

United States Senate

SELECT COMMITTEE ON INDIAN AFFAIRS

WASHINGTON, D.C. 20510

POOR ORIGINAL

August 29, 1979

NRC PUBLIC DOCUMENT ROOM



Joseph M. Hendrie
Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Hendrie:

Enclosed is a letter from Andy Fernando, Vice-Chairman of the Upper Skagit Indian Tribe concerning a proposed nuclear project on the Skagit River and attempts by his tribe and others to gain intervenor status during the hearing process.

Apparently, their administrative remedies are nearly exhausted and they are making a final appeal to your office. In light of the extreme anxiety caused by the proposed plant and the contribution the tribes feel they are able to make for the hearing record, I hope that careful consideration will be given to their request for intervenor status.

In addition, I would like to request a report from your office on the issues raised by Mr. Fernando. In particular, I am astonished by the quote from the Final Environmental Statement to the effect that "This section of the river is not fished commercially except by Indians." Is this quote accurate? If so, what agency is responsible? Was this the only reference to the impact on Indian tribes as Mr. Fernando alleges?

Is his statement accurate that Skagit County was granted intervenor status despite their late entry into the proceedings, yet the tribes have been denied on this basis?

What effect does Congressional designation of part of the Skagit River as a Wild and Scenic River have on the proposal to license a nuclear plant above the designated portion?

Your assistance is appreciated.

Sincerely,

John Melcher

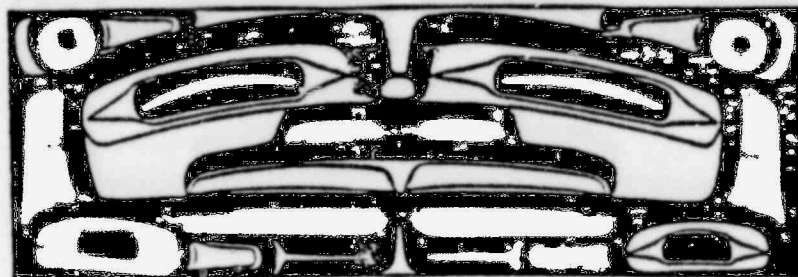
John Melcher
Chairman, Senate Select
Committee on Indian Affairs

Enclosure

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SKAGIT SYSTEM COOPERATIVE

Swinomish • Upper Skagit • Sauk-Suiattle



17 July 1979

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The Honorable John Melcher
United States Senate
Dirksen Building - Suite 1123
Washington D.C. 20510



Dear Senator Melcher:

I am Andy Fernando, vice-chairman of the Upper Skagit Indian Tribe of northwest Washington State.

My tribes and two others - the Swinomish Tribal Community and the Sauk-Suiattle Tribe - are engaged in a struggle to protect our 2,100 members from potential adverse impacts of a proposed nuclear project virtually in the heart of traditional tribal lands. Many of our members harvest salmon in the Skagit River less than one mile from the plant site during substantial periods of the year and would be in the expected path of steam clouds from the plant cooling towers. We believe our fisheries and our health may be in jeopardy if these plants are built.

Our tribes, through the Skagit System Cooperative, are conducting exhaustive research on current tribal health conditions, and on potential socio-economic impacts and possible fisheries damage from various aspects of the project construction and operation. Yet there was no attempt to assess impacts to the tribes by either the state licensing agency or the Nuclear Regulatory Commission. In fact, the only comment relative to impacts to the tribes in the 400-page NRC Final Environmental Statement was, "this section of the river is not fished commercially except by Indians."

We find it disturbing that the NRC would even consider licensing two nuclear plants on a river which Congress only last year designated under the Wild and Scenic Rivers Act, where 300 bald eagles migrate annually, where the largest wild salmon runs in Puget Sound spawn, between two earthquake faults, and less than twenty miles from one of the nation's most active volcanos."

Even the NRC staff noted recently, "On the criteria of (1) visual compatibility, (2) physical obtrusiveness, and (3) quality of setting, Skagit is inferior to both Pebble Springs (Oregon) and Hanford (Washington) as a location for a nuclear power plant."

Our tribal governments have been systematically denied access to

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Atomic Safety and Licensing Board hearings on the Skagit project, despite having the capacity to offer new testimony to the hearings. This is curious since Skagit County was granted intervenor status by the Licensing Board in June after being four years tardy. Under these circumstances, we fail to understand how the Licensing Board could have refused our testimony for more than a year yet grant the county access after it applied only two months ago. This and other actions of this Licensing Board is indicative of its less than impartial attitude in this licensing procedure.

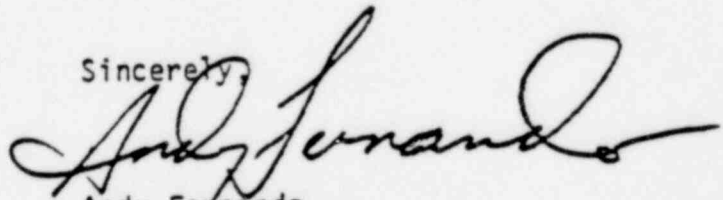
As of July 11, we were denied in our appeal to gain intervenor status. Our only administrative avenue left is to appeal directly to the NRC Commissioners. ~~We ask that you write NRC Chairman Joseph Hendrie and insist that our tribal member's security be protected through active participation in licensing hearings on the Skagit project.~~ We ask further that you write NRC Chairman Joseph Hendrie and insist that our tribal member's security be protected through active participation in licensing hearings on the Skagit project.

Enclosed are informational materials detailing our substantial effort thus far. Please note the testimony given June 5, 1979 before the House Interior and Insular Affairs Committee - Subcommittee on Energy and the Environment.

Short of a protracted and costly legal battle, this is the last chance available to the tribes for having meaningful participation in the nuclear hearing process. We ask that you not let another preventable nuclear mistake threaten our people.

Thank you

Sincerely,



Andy Fernando
Vice-chairman, Upper
Skagit Tribe
Director, Tribal Nuclear
Study Project

enclosures

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