

Information to Provide to Participate in the Tribal Advance Notification Program

The final rule, “*Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste*,” (77 FR 34194) provided for federally recognized Indian Tribes (Indian Tribes) to opt-in to receive advance notification of certain shipments of nuclear waste and shipments of irradiated reactor fuel. The notifications are made pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 71, “*Packaging and Transportation of Radioactive Material*,” and Part 73, “*Physical Protection of Plants and Materials*.”

- Indian Tribes with a reservation will be able to receive these notifications.

The U.S. Nuclear Regulatory Commission (NRC) will collect information from Indian Tribes participating in the Tribal advance notification program. This information may be provided electronically.

To opt-in to receive the advance notifications, Indian Tribes must do the following:

- 1. Inform the NRC of the Indian Tribe’s decision to receive the advance notifications.**
- 2. Inform the NRC whether the notifications will be made to the Tribal official or a Tribal official’s designee.**

The Tribal official is relieved from the fingerprinting; identification and criminal history records checks; and other elements of background checks and fingerprinting checks as described at 10 CFR 73.59.

The designation of the Tribal official’s designee provides this person with relief from the fingerprinting; identification and criminal history records checks; and other elements of background checks and fingerprinting checks as described at 10 CFR 73.59.

- If the notifications are to be made to the Tribal official’s designee, the Indian Tribe needs to provide the NRC with information about the designation. This is best done through a documented designation by the Tribal official.

- 3. Provide the NRC with the contact information for the Tribal official or Tribal official’s designee(s).**

The NRC does allow the designation of a backup designee for instances where the primary designee is unavailable. The contact information would be used for the advance notifications and for the NRC to contact the Tribal official or Tribal official’s designee(s).

Information that should be provided to the NRC includes:

- 1) name,
- 2) title/position,
- 3) organization (if appropriate),
- 4) mailing address,

- 5) phone number(s),
- 6) facsimile number (if appropriate), and
- 7) e-mail address. The NRC also requests that Indian Tribes provide contact information for their emergency response contact. The contact information for the designees is available at: <https://scp.nrc.gov/special/designee.pdf>.

If there are changes to the Tribal official or the Tribal official's designee(s), Indian Tribes should inform the NRC and provide any updated contact information.

4. Protect any Safeguards Information that comes into its possession.

Indian Tribes may need to develop and maintain procedures to protect Safeguards Information, but they do not provide these procedures to the NRC for review and approval for participation in the Tribal advance notification program.

Guidance on protecting the information can be found in Regulatory Guide 5.79, "*Protection of Safeguards Information*," and in NUREG/BR-0362 "*Protection of Safeguards Information Requirements for Tribes Participating in the Advance Notification of Irradiated Reactor Fuel Shipments*."

- The information protection procedures employed by Federal, State, Tribal, and local law enforcement agencies are presumed to meet the general performance requirements for the protection of Safeguards Information at 10 CFR 73.21(a)(1).

Indian Tribes can contact the NRC (301-415-3340 or tribal_liaison.resource@nrc.gov) with questions about protecting Safeguards Information and developing and maintaining the necessary procedures.

5. Provide the NRC with a certification that the Indian Tribe has the necessary protection measures in place and the Indian Tribe will protect the Safeguards Information.

This can be a written and signed statement.

6. Provide the NRC with a certification that the Tribal official or the Tribal official's designee(s) has (or have) completed training on protecting Safeguards Information.

- A set of presentation slides is included in the references below.

Indian Tribes interested in participating in the Tribal advance notification program can also contact the NRC (301-415-3340 or tribal_liaison.resource@nrc.gov) for assistance in obtaining the training.

If there is a new Tribal official or Tribal official's designee(s), they also need to complete training on protecting Safeguards Information.

Indian Tribes need to provide the certifications that the Tribal official or the Tribal official's designee(s) has (or have) completed training on protecting Safeguards Information.

- 7. Indicate that the map to be used to identify when shipments would require licensees (entities authorized to offer radioactive material shipments for transport) to notify the Indian Tribe of qualifying shipments adequately reflects the boundaries of the reservation.**

The NRC will provide those Indian Tribes interested in participating in the Tribal advance notification program with a map that would be used to identify when qualifying shipments would require licensees to notify the Indian Tribe. The map will show the Indian Tribe's reservation(s) and main roads, railroads, and waterways.

The Indian Tribe would affirm that the map adequately shows the reservation boundaries or would provide information that would allow the NRC to make corrections to the map.

References:

1. Final Rule: Advance Notification to Native American Tribes of Transport of Certain Types of Nuclear Waste (Agencywide Document Access and Document Management System (ADAMS) Accession No.: [ML12163A236](#))
2. Suggested Language for Designating a Representative to Receive Advance Notifications for the Shipment of Radioactive Material (ADAMS Accession No.: [ML18260A276](#))
3. Regulatory Guide 5.79, "*Protection of Safeguards Information*," (ADAMS Accession No.: [ML103270219](#))
4. NUREG-BR-0362, "*Protection of Safeguards Information: Requirements for Tribes Participating in the Advance Notification of Irradiated Reactor Fuel Shipments*," (ADAMS Accession No.: [ML12283A116](#))
5. Safeguards Information Training for Indian Tribes (2016) (ADAMS Accession No.: [ML16083A340](#))
6. Example Certification for the necessary protection measures and completion of the training on the protection of Safeguards Information. (ADAMS Accession No.: [ML18060A389](#))

SUBJECT: INFORMATION TO PROVIDE TO PARTICIPATE IN THE TRIBAL ADVANCE NOTIFICATION PROGRAM DATED: _____

DISTRIBUTION:

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***via email**

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