

U.S. DEPARTMENT OF ENERGY

memorandum

DATE: July 20, 1983

WM DOCKET CONTROL
CENTER

REPLY TO
ATTN OF: S-10

SUBJECT: July 15, 1983 Meeting ~~with~~ ^{WM 132} ~~Yakima~~ Indian Nation Initiating C&C
Negotiations ^{Aug 1}

TO: J. William Bennett
Ralph Stein

Overall Assessment

- o Although none of us had any idea how the meeting might turn out, we were pleasantly surprised by the sense of good will and conviviality that pervaded the meeting throughout. We feel this bodes well for the future of C&C negotiations with the Yakima Nation.
- o During the two days preceding the Yakima meeting, we had several team building meetings with Alex Fremling, Dick Hames and Lee Olson during which we mapped out our strategy and went through a "what if" exercise with regard to possible Yakima questions and concerns. We also clarified in our own minds what DOE's interests were and decided that DOE's position could best be served by choosing a spokesperson beforehand to insure that DOE spoke with one voice and one mind. This spokesperson was Dick Hames, who handled DOE's presentation with great skill.
- o The meeting agenda together with a list of attendees and a copy of Alex Fremling's presentation are attached.

Specific Yakima Problems/Issues

- o They expressed a desire to preserve their way of life.
- o They expressed a desire to build a technical capability so they could participate meaningfully in the program.
 - they wanted to participate in technical meetings and have access to data
 - they offered suggestions for a shared data pool
 - they requested access to hydrology flow models
- o They wanted some assurance of continued financial support to ensure the continued development of technical expertise within the Nation.

8308100664 830720
PDR WASTE
WM-10 PDR

WM Record File

101.4

WM Project 10

Docket No. _____

PDR ☒

LPDR ☒

Distribution: REB HM

CR RM

JOE WKerr

(Return to WM, 623-SS) C2

00522

- o They wanted a list of DOE contacts to learn what might be presently available within DOE's data base.
- o They expressed concern that DOE had chosen the Hanford site for site characterization work--a site so close to the Columbia River. They asked if the whole Columbia River Plateau had been mapped prior to the selection of the Hanford site.
- o They also expressed concern that so much money had been expended at the Hanford site and that as a result there might be a reluctance on the part of DOE to abandon operations there.
- o They wanted to know if the program would stop if conflicts could not be resolved. They suggested if that were not the case, the conflict resolution section of the draft C&C agreement provided them made little sense. They expressed a dislike for third party mediation or arbitration.
- o They expressed a desire to be reimbursed for early expenses incurred as a result of the program.
- o They did not want to be piggybacked with the State of Washington or any other entity with regard to activities under the program. They expressed a desire to develop a wholly independent capability.
- o They raised a series of technical issues with regard to DOE grants.
- o They raised deep concerns about our siting guidelines, to wit--they are too general and they emphasize the importance of engineered barriers as criteria in selecting a site to the detriment of natural, geologic ones.

DOE Responses

- o DOE assured the Nation that we were ever sensitive to their desire to maintain their way of life and that we would be providing them the necessary resources to build independent, technical capability to participate meaningfully in the program.
- o DOE promised them a list of contacts and also a list of all upcoming technical meetings and workshops. DOE indicated that the Yakima Nation and its representatives would be welcome to participate on an on-going basis in all technical reviews, and that DOE was willing to provide the Nation access to information, data and models.

- o Alex Fremling promised them a briefing on how the Hanford site was selected.
- o Fremling also indicated that the Federal Government had in the past abandoned sites involving expenditures far in excess of that expended at Hanford.
- o DOE expressed willingness to negotiate on the question of program stoppage due to a persistence of conflicts.
- o DOE indicated that on initial review it seemed likely that the Yakima Nation would be reimbursed for early expenses incurred.
- o DOE indicated agreement with the Yakima Nation's desire to be treated as an independent entity, though we also indicated that in certain cases it might be more resource prudent to have several tribes/states share DOE-financed expertise.
- o Jerri Adams, of the Hanford Operations Office, has been assigned to work with the Yakima Nation on all matters relating to grant applications. She has already met with them several times.
- o DOE promised to communicate the Yakima Nation's concerns about the siting guidelines to Washington headquarters.

Next Activities

- o Hames and Jim Hovis, chief spokesperson for the Yakima, will be meeting informally over the next several weeks to develop mutually agreed upon language for the C&C agreement and pertinent appendices.
- o The larger group consisting of the two formal negotiating teams will reconvene after the Hames-Hovis work has produced a substantial draft document. Prior to the next meeting, the Yakimas would like to provide DOE personnel with a tour of the reservation in order to communicate more vividly their concern for the land and the ways of their people.

