

June 26, 2000

NOTE TO: Those on the attached list

FROM: Paul H. Lohaus, Director */RA/*
Office of State and Tribal Programs

Rosetta Virgilio, STP, participated in the June 6-8, 2000 meeting of the National Congress of American Indians National Indian Nuclear Waste Policy Committee in Albuquerque, New Mexico. Attached for your information is her summary of the meeting.

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NAME	RVirgilio:kk	FCombs	PHLohaus			
DATE	06/20/2000	06/23/2000	06/ 26/2000			

STP-T-5

MEMORANDUM TO THOSE ON THE ATTACHED LIST DATED:

Roy P. Zimmerman, Deputy Director, Office of Nuclear Reactor Regulation
Falk Kantor, Office of Nuclear Reactor Regulation
William F. Kane, Director, Office of Nuclear Material Safety and Safeguards
Martin J. Virgilio, Deputy Director, Office of Nuclear Material Safety and Safeguards
John T. Greeves, Director Division of Waste Management
Donald A. Cool, Director, Division of Industrial and Medical Nuclear Safety
Michael F. Weber, Director, Division of Fuel Cycle Safety and Safeguards
E. William Brach, Director, Spent Fuel Project Office
William C. Reamer, Chief, High-Level Waste and Performance Assessment Branch, DWM
Nader L. Mamish, Office of the Executive Director for Operations
Francis X. Cameron, Special Counsel, Office of the General Counsel
Dorothy M. Gauch, Office of the General Counsel
Frank J. Congel, Director, Incident Response Operations
Charles L. Miller, Deputy Director, Incident Response Operations
Eric D. Weinstein, Incident Response Operations
Leigh Trocine, Incident Response Operations

**Summary of Meeting with National Congress of American Indians (NCAI)
National Indian Nuclear Waste Policy Committee (NINWPC)**

Rosetta Virgilio, Office of State and Tribal Programs (STP) participated in the June 6-8, 2000 meeting of the NCAI NINWPC in Albuquerque, New Mexico. The meeting provided an opportunity to meet a number of Tribal representatives and to present information on NRC's ongoing program for communications and interactions with Tribes and to provide an update of NRC rulemakings and activities of Tribal interest. Specific areas presented included: (1) a history and update on NRC transportation studies (March 2000 Final Report on Reexamination of Spent Fuel Shipment Risk Estimates, and Package Performance Study); (2) status of the Proposed Rulemaking on 10 CFR Part 71, Packaging and Transportation of Radioactive Material; (3) discussion of the 10 CFR Parts 71 and 73 Advanced Notice of Proposed Rulemaking (ANPR) on Notification to Tribes of Transportation of High Level Waste Shipments; (4) status of the Private Fuel Storage (PFS) application for licensing an Independent Spent Fuel Storage Installation (ISFSI) on the Skull Valley Band of Goshute Indian Reservation; and (5) status of the 10 CFR Part 63 proposed regulations for disposal of high-level waste in a geologic repository at Yucca Mountain, NV. Information on relative comment due dates and plans for future public meetings associated with the above rulemakings was also relayed.

Each NINWPC representative presented a report on Tribal program activities and issues. Of interest to NRC were the reports from the following individuals: Heather Westra, Prairie Island Indian Community, discussed the Community's March 6, 2000 Request for hearing and petition to intervene. Although she spoke highly of NRC activities to work with the Prairie Island Community, she expressed disappointment regarding the lack of NRC notification to the Community on NRC's approval of Northern States Power Company's application for transfers of operating authority to Nuclear Management Company, LLC, at the same time NSP was notified. (Note: A letter expressing regret for any inconvenience caused by NRC's failure to notify the Prairie Island Indian Community and indicating that NRC was reviewing its procedures to ensure that such situations do not recur was sent on May 30, 2000.) Ms. Westra also provided a report on FEMA's Strategic Review of Radiological Emergency Preparedness (REP) Oversight Working Group Recommended Initiative 4.0, "Include Native American Tribal Nations in the REP Preparedness Process." She noted NRC's participation on this Working Group. One of the group's recommendations states "It is critical that FEMA and the Nuclear Regulatory Commission (NRC) revise the definition for full participation to include Tribal Government personnel as appropriate to the site specific scope of play for the exercise." This recommendation, along with others, will be further addressed by the Working Group.

