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 50-323 Diablo Canyon Nuclear Power Plant, Unit 2, Pacific Ga 05000323
 AUTH.NAME AUTHOR AFFILIATION
 PETERS,R.J. Pacific Gas & Electric Co.
 RECIP.NAME RECIPIENT AFFILIATION
 BALLARD,R. Environmental Projects Branch 1

SUBJECT: Forwards press clippings purporting to state NRC position re Chumash Indians' access to facility. Util is willing to meet & discuss issue. Access question derived from possible application of Native American Religious Freedom Act.

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Environmental Projects Branch 1
Division of Site Safety and
Environmental Analysis
Nuclear Regulatory Commission
Washington, D.C. 20555

April 3, 1980

Dockets 50-275-OL, and 50-323-OL
Diablo Canyon Units 1 & 2

Dear Mr. Ballard:

In accordance with our conversation yesterday and at your request I have enclosed copies of press clippings which purport to state the NRC staff position on the matter of Chumash access to Diablo Canyon. Based on our conversation yesterday it is my understanding that at least with respect to the Five Cities Times Press Recorder clipping, the statements contained therein are at best a somewhat liberal interpretation of the staff's tentative position on this matter.

With respect to the access question itself, as I related to you during our conversation Pacific Gas and Electric Company (PG&E) is willing to meet with Mr. Dixon or other appropriately designated parties to see what the Chumash are interested in. I am hopeful that in the course of any such meeting a mutually acceptable policy can be arrived at.

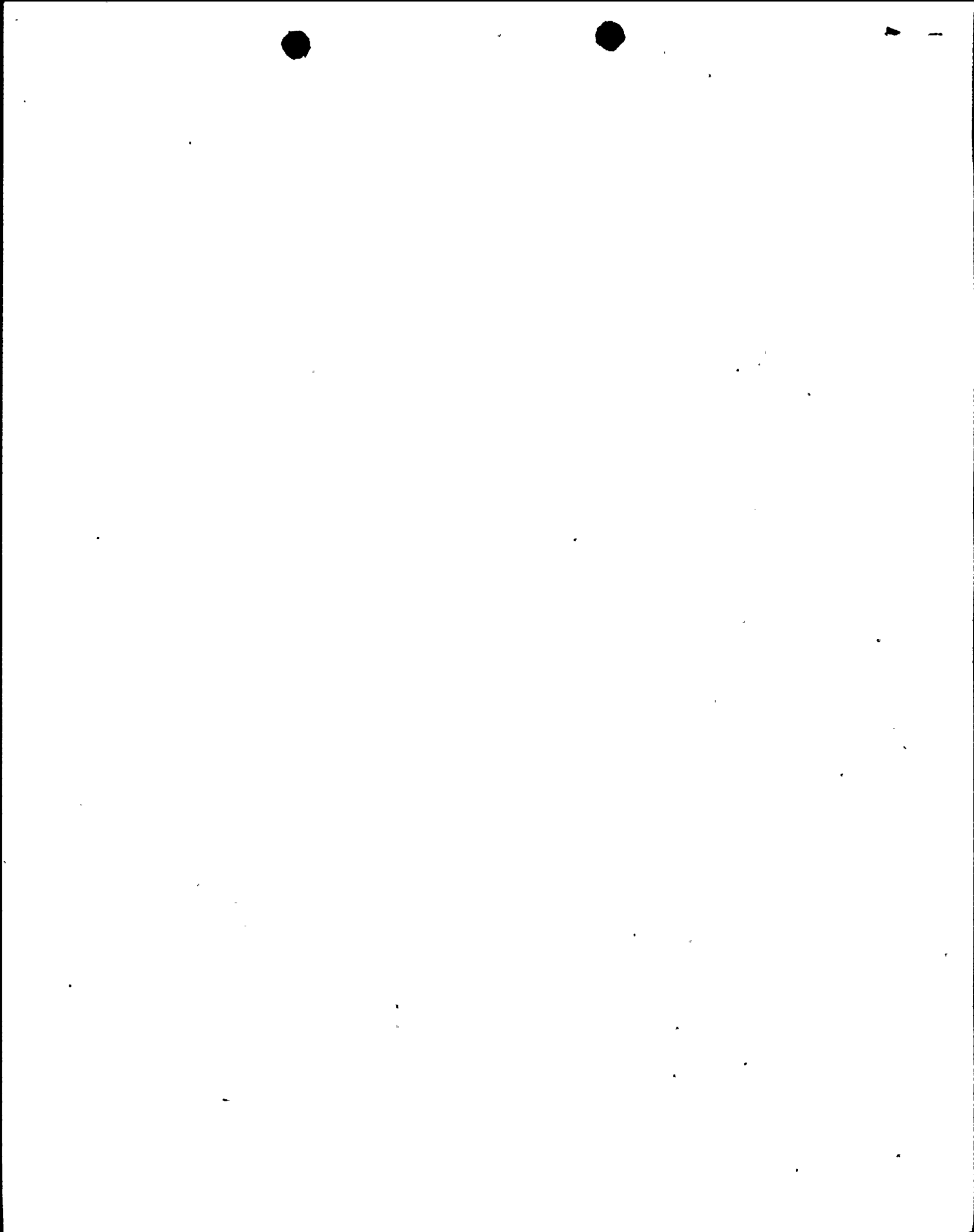
To the extent that any such meeting does occur I should think that the staff should be represented. The entire question of access only really comes up as a result of the possible application of the Native American Religious Freedom Act to this undertaking by virtue of the federal licensing requirement. At this point, assuming an acceptable access policy can be worked out, it seems unnecessary to consider in detail the questions of whether that act applies to private property and whether, even if it does, the SLO-2 site is a religiously significant one. I do suggest, however, that some preliminary thought be given to those questions prior to the time any meeting with the Chumash is held.

