



U.S. Department of Energy

Grand Junction Office
2597 B³/₄ Road
Grand Junction, CO 81503

MAR 15 2000

Mary Verner, Director
Spokane Tribal Natural Resources Department
P.O. Box 100
Wellpinit, WA 99040

Subject: Custody and Access Agreement for the Sherwood, Washington, Title II Site

Dear Ms. Verner:

This letter serves as a revision to our original letter dated February 25, 2000. On page 1 of 3 of the enclosed agreement, we have revised Item I, Long-Term Surveillance and Maintenance, Section A. The new language reads as follows:

- A. *The Department of Energy (the Department) is required to perform long-term surveillance and maintenance of the Sherwood Disposal Cell as deemed necessary and proper by the Department to protect public health, safety, and the environment pursuant to its mandate under the general license issued by the Nuclear Regulatory Commission. The Department will consult with the Spokane Tribe of Indians (the Tribe) on significant issues in recognition of the federal trust responsibility to the Tribe.*

On page 2 of 3, a new Item IV has been added as follows.

IV. *Disputes*

Should any disputes arise between the Department and the Tribe, attempts to resolve these matters will be undertaken through negotiation in good faith at the field level. If resolution is not successful at the field level, the Department and the Tribe will jointly consider other means to settle any dispute.

The former Item IV, Signatories, is now Item V; and Item VI is Effective Date.

We apologize for any inconvenience this may have caused you, but these items were brought to our attention, and we felt it necessary to make these revisions.

To reiterate the language from our first transmittal letter, the language for this document has been developed in collaboration with Mr. Shannon D. Work of Givens, Funke & Work. It has been developed in accordance with the provisions of Section 83(b)(8) of the Atomic Energy Act, as amended. It will provide the DOE with the necessary rights of access to carry out its custodial

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Mary Verner

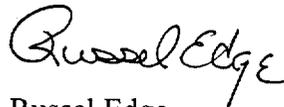
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responsibilities for the Sherwood Site as stipulated by the Nuclear Regulatory Commission general license found in 10 CFR 40.28.

If you have any questions, please call me at (970) 248-6037. We look forward to working with you.

Sincerely,



Russel Edge
LTSM Program Manager

Enclosure

cc w/enclosure:

S. Work, Givens, Funke & Work
Project File LSHE 12.00 (H. Salter)

cc w/o enclosure:

T. Essig, NRC
S. Speaks, BIA
M. Plessinger, MACTEC-ERS

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