NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION
Office of Public Affairs Telephone: 301/415-8200
Washington, D.C. 20555-0001
E-mail: opa@nrc.gov
Site: http://www.nrc.gov

S-08-010

Interactions of the U.S. Nuclear Regulatory Commission

With Native American Tribal Governments

Remarks by Dr. Peter B. Lyons
Commissioner
U.S. Nuclear Regulatory Commission

National Congress of American Indians
Executive Council Winter Session-Legislative Summit
"110th Congress Executive Council-2nd Session"
Washington, D.C.
March 4, 2008

Good morning. I am pleased to be here today to address the National Congress of American Indians. I regard this opportunity to speak to you about U.S. Nuclear Regulatory Commission (NRC) activities and involvements with Native American Tribal Governments as exceptionally important because many nuclear facilities and transportation routes for nuclear materials are in the vicinity of tribal lands. Communication on these issues is essential, particularly in light of the fact that nuclear power in the U.S. may be on the verge of a renaissance.

Both in my decades at Los Alamos National Laboratory and in my 8 years as Science Advisor on the staff of U.S. Senator Pete Domenici and the Senate Committee on Energy and Natural Resources, I had many opportunities to work with Tribal Governments. I'm glad to have these opportunities continuing while I'm at the NRC.

To begin with a short status update, the NRC's activities now extend beyond the currently operating reactors to include certifying and licensing the advanced reactor designs that may become the foundation for new reactor construction. The U.S. nuclear industry has announced that over 20 Combined Construction and Operating License, or "COL," applications may be submitted to the NRC over the next few years, representing a potential total of over 30 new nuclear power reactors in 14 different states.

This growth has already begun. In 2007, the NRC received four COL applications, for seven new reactors: one for two GE Advanced Boiling Water Reactors (ABWRs) at the South Texas Project site, one for two Westinghouse AP1000 reactors at the Bellefonte site in Alabama, one for a GE Economic Simplified Boiling Water Reactor (ESBWR) at the North Anna site, and one for an AP1000 at a new site in South Carolina. In addition, a partial COL application has been received for an AREVA Evolutionary Pressurized Reactor (EPR) at the Calvert Cliffs site in Maryland. In 2008, we are expecting up to 15 additional COL applications for up to 22 new reactors and have received two of the applications, one for two new reactors at the Shearon-Harris site in North Carolina, and another one for a new reactor at the Grand Gulf site in Mississippi.

I would like to point out that the NRC's program of consultation and coordination with Tribal Governments is fully in line with the Executive Order 13175 of November 2000. In this regard, NRC maintains government-to-government communications with Tribal Governments on a regular basis. Further, we strive to increase our collective Agency sensitivity to areas in which Tribal Governments may be impacted by activities regulated by my Agency.

I would like to briefly review a number of the NRC activities with Native American tribes that may be of interest to you. First, as a result of the renewed interest in commercial power reactors in the nuclear industry that I just mentioned, there has been a parallel interest in the uranium mining industry to provide fuel for the anticipated fleet of new reactors. A large number of these activities are conducted in mining areas in the vicinity of tribal lands, particularly the Navajo Nation.

As many of you know, there are serious legacy issues resulting from the days when waste of uranium mines was left on Navajo lands, dating from the 40's through the 70's. As a result, in April 2005, the Navajo Nation passed the "Diné" Natural Resources Protection Act," which prohibits uranium mining and processing on any sites within Navajo Indian Country. Several members of the United States Congress have developed an interest in the past legacy issues and current status, as well as in future prospects for uranium recovery without serious adverse health or environmental impacts. Beginning in October 2007, the Congressional Committee on Oversight and Government Reform, Chaired by Representative Henry Waxman of California, held meetings with the U.S. Environmental Protection Agency, the U.S. Department of Energy (DOE), the Indian Health Service, Bureau of Indian Affairs, and the NRC, and requested multi-year action plans from all of those agencies to address legacy waste clean-up efforts on Navajo lands.

To clarify our responsibility in this regard, NRC regulates uranium recovery facilities but does not regulate uranium mining or abandoned uranium mine sites. These operations are the responsibility of State regulators. Mining involves the actual digging and excavating of uranium ore from the Earth, whereas, uranium recovery involves the processing and concentration of uranium into a compound commonly referred to as "yellowcake," following its removal from its original place in nature through mining operations. NRC's regulatory role consists of performing technical review of license applications to process ore, issuing licenses for this purpose, and subsequently inspecting the licensees and enforcing the regulations to ensure the public health and safety and protection of the environment.

