

*Status:* Active

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

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

*Subject:* TEC 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 meetings and decide on issues to address and develop recommendations and/or products for discussion by the entire TEC.

*Members:* Richard Arnold (Native American Interaction Program, YMP), James Baranski (NY Emergency Mgt. Office), Kevin Blackwell (DOT/FRA), Jozette Booth (DOE/YMCSO), Wynona Boyer (Shoshone-Bannock Tribes), Stephanie Bush-Goddard (NRC), Joseph Mark Chavarria/Joseph Micheal Chavarria (Santa Clara Pueblo), Kevin Clarke (DOE/RL), Sandra Covi (Union Pacific Railroad), Jim Daust (CVSA), Donald Doherty (DOE/NR), Maxine Ewankow (Eight Northern Indian Pueblos Council), Dorothy Gauch (NRC), Ken Gray (CTUIR), Kathleen Grassmeier (DOE), Robert Holden (NCAI), Judith Holm (DOE), Daniel King (Oneida Nation), Preston Kinne (NTEC), Jim Klaus (DOE/CAO), David Lester (CERT), Ed Little (IPFDC/AIPC), Perry Martinez (Pueblo of San Ildefonso), Linda Minton (Emergency Nurses Association), Stanley Paytiamo (Pueblo of Acoma), Bob Pence (DOE/ID), Brandt Petrasek (DOE/EM), Wilda Portner (SAIC/DOE contractor support), Mike Rowswell (State of WA), Greg Sahd (DOE/WIPP), Ki Tecumseh (DOE/AL), Vicki Thornton (DOE), Elissa Turner (DOE), Donna Vigil (DOE/LAAO), Rosetta Virgilio (NRC), Heather Westra (Prairie Island Indian Community), Edward Wilds (CT Dept. of Environmental Protection), J. R. Wilkinson (STGWG/CTUIR), Diana Yupe (Shoshone-Bannock Tribes).

*Updates:*

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

**(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 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.

**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.

**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 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.

**(as of 2/00)** Meeting held February 16 at TEC in Las Vegas, NV. Key issues:

- Need a short description of ceded lands, treaty lands, aboriginal lands, etc.
- Third draft of DOE Indian Policy under development.
- Tribal/State Summit held in October in Santa Fe, NM; participants included New Mexico Pueblos, State Government officials, DOE, FHWA, BIA; 1 agreement signed and others under review by Tribal Councils.
- Comments due 3/22 on NRC ANPR on notification.
- DOT Tribal policy has been finalized; written as internal guidance; comments will be considered.
- DOT/FRA tribal inspection rights letter remains in concurrence process.
- Santa Clara Pueblo presented list of concerns. DOE will provide written response.

**(as of 4/00)** Conference call April 26, 2000. Action items included:

- The group was reminded to provide comments to NRC on the prenotification ANPR by July 5.
- Judith Holm committed to distributing FY 99 State and Tribal funding assistance document to group.
- We will work on assembling Tribal questions from review of EIS comments.
- The group is compiling a draft set of Frequently Asked Questions about DOE transportation activities related to Tribes for the July 2000 meeting.

- It is also developing Tribal case studies.
- Members are developing short dictionary-style definition of ceded lands.
- Kevin Blackwell (DOT/Federal Railroad Administration continues to track the FRA inspection authority letter.

(as of 6/00) Conference call June 27, 2000. Action items included:

- Presentation of Tribal case studies regarding transportation coordination between Tribes and other jurisdictions should be available for July meeting.
- Kevin Clarke (DOE/RL) provided sheet of generic information on “ceded lands” with the understanding that the term impacts each Tribal National differently.
- Lois Thompson (DOE/EH) made available to Group the DOE Cultural Resources Management Policy, which was mailed out to Federally recognized Tribes earlier in June.
- The Consolidated Grant package should go to the Secretary in the next week or so. If approval is received, DOE will have 90 days to develop an Implementation Plan.
- The DOE Indian Policy was a major topic of discussion at the Juneau meeting of NCAI in June.
- Agenda for July meeting under development.