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# FORT MCDOWELL INDIAN COMMUNITY PUBLIC WORKS DEPARTMENT

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The Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

ADJ

Attention: Rulemakings and Adjudications Staff

Dear Sir:

On behalf of the Fort McDowell Yavapai Nation, I have reviewed the Advanced Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste.

These regulations are extremely important. The President's directive ought to be closely adhered to. Tribes must be accorded the same privileges under these rules as the States.

Fort McDowell Yavapai Nation is strongly of the opinion that Native American Tribes be accorded the same level of notification of the transit of radioactive waste and nuclear material as the States. The Tribes ought to be notified of the shipments of the radioactive waste and nuclear fuel by the licensee in the same manner as the States. The burden of notification ought to rest with the shipper of the nuclear material, as is the case with the States. It should be the responsibility of the shipper to ensure that full notification has been made to the Tribes.

Amending the regulations need not be complicated. Statements adding notification of the leaders of Federally recognized Native American Tribes to the existing regulations is not difficult.

The size of the Tribe ought not play a role. Just because a State is small does not diminish the rights of the State as a State. The possible disclosure of Safeguards Information similarly ought not play a role in this regulation. If there is reason to believe that a State will not be able to protect the Safeguards Information from disclosure, would there be an exemption from disclosure of the information to the State? Quite clearly, the Tribes and the States ought to be accorded the same benefits under the regulations. The rights of the Native Americans ought not to be compromised because of some perception upon the part of some technician in or out of government.

I should welcome an opportunity to review the proposed rule as developed by the Commission.

Sincerely



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