

**National Conference of State Legislatures
State and Tribal Government Working Group
March 28-29, 2000
Washington, D.C.**

MEETING NOTES

These meeting notes are a summary of notes recorded on easel charts during sessions of the State and Tribal Government Working Group (STGWG) Meeting on March 28-29, 2000. The notes reflect key comments and discussions among the Working Group members and key questions / answers between Working Group members and presenters. The content of presentations is not summarized in this record.

March 28, 2000
Washington, D.C.

Session: Executive Session

Summary of Tribal Executive Session March 27

- Cultural Resources Management Policy
- Draft 3 of Indian Policy
- Summit - determine what the focus is
- Implementation of Indian Policy
- Transportation consolidation and grant
- NRC regulation - notice of shipments (should STGWG send a letter of support?)
- Goals for this year:
 - Resolution of tribal LANL concerns
 - Increased DOE responsiveness to tribal concerns
- Stewardship
 - Report to Congress on Stewardship is almost due
 - Tribes not yet involved
 - Help from STGWG to increase tribal involvement?

- STGWG Committees

- Need better / wider dissemination of purpose / activities / information (emphasize need for communication)

- Tribes need to be involved in any transfer of lands, including water and mineral rights

A Northwest Perspective on the ROD on LLW and MLLW

- No / Little consultation with states and tribes

- Trying to get some oversight authority

- Trying to get linkage between acceptance of offsite waste and key onsite projects (e.g., treatment technology)

- Presents strange situation for tiering of National Environmental Policy Act (NEPA) studies

- E.g., no site-specific Environmental Impact Statement (EIS) for disposal at Hanford

- Many implementation questions remain to be addressed

- Cumulative impacts an important issue not adequately addressed

- DOE responses to comments from States not adequate

- May violate NEPA

- Legal action may follow

- How will decisions regarding onsite vs. regional disposal be made (i.e., definition of "practicable" for onsite disposal)?

National Nuclear Security Administration (NNSA)

- How is funding obtained; will it come from cleanup?

- What will be the role of NNSA in disposal of classified materials in disposal site?

- The law is vague on external regulation of NNSA - need clarification

- NOTE: New House Bill 3907 on Federal External Regulation

DOE Budget

- Congress seems to be supportive of budget request
- Need to send message that budget as stands is bare minimum
- Flat budget scenario into future won't accomplish the goal
- Concerned about intergovernmental and public accountability budget and about stewardship budget
- STGWG will work with DOE to promote / justify realistic budgets
- Stewardship report / findings may / should drive increased future budgets
- Experience shows that budget decisions may be key to programmatic action
- Need movement on funding for depleted UF₆ (uranium hexafluoride) recovery plants
- Community / Governmental involvement budget needs support
- STGWG needs to promote (more) aggressive stewardship budget
- Funding for cultural resource protection needs to be assured for cultural resources beyond the buildings
- Funding / coordination needs to be assured for fisheries / fish protection
- Funding for external oversight is being split in some cases
- It is time to seriously establish trust funding
- Land transfers to BLM / Fish & Wildlife etc. carry no money from DOE unless Congress specifies
- Need adequate funding for rigorous cleanup of West Valley
- STGWG should evaluate and comment on near-term and long-term baseline program / budget (e.g., path to closure baseline assumptions)

Draft Cultural Resource Management Policy

- STGWG should promote this becoming a policy (move to closure)

American Indian Policy

- Secretary is moving ahead
- Enforcement of the policy needs to be strengthened
- Main perceived problem with the existing policy has been lack of effective enforcement; new policy needs to correct that

Response from DOE-Environmental Management (EM)

- Dr. Huntoon was quickly responsive in writing to STGWG requests from last meeting
- Remainder of current administration
- Opportunities for legacy
- Legacy: Stewardship (momentum to carry over)
- Cleanup needs:
 - more accountability
 - more accessibility
 - to pay more attention to constituents
- Cleanup being held to different standard of scrutiny than Defense Programs (DP) projects
- Function of STGWG and similar groups needs to be protected in change of administration
- Funding / management of stewardship oversight is an immediate issue for some projects
- Oversight / external agreement funding should be consolidated under EM, not split between EM and DP (but care should be taken not to lose DP funding)

