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CONFEDERATED TRIBES AND BANDS

Yakima Indian Nation

GENERAL COUNCIL
TRIBAL COUNCIL

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WM Project 10
Docket No. _____
PDR
LPDR

November 18, 1985

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TO: REB CFR

Honorable John Herrington, Secretary
Mr. Benard C. Rusche, Director
Office of Civilian Radioactive
Waste Management
U. S. Department of Energy
1000 Independence Ave., S. W.
Washington, D. C. 20585

Dear Secretary Herrington and Mr. Rusche:

At the request of Governor Gardner of the State of Washington, the Department recently submitted a generic description of its revised site ranking methodology for the first high-level waste repository to the National Academy of Sciences Board on Radioactive Waste Management for review. In response, the Board recommended that DOE submit the application of the methodology to an outside panel of experts for review. You provided the Yakima Nation with copies of both DOE's generic description of the methodology and the Board's comments on it.

We understand that the Office of Civilian Radioactive Waste Management has now asked the NAS Board to undertake the independent review of its methodology applications that the Board recommended, but that OCRWM does not intend to provide the methodology application to states and tribes nor to permit state or tribal participation in this review. We urge you to reconsider this position and provide the application of the methodology to affected states and Indian tribes and the public at the time that you provide it to the NAS.

We have never had an adequate opportunity to review the site ranking methodology or its application. The discussion in Chapter 7 and Appendix B of the Draft Environmental Assessments was too incomplete to permit a reasonable review, as has been noted by numerous federal agencies as well as state, tribal, and public commenters. DOE has acknowledged this shortcoming of the Draft EAs by revising the methodology and agreeing to submit both the revised methodology and its applicaton for outside review.

DOE bears a special responsibility to consult and cooperate with states and affected Indian tribes under the Nuclear Waste

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Honorable John Herrington
Mr. Benard C. Rusche
November 18, 1985

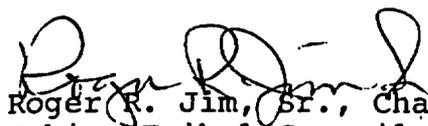
Policy Act which requires it, at a minimum, to allow free access to all significant information. This responsibility was recently reiterated by the Department in the October 8, 1985 letter to us from William Purcell and Roger Gale of your staff on the necessity for meaningful interactions between DOE and state, tribal and local governments. It is necessary to provide an opportunity for public comment on the application of the revised ranking methodology, since that methodology is the most crucial aspect of the decision which sites to recommend for characterization, and nobody has had an opportunity to comment on it to date. In light of the Department's C & C responsibilities to states and affected tribes, that necessity is multiplied.

We sincerely believe it should not be necessary to do so, but we request to receive simultaneously the materials which DOE sends to the NAS Board pertaining to application of the site ranking methodology. We further request 30 days from our receipt thereof to submit comments on those materials to both OCRWM and the NAS Board, and that our comments be given the fullest possible consideration by the NAS Board before it reports to DOE and by OCRWM before it issues the final environmental assessments. (A letter is being sent to the NAS requesting this right of participation in its review.)

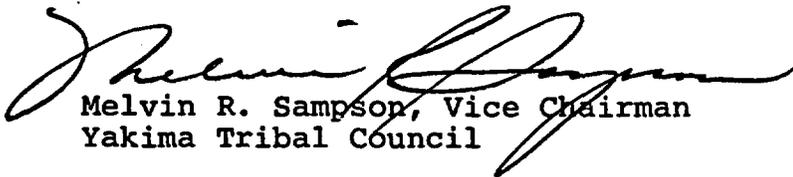
If you agree to this request, the site ranking methodology, and thus the decision which sites to recommend for characterization, will be strengthened by the rigor of review by states, tribes, and the public. Moreover, state, tribal, and public perceptions of DOE's treatment of its C & C responsibilities will be vastly improved. And finally, the need to argue these points in the U. S. Court of Appeals--and the extensive delays that could entail--might be avoided.

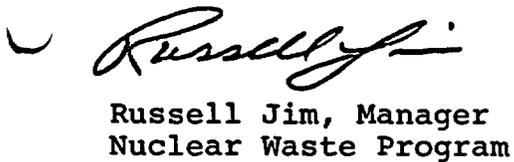
On the other hand, if DOE refuses to ever consult or cooperate on the site ranking methodology (it should be noted that this was the one aspect of the draft EAs which states and Indian tribes were never permitted to see early drafts of), this will only confirm the already widespread perception that DOE does not take C & C seriously, and only intends to minimize it.

