

TRIP REPORT, FEB. 11-15, 1985

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- 1 -

MEMORANDUM FOR: Joseph O. Bunting, Chief
Policy and Program Control Branch

FROM: Catherine Russell
State/Tribal Coordinator

SUBJECT: TRIP REPORT-FEBRUARY 11-15, 1985

During the week of February 11-15, 1985, I gave presentations and attended meetings with Tribal and State representatives concerning the Nuclear Regulatory Commission's role in the implementation of the Nuclear Waste Policy Act (NWPA). The Basalt Waste Isolation Project at Hanford, Washington was the site under discussion at the meetings. I was accompanied to all meetings by Robert Cook, NRC's On-Site Licensing Representative for the Hanford Site.

On Monday evening, February 11, I attended a dinner for speakers and Tribal representatives at the Columbia River Inter-Tribal Fish Commission's Nuclear Waste Conference in Portland, Oregon. NRC was singled out and commended for being the only Federal agency which has consistently sent the same representative to the various Tribal meetings. The Tribes were appreciative of this because they felt they had a definite point of contact at the Commission to get questions answered or to request information. They expressed a desire to the other agencies and groups present to take a similar approach for consistency in dealing with the Tribes.

The actual Nuclear Waste Conference was held on Tuesday and Wednesday, February 12 and 13. The Columbia River Inter-Tribal Fish Commission is the coordinating body of four Columbia River treaty tribes for management of the river basin's fish resource. The membership tribes are the Nez Perce, Umatilla, Warm Springs and Yakimas. As you know, three of those tribes have been declared "affected" by the Bureau of Indian Affairs under the NWPA. The Columbia River Inter-Tribal Fish Commission is the means used by the Tribes to protect and manage the Columbia River fisheries. A copy of the agenda for the Nuclear Waste Conference as well as a copy of the presentation I gave are attached. The conference was an important "first step", according to the Tribes, in working together and negotiating some common ground in their approach to the high-level nuclear waste disposal issue. The three affected tribes feel their concerns will carry more weight if all three Tribes present a unified position. There was also some discussion about the possibility of Oregon, Idaho and certain environmental groups working with the Tribes on the high-level waste repository issue.

Russell Jim, Nuclear Waste Project Director for the Yakima Indian Nation, talked about the need for a change in attitude on the part of Federal agencies

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toward the Tribes before any common understandings could be reached. "We must be treated with the proper respect due the indigenous peoples of this country", said Jim. Interactions between the Tribes and the Federal Government, added Jim, must be on a "government to government basis." All in all, the meeting was well-organized and was a very effective means of dispersing information and stimulating discussion on the various aspects of the nuclear waste disposal issue. The meeting was covered by the local television station, as well as a number of newspapers and trade journals. The entire conference, which was funded by the Methodist Church, was videotaped. Copies are available for \$75.

On Thursday, February 14, Bob Cook and I traveled to Lapwai, Idaho to present a briefing, at the request of the tribe, to the Nez Perce Tribal Council on the NRC's role in the implementation of the Nuclear Waste Policy Act. A copy of the agenda is attached. A representative of the Indian Health Service, as well as the Tribe's new Nuclear Waste Project Manager also attended the briefing. Major areas of concern discussed by the Nez Perce at the meeting were:

1. What DOE's "contingency plans" are in the event that the site recommended for the repository is discovered, during the time of licensing, to have a flaw that would render it unlicensable;
2. The need for a visible quality assurance/quality control program. The whole process will have no credibility if it is not done in an open, well-documented forum;
3. It is imperative that both NRC and DOE take into account the unique cultural, spiritual and religious beliefs and background of the Tribe;
4. It is also imperative that both agencies address the unique socioeconomic structure of the Tribe;
5. The Tribe reserved the right to independently express their views and pointed out the difficulties in trying to work with three different states (WA., OR., and ID.) and two other Tribes located in different states. But they would, to the extent possible, try to coordinate and work with these other groups on certain issues; and
6. The transportation of radioactive materials through the Reservation via truck or railroad. For railroad transportation, the Tribe pointed out that an agreement with them must be renegotiated by the Federal Government for right of way for any railroad shipments through the Reservation.

