

October 30, 2001

The Honorable Curtis Anderson
Tribal Chairperson
Las Vegas Paiute Colony
#1 Paiute Drive
Las Vegas, NV 89106

Dear Chairman Anderson:

I wanted to thank you on behalf of the Commission and the U.S. Nuclear Regulatory Commission (NRC) staff for participating in our Government-to-Government meeting in Las Vegas on September 26 and 27, 2001. It was a valuable learning experience for all of us from the NRC and we look forward to learning more about Tribal culture and concerns as we continue to build our relationship.

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Again, let me express my appreciation, not only for joining us for our discussion, but also for the many good suggestions that you provided on how we might more effectively carry out our responsibilities. It was a pleasure meeting you.

Sincerely
/RA/

C. William Reamer, Chief
High-level Waste Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosure: Meeting Summary
Tribal Issues and Concerns
Tribal Requests for NRC to Consider

CC: Kenny Anderson
Atef Elzeftawy

October 30, 2001

The Honorable Darryl Crawford
Executive Director
Inter-Tribal Council of Nevada
P.O. Box 7440
Reno, NV 89510

Dear Chairman Crawford:

I wanted to thank you on behalf of the Commission and the U.S. Nuclear Regulatory Commission (NRC) staff for participating in our Government-to-Government meeting in Las Vegas on September 26 and 27, 2001. It was a valuable learning experience for all of us from the NRC and we look forward to learning more about Tribal culture and concerns as we continue to build our relationship.

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October 30, 2001

The Honorable Richard Arnold
Tribal Chairperson
Pahrump Paiute Tribe
P.O. Box 3411
Pahrump, NV 89041

Dear Chairman Arnold:

I wanted to thank you on behalf of the Commission and the U.S. Nuclear Regulatory Commission (NRC) staff for participating in our Government-to-Government meeting in Las Vegas on September 26 and 27, 2001. It was a valuable learning experience for all of us from the NRC and we look forward to learning more about Tribal culture and concerns as we continue to build our relationship.

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October 30, 2001

The Honorable James Birchim
Tribal Chairperson
Yomba Shoshone Tribe
HC 61, Box 6275
Austin, NV 89310

Dear Chairman Birchim:

I wanted to thank you on behalf of the Commission and the U.S. Nuclear Regulatory Commission (NRC) staff for participating in our Government-to-Government meeting in Las Vegas on September 26 and 27, 2001. It was a valuable learning experience for all of us from the NRC and we look forward to learning more about Tribal culture and concerns as we continue to build our relationship.

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October 30, 2001

The Honorable Carmen Bradley
Tribal Chairperson
Kaibab Band of Southern Paiutes
HC 65, Box 2
Fredonia, AZ 86022

Dear Chair Bradley:

I wanted to thank you on behalf of the Commission and the U.S. Nuclear Regulatory Commission (NRC) staff for participating in our Government-to-Government meeting in Las Vegas on September 26 and 27, 2001. It was a valuable learning experience for all of us from the NRC and we look forward to learning more about Tribal culture and concerns as we continue to build our relationship.

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CC: Ila Bullets
Danny Bullets, Jr
Gevene Savala

October 30, 2001

The Honorable Daniel Eddy, Jr.
Tribal Chairperson
Colorado River Indian Tribes
Route 1, Box 23B
Parker, AZ 85344

Dear Chairman Eddy:

I wanted to thank you on behalf of the Commission and the U.S. Nuclear Regulatory Commission (NRC) staff for participating in our Government-to-Government meeting in Las Vegas on September 26 and 27, 2001. It was a valuable learning experience for all of us from the NRC and we look forward to learning more about Tribal culture and concerns as we continue to build our relationship.

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CC: Betty L. Cornelius

October 30, 2001

The Honorable Leroy Jackson
Tribal Chairperson
Timbisha Shoshone Tribe
P.O. Box 206
Death Valley, NV 92328

Dear Chairman Jackson:

I wanted to thank you on behalf of the Commission and the U.S. Nuclear Regulatory Commission (NRC) staff for participating in our Government-to-Government meeting in Las Vegas on September 26 and 27, 2001. It was a valuable learning experience for all of us from the NRC and we look forward to learning more about Tribal culture and concerns as we continue to build our relationship.

