulations in 10 CFR § 71.97 "Advance notification of shipment of irradiated reactor fuel and nuclear waste" and § 73.37 "Requirements for physical protection of irradiated reactor fuel in transit," require licensees to provide advance notification to the NRC, States, and participating Tribes of certain types of radioactive material shipments. In comparison, §37.77, "Advance notification of shipment of category 1 quantities of radioactive material," only requires licensees to provide advance notice to the NRC and States for the shipment of licensed material in category 1 quantities. There is no requirement for licensees to provide advance notification to Tribes for category 1 shipments.

The NRC staff docketed the petition on February 11, 2021, as PRM-37-2 and published a request for public comment in the Federal Register (86 FR 18477; April 9, 2021). The NRC also sent a letter to Federally recognized Tribes requesting their comments on the PRM on April 8, 2021 ([ML21097A265](#)).

The NRC staff subsequently recommended that the NRC Commission consider the issue raised in the petition within the NRC's rulemaking process (SECY-22-0074; [ML22056A326](#)). On October 17, 2022, the NRC Commission agreed with the staff's recommendation to initiate rulemaking to amend Part 37 to require advanced Tribal notification for shipments of Category 1 quantities of radioactive material (SRM-SECY-22-0074; [ML22290A244](#)).

Additional information about the proposed rule may be found on the NRC public website at <https://www.nrc.gov/reading-rm/doc-collections/rulemaking-ruleforum/active/ruledetails.html?id=2178> and at <https://www.regulations.gov> by searching Docket ID NRC-2022-0191.

On June 13, 2023, the NRC issued STC-23-043 "Notification of Proposed Rulemaking and Invitation To Consult: Advance Tribal Notification of Category 1 Quantities Of Radioactive Material," in which the NRC offered consultation to all federally recognized Tribes.

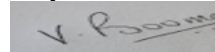
**Discussion:** The NRC staff will hold a government-to-government meeting series of three online public meetings to share an overview of the preliminary proposed rule language and draft frequently asked questions that would revise the NRC's regulations to ensure consistency regarding advance Tribal notification of certain radioactive material shipments with similar regulations for State notification. The first meeting in this series will be held virtually on October 4, 2023, from 2:00 PM to 3:30 PM ET. The staff will not be soliciting comments, but questions are encouraged. To receive an invitation to the meeting, please contact the individual named below.

If you have any questions regarding this correspondence, please contact the individual named below.

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Sincerely,



Venkataraman, Booma signing on behalf  
of Williams, Kevin  
on 09/15/23

Kevin Williams, Director  
Division of Materials Safety, Security,  
State, and Tribal Programs  
Office of Nuclear Material Safety  
and Safeguards

STC-23-067 NOTIFICATION OF UPCOMING GOVERNMENT-TO-GOVERNMENT MEETING TO PROVIDE AN OVER OF THE ADVANCE TRIBAL NOTIFICATION OF CATEGORY DATE September 15, 2023

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**ADAMS Accession No.: ML23258A002**

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DATE	Sep 15, 2023	Sep 15, 2023	Sep 15, 2023	

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