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January 11, 2000

Rulemaking and Adjudication Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

DOCKET NUMBER
PROPOSED RULE **PR 71-73**
(64FR71331)

Dear Secretary:

The Environmental Programs Division has reviewed the proposed rule changes to 10 CFR Parts 71 and 73 which would require transporters of nuclear waste materials to submit Advance Notification of shipments of certain amounts of waste materials through Native American Tribal Lands, and we feel that these changes should be enacted.

We agree that Tribes throughout the United States have the right to know what is being transported onto and through Tribal Lands. This directly addresses Native American Sovereignty and the right to govern over Tribal interest, which includes the health and well being of the Tribal membership. As it is already required for transporters to submit notification to State Governors or their designated representatives, this demonstrates the Federal government recognizing the rights of the states to safeguard their citizens. Doesn't a Tribal government have the same right? We believe that Tribal government does have the right to protect their membership as well as their homeland and the surrounding community.

Another point that we feel is important and was not stated in the proposed amendment is the right of refusal. Do States have the right to refuse transport of spent nuclear waste through their jurisdiction? If so, we feel that Tribes should be accorded the same right of refusal. Sovereignty classifies Native American Governments as a Nation separate of the United States. Therefore, refusal should be included as part of any purposed amendment dealing with Native American Tribal issues.

Thank you for the notice of the proposal for advanced notification and I hope that the above mentioned comments are of use. Please contact us at (970) 563-0135 if you have any questions or need further clarifications.

Sincerely,

Michiko Bond

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Environmental Specialist

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