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CC: Pauline Esteves
Grace Goad
Ken Watson
Bill Helmer
Barbara Durham

October 30, 2001

The Honorable Rachel Joseph
Tribal Chairperson
Lone Pine Paiute-Shoshone Tribe
P.O. Box 747
Lone Pine, CA 93545

Dear Chair Joseph:

I wanted to thank you on behalf of the Commission and the U.S. Nuclear Regulatory Commission (NRC) staff for participating in our Government-to-Government meeting in Las Vegas on September 26 and 27, 2001. It was a valuable learning experience for all of us from the NRC and we look forward to learning more about Tribal culture and concerns as we continue to build our relationship.

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CC: April Zreland
Janice McRoberts

October 30, 2001

The Honorable Edward (Tito) Smith
Tribal Chairperson
Chemehuevi Indian Tribe
P.O. Box 1976
Havasu Lake, CA 92363

Dear Chairman Smith:

I wanted to thank you on behalf of the Commission and the U.S. Nuclear Regulatory Commission (NRC) staff for participating in our Government-to-Government meeting in Las Vegas on September 26 and 27, 2001. It was a valuable learning experience for all of us from the NRC and we look forward to learning more about Tribal culture and concerns as we continue to build our relationship.

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Jerry Charles
Ely Shoshone Tribe
9 J.V. Walker St.
Ely, NV 89301

Dear Mr. Charles:

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October 30, 2001

The Honorable Calvin Meyers
Tribal Chairperson
Moapa Paiute Indian Tribe
P.O. Box 340
Moapa, NV 89025

Dear Chairman Meyers:

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CC: Laura Watters

October 30, 2001

The Honorable Lora Tom
Tribal Chairperson
Paiute Indian Tribes of Utah
440 North Paiute Drive
Cedar City, UT 84720

Dear Chair Tom:

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CC: Gloria Benson

October 30, 2001

The Honorable Allen Bacock
Tribal Chairperson
Big Pine Paiute Tribe of the Owens Valley
P.O. Box 700
Big Pine , CA 93513

Dear Chairman Bacock:

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Robert Holden
Director
Nuclear Waste Program
National Congress of American Indians
1301 Connecticut Avenue, NW Suite 200
Washington, DC 20036

Dear Mr. Holden:

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Robert Quintero
President
Inter-Tribal Council of Nevada
P.O. Box 7440
Reno, NV 89510

Dear Mr. Quintero:

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Randall Simmons
Inter-Tribal Council of Arizona
2214 North Central Ave
Phoenix, AZ 85004

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Tribal Chairperson
Las Vegas Paiute Colony
#1 Paiute Drive
Las Vegas, NV 89106

Dear Chairman Anderson:

I wanted to thank you on behalf of the Commission and the U.S. Nuclear Regulatory Commission (NRC) staff for participating in our Government-to-Government meeting in Las Vegas on September 26 and 27, 2001. It was a valuable learning experience for all of us from the NRC and we look forward to learning more about Tribal culture and concerns as we continue to build our relationship.

The meeting was also very productive and I have attached the Tribal issues and concerns, and Tribal requests for NRC to consider, which we all worked very hard to develop. The NRC's intent was that our meeting would be the first step in a continuing dialogue with Tribal governments, both with individual Tribal governments but also with all of you for collective discussions. As we discussed during the meeting, some Tribal requests for the NRC to consider may not be within our purview. Further, we will require Commission guidance on NRC policy issues that may be raised by the Tribal requests. We will follow up on those requests that we can address and will keep you informed of our progress. We will send you a status report in about 30 days.

If you have questions or information that you want to relay to us, the primary staff contact is Dr. Janet Kotra at 301-415-6674. In addition please feel free to contact any of us who were at the meeting. You can reach me at 301-415-6537 or Chip Cameron at is 301-415-1642. We can also be reached at 1-800-368-5642.

Again, let me express my appreciation, not only for joining us for our discussion, but also for the many good suggestions that you provided on how we might more effectively carry out our responsibilities. It was a pleasure meeting you.

Sincerely
/RA/

C. William Reamer, Chief
High-level Waste Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosure: Meeting Summary
Tribal Issues and Concerns
Tribal Requests for NRC to Consider

CC: Kenny Anderson
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Distribution for letters to Tribal Representatives dated October 30, 2001

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Meeting Summary

On September 26 and 27, 2001, members of the NRC staff participated in a Government-to-Government meeting with representatives of Native American Tribes potentially impacted by the possible siting of a high-level waste (HLW) geological repository at Yucca Mountain, Nevada. The meeting initiated a dialogue with the Tribes, in accordance with SECY-01-0064, "Interaction with Tribal Governments and Entities near Yucca Mountain on High-Level Waste Repository Issues." The dialogue would facilitate ongoing communication between NRC and Tribal governments and entities on health and safety issues associated with a possible licensing decision on a HLW repository at Yucca Mountain. Such dialogue includes potential environmental impacts related to cultural and property rights interests asserted by the Tribes. On the evening September 26, 2001, Commissioner Merrifield welcomed the Native American representatives and gave them an overview of NRC's mission and activities. Representatives of some Tribes expressed concerns about Yucca Mountain, frustrations experienced in working with other Government organizations, and issues they wanted addressed at the next day's meeting.