March 28, 2000

Session: Full Session

Welcome and Introductions, Invocation

Opening Remarks from DOE

- Martha Crosland

Transportation

Introduction

- An integrated transportation program is important to STGWG

Presentation on Transportation Protocols and Consolidated Transportation Grants

- Tracy Mustin

Transportation Protocols

- Begun approximately 1 year ago
- Look DOE-wide at transportation programs
- Identify areas for consolidation and standardization
- Have identified 15 topic areas for protocol development
- Working group develops protocol
- DOE reviews internally
- Broad range of stakeholders review
- Goals:
 - All protocols in review by April, 2000
 - Protocols complete this summer
- Discussing how to implement protocols DOE wide
- Reviews of draft protocols generally positive

Transportation Modes:

Classified	Unclassified
Road Rail	Road Rail

- Protocols are focusing on radiological shipments

Q: Response to protocols from within DOE?

A: Positive and participative (very important)

Q: Participation from commercial disposal facilities (e.g., Envirocare?)

A: Not considered yet - receivers only (not part of "transportation")?

- Focus - Define DOE's role in interacting with shippers and receivers

Q: Are other government shippers involved (e.g., Department of Defense)?

A: Only if associated with DOE

Q: What about DOE materials treated by commercial firms, then shipped?

A: Not addressed yet. Will check into it.

Q: Will barge shipments be addressed? Important!

A: Yes, after rail and road.

- Envirocare has offered to take ownership at point of shipment.

Q: Could protocol package go to STGWG members?

A: Yes.

Consolidated Transportation Grants

- C: Examine how states / tribes funded for transportation campaign.

- Idea: Consolidate funding from different programs into a single grant to state / tribe

- Being discussed within DOE right now.

- Support document (decision paper) being presented for Secretary signature.

- Concerns by states and tribes recognized:

- Apportionment

- Special considerations needed for tribes

Q: What is the timeline for the grant?

A: Buy-in by April, 2000; implement with 2002 budget

Q: Is DOE looking to consolidate at the recipient end?

A: Should look at that. Have not addressed yet.

C: Consolidated grants program makes sense as a concept - avoids segmentation problems.

C: Experience already in place for DOD programs - Corps of Engineers is in lead.

Presentation on TEC/WG Developments

- Max Power, STGWW representative to TEC/WG

Protocols Group:

- Actively reviewing and addressing protocols
- Transportation routing a major issue

Communications Group:

- Reviewing Sandia website
- Pulling together results of public review of transportation

Training:

- Very active; emergency response a focus
- Specific training modules and delivery
- Medical response now an issue

Consolidated Grants:

- Group focused on protection of public health and safety
- Concern regarding funding
- Concern that WIPP money will be dispersed instead of focused
- States generally support regional groups for coordination of regional transportation issues
- At issue is means for allocation of dollars

Tribal Perspective on TEC/WG Meeting February 2000

- Concerns:
 - Insufficient coordination with tribes

- How will emergency preparedness be funded under consolidated grants?
- How will routes affect ceded territories and Indian lands?

- Many questions exist regarding consolidating grant program

- Regarding medical response: Should Indian health service have a role?

- Tribes and states have similar concerns.

- Concern: The idea of giving lump sum of money to multiple tribes / pueblos will not work because they are sovereign nations.

- Important for DOE not to promote fights among tribes with consolidated grants program.

- Distribution needs to include needs assessment for each tribe / state.

- Q: Who sets standard for cleanup levels?

- A: Oregon: Would insist on state standard
 DOE: Will be addressed in recovery and cleanup protocol

- C: Emergency responders do not set policy for a state -- legislators do.

- C: Interim program of education for decision makers needed now.

Tribal Issues

Cultural Resources Management Policy

- Tribal perspective: Significant improvement between 1st and 2nd draft.