Very truly yours

RJP
ROGER J. PETERS

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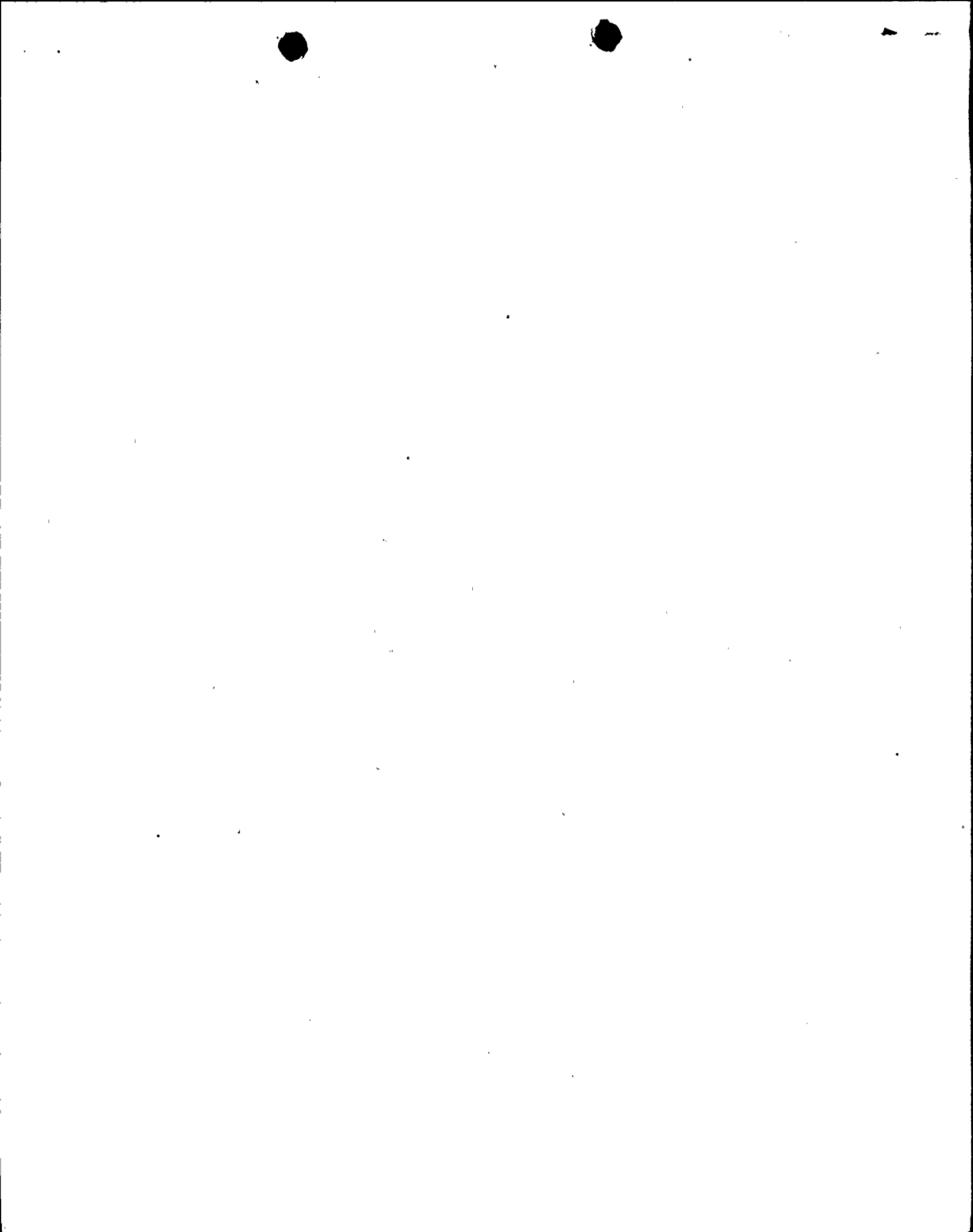
Mr. Ronald Ballard, Chief
Environmental Projects Branch 1
Division of Site Safety and
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Nuclear Regulatory Commission