On September 27, NRC staff members presented an overview of NRC's high-level waste regulatory process including the hearing process, a general description of the NRC's regulatory structure for a possible HLW waste repository (i.e., 10 CFR Part 63 to be published November 2001), and the NRC's regulatory role in the transportation of spent nuclear fuel. Staff fielded numerous questions from Tribal representatives on these issues and issues related to the evaluation of environmental impacts. In responding to questions, staff stressed NRC's statutorily defined role as an independent regulator, and our willingness to listen and understand Tribal concerns. A list of Tribal requests for the NRC to consider is attached.

Tribal Issues and Concerns

1. Meaningful Government to Government dialogue/consultation is needed between NRC and Tribal Nations on HLW siting and transportation issues.
2. Routine and continuous contact is needed with individual Tribal Governments.
3. “Meaningful” Government to Government dialogue requires
 - a. Resources for independent evaluation of issues,
 - b. Clear communication of Scientific and technical information, and
 - c. Educational efforts to accomplish this.
4. Timing is important. What action can be taken by, or information provided to, the Tribes in the time remaining?
5. There is a need for an action plan for moving forward to address Tribal issues.
6. There is a need for understanding and recognition of Tribal issues and values, and the beliefs that underlie these concerns.
7. Tribes need a clear description of NRC responsibilities and a candid appraisal of what the NRC can and cannot do, in terms of Tribal involvement on HLW issues.
8. The DOE should identify the transportation routes immediately to provide time for input and Emergency preparation.
9. How can Tribal access to, and protection of, cultural and religious sites at Yucca Mountain be assured?
10. Include general meetings with individual Native American Governments and hold a general information meeting for part 63 for the tribes.
11. Develop a consultation and protocol agreement with the Tribes.
12. Share transportation issues with all Tribes (i.e., Tribes in Utah and NCAI members).

Tribal Requests for the NRC to Consider

1. Meet with (or write to) Department of Interior (DOI) inquiring about the status of petitions by Timbisha on affected tribe status and DOI's processes to respond to the petitioners. Share the information found with the Tribes.
2. Ask the Department of Energy (DOE) to extend DOE's comment period on site suitability.
3. Send a letter to DOE suggesting that DOE finalize the siting guidelines prior to site recommendation.
4. Place all the Tribes in attendance on the NRC high-level waste distribution list.
5. Prepare a NRC Tribal contact list for electronic distribution of NRC material including special issue information (licensing renewal, medical waste, etc.).
6. Disseminate transportation information to all Tribes, not just the ones in attendance.
7. Add Tribes to the NRC distribution list for Skull Mountain Private Fuel Storage final Environmental Impact Statement (EIS).
8. Review and understand Tribal comments on DOE's draft and supplemental EIS.
9. Have DOE identify specific transportation routes for a potential Yucca Mountain Repository.
10. Make conservative judgments when deciding issues that directly impact Native Americans.
11. Prepare a Government-to-Government meeting summary and actions for NRC to consider. Send copies to the invited Tribes and make it publicly available.
12. Provide a period for public comment on NRC's adoption of DOE's EIS.
13. Assist the Native American Governments in acquiring computers to access information related to high-level waste (HLW).
14. Begin work on future meetings with Native American Tribal Governments, both individually and collectively. A potential topic for a meeting is Title 10 of the Code of Federal Regulations Part 63 (10 CFR Part 63), "Disposal of High-Level Radioactive Wastes in a Geologic Repository at Yucca Mountain, Nevada."
15. Sponsor (including travel) Tribal representatives' attendance at the annual NRC sponsored National State and Local Organization Meeting.
16. Take action to ensure that DOE complies with and provides access to and protection of cultural and religious sites. Identify how this is done in relation to the potential license.
17. Explore preparation of a consultation (or protocol) agreement between NRC and Native American Tribes.
18. Seek Tribal assistance in understanding cultural resource implications.
19. Explore the development of a HLW concept course for Tribes. This course would explain, in plain language, the scientific and technical issues on HLW.