United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D.C. 20245

IN REPLY REFER TO:
Environmental Services
Staff (204)

MAR 1 6 1983

WM Record File 408

WM Record File 102.1

Mr. R. E. Browning
Acting Director, Division of
Waste Management
Office of Nuclear Material
Safety and Safeguards
Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Browning:

The Bureau of Indian Affairs is presently working on the identification of interested Indian tribes relevant to the Department of Energy's (DOE) potentially acceptable sites for nuclear waste repositories. We are also working on criteria for the Secretary to qualify a tribe as substantially and adversely affected by a proposed DOE site. The DOE potentially acceptable sites and corresponding interested Indian tribes are listed on page 2 of the enclosed letter dated February 25, 1983 addressed to the Bureau Area Directors concerned.

We would appreciate your coordination of technical and tribal matters with our Environmental Services Staff (Code 204), Attn: Mr. Frank Khattat. Legal matters should be coordinated with the Associate Solicitor, Indian Affairs, Attn: Mr. Mike Cox at the U.S. Department of Interior, Washington, D. C. These coordinations will aid the tribes and BIA area and field offices concerned in order that the notification and consultation process required under the Nuclear Waste Policy Act may take place in a timely manner.

Sincerely,

Director, Office of Trust
Responsibilities

Enclosure

8311290014 830316
PDR WASTE
WM-11 PDR

5013 2

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D.C. 20245

IN REPLY REFER TO:

Environmental Services
Staff (204)

FEB 25 1983

Memorandum

To: Navajo, Portland, Phoenix and Eastern Area Directors

From: Deputy Assistant Secretary - Indian Affairs (Operations)

Subject: Notification of Interested Tribes of P.L. 97-425 "Nuclear Waste Policy Act of 1982"

Mr. Ralph Reeser, Director of Congressional and Legislative Affairs, in a memorandum dated January 13, 1983, sent you a copy of Public Law 97-425 "Nuclear Waste Policy Act." Section 2(2) of this Act defines "affected Indian tribe" as follows:

> "The term 'affected Indian tribe' means any Indian tribe —
>
> (A) within whose reservation boundaries a monitored retrievable storage facility, test and evaluation facility, or a repository for high-level radioactive waste or spent fuel is proposed to be located;
>
> (B) whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of congressionally ratified treaties may be substantially and adversely affected by the locating of such a facility: Provided, That the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe;"

Based on current information submitted by the Department of Energy, none of DOE's "potentially acceptable sites" are located within the boundaries of any Indian reservation. However, Section 2(2)(B) of the definition may be applicable to the Indian tribes listed below. At this time and until a final determination is made, these tribes are designated as "interested Indian tribes." For this reason, please review the list of potentially acceptable sites submitted by DOE, and after consultation with the Tribal Council of the designated "interested Indian tribes", as well as the Regional or Field Solicitor, we would appreciate receiving your recommendation not later than March 16, 1983, of which tribe(s) in your area should be considered an "affected Indian tribe." Based on

your recommendation, the Secretary will have to consider whether or not a tribe is substantially and adversely affected by a proposed site. When making your recommendation, please consider whether a site will adversely affect public health, safety, and the environment for the respective reservation. The DOE's potentially acceptable sites and corresponding interested Indian tribes are listed below.

DOE Potentially Acceptable Sites	Designated Interested Tribes
Hanford, Washington	Yakima, Umatilla, Nez Perce, Coeur D'Alene
Salt Valley, Utah	Uintah & Ouray
Elk Ridge, Utah	Navajo
Gibson Dome, Utah	None Proposed
DOE Nevada Test Site	Las Vegas and Moapa River Indian Reservations
Gulf Interior Region (Richton Dome and Cypress Creek Dome Sites)	Choctaw
Permian Basin, Dalhart and Palo Duro Areas, Texas	None Proposed
Gulf Interior Region (Vacherie Dome Site)	None Proposed

In order for you to inform the tribes of the details involved, we have prepared an orientation package to be sent to each Tribal Council and Agency Superintendent. Each package contains the following items:

1. A copy of Public Law 97-425 and remarks of the President at the signing ceremony of the Law.

2. DOE proposed "General Guidelines for Recommendation of Sites for Nuclear Waste Repositories."

3. A set of maps of proposed DOE sites.

4. Bureau of Indian Affairs Fact Sheet on the Nuclear Waste Policy Act.

5. Notice of public hearings on the siting guidelines to be conducted throughout the country in March 1982.

Please mail a copy of this package as soon as possible in order that the interested tribes can be informed of planned hearings for item 2 of this package which are scheduled between March 2 through 14, 1983.

If you have any questions, please write or call the Central Office Environmental Services Staff (Code 204) on FTS 343-2257 or 343-4541.

Attachments

102.3

The State of Nevada
Executive Chamber

Robert List
Governor

Capitol Complex
Carson City, Nevada 89710

May 20, 1981

WM Record File 102.3 WM Project 11
Docket No.
PDR
LPDR
Distribution:
(Return to WM, 623-SS)

Mr. Mahlon E. Gates
Acting Assistant Secretary
for Nuclear Energy
United States Department of Energy
Washington, D. C. 20535

Dear Ink:

I am in receipt of your recent letter regarding continuing geologic investigations of potential storage sites for radioactive materials.

Before addressing the issue at hand, I want to take this opportunity to express my continuing opposition to the storage of radioactive materials in this state. From a national and regional perspective, Nevada has "pulled its shift" in the nuclear area. As you know, Nevada has and continues to serve as a major weapons testing center; the state has accepted low-level radioactive waste from across the country; and is now serving as a site of various storage and disposal experiments regarding high-level radioactive wastes. The present terminal isolation and retrievable storage studies which are underway go well beyond what Nevada should be reasonably expected to endure.

On top of the foregoing activities, USDOE now intends to undertake a screening study to identify those areas which have the best geologic and hydrologic conditions for the storage of radioactive materials in the Basin and Range Geologic Province. It appears to me that this is another step to designate Nevada as a nuclear storage and disposal site. I want you to clearly understand that I am opposed to that course of action.

Because it appears to me that USDOE will pursue its investigation despite Nevada's objections, I have designated a representative to participate with USGS and USDOE in the evaluation of geologic and hydrologic conditions in the Basin and Range Geologic Province. Mr. John Schilling, Director of the Nevada Bureau of Mines and Geology will represent this state. Mr. Schilling can be contacted at the Nevada Bureau of Mines and Geology, University of Nevada-Reno, Reno, Nevada 89557, telephone (702)784-6691. I would

ORIGINAL NOT RECEIVED

also appreciate it if you would send copies of any communication regarding this matter to Mr. Noel A. Clark, Director, Nevada Department of Energy, 400 West King, Suite 106, Carson City, Nevada 89710, telephone (702)885-5157.

I have asked Mr. Schilling and Mr. Clark to review all available materials and submit a report to me on the status of this effort. Once they have had an opportunity to do that, I will schedule a meeting to discuss this project with you.

Sincerely,

ROBERT LIST
Governor