DOE Brief

- Andrew Wallo
- Lois Thompson

- 2nd draft issued 11/99; comments received through 1/00

- 3rd draft almost ready to go out for review

- Preparing for final process after review

- Issues:
 - Verification of compliance
 - Certification

- Consultation with tribes
- Include references for codification

Field Management Council

- Established by Secretary
- Policy must be reviewed here
- Will cause some changes in language
- Also drafting memo to transmit policy for wider distribution
- Expecting 60-day comment period - could be extended
- Rapid review urged for most progress before election process hits
- Coordinating with U. S. Environmental Protection Agency (EPA) Indian affairs office
- Have met with or coordinated with a number of federal counterparts and coordinating groups
- DOE-EH and DOE-MA (management and administration) have established a Memorandum of Understanding to better coordinate internal activities
- National Park Service holding cultural resources conference in May
- USGS awarding grants for use of GIS, including cultural resources
- DOE issuing final rule for disposition of real properties which may affect cultural resources
- C: STGWG supports rapid action to complete review and issuance
- C: But time must be adequate for tribal councils to meet
- C: Tribes / states should try to meet 60-day comment period to support rapid implementation

American Indian Policy

- Robert Holden
- Vicki Thornton

- Process begun approximately 1 year ago

- Have met with tribal representatives to work out issues
- STGWG has had opportunity to review
- Many good comments received
- 3rd draft of policy is out now
- Policy being revised to include special cases:
 - Alaska, Oklahoma
- Revisions regarding consultation:
 - Perhaps periodic "summits" with Secretary
 - Also being worked at Bureau of Indian Affairs and at White House
- Considering an annotated version of the policy
- Possible consultation meeting in late April
 - Tribal work group and DOE officials final work up on policy
- Possible issuance of final policy in June
- Then executive order should be revised - 8/2000 target
- Then implementation

Q: What recourse do tribes have if policy not followed (provisions for enforcement)?

A: Can put language in regarding sanctions, but periodic consultations important to avoid need for sanctions. General counsel will have to address sanctions.

Q: What is purpose and process for "summit" mentioned in draft policy?

A: Attempt to tie in initiative announced by Secretary

C: DOE should look at existing policies / programs for implementation models (e.g., EPA)

C: Important to make sure policy is institutionalized at regional level.

DOE Tribal Initiatives

- Chris Sterns
- Derrick Watchman

- Western Area Power Administration - set aside inexpensive power for tribes
- Federal Energy Administration
 - Identify access of tribes to electricity average 14% without electricity
 - Do Indians pay more for electricity? Absolute- no; as a percentage of disposable income - yes.
 - Potential for renewal energy projects - Yes - high!
- Secretary proposing comprehensive Indian Energy Act
- Held "Indian 101" for all senior staff at DOE
- Secretary proposing to turn over oil shale land to tribe
- Secretary has initiated Indian town halls
- Suggestion: Push hard while Secretary Richardson still in office

Corporate Board on Historic Preservation

- Skip Gosling, Chief Historian for DOE, Federal Preservation Officer
- Objective: Identify what role he can play to support STGWG
- Interested in STGWG activities; will try to be available

Integration and Disposition

- Jay Rhoderick

Status of ROD on LLW and MLLW

- Integration priorities
 - Originally a complex-wide concept
 - Split into multiple EISs and site-level EISs

Background

- Sites without access to disposal had to store waste
- LLW, MLLW waste disposal central to closure at some sites
- Over 56 sites generate LLW and MLLW
- Only 6 sites dispose LLW
- Access to some MLLW treatment restricted

- 2 sites with onsite MLLW treatment capabilities

The Record of Decision

- ROD published in 2/00
 - Identifies site for treatment and disposal
 - Does not preclude use of commercial facilities
 - Each site must perform minimal treatment of its waste
- LLW Disposal
 - Identifies 2 sites
- MLLW treatment
 - Treat onsite or ship to 4 existing DOE sites
 - May use commercial facilities
- MLLW disposal
 - Use 2 existing facilities
- Implementation
 - LLW Treatment - continue current practice
 - LLW Disposal - certify new generators
 - MLLW - resume TOSCA incinerator at Oak Ridge

