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MEMORANDUM: The File

FROM: Catherine F. Russell  
State/Tribal Coordinator, BWIPSUBJECT: TRIP REPORT FOR PENDLETON, OREGON AND  
OLYMPIA, WASHINGTON - JULY 10-12, 1984.

At the request of Elwood Patawa, Chairman, Confederated Tribes of the Umatilla Indian Nation, Joseph Bunting, Robert Wright and myself presented a briefing to the Tribal Council and others, covering NRC's role in the siting and licensing of a high-level waste repository. Also in attendance were Charles MacDonald, Chief, Transportation Certification Branch, Division of Fuel Cycle and Material Safety (FC), and John Cook, Manager, Transportation Integration Project (FC). Both were there to give a general overview of NRC's responsibilities related to the transportation of radioactive material. In addition, Dean Kunihiro of NRC's Region V Office, Robert Cook, NRC's on-site licensing representative at Hanford, and several staff members of the Umatilla Indian Nation, were present at the briefing as well as representatives of the tribe's technical contractor, the Council of Energy Resource Tribes (CERT). The briefing took place on Wednesday, July 11, on the Umatilla Indian Reservation in Pendleton, Oregon.

Joseph Bunting, Chief, Policy and Program Control Branch, Division of Waste Management (WM) began the meeting by giving a brief history of NRC's licensing responsibilities over DOE and concluding with a summary of the NRC's licensing responsibilities as delineated in the Nuclear Waste Policy Act. I then discussed the roles of the NRC, DOE and EPA in the siting and licensing of a high-level waste repository and went over the structure and organization of the NRC and WM. After that, I gave a brief overview of the NWPA and the siting guidelines. Mr. Bunting continued the briefing with a discussion of the 10 CFR Part 60 regulation and a synopsis of the proposed changes to Subpart C, of the procedural rule. He encouraged the tribe to review the changes and submit any comments they might have to us as soon as possible. There were no questions from the Tribe during the first portion of the briefing.

Robert Wright, BWIP Project Manager, WM, provided an overview of the NRC's technical activities of the NRC up to the present time regarding the DOE investigation of the Hanford basalts as a potential repository site. He concluded with a discussion of NRC's planned future activities, including review of the DOE's environmental assessment, formulation of site technical positions and DOE/NRC workshops and data reviews.

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John Cook then gave a general overview of Federal activities relating to the transportation of radioactive material. This presentation was composed of three basic parts; present regulation of safety in transportation; transportation requirements of the NHPA; and NRC's present transportation program. The tribal members had several questions pertaining to transportation ranging from the mode of transportation that would be used to transport HLW to a repository to what plans are being proposed and who would be responsible for implementing the plans in the case of a transportation accident resulting in a "spill" of radioactive material. Mr. Cook and Mr. MacDonald responded to most of the questions and promised to provide additional material on those questions needing more information.

Wyatt Rogers, a CERT technical staff member, told us that for the past two years, Oregon has required a state permit for transportation of radioactive material. Mr. Rogers said Oregon's studies of the permits show that 92% of the radioactive material transported by truck goes on the interstate in a Northwestern direction through the Umatilla Reservation. One of the tribal members told us about a particularly treacherous stretch of the route called Cabbage Hills, where there have been several accidents over the years involving all types of material from fruit to spilled oil and gasoline. He expressed concern about who would respond in the event of an accident involving a "spill" of radioactive material. The area is fairly desolate and the local sheriff has immediate emergency response responsibilities but has no training or background to handle something that serious. He wanted to know if NRC had responsibility only for packaging or were we also responsible for protecting public health and safety throughout the entire transportation process. The tribe also told us that they have been informally approached by the State of Oregon to see if the State could work with them on the issue of HLW disposal, including transportation. The tribe indicated they have a good relationship with the State and would probably respond affirmatively, particularly since there are no provisions in the NHPA for input into the HLW decision process by adjacent states.

I then gave the tribe a listing of all NRC documents pertaining to the Hanford, Nevada and Salt Sites, as well as a listing of reports and documents. Next, I explained our document control room procedures and the dissemination of NRC data and information to the public. I also told the tribe about the local public document room located at the library in Richland, Washington. The tribe indicated they would like to receive a monthly listing of the documents which were available, and then would request only those which they needed. They said they would notify us in writing regarding this matter after reviewing the listings I gave them. Robert Cook, NRC's on-site licensing representative at the Hanford site, concluded the briefing with a summary of his role and responsibilities. He emphasized that the tribe should not come to

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him for day to day information or responses to questions but should go through the person assigned as the tribal liaison, namely Cathy Russell.

After concluding our briefing, tribal members gave us a book detailing the history, culture and philosophy of the tribe and provided us with a brief discussion about the tribe. The Umatilla Indian Nation was granted "affected tribe" status by BIA under the NHPA based on residual treaty rights of the Treaty of 1855. The tribe ceded a large portion of their lands to the Federal Government but retained hunting, fishing, root and berry-gathering rights, and the right to pasture animals on these ceded lands. The boundaries of the ceded land cover the lower one-third of the Hanford Reservation. The Umatilla Tribe is governed by a five-member Tribal Council whose members are elected for two-year terms. Those five members then elect the Chairman. Everyone over the age of 18 votes in the tribal election. They are an independent, sovereign nation with their own governing system and tribal laws. The tribe is composed of about 1200 members with 1000 members living on the Reservation, and about 200 living in neighboring towns. The tribe has hired CERT as their technical contractor for the review of material relating to HLW and Hanford, although the Umatilla Department of National Resources also intends to do some reviews internally. The primary concerns about Hanford at this point are transportation and groundwater.