Additional NINWPC reports came from Chairman Leon Baer, Skull Valley Band of Goshute Tribe, who discussed his Tribe's interactions with NRC staff relative to PFS's license application for an ISFSI. J.R. Wilkinson, Confederated Tribes of the Umatilla Indian Reservation, discussed the Umatilla's interactions with NRC staff on the remediation of Hanford tank wastes. Chad Williams, Walker River Paiute Tribe and former Chair of the Nevada Indian Environmental Coalition, noted he is working with the White House to prepare a consultation manual which will help define guidelines for Federal agencies on how to work with Indian Tribes on a government-to-government basis.

On the whole, the Tribal representatives reported having a good working relationship with NRC staff. Tribal representatives also emphasized government-to-government communications and the need for sensitivity training for Federal officials in the area of Tribal history, sovereignty, culture and their unique status and needs. Federal officials were reminded that the preferred

method of Tribal notification of agency activities is direct mailing to the Tribal head, since many do not have access to the Internet or **Federal Register**. This preference has also been expressed by Tribal representatives and by a member of Public Citizen during two NRC stakeholder meetings. The Tribes also expressed interest and the need for Federal agencies to share preliminary drafts of documents, just as we currently do with States, in order to receive their views early in the process relative to issues that will ultimately affect them.

Other Federal representatives attending the meeting included: Christopher Stearns, Director for Indian Affairs, Congressional and Intergovernmental Affairs at DOE, who provided an update on DOE American Indian and Alaska Native Programs. Jozette Booth, Transportation Manager, Office of Civilian Radioactive Waste Program, DOE, gave an update on Yucca Mountain site characterization activities. Judith Holm, Transportation Specialist, Albuquerque Operations Office, provided an update on DOE's National Transportation Program and a briefing on DOE's External Coordination Working Group and Tribal Issues Topic Group. Lois Thompson, Office of Environmental Policy and Guidance, DOE, discussed the status of DOE Cultural Resources Policy. Kay Goss, Associate Director for Preparedness, FEMA, provided an update on the implementation of FEMA's Indian Policy as it relates to emergency response preparedness and management training.

The following DOE representatives were also in attendance and participated in a closed NINWPC Executive Session: Linda Lingle, Principal Deputy Assistant Secretary for Congressional and Intergovernmental Affairs; Glenn Podonsky, Director, Office of Independent Oversight. A NINWPC closed session was also held to discuss DOE Transportation Grant Tribal Funding.

The following requests resulted from the meeting: Judith Holm will be in Washington, DC the week of June 20, 2000. She would like to meet with NRC regarding the exploration of a possible future joint agency effort (likely to include DOT and BIA) to produce a GIS overlay map that would depict not only transportation routes, but also State and Tribal boundaries. (Note: Staff attended the meeting on June 21, 2000 to follow-up on Ms. Holm's suggested cooperative activities. Representatives from DOE, EPA, Pacific Northwest National Laboratory and a consultant to DOE participated in the meeting. The purpose of the meeting was to discuss GIS data bases and mapping systems of Tribal lands currently used by Federal agencies to understand what is available and what may be needed in the future and the potential for establishing a standard data base for all agencies to use. The NRC representative expressed interest in end use for such a system particularly if NRC were to require Tribal notification of spent fuel shipments. There was a recognition that more Federal agency involvement was necessary for such project to proceed.)

Stanley Paytiamo, former Pueblo Governor at Acoma and current Environmental Protection Specialist for the Pueblo, requested information from NRC regarding emergency response plans for handling sabotage threats that could contaminate the Pueblo's water supply. In response, staff provided Mr. Paytiamo with the Memorandum of Understanding Between the FBI and NRC Regarding Nuclear Threat Incidents Involving NRC Licensed Facilities, Materials or Activities and NRC's Incident Response Coordination Manual (RCM-96), NUREG/BR-0230.