Integration

- There have been 46 WIPP shipments
- Issued ROD for LLW / MLLW
- Issued Order 435.1
- Closed Defense Nuclear Facilities Safety Board finding no. 94-2 (DNFSB 94-2)

Nuclear Materials

- 5 accomplishments highlighted

Decontamination and Decommissioning (D&D)

- Lessons learned
- Addressing excess facility transfers

Spent Nuclear Fuel

- West Valley transfers

Waste

- 3 issues:
 - Reengineering WIPP pipeline
 - DOE incinerators
 - HLW tank closure strategies

Pollution Prevention

- Program in place

Restructuring of Integration Program

- Support site closure
- Integrate policy, planning, and technical issues
- Ends independent EM closure approach
- Implements "SWAT Teams"
- Teams operate on project basis
- Project team responsible for stakeholder interaction
- 6 projects underway this year (primary tier)
- 8 other projects being worked (second tier)
- Feedback from STGWG important

Q: Where does uranium disposition fit?

A: No programmatic plan. Will be addressed later in agenda.

Q: What is being done regarding soil cleanup standards?

A: Collect information base regarding what is being done around complex

C: Can be downside to sites having to defend site-specific values

C: Important to include tribal perspective

Q: What is incentive for site to maximize onsite disposal?

A: 70-80% of waste will be from CERCLA cleanup - onsite disposal a priority at several sites

Q: Repository scheduling?

A: Included DOE's contribution to spent fuel and MLLW

C: EM should be cautious regarding uranium disposition

Q: How will state oversight be included in new / expanded facilities?

A: Process is open to negotiation with states

Q: DNFSB 94-2 closure - unlined pits addressed?

A: Don't know. Will get back to STGWG.

C: STGWG requests P.21 of presentation

C: TN and DOE have good oversight agreement regarding TOSCA incinerator

Q: How does long-term cost of disposal site factor in to unit disposal cost?

A: Doesn't factor in yet.

Q: What is a hydrogen getter?

A: Removes released hydrogen from inside TruPac

Q: What is "practicable" for onsite disposal and treatment?

A: Each site disposes of what they are able to onsite

Q: What happens when RWMC site closes at INEEL?

A: Possibly disposed at SRS. If INEEL can't dispose in future, it will ship.

Stewardship

- James Werner

- NDAA report required by Congress

- Identify cleanup results and stewardship needs at 2006

- Request made to field for information to compile report

- Public involvement handled at site level
- Data provided back from field in March 2000
- DOE working to compile and understand scope and nature of activity (stewardship)
- Congress may ask for updates to baseline
- Not intended to be decision-forcing but expected to allow DOE to get arms around issue

Q: Experience so far?

A: Tennessee not happy with draft submittal

Q: What do we get to review? Haven't they gone to HQ already?

A: Should send to site. May copy Jim W. at 586-1241 (fax). Congress wants to know "where has all the money gone?"

Q: Future funding impact of report?

A: Not clear.

Q: What about FUSRAP facilities?

A: Sites were transferred to Army Corps of Engineers. DOE will take over stewardship of any leftover residues.

Q: How are tribes included in process for report?

A: Urged each field office to reach out to stakeholders

C: Tribes should be included at HQ level rather than at field level

Response: This is data reporting process, not policy development. Tribes should check data with their sites to validate data.

C: HQ should direct Indian liaisons at field offices to make sure tribes involved

C: Tribes should be included in guidance document

C: Avoid acronyms in documents

C: Public / state / tribal involvement did not work at field office level

C: There is a disconnect in communication chain from HQ to interested parties

C: This is an example of lack of enforceability of Indian policy

C: Field offices should have primary responsibility for making contact

Response: DOE will get field point of contacts to STGWG members. DOE will get STGWG member lists to field offices.

Q: How could STGWG help with stewardship report from PEIS lawsuit settlement?