At the request of David Stevens, the Director of Washington State's High-Level Waste Office, Joseph Bunting, Charles MacDonald, John Cook and myself met with Washington State officials on Thursday morning, July 12. When requesting the meeting, Mr. Stevens indicated he specifically wanted to discuss transportation since he has now hired a staff member, Jerry Parker, to work in that area. In addition to Mr. Stevens and Mr. Parker, the following Washington State officials were also present: Warren Bishop, Director, Nuclear Waste Policy Board; Bill Brewer, Geologist, Department of Ecology; Don Provost, Supervisor, Industrial and Technical Affairs, Department of Ecology; and Nick Lewis, Director, Energy Facility Site Evaluation Council.

Mr. Stevens began the meeting by asking for a summary of what occurred at the June 22 Commission meeting on the DOE siting guidelines, and the subsequent changes to the guidelines as a result of the meeting. I gave them a briefing on what had occurred and told them we had mailed copies of both the transcript of the meeting and the final siting guidelines to them the week before. Mr. Stevens said they were currently working on comments on the DOE's Mission Plan. He said the State had requested an extension to the comment period from DOE, and it had been reluctantly granted. He asked for a copy of NRC comments to DOE on the Mission Plan as soon as they were available. We agreed to send them.

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Mr. Stevens said the State was "testing" DOE's 30-day response time for requests for data and information. He sent a letter requesting further information about the second exploratory shaft DOE intends to sink at each site. At this point he had received no written response, although, after the 30 days had passed, he received a call from DOE stating that they were working on a reply. Mr. Stevens said it has now been close to 60 days and there has still been no response from DOE.

Mr. Stevens introduced Mr. Bishop, Director of the Nuclear Waste Policy Board and told us there had been some changes in the structure/arrangement in the State for HLW, and asked Mr. Bishop to explain. The "new" Policy Board is now composed of 16-members, Mr. Bishop, Director, seven State agency Directors and eight members of the legislature. The Board serves as the focal point for all of the state's HLW related activities. Mr. Stevens' office serves as the technical staff to the Board, although Mr. Stevens has a dual role, that of Director of the Office of High-Level Waste and that of Secretary on the Policy Board. The charter of the Policy Board also provides for separate legislative review in both the House and the Senate of all major documents relating to HLW. The example given by Mr. Bishop was that the legislature intends to review the state's Cooperation and Consultation (C and C) agreement with DOE once it is final. Mr. Bishop also wanted us to be aware that we could expect to get separate requests from the legislature for data, information and briefings. To illustrate this, he said the legislature had invited former Commissioner Gilinsky to speak to them about Monitored Retrievable Storage. In addition, the legislature has asked DOE to come and provide them with a separate briefing on the Mission Plan. Mr. Bishop said he would try to coordinate this type of thing but pointed out that the legislature is a separate, independent body with the authority to make its own decisions.

Mr. Stevens then asked about the status of the DOE/NRC site specific agreement. We said we would have to check and promised to get back to him. He also requested a copy of the Federal Register notice giving the telephone number for NRC meeting information, which we also agreed to provide.

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The meeting was then turned over to Mr. MacDonald and Mr. Cook for a briefing on NRC transportation activities. Mr. Lewis expressed concern about two specific areas relating to transportation: 1) Each time the State gets in touch with DOT, DOE and NRC, on a transportation matter each agency claims they are only responsible for a small "piece" of the transportation issue and then refers them to one of the other agencies. He said they were very tired of this "Federal runaround" and wanted to know which agency has the lead responsibility for transportation matters concerning HLW; and 2) All groups/agencies are dealing with transportation matters incrementally, only one piece at a time. At this point there is no total integration of the transportation pieces into a complete integrated picture, particularly with respect to the Columbia River. He emphasized that it was very important that some Federal agency be looking at the overall picture of transportation of radioactive material, HLW, LLW and Uranium, along with the cumulative effects, and some agency should have the lead responsibility.

Mr. Lewis also told us about a DOE film clip involving barging of old radioactive submarines down the Columbia for permanent disposal. He said the film had upset a great many people because it showed no safety precautions being utilized-the submarines were simply lying on the barge with no tie-down straps or anchoring of any kind. He said the State had directed DOE to redo the film clip utilizing the best safety precautions during barging.

Mr. Lewis said many decisions regarding transportation involve value judgement about the route. As an example, he pointed out that the State wants the material shipped through non-populated areas, whereas the government wants material shipped on the safest routes, normally the interstate going through populated areas. Mr. Lewis wondered who had final say on issues such as this. The meeting closed with the State urging that the roles of all agencies involved in transportation of HLW be clarified and that one Federal agency must serve as the lead for the transportation program.

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