April 3, 1980
Page 2.

Re: Dockets 50-275-OL, and 50-323-OL
Diablo Canyon Units 1 & 2

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CHUMASH ACCESS TO DIABLO?

By Wayne Saroyan
Staff Writer

AVILA BEACH — Representatives of the Chumash Indians may be allowed access to a traditional burial site and ceremonial grounds adjacent to the Diablo Canyon Nuclear Power Plant as a condition of the licensing permit.

Negotiations are now under way between the Nuclear Regulatory Commission, Pacific Gas and Electric Company and the Santa Barbara Indian Center to allow "controlled" access to sacred Chumash Indian grounds uncovered a few hundred feet away from the outer fence surrounding the nuclear plant, according to NRC environmental project member Ron Ballard.

The burial site was discovered during early construction at the Diablo Canyon plant, according to Ballard, and promptly reburied to be preserved as a historic site. This year, representatives from various Chumash Indian groups in the tri-county area have met with both PG&E and the NRC to discuss the terms of access desired by the Indians.

The three groups are now seeking a "firm understanding" in determining the type and frequency of site access, as well as who would be allowed to visit the site next to the power plant, Ballard said.

"If that agreement (to allow on-site visits) comes about," according to Ballard, the NRC "could and probably would reflect that in its licensing permit."

The provision would not be included "verbatim," Ballard added, but would "definitely" be insured.

A separate move is also under way to have the burial grounds formally identified as a historical site under an Indian religious preservation act which allows federal agencies to provide access to Indian lands.

Although the federal law dictates access to Federal lands only, and not privately-owned lands such as PG&E's Diablo Canyon, a cooperative effort between the Chumash Indian peoples and

PG&E would be expected to produce such a classification, according to Ballard.

"They (PG&E) have already agreed to some limited access," Ballard said Thursday, and so the classification of the burial grounds as a bona fide historic site probably wouldn't meet with any resistance from the private utility.

Meanwhile, two hearings by the Nuclear Regulatory Commission, scheduled for San Luis Obispo, have been switched to new dates.

A planned closed-door hearing on the anti-sabotage plans for Diablo has been moved ahead one day, to Wednesday, April 2. An open public meeting on the oral arguments for re-opening the NRC's hearings on seismic safety has been set for the following day, April 3.

The seismic hearing will begin at 9:30 a.m.

Both hearings are slated for the Old County Courthouse, Palm Street, San Luis Obispo.

