



CHEROKEE NATION

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Chad "Cornassel" Smith
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Principal Chief

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Deputy Principal Chief

February 4, 2000

John Greeves, Director
Division of Waste Management/N.M.S.S.
U.S. Nuclear Regulatory Commission
Washington, D. C., 20555

Re Restricted Release and Long-term Stewardship

Dear Mr. Greeves:

The Cherokee Nation has a history of interactions with several NRC licensees. As these licensees approach their decommissioning phases, discussions have arisen on the issue of long-term stewardship for areas of restricted release. Optimally, the Tribe would of course opt for complete removal of all contaminants and only then, under those circumstances, for the unrestricted release for all "to be decommissioned" NRC licensees. This unrestricted strategy would offer the most benefits to all interested parties and the environment, and would thus be the preferable alternative for the Cherokee Nation. However, I realize NRC regulations allow for less than complete removal of contaminants under a restricted release and in some cases may be inevitable due to economic realities and risk-based assessment protocols. With the Cherokee Nation and its members being arguably the largest stakeholders in the areas of some of these licensees, the Nation must look upon restricted release scenarios in a pragmatic fashion.

During the aforementioned discussions and interactions, the issue and question of a Tribal stewardship role for such projects has repeatedly surfaced. Our preliminary research into this notion confirms both the legal and technical possibility of such a role; and our overriding concern for the health and well-being of our citizens who reside in these areas, as well as for the entire environment, may even further support such a strategy. However, many important conditions would have to be met, not the least of which is your agency's full support and approval. Still, satisfying comfort levels and legal requirements for all involved in areas of decommissioning activity adequacy, impacted material ownership, liabilities, and the like will prove to be a daunting task.

Taking into account certain NRC licensees' locations in the decommissioning process, I would very much like to open a dialogue between our two agencies so we can all be assured of complete issue coverage. Additionally, we owe our constituencies the assurance these activities are being conducted in only the most thorough and proper manner. I look forward to our future discussions on how we can begin to address these issues. I have enclosed both my and appropriate staff's business cards for contact information. If you have any questions or require further information, please contact my office.

Sincerely,


Julian Fite
General Counsel



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