Sincerely yours,


Roger R. Jim, Sr., Chairman
Yakima Tribal Council

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Melvin R. Sampson, Vice Chairman
Yakima Tribal Council


Russell Jim, Manager
Nuclear Waste Program

cc: Honorable Booth Gardner
Honorable Slade Gorten
Honorable Daniel Evans
Honorable Sid Morrison
Honorable Gary Hart
Honorable Pete Domenici
Honorable Robert Stafford
Honorable Alan K. Simpson
Honorable Morris Udall
Honorable Edward Markey
Honorable Marilyn Lloyd
Mr. William Purcell
Mr. Roger Gale
Mr. Robert Browning

Enclosure

CONFEDERATED TRIBES AND BANDS

Yakima Indian Nation

GENERAL COUNCIL
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POST OFFICE BOX 151
TOPPENISH, WASHINGTON 98948

November 18, 1985

Dr. Frank Press, President
National Academy of Sciences
2101 Constitution Avenue, S. W.
Washington, D. C. 20418

Dear Dr. Press:

On October 10, 1985, by letter from Frank L. Parker to Ben C. Rusche, the Academy's Board on Radioactive Waste Management issued a highly qualified approval of the Department of Energy Office of Civilian Radioactive Waste Management's selection of methodologies for ranking sites for repositories. It is the considered opinion of the Yakima Indian Nation, based on the advice of qualified technical consultants, that this expression of approval for the chosen methodology was premature in the absence of the specific application of the methodology, and in the absence of a discussion of the basis for selection of that methodology from among the many techniques available for multiattribute optimization.

DOE has now announced that it has requested the NAS Panel to do an independent review of the application of the revised site ranking methodology. OCRWM has informed us informally that it does not intend to provide the methodology application to any party other than the NAS Panel for review.

The Yakima Indian Nation objects strenuously to this procedure, and is appealing to the Energy Secretary to distribute the revised methodology application for simultaneous review by states, affected Indian tribes, and the public (see attached letter). We would also like to enlist the Academy's support in obtaining the dissemination of this material for technical review and to ask the Academy to allow states, affected Indian tribes, other agencies, and members of the public to provide comments to both the NAS Panel and DOE.

As the NAS Panel noted in its comments on the Draft Environmental Assessments and on DOE's generic description of its revised methodology, the discussion of site ranking in the Draft

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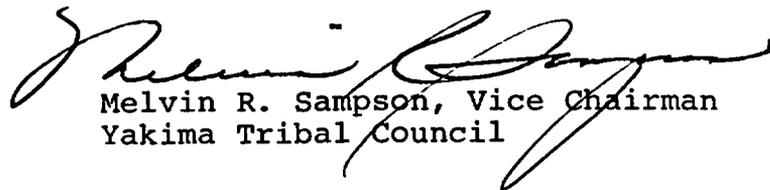
EAs was insufficient to permit meaningful review. Thus, there has never been an opportunity for meaningful review of the methodology, which constitutes the most crucial aspect of the decision on which sites to recommend for characterization. We are heartened by DOE's decision to submit the methodology application for review by a respected outside technical body, but very disappointed in the Department's unwillingness to permit reasonable review of this material by the affected states and Indian tribes.

This position is not only very detrimental to the institutional aspects of radioactive waste disposal, but also detrimental to science, which depends so heavily on peer review for quality assurance. The Yakima Nation has employed highly qualified technical consultants who have very serious questions about both the site ranking methodology and its application. The appropriateness of assumptions about the independence of variables and the weighting of guidelines are of particular concern.

We believe that the NAS Panel's review as well as the work of OCRWM would benefit from consideration of the technical views of our consultants prior to the NAS issuance of its report on the methodology application. The NAS review can only be strengthened by permitting this participation. On the other hand, if the NAS should conclude by endorsing DOE's methodology application in a closed process, the institutional integrity and technical credibility of both the Department and the Academy will be impaired. We strongly urge you to make dissemination of the material an explicit condition of NAS participation in this review and to permit 30 days after receipt for the submission of comments.

Sincerely yours,


Roger R. Jim, Chairman
Yakima Tribal Council


Melvin R. Sampson, Vice Chairman
Yakima Tribal Council

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