A: Draft report out in 6/00. Then public comment. Could issue draft outline now for review

- Would also be good to have a few members of STGWG on call for informal rapid input

- Also, status of trust funding at state / tribe level

- Need tribal perspective for report

C: Residual levels are important and must be addressed

C: STGWG should address with DOE how does DOE and / or STGWG compel / motivate sites to care?

C: DOE-HQ needs help of states and tribes to get attention from field offices

Q: What about EM-51 (stewardship) budget?

A: - Grand Junction Office (for non-DOE stewardship): \$5M / yr

- EM-51:

- In transition; no actual budget FY00

- FY01 - special Congress interest?

C: Exception taken by Tribes regarding lack of communication between DOE-HQ and field and tribes

Integrated Materials Management, Report to Congress

-Phil Niedzielski-Eichner

- Nuclear materials stewardship initiative (see Fact Sheet)

- Integrated nuclear materials management plan (see Fact Sheet)

Q: What is the stakeholder involvement process?

A: Will send copies of report to all STGWG members

Q: Should baseline be extended?

A: Will extend from 2010 (current) to 2025

Q: Will planning include future mining of uranium ore in ground now?

A: No, given large excess of uranium in current inventory. Don't anticipate need to extract more uranium for DOE. Don't know about other agencies / commercial.

Q: Does DOE have plans for programmatic EIS on excess Uranium?

A: Potential benefit for consolidation at Y-12. There are other alternatives. Asking the question - is complex-wide management appropriate?

Q: Will integrated plan address complex-wide inventories?

A: Yes

C: This issue may belong in Integration Committee

C: DOE would like STGWG help in:

- Reviewing integration plan
- Determining path forward

C: Hanford disposing of 1800 tons of uranium with Environmental Assessment: No Action Decision.

STGWG
March 29, 2000
DOE UPDATE

- Dr. Carolyn Huntoon

Interim rule for release of property

- Will be reworked; anticipates STGWG input

Safety

- Safety a core value; charged managers with 5 goals:

1. Workers prepared for safety compliance

2. Involve workers in safety process
3. Monitor progress and lessons learned
4. Instill safety culture in workplace
5. Identify and implement ways for constant improvement

Budget

- Increased over FY00
- Will ensure that DOE stays on schedule for cleanup
 - Hanford
 - Paducah / Portsmouth
 - SRS
- Privatization
- Concern regarding safety at British Nuclear Fuels Limited
 - Management
 - Safety
 - Close scrutiny will occur

ROD on LLW / MLLW

- Allows closure of several facilities
- Converts storage funds to cleanup / disposal funds
- Will improve efficiency / flexibility of operations
- Integration a key to efficiency
- Office of Integration and Disposition created in Environmental Management
- Focus team concept applied
- Removing stove pipe mentality
- Group examining nuclear material disposition across complex
- Need to focus on continuous improvement in Environmental Management
- Request ideas on this from STGWW

Stewardship

- When cleanup completed at many of sites, unrestricted use will still not be possible
- Leaving sites as best we can, then stewardship is plan
- 50 of 109 sites already cleaned up and under stewardship
- Some sites will have stewardship sites within active sites
- Approximately 225,000 acres will be under stewardship
- Stewardship must be managed effectively to allow funds for continued cleanup
- Project approach is necessary
- Integrated approach is necessary
 - Technology in long-term stewardship
 - Monitoring necessary
 - Plans for monitoring starting into development
 - Need STGWG input
- Management plans must be developed
 - Need STGWG input
- When to transfer from cleanup to stewardship
 - Need STGWG input

Q&A: See notes to Dr. Huntoon submitted by STGWG committee chairs and co-convenors, taken from Day 1 discussions

Additional tribal comments:

- Continue to implement nation-to-nation relations
- Tribes should continue to exercise rights over historical lands
- DOE should stay longer at meetings, beyond presentations

Dr. Huntoon:

- Will personally work to improve communications
- Difficult to balance all EM needs across complex

- Constant challenge to keep national level for issue, especially in Congress; it's not just site-by-site issue

Request: STGWG and its members should have national perspective as well as local perspective

- A national perspective is critical to solving the problem

- Balance between consolidation and dispersal must be developed

Transportation

- Progress being made

Stewardship

- Will continue to be high priority

- Funding still being planned - strategy being developed

Q: Important for DOE to set cleanup standards. What standards will be used for cleanups after transportation accidents?