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TRIP REPORT, FEB. 11-15, 1985

- 3 -

The briefing lasted over four hours and we all agreed that it was a good beginning for mutual cooperation.

On Friday, February 15, Mr. Cook and I went to Olympia, Wa. to attend a meeting of the Washington State Nuclear Waste Board. The new Governor, Booth Gardner, has made two major changes in the Board's membership. The new Director of the Department of Ecology is Andrea Beatty, replacing Donald Moos. Replacing Nick Lewis as the Director, Energy Facility Siting and Evaluation Council, is Curt Eschels. Warren Bishop is still the Director of the Nuclear Waste Board, and David Stevens remains as the Director of the High-Level Nuclear Waste Management Office.

With the help of their contractor, Envirosphere, the Board was setting up four workshops around the State on the Department of Energy's Draft Environmental Assessments (EA's). They were to begin the week of February 25 and will be "facilitated" by the League of Women Voters. The purpose is to get information to the public and get their involvement in the formulation of the State's comments on the EA's. It was announced that the State has requested \$89k from DOE for an environmental monitoring program specifically for the BWIP project, not the entire Hanford Reservation. They hope to get the money from DOE and begin the program this year.

Dave Stevens said the Governor had formally requested an extension from DOE on the comment period on the EA's. Several other States as well as the affected Indian Tribes have also asked for an extension. Stevens said he received a call from DOE indicating that written responses are being prepared by DOE but he was unsure of what they contained. His understanding was that DOE was not going to formally extend the comment period, but would accept comments from the potential host States and affected Indian Tribes up to 60-days after the official end of the comment period. It was agreed that, to be protected legally, the State wants an extension formally granted in writing by DOE.

Next, lawyers from the Washington State Attorney General's Office gave a status report on the three lawsuits that had been filed thus far regarding actions under the Nuclear Waste Policy Act. They then discussed possible areas for future litigation by Washington State including the Siting Guidelines, the EAs, the EPA standard, defense waste, and water rights on the Hanford Reservation.

Bishop pointed out that a task force on defense waste has been formed by the State. They are developing an official State position on defense waste for the Nuclear Waste Board to review. Thus far, according to Bishop, DOE has firmly held that defense waste is not part of NWPA activities and therefore State defense waste activities could not be funded thru NWPA grant monies.

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TRIP REPORT, FEB. 11-15, 1985

- 4 -

Dave Stevens said the Board has requested additional grant money from DOE for FY '85 to cover State program expansion on the following issues: radiological background monitoring (\$26k); develop on-site review capability thru a state on-site licensing representative; expansion of public information activities; activities relating to monitored retrievable storage; defense waste program (\$312k); increased information and issues tracking capability (\$55k); and participation in DOE's Site Characterization Plan activities. The total of the State's additional 1985 grant request is \$744k and 6.5 staff years.

Dr. Ruth Wiener gave a presentation to the Board on a transportation paper she had prepared during a one-year fellowship last year with the House Interior Subcommittee on Oversight and Investigations, chaired by Representative Ed Markey (MA). She said she came up with two major issues: the safety of the casks used for transportation of radioactive material is questionable as are the container testing procedures; and DOT/NRC assessment of penalties for enforcement of radioactive transportation regulations are very minimal compared to the statutory limits of what either agency could assess. This results in no real risks or penalties to the carriers, according to Dr. Weiner. I obtained a copy of the paper and have given it to Mr. Cunningham (Fuel Cycle).

The Board meeting concluded with a presentation by Max Power, staff to the legislature, on the methodology to be used by DOE to select sites for characterization. I have a copy of his draft report for those who are interested.