Related Information

- o Hames met on July 18 with Governor Spellman and people from the State of Washington to prepare for the State's initial C&C meeting. At the Governor's request, the meeting has been scheduled for July 27th at Olympia. Governor Spellman indicated he may attend.

- o We have learned that the Umatilla Indian Tribe of Oregon has been certified as an "affected tribe" by the Department of Interior under the provisions of the NWPA.

Ellison S. Burton

Ellison S. Burton
Team Leader
Planning & Scheduling

Attachments

cc: R. Morgan
M. Lawrence
B. Rosselli
E. Hanrahan
Operations Office Managers
J. Neff, S. Mann, D. Vieth & L. Olson
D. Hames, RL
S. Greenleigh, GC

NAME

ORGANIZATION

TELEPHONE

1. BARRY GALE DOE - WASHINGTON, D.C. 202-252-572
2. ALEX TREMLING DOE - RICHLAND 509-376-739
3. ELLISON S. BURTON DOE - WASHINGTON, D.C. 202-252-572
4. "Dick James" Richland WA 509-376-731
5. Lee Olson DOE - Richland 509-376-733
6. BEN NELTON DOE - RICHLAND 509-376-7378
7. Jerry Adams DOE - Richland 509-376-2956
8. Linda Lehman MN. Geol. Survey (612) 373-3372
9. Elyn R. Weiss HARMON E. WEISS, WASH. D.C. 202-833-9071
10. DEAN R. TOUSLEY HARMON F. WEISS D.C. 202-833-9071
11. RUSSELL Jim, Councilman, Yakima Indian Nation 509-865-5121
12. Ted Strong Comptroller, YIN " EXT 403
509-865-5121
13. William Hoptowirt Tribal Councilman
14. Bill Yagoup - YIN - Councilman - 509-865-5121
15. Joe Sampson Yakima Tribal Council 509-865-5121
16. James B. Hovis Yakima Tribal Atty 509-575-1500
17. Phillip L. Ambrose III Grants Officer / YIN (509) 865-5121, Ext. 394
18. Philip LaCourse Adm. Services Officer " 404

Hron Olon

Edlyn Peter

1:30 remove

Opening Remarks Used

by

Alex G. Fremling, Manager, RL

on

Negotiating Sessions with the Yakima Indian Nation

July 15, 1983

I am Alex Fremling, Manager, RL. I recognize that we've all been introduced but I believe it would be useful if I introduce the people who are with me today and where we all fit in. Ellison Burton and Barry Gale from the Nuclear Waste Policy Act Project Office, Washington, D.C. - Ellison is a member of the negotiating team and Barry is his alternate on the team; Lee Olson, BWIF Project Director, a member of the negotiating team; Dick Hams, RL-DOE Chief Counsel, a member of the team and the acting Chairman of the team in the absence of John Anttonen (Note for Alex - John was designated Chairman in Morgan's letter to Johnson, Meinick dated June 20, 1983); Jerri Adams, our Grants Specialist; and Ben Melton, Director of our Office of External Affairs.

We appreciate the candor of your opening remarks. We understand the concerns you have expressed this morning and in your March testimony in Richland and testimony in Washington, D.C. in May. We are also aware of the thoughtful comments you have provided on the revised draft guidelines.

It is clear that the Federal Government---and the Department of Energy, in particular---has a credibility problem with the Yakima Indian Nation--and others---in our effort to solve the commercial nuclear waste dilemma. And the frequent changes in policies, programs and directions over the years and the somewhat ambiguous language in the Nuclear Waste Policy Act have not helped.

MGR:Fremling
7/18/83
Page 1 of 2

223

The situation is also complicated by the fact that by the time the Act was passed, we had been doing site characterization work at Hanford for six years. Bringing our program into compliance with the requirements of the Act has caused us many of the same concerns you have been expressing.

Whether we can--through this consultation and cooperation process--get our relationship with you on a firmer footing or not, I don't know. But we are certainly going to try.

As we start negotiating the consultation and cooperation agreement and as we enter into a longer term working relationship under the agreement, I sincerely hope we will find ourselves working together in a spirit of cooperation and understanding.

I have only one other observation to make and I believe it is a very important one. As I noted earlier, site characterization work at the Hanford Site has been conducted since 1976. While the results of this work so far tend to indicate that the Hanford Site may be a potentially acceptable nuclear waste repository site, it is not our role or our intent to prejudge the suitability of the site or to promote Hanford for use as a repository location. Our mission--the mission of the Department and its contractors--is the objective, technically sound evaluation of the Site so that a determination can be made as to its suitability.

At this time, unless you have questions, Mr. Lee Olson will give a description of the Basalt Waste Isolation Project, after which Mr. Ellison Burton will discuss the Department of Energy policies in connection with Consultation and Cooperation agreements.