A: Ongoing dialog to balance regulator requirements and intended use. It's hard to say "one size fits all"

FY2001 Budget

- Dan Berkovitz

See overheads for presentation notes

C: Excellent presentation of budget

Q: Where do depleted UF₆ conversion plants fit in?

A: Not managed or budgeted in EM.

Q: How to break out funds spent on tribes?

A: It's under policy and management account at HQ

Q: Where would funds come from for partnerships between labs and tribes?

A: From labs, primarily

Q: Where do UMTRA funds come from?

A: Non-defense environmental budget

Q: What about change in administration and impact on budget?

A: Hope for continued stable funding

National Nuclear Security Administration (NNSA)

- Michael Kane

Background

- 9/99 - Congress passes Act
- 10/99 - President signs
- 1/00 - Implementation Plan
- 3/00 - DOE implements

Principles of Implementation

- Implement statutory requirements
- Accomplish mission
- Accountability and responsibility
- Preserve authority of Secretary
- Build on DOE management reforms
- Ensure research missions of laboratories
- Protect Environment and Health and Safety
- Provide field managers with adequate authority
- Maintain management restructuring of 4/99
 - Field Management Council a key
- Security reforms continuing

Areas of Constraint

- NNSA employees may not be directed by non-NNSA staff on NNSA functions
- Designation of laboratories / facilities as NNSA may inhibit foreign users and recruitment of staff

- General John Gordon, Deputy Director of the CIA, has been nominated by Secretary for Administrator post

- NNSA web page attached to DOE web page

Q: Budgeting process for NNSA?

A: Combine budgets from transferred programs

Q: How will Indian tribes be involved?

A: Field structure still in place. Stakeholder relations will be designed by administrators

Q: Will NNSA take responsibility for stewardship at sites it assumes?

A: Yes, but details still being worked out.

Q: Position regarding compliance with environmental laws?

A: NNSA is element of DOE and laws apply as with DOE

Q: Reports on stewardship - separate for NNSA?

A: No - single report for DOE

Q: Status / plan of declassification program under NNSA?

A: Not addressed yet

Worker Safety Legislation

- Andy Lawrence

- Energy Employees' Beryllium Compensation Act; three titles:
 - Beryllium Compensation
 - Energy Employees Pilot Project Act
 - Specific to East Tennessee Technology Park Employees
- Paducah Employees' Exposure Compensation Act

Background

- Beryllium bill:
 - levels compensation from state to state
 - addresses latency aspect of disease

- includes presumption of relationship between Beryllium disease and DOE exposure

Status

- Bill introduced 11/99; no hearings yet
- Other illnesses being studied - program may expand
- Activity expected over next month

Q: Programs with funding transfers through CDC and ATSDR. Non-workers at Hanford (tribes) being impacted but not receiving attention similar to workers.

A: Response coming soon

Q: Regarding HR 3907 - make DOE facilities subject to OSHA opinion?

A: DOE, NRC, OSHA in dialogue. DOE has own health and safety infrastructure. How to transition? The legislation would affect existing process.

Q: Do some aspects of Beryllium bill apply to offsite exposures? In particular or in precedent?

A: Bill is a worker bill only.

