

NRC RELATIONS WITH NATIVE AMERICAN TRIBES

Under current practices, NRC interacts with tribal governments on a case-by-case basis. The following highlights six instances of successful government-to-government interaction between the Commission and tribal governments and organizations.

Power Reactor Inspections and License Renewal - Prairie Island Indian Community (PIIC)

Located within the 10-mile Emergency Planning Zone of the Prairie Island Nuclear Generating Plant (PINGP) in Welsh, Minnesota, the PIIC is the tribal community most closely located in the vicinity of an operating nuclear power reactor. In 1997, after the PIIC expressed interest in accompanying NRC inspectors during inspections, the Commission determined that tribal representatives could observe NRC inspections at the plant on the same basis as an Adjacent State if the tribe met the same requirements that an Adjacent State would have to meet in similar circumstances. The PIIC was authorized to observe NRC radiation protection inspections later that year.

In 2008, NRC and the PIIC signed a Memorandum of Understanding (MOU) (to become a cooperating agency for preparing the Environmental Impact Statement for the proposed license renewal of the PINGP) for working together to review potential environmental impacts of the proposed license renewal of the PINGP. This was the first MOU dealing with a reactor license renewal environmental review.

Proposed Waste Repository – Timbisha Shoshone Nation

From 2001-2008, the NRC conducted ongoing tribal outreach related to the proposed Yucca Mountain high-level waste disposal site in Nevada. In 2001 and 2003, the Commission hosted workshops for Native American Tribes with ties to Yucca Mountain. During that time, NRC staff learned of the Timbisha Shoshone Nation's pursuit of "affected status," under the Nuclear Waste Policy Act (NWPA), from the Department of the Interior (DOI) with regard to proceedings associated with the proposed waste repository. Under NWPA, "affected tribes" are afforded special rights of notice, participation, consultation and financial assistance. NRC later met with DOI representatives, providing information on NRC regulations and hearing procedures and conveying the NRC's interest in a timely decision on the Tribe's request. In 2006, NRC staff visited the Timbisha Shoshone in Death Valley, California. In 2007, NRC staff met separately with DOI representatives at DOI headquarters in the District of Columbia regarding the Tribe's renewed efforts to petition to DOI for "affected status." The Tribe had applied for "affected status" in 2001, and absent any official reply from DOI, applied again in 2006. In 2008, after DOI granted their petition, NRC staff again visited the Timbisha Shoshone to provide them with detailed information on the NRC's licensing and hearing process, and how the tribe could participate. In 2009, the Timbisha Shoshone tribe was admitted as a party to the Yucca Mountain hearings, with eight admitted contentions.

Uranium Recovery and Legacy Waste Associated with Uranium Mining and Milling - Various Tribes located in Indian Country in the vicinity of Southwestern U.S. and in South Dakota

In 2007 and 2008, NRC met with several Native American Tribal governments in New Mexico and Arizona, specifically the Navajo Nation, the Hopi Tribe, the Pueblo of Acoma, and the Pueblo of Laguna, on regulatory issues related to uranium milling operations and environmental restoration.

In February and April of 2009, FSME staff coordinated individual government-to-government meetings with representatives of the Navajo Nation, Pueblo of Zuni, All Indian Pueblo Council, Pueblo of Laguna, and Pueblo of Acoma, to share information related to the licensing of uranium recovery facilities. The meetings were structured to explain the licensing process, to address Native American concerns related to the licensing process, and to identify opportunities for Native American Tribal Governments to participate in the licensing process.

Beginning in late 2007, staff participated with the U.S. Environmental Protection Agency, the U.S. Department of Energy, the U.S. Bureau of Indian Affairs, and the Indian Health Service in multiple briefings and roundtable discussions with the Navajo Nation in the development of a five year plan to address legacy uranium mine and mill waste in Navajo Country. The agencies drafted a plan to address uranium contamination on Navajo lands and proposed solutions, issues raised by U.S. House Representative Henry A. Waxman at an October 23, 2007, hearing on Capitol Hill. In addition to numerous meetings with Senior Navajo Government officials as part of this effort, NRC staff briefed the Navajo Nation Resources Committee in Window Rock, AZ, on the NRC portion of the plan in April 2008. Also present were representatives of the Navajo Nation EPA and the Navajo Nation Department of Justice.

Potential Reactor Proposed for Galena, Alaska – Various Alaskan Tribes as represented by the Yukon River Inter-Tribal Watershed Council (YRITWC)

In February 2005, staff met with representatives of the YRITWC, an organization that currently represents 53 federally recognized tribes in Alaska and 17 First Nations (Native Tribes in Canada) located in the Yukon River Watershed. Staff met to discuss and answer questions on opportunities for communication with Tribal Governments with concerns about the potential siting of a nuclear reactor in Galena, Alaska, as initiated by the City of Galena in talks with Toshiba Corporation in 2003. Since its first meeting, NRC established a Tribal Consultative Team to address issues arising from YRITWC concerns about the possible siting of a reactor at Galena, and has maintained regular communications with the YRITWC. In August 2009, the YRITWC held its 2009 Bi-Annual Summit at which NRC staff participated by speaking with the Executive Directors of the YRITWC and with Tribal leaders about the development of NRC tribal protocols and the current status of the potential nuclear power reactor proposal.

West Valley Demonstration Project - Seneca Nation of Indians

In May 2002, the Seneca Nation of Indians provided NRC senior management and staff cultural sensitivity training following a NRC visit of the U.S. Department of Energy's West Valley Demonstration Project. The Seneca Nation is located approximately 20 miles downstream of the Project. Training focused on the Nation's cultural values and relationship to the environment, a tour of the Seneca Nation's Cattaraugus Territory, the history of the Seneca Nation and the Seneca and Iroquois Government, Tribal sovereignty, and Federal trust responsibilities.

Sequoyah Fuels site in Gore, Oklahoma – Cherokee Nation

In 1996, the Cherokee Nation and the NRC entered into a cooperating agency relationship regarding the reclamation of the Sequoyah Fuels Corporation (SFC) site. As a result, the Cherokee Nation, concerned with protecting possible archeological findings at the site as well as Arkansas River water quality issues, contributed to NRC's review of SFC's plans to reclaim the site.