

*Status:* Active

*DOE Lead:* National Transportation Program (NTP-AL; Judith Holm @ 505-845-4767)

*Start Date:* January 1998                      *End Date:* TBD

*Subject:* New TEC/WG Topic Group - Tribal Issues

*Purpose:* To address issues such as: (1) HM-164 as it relates to Tribes; (2) to complete the Tribal column of the Rail Topic Group Regulatory Matrix; (3) to determine Tribal authority to stop and inspect shipments of radioactive materials; (4) to provide tribal pre-notification of DOE spent fuel shipments consistent with DOE policy and to provide continuous satellite-based tracking and monitoring capability to Tribes; (5) and to address Tribal involvement in transportation planning, training, and funding. The Topic Group will undertake to pursue discussion on other issues as the Group requires.

*Approach:* The Tribal Topic Group will meet via monthly conference calls and meetings in conjunction with TEC/WG meetings and decide on issues to address and develop recommendations and/or products for discussion by the entire TEC/WG.

*Members:* Ken Gray (CTUIR), Robert Holden (NCAI), Preston Kinne (NTEC), Maxine Ewankow (Eight Northern Indian Pueblos Council), Wynona Boyer (Shoshone-Bannock Tribes), Daniel King (Oneida Nation), Stanley Paytiamo (Pueblo of Acoma), Heather Westra (Prairie Island Indian Community), Perry Martinez (Pueblo of San Ildefonso), Tony Vigil (Pueblo of Nambe), Kevin Blackwell (DOT/FRA), Kevin Clarke (DOE), Sandra Covi (Union Pacific Railroad), Jim Daust (CVSA), Martha Crosland (DOE), Kathleen Grassmeier (DOE), Judith Holm (DOE), Stephanie Martz (NRC), Linda Minton (Emergency Nurses Association), Elmer Naples (DOE), Bob Pence (DOE), Wilda Portner (SAIC), Greg Sahd (DOE), Vicki Thornton (DOE), Elissa Turner (DOE), Catherine Volk (DOE).

*Updates:*

**(as of 1/98)** It was recommended at the semi-annual TEC/WG meeting in Las Vegas, Nevada, that a Tribal Topic Group be added to TEC/WG.

**(as of 7/98)** The NRC staff recommended Tribal prenotification to the Commission as a needed rulemaking, and the recommendation has been incorporated into the NRC Rulemaking Plan.

**(as of 7/98)** The Group reviewed the Task Plan and agreed on five action items:

- Develop a Tribal Topic Group working process for identifying members and functioning as a Topic Group
- Catalog issues of importance to Tribes regarding DOE shipments
- Develop a focused Tribal questionnaire to assist in identifying levels of Tribal emergency response preparedness
- Review summary of Tribal funding opportunities
- Develop dissemination process for getting information to Tribes

**(as of 12/98)** Four conference calls held: 8/20, 9/24, 11/10, and 12/15. Emphasis placed on expanding Tribal representation in the Group. In regard to the other action items:

- NRC is working on draft Notice of Proposed Rulemaking to require licensees prenotification to Tribes of spent-fuel and high-level radioactive waste shipments.
- DOT/FRA plans to distribute a letter at January TEC/WG meeting spelling out Tribal inspection authority.
- An umbrella funding grant approach has been proposed to the Transportation Senior Executive Forum. The Forum has approved convening a group to look at the issue further. Any funding approach should be consistent with the DOE Transportation Protocols.

**(as of 7/99)** Three conference calls held in 1999: 2/24, 4/16, and 5/13. Emphasis placed on NRC ANPR, DOT/FRA letter on inspection authority, and Consolidated Grant Program.

**(as of 1/00)** Additional conference calls held in 1999: 10/12 and 11/23. Participants were briefed on DOE Environmental Management reorganization (effective 11/99). Action items acted upon included:

- Working Group members became more involved in other TEC/WG Topic Groups such as Protocols, Training, and Consolidated Grants Program.
- The NRC Advanced Notice of Proposed Rulemaking on Prenotification was distributed to the group.
- A listing of Federal Railroad Administration Regional Managers and Assistant Managers was also distributed to membership.