Nuclear Regulatory Commission: Tribal Notification of Spent Fuel Shipments

- Dorothy Gauch
- Phil Brochman
- Spiros Droggitis

- Tribes currently do not get notice of shipments
- Regulation will provide similar capability to that of states
- Three steps:
 1. Information and comment gathering
 2. Draft / proposed regulation
 3. Final rule and tribal education
- Comment period will be extended by 90 days

- Extension will begin in approximately 1 week
- Provisions for states in place since 1982
- Only notice required - not consent
- Tribes have **no** opportunity for notice under current law / regulations
- New Regulations:
 - Comprehensive
 - Give notice to all federally recognized tribes

Issues on which NRC wants input:

- How should NRC determine list of tribes, lands, and communicate to licensees?
- How should NRC identify tribal points of contact?
- How should licensee sufficiently notify tribes?
- How can NRC guarantee protection of the safeguards information?
- What if a tribe declines to be on notification list?

Q: How inclusive is definition of materials?

A: Two regulations:

1. For more than 100g of spent fuel
2. For less than 100g of spent fuel or waste shipped to disposal facility under some circumstances

Q: Has NRC contacted the Bureau of Indian Affairs?

A: Yes

Q: Are routes fixed / known?

A: No. Department of Transportation works routes.

Q: Where does NEPA apply to route selection?

A: NRC does not select routes. DOT does under 49 CFR 397.101

Q: Will regulation apply to road, rail, and barge?

A: Yes

Q: How will NRC regulation affect existing agreements regarding DOE?

A: No negative impact. Existing agreements may assist NRC.

C: Judith Holm has map of acceptable routes.

Office of Economic Impact and Diversity
- Derrick Watchman

- See handout slides for briefing information

Actions:

- Ombudsman created

- DOE-wide diversity "stand down" will take place 4/5/00

- Secretary hosting small business conference on 4/26-28/00 in Denver

- DOE has goal of increasing utilization of small businesses from current 2% to 23%; possible opportunity for tribes

- DOE working to access minority education institutions more

- DOE examining environmental justice

- goal is to have some demonstration or pilot projects "rolled out" soon

Q: Support to SBA Historically Underutilized Business (HUB) program?

A: Not all tribes are HUB zones, some are. DOE sponsoring Indian HUB Zone conference in July 2000 in Anchorage.

- DOE trying to establish effective set-aside program

Q: Will DOE flow down set-aside requirements to contractors, especially HUB zones?

A: Yes, but DOE must effectively enforce this

C: DOE-HQ should become better educated about Indian tribes

Response: "Indian 101" is a first step toward education of senior management

C: Diversity issue is more than race issue for tribes - also culture, history, legal

C: State / tribe / STGWG representatives could be brought in to DOE-HQ to train staff on outside perspectives

C: There are a number of different tribal cultures to consider

Q: What about minority grants?

A: A small grant program still exists

Q: What is STGWG's role in effecting change at DOE?

A: STGWG is being heard.

C: DOE should develop training program on a local / regional basis

C: Secretary is responsive; proposing to create an office of Indian affairs

C: Tribes should be involved in design / creation of office of Indian affairs

STGWG Next Steps

Transportation

- Issues will be addressed in TEC/WG
- Two STGWG members on TEC/WG will report
- Committee will follow through with TEC/WG and meet as necessary
- If STGWG members comment on protocols, they should copy J.R. Wilkinson and / or Max Power
- Get protocols or access to protocols to STGWG members
- Write letter from STGWG in support of NRC regulation on notification of shipments

Tribal Issues

- Have conference call to identify new issues, new areas of focus
- Monitor Cultural Resources Management Policy
- Monitor Indian policy
- Address better communications between DOE and tribes
- Address MOU between DOE-MA and DOE-EH regarding Federal Preservation Officer (FPO) responsibilities
- Establish relationship with FPO

Integration and Disposition: Spent Nuclear Fuel / High-Level Waste

- RCRA implications for Yucca Mountain disposal

TRU

- Disposal of pre-1970 TRU

LLW / MLLW

- ROD implementation
- 11 e2 waste

Nuclear Materials

- Surplus Uranium stockpiles

General

- Basis for cleanup standards
- Cleanup standards for a spill

- Important to stay close to policy level
- Committee will make issue choices following meeting

Stewardship

- STGWG members should get involved with site offices regarding national stewardship report
 - Review site information
 - Give comments to the site and to Jim Werner
 - Copy to NCSL to distribute to committee
- Committee will compile members' results into STGWG product where possible
 - Will copy EMAB
- Committee will focus on PEIS settlement stewardship report for fall STGWG meeting