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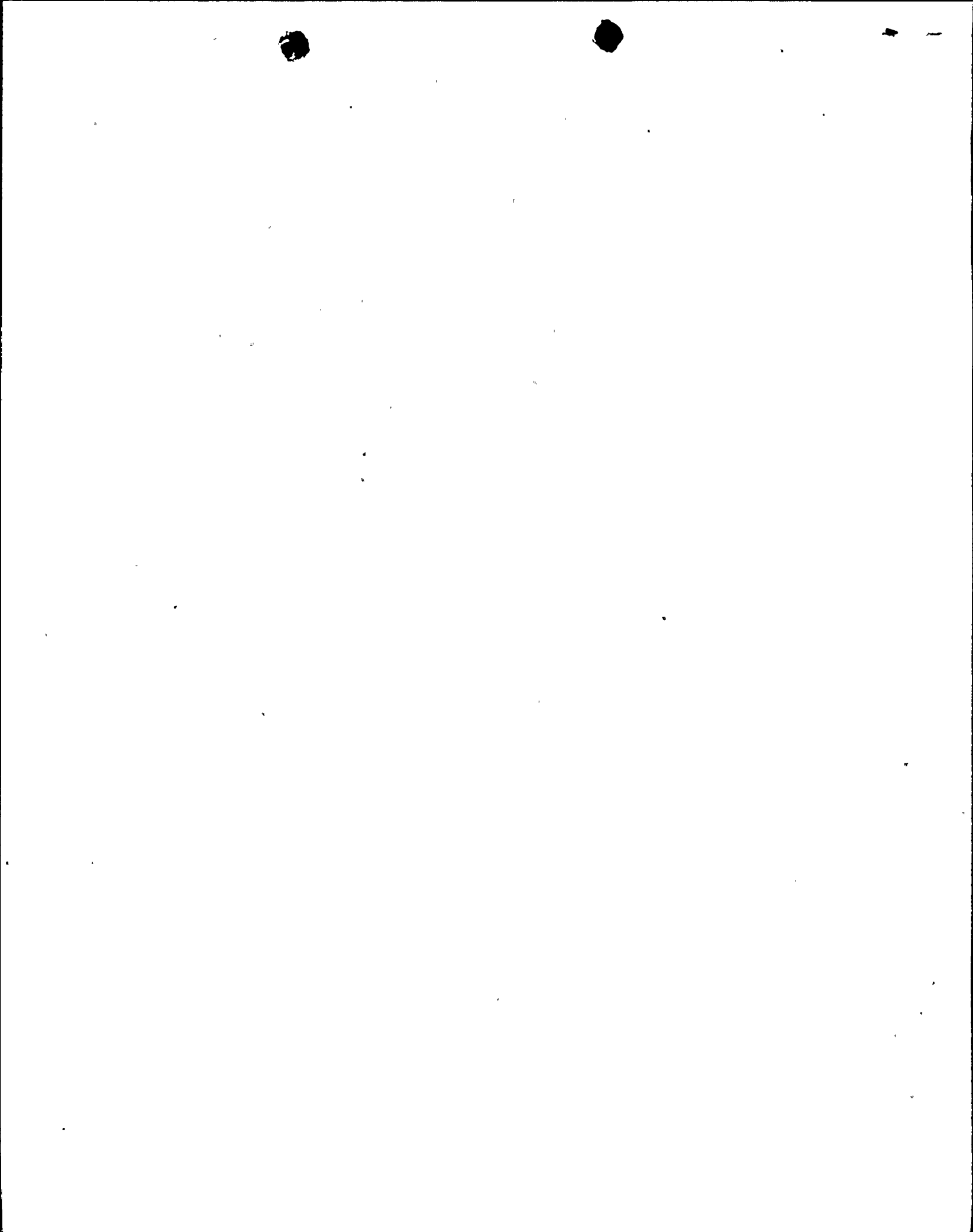
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Pacific Gas & Electric Co. may have to give the Chumash Indians access to the Diablo Canyon nuclear power plant if they want it to operate.

Lee Dickson of the Santa Barbara Indian Center said the Nuclear Regulatory Commission is willing to consider making the Chumash access one of the plant's conditions to open, if the Indians will get together and decide what type of access they need.

Dickson said the NRC officials also are willing to set up a meeting with PG&E executives to discuss the issue that has been pending for more than two years.

"NRC wants the Indians from Santa Barbara, San Luis Obispo and Ventura counties to clarify several points including what significance the plant site has to the present-day Chumash," Dickson said Thursday. The NRC also wants to know who the Chumash leaders will be.

Dickson said the Chumash want the access for religious and cultural activities on land where Indian artifacts have been found.

Richard P. Davin, a PG&E spokesman in San Francisco, said most artifacts were found north of the plant itself in Diablo Canyon. He said he hasn't heard anything about the latest potential meeting with Indian officials.

"But we've met with them in the past on this and we'll probably meet with them in the future too," Davin said this morning.

Mark Staenberg, the NRC's lawyer on Indian affairs in Washington, D.C., was unavailable for comment about the latest development this morning.

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