NRC staff members met with the tribes and held public meetings in Gallup, New Mexico, in September 2007, to explain the regulatory approach that NRC intends to follow for the review of proposed uranium mills and in-situ leach recovery operations. This meeting also included a number of Navajo participants. I was pleased to learn that NRC's presentation was translated into the Navajo language. Given the increasing interest in uranium mining and milling, the NRC has also conducted other meetings on this subject in Casper, Wyoming, and Albuquerque, New Mexico.

The NRC has also been increasingly involved in the potential licensing of a Toshiba-built, small liquid-sodium-cooled reactor. This reactor design could conceivably serve as a future source of electricity for remote localities that cannot be easily served by other means of electricity generation. Toshiba has been working with the city of Galena, Alaska, which has an area population of about 700 people, in pre-licensing activities. Galena is located on the Yukon River and currently has to rely on fuel oil shipped up the Yukon River during the part of the year when the river is not frozen. There are many Tribes located along the Yukon River that have expressed an interest in engaging in consultation with the NRC, relative to the proposed reactor. Of the many Tribes, 64 have signed an inter-tribal accord with the Yukon River Inter-Tribal Watershed Council, an international grassroots organization that conducts research, provides technical assistance, and facilitates information exchange, among other services, to raise awareness about opportunities to promote the health of the Yukon River watershed. The NRC has developed a relationship with the Council and periodically interacts with its leadership with regards to the potential reactor licensing.

Another area in which the NRC has been actively engaging with the Tribes can be seen in the Timbisha Shoshone Nation in Death Valley, California - near the proposed Department of Energy (DOE) repository at Yucca Mountain, Nevada. Recently, the Department of the Interior has granted "affected status" to the Timbisha Shoshone. As the DOE continues the process of formally submitting its license application for NRC review, the Timbisha Shoshone will be accorded full rights as a participant in all Yucca Mountain-related NRC regulatory activities due to the "affected status" classification. NRC representatives recently made presentations to the DOE Tribal Workshop on the subject of potential transportation routes to the proposed Yucca Mountain to explain the nature of our Agency Tribal liaison program.

We have found at the NRC that Native American tribes maintain a strong interest in increasing their knowledge and expertise in nuclear-related matters, in order to increase their meaningful participation in regulated nuclear activities. In this regard, we at the NRC fully support fulfilling the mandates of Executive Order 13270, "Tribal Colleges and Universities." During the fourth quarter of Fiscal Year 2006, the NRC implemented its Minority Serving Institutions Program, which provides financial assistance to support a broad range of services, programs, and activities that address the needs of Minority Serving Institutions and their students and faculty.

Our Minority Serving Institutions Program successfully concluded its first year of operation in September 2007, by awarding two grants to Tribal Colleges and Universities - one grant to the American University Washington Internship for Native Student Programs, and the other grant to the College of Menominee Nation in Wisconsin, to conduct a President's Science,

Technology, Engineering, and Mathematics (STEM) Leadership program. The latter institution serves three neighboring tribes and the surrounding communities of the reservation. I would also note that, in preparation for the nuclear renaissance, the NRC is experiencing unprecedented growth. We have a very active hiring program and an intern program to which we hope Native Americans will apply.

In our efforts to learn and interact more extensively with the Native American tribes, I would like to note that NRC has become increasingly active and involved. For example, in the past year, we have had representatives make informational presentations to discuss the purpose and functions of our Agency at your June 2007 National Congress mid-year conference in Anchorage, Alaska. Tribal representatives were active and involved, and asked a number of thoughtful questions about how to improve Tribal participation in the routing of nuclear materials and the licensing or re-licensing of nuclear facilities. I regard these developments as healthy and constructive in improving our relationship.

In closing, I am hopeful that our increased outreach activities will better serve the Tribal Governments and inform the Native American community on the nature of NRC s regulatory authority for nuclear activities. I hope, in addition, that I have given you a few examples to take with you of how we at the NRC are raising our sensitivity to areas that could be of interest to the Tribes and providing a forum for your concerns. In particular, I encourage you to call to our attention any emergent issues that you believe will impact Native American tribes.

I would like to thank you again for inviting me to speak with you today. I ask for your continuing support in improving this crucial relationship.