D&D Committee

- Potential presentations on Weldon Springs and Mound at next meeting
- Canyon disposition
- DOE guidance for D&D
- D&D and historical cultural resources (involve DOE-FPO)
- Metal recycling / disposal

New Committee Members

- Aaron Miles Sr., Nez Perce Tribe -- Stewardship Committee
- Joseph Mark Chavarria, Santa Clara Pueblo -- Stewardship Committee
- Max Power, Washington -- Transportation Committee

- Neil Weber, Pueblo de San Ildefonso -- Tribal Issues Committee
- Diana Yupe, Shoshone-Bannock Tribes -- D&D Committee
- Elmer Torres, Pueblo de San Ildefonso -- Tribal Issues Committee and Transportation Committee

NEXT MEETING: Ellicottville, New York, Fall 2000

ADJOURN

KEY OUTCOMES AND RECOMMENDATIONS

OVERARCHING ISSUES

- DOE should improve the effectiveness of its communication with Tribes, as evidenced by communications issues raised at the current STGWG meeting.
- Indian Tribes should be involved in any transfer of U. S. Department of Energy (DOE) lands, including transfer of water and mineral rights.
- STGWG wishes to learn more about the National Nuclear Security Agency, including its budget and impacts on cleanup funding, interaction between the agency and Tribes, and external oversight and regulation.
- STGWG wishes to work closely with DOE's Federal Preservation Officer on issues of cultural resource preservation.

DOE BUDGET

- STGWG applauds DOE's success in negotiating its proposed budget and believes that the budget as it stands represents the minimum level necessary to meet current needs.
- STGWG strongly believes that the flat budget scenario for future DOE funding will not accomplish DOE, State, and Tribal goals for cleanup and closure.
- Funding to States and Tribes should be coordinated through a single source when provided from multiple DOE organizations (e.g., DP and EM).
- STGWG is concerned about adequate future funding for the Stewardship program and for Intergovernmental and Public Accountability.
- STGWG wishes to work with DOE to justify and promote realistic future budgets and funding.

TRANSPORTATION

- STGWG supports the new Nuclear Regulatory Commission regulation on notice of nuclear shipments to Indian Tribes.
- It is important that barge shipments be addressed in the DOE Transportation Protocols.
- Grants must be made to individual Tribes; they must not be grouped together for grant purposes.

TRIBAL ISSUES

- STGWG is pleased with the progress of the Cultural Resources Management Policy and supports a process to enact the policy within this year.
- STGWG understands that the revised American Indian Policy is on track for issuance by June 2000.
- The focus and implementation process for the planned annual Indian Summit specified in the revised American Indian Policy is unclear.
- STGWG is concerned about the lack of provisions for effective enforcement or problem resolution in the revised American Indian Policy.

INTEGRATION AND DISPOSITION

- STGWG wishes to understand how surplus nuclear materials (e.g., uranium) fit into the waste management picture for DOE.

IMPLEMENTATION OF THE LOW LEVEL WASTE (LLW) / MIXED LOW LEVEL WASTE (MLLW) RECORD OF DECISION (ROD):

- Implementation of the ROD needs to include adequate oversight authority for States and Tribes, including a linkage between acceptance of offsite waste and key onsite waste projects at receiver sites.
- STGWG wishes to understand the definition or process to define the term "practicable" for waste disposal at generator sites.
- STGWG wishes to understand what certification will be required for new waste generators and the process for granting certification.

STEWARDSHIP

- Although it is clear that DOE-Headquarters wished close involvement of States and Tribes in developing the NDAA report, this intent was lost at the Field Office level, where the content of the report was developed. STGWG wishes to work with DOE to find ways to motivate the field offices.

- Tribes should be included in the review of the NDAA report at the DOE-Headquarters level as well as at the Field Office level.

- The NDAA report should include a Tribal perspective, as suggested by DOE.