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WM Record File

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WM Project

Docket No.

PDR

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MEMORANDUM FOR: File

FROM: Alma Hale, Project Manager  
Nancy Still, Project Manager  
State/Tribal Participation  
Policy and Program Control Branch  
Division of Waste Management

Distribution:

(Return to WM, 623-SS)

SUBJECT: MEETINGS WITH HLW STATE/TRIBAL REPRESENTATIVES, 8/11-13/86

On August 11, Alma Hale, Nancy Still, and Joseph Bunting attended a meeting in Portland, Oregon, of the HLW host states and affected Indian tribes regarding the Licensing Support System and Negotiated Rulemaking. See note to John G. Davis from J. Bunting dated 8/22/86 for meeting notes.

On August 12-13, a DOE quarterly meeting of HLW states and tribes was also held in Portland, Oregon. Alma Hale, Nancy Still, and Bob Cook were in attendance. See the enclosed agenda and handouts.

Tuesday, August 12

In the morning session, the discussions generally focused on local Indian and state agency coordination efforts.

Mary Lou Blazek, Oregon Department of Energy, discussed the status of Oregon litigation. Oregon has filed a suit on issuance of DOE's siting guidelines and has been admitted as a party to a consolidated suit with other states and tribes. During the week of this meeting, Oregon filed a suit regarding the ranking of the BWIP site. Ms. Blazek also mentioned that discussions are ongoing with DOE regarding DOE funding to Oregon to participate in the HLW program. She also mentioned that the State of Idaho is now becoming more interested and involved in the HLW program.

Mr. Tim Wapato, Columbia River Inter-Tribal Fish Commission, discussed his agency's program and policies. Mr. Russell Jim, Yakima Indian Nation, expressed appreciation on the Fish Commission's role in the preservation of the natural food chain.

Mr. Terry Husseman, Washington Department of Ecology, discussed recently released documents by DOE on radioactive releases from the Hanford Reservation to the environment. He stated that the Hanford Historical Document Committee has been established, including representatives from Washington, Oregon, and the Indian Tribes, to review documents on this issue.

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Mr. Timothy Webster, the Portland Area Indian Health Service, discussed his agency's program. Information on this Service is included in the enclosures.

Mr. Bob Taylor, Portland Environmental Coordinator, Bureau of Indian Affairs (BIA), Department of Interior, stated that his office had, to date, only focused on reviewing impact statements. He mentioned that Mr. Ross Swimmer, the new Director of BIA, will be taking a more active role in the HLW program. A lengthy question and answer session was held in which the states/tribes expressed their dissatisfaction with BIA's past role. A discussion was held on BIA's coordination with the Indian tribes regarding comments on DOE's Defense Waste Plan. There was also a discussion on BIA's suspected involvement in DOE's decision to postpone the second repository program; Mr. Russell Jim believes that this postponement is "driving a wedge between the eastern and western states and tribes."

During the afternoon, there was a discussion on how the states/tribes were informed of DOE's May 28, 1986 decision to characterize three sites and postpone the second repository program, and the lack of a two-week pre-notification to the states/tribes by DOE.

There was also a discussion on the progress of state/tribal negotiations with DOE on Consultation and Cooperation (C&C) Agreements. Mr. Loux stated Nevada has not entered into C&C negotiations. Mr. Frishman said Texas sees no need to enter into a formal C&C Agreement, although Texas may propose to enter into procedural agreements with DOE on certain issues. Mr. Husseman stated Washington had entered into C&C Agreement negotiations, although nothing has been finalized. Mr. R. Jim, Yakima Indian Nation, expressed his opinion that reaching a C&C Agreement with DOE was a necessity to the program. Kevin Gover explained that the Nez Perce Tribe will be meeting with DOE in the future to negotiate a C&C Agreement. Mr. Dan Hester, representing the Umatilla Indian Tribe, stated that negotiations with DOE began last fall but an agreement was not reached. Mr. Dean Tousley, representing the Yakima Tribe, suggested that an electronic bulletin board on the status of C&C Agreement negotiations be developed.

Mr. Loux proposed that the states/tribes meet bimonthly to coordinate issues in the HLW program and that the meetings be hosted by the first repository states/tribes. A schedule was established through August 1987.

There was a brief discussion on state/tribal participation in DOE coordinating group meetings. Many states/tribes expressed the belief that they must be provided the opportunity to fully participate in all DOE coordinating groups. Mr. Frishman, Texas, said that the states/tribes must be involved in the formulation of agendas for DOE coordinating group meetings.

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Wyatt Rogers, Council of Energy Resource Tribes (CERT), mentioned that NRC had been very helpful in the past in providing prompt information to all state/tribal representatives. He also believes that NRC "should be more involved the area of trust responsibility." (Alma Hale has discussed this further with Wyatt Rogers in a telecon, which was documented 10/8/86 and submitted to the WM subject file.)

At the end of the day, a planning session was held to discuss issues for the next day's meeting with DOE officials.

Wednesday, August 13

Both DOE Headquarters and Project Management staff were present for this meeting with the first repository state/tribal representatives. The meeting was basically a time for the states/tribes to voice their concerns to DOE personnel. The following items were discussed throughout the day:

- Review of previous commitments from the Albuquerque DOE Quarterly Meeting,
- Discussion of Financial Assistance Guidelines (General and OGR),
- Defense waste,
- Licensing Support System status,
- Impact of gas exploration on resources at repository sites,
- OCRWM program update.

The most intense and lengthy discussion concerned the May 28, 1986 announcement of repository site selection and the lack of a two-week pre-notification to the states/tribes by DOE.

The luncheon speaker was NRC Commissioner Asselstine, who directly addressed the "Implementation of the DOE High-Level Radioactive Waste Repository Program." A copy of his speech is attached.

The main accomplishment of this day's meeting was development of a list of DOE commitments to the states/tribes concerning various aspects of the repository program. Copies of the commitments and meeting highlights are attached.

We believe this meeting was especially worthwhile in NRC's endeavor to maintain a cooperative relationship with our state and tribal contacts. Many of the state/tribal representatives expressed their appreciation for NRC's continual effort of providing information on NRC/DOE activities, as well as NRC's effort

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to attend periodic meetings such as this to become more aware of their concerns.

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Enclosures: Meeting Handouts