151

Catherine Russell
State/Tribal Coordinator

Enclosures:
As Stated

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COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION
NUCLEAR WASTE CONFERENCE

AGENDA

Monday, February 11

7:00 pm Registration, No-host Reception
Pavillion Room

Tuesday, February 12

8:00 am Registration and Continental Breakfast

9:00 am Invocation by Levi George, Yakima Indian Nation

9:05 am "Welcome Address"

S. Timothy Wapato, Executive Director
Columbia River Inter-Tribal Fish Commission

9:10 am "The Affected Tribes - An Overview of Their
Status and Future Plans"

Russell Jim, Confederated Tribes and Bands
of the Yakima Indian Nation
Allen Slickpoo, Nez Perce Tribe
Ronald Besser, Confederated Tribes of the Umatilla
Reservation

9:45 am "An Overview of the Nuclear Waste Policy Act
-- History, Mechanics of the Act, and Timeline"

Dean Tousley, member of the law firm of Harmon,
Weiss, and Jordon

Catherine Russell, U.S. Nuclear
Regulatory Commission, State/Tribal
Coordinator, Division of Waste
Management

Nuclear Waste Conference Agenda
Page two

10:45 am "The Basalt Waste Isolation Project and Other Projects at Hanford"

Pierre Saget, Leader, Basalt Waste Isolation Project, Engineering and Construction Team

11:15 am "Summary of All Nine Proposed Sites - How Hanford Compares"

Caroline Petti, Environmental Policy Institute
Jim Martin, Environmental Defense Fund
Rocky Mtn. Colorado.

12:00 noon Question and Answer Session with Morning Presentors

12:30 pm Lunch Break

1:30 pm "The Effects of Radiation on Human Health"

Health Physics ←
Director, Oak Ridge
for 29-yrs. Dr. Karl Morgan, Appalachia State University School of Physics; Consultant on Radiation Protection

2:30 pm "Case Studies on the Effects of Radiation on Health"

Lynda Taylor, Southwest Research & Information Center, Albuquerque

3:30 pm Federal Roles and Responsibilities for Managing Radiological Contingencies"

Richard Donovan, Radiological Emergency Planning Program Officer, Federal Emergency Management Agency

4:00 pm Question and Answer Session with Afternoon Presentors

5:00 pm Adjournment

7:00 pm No Host Reception

Nuclear Waste Conference Agenda
Page three

8:00 pm Banquet *Rose Ball Room*
Master of Ceremonies - Nathan Jim, Sr.
Warm Springs Fish & Wildlife Committee,
CRITFC Commissioner
Keynote Address - "Tribal Participation
in the Nuclear Waste Policy Act"
Russell Jim, Yakima Indian Nation

Wednesday, February 13

8:00 am Continental Breakfast
9:00 am "Opening Remarks"
Mel Sampson(Yakima Indian Nation), Northwest
Portland Area Indian Health Board Chairman
9:30 am "Consultation and Cooperation Agreements with the
States"
David Stevens, Program Director, High Level
Nuclear Waste Management Office
10:00 am "The Rocky Flats Incident -- Impact of Accidents
at Hanford"
Dr. Carl Johnson, Medical Care
and Research Foundation
11:00 am "Effects of Radiation on Human Psychology
and the Family"
Dr. Susan Lambert, Director
Dodd Project for Radiation Studies
11:45 am Question and Answer Session with Morning Presentor

Nuclear Waste Conference Agenda
Page four

12:15

LUNCH

1:15 pm

"Transportation"

Bill Dixon, Oregon Department of Energy

2:00 pm

"Geology-Hydrology"

Sean Muller, Principal Geologist for Council
of Energy Resource Tribes

2:30 pm

"Interaction with Public Interest
Groups"

Katherine Tucker, Health and Energy Institute
Caroline Petti, Environmental Policy Institute
Eileen Buller, Hanford Oversight Committee
Annie Bringioe, Sierra Club
Jim Martin, Environmental Defense Fund

4:00 pm

"Overview of Indian Participation in
Nuclear Issues"

Wyatt Rogers, Council of Energy Resource Tribes
National Congress of American Indians Nuclear
Waste Policy Management Committee
Sheila Wienmann, Northwest Portland Area Indian
Health Board
Allen Pinkham, Columbia River Inter-Tribal Fish
Commission
Bureau of Indian Affairs
Indian Health Service

5:30 pm

Question and Answer Session with
Afternoon Presentors

6:00 pm

Closing Session