

**National Conference of State Legislatures
State and Tribal Government Working Group
October 2 - 3, 2002 - Ellicottville, NY**

KEY OUTCOMES

10/15/02

OVERARCHING ISSUES

- The Department of Energy (DOE) Environmental Management Program (EM) is undergoing many organizational and personnel changes at this time, at both the Headquarters and field levels. DOE should work to maintain continuity in its communications and collaboration with states and tribes throughout this transition period.
- EM is strongly focused on accelerated cleanup. STGWWG feels that this is appropriate. However, DOE and EM face other important issues as well - sufficient attention should be paid to these issues to ensure that progress continues.
- If the opportunity for involvement by the states and tribes in the EM Performance Management Plans will occur primarily at the site level, EM should provide clear direction to the sites and field offices concerning this responsibility.

TRIBAL ISSUES

- STGWWG requests that DOE approve the petition by the Jemez Pueblo to join STGWWG. STGWWG welcomes the Jemez Pueblo to its ongoing dialog with DOE.
- The tribes confirm their desire to serve as resources and assets to DOE in solving its environmental and waste management problems. It is important that DOE consult with tribes in order to effectively understand and consider tribal interests.
- It is essential that DOE maintain level funding for Tribal involvement.
- Implementation of the DOE Indian Policy is a fundamental commitment from the Secretary of Energy to the tribal nations and must be accomplished as a priority of the Department. In particular, the Secretary should complete development and issuance of the Implementation Plan for the policy, host the promised summit with tribal leaders, and establish a dialog with the tribes to put the implementation plan into action.
- STGWWG appreciates the decision by Environmental Management to develop its own Implementation Plan for the DOE Indian Policy as a way to move forward more expeditiously. However, a department-wide

- implementation plan must also be developed and implemented in order to meet the Department's commitments under the Policy.
- New / transferred staff at Headquarters level and in the field should be fully trained regarding the DOE Indian Policy and obligations.
 - High level radioactive waste must be cleaned up in order to comply with treaty rights and the DOE Indian Policy.

INTEGRATION AND DISPOSITION

- Integration and disposition is essential to the success of the accelerated cleanup initiative. STGWG is concerned that the path forward for this area has become less clear with the changes in organization and staffing within EM.
- The development of an integrated plan for disposal of high level waste is essential to the success of the disposition effort.
- STGWG members do not oppose shipment by rail to the Waste Isolation Pilot Plant (WIPP). There is concern regarding safety if transuranic (TRU) waste is transported by general freight rather than dedicated rail cars.
- The small site strategy for TRU waste shipping needs to be clarified, including details on how much of what materials will be shipped from which sites via what transportation means.
- LLNL waste should not be considered a candidate for shipment to a hub site - the number of shipments contemplated is large enough so that transportation directly to disposal should be the preferred approach.
- There are substantial issues to resolve in the draft Hanford Solid Waste Environmental Impact Statement - this process is on the critical path for complex-wide progress.

LONG-TERM STEWARDSHIP

- STGWG believes that long-term assured funding for Long-Term Stewardship of DOE sites is essential to the program's success. The current annual appropriation process is not a viable long-term solution. STGWG and its member tribes and states should be considered resources to help make this happen.
- The Long-Term Stewardship guidance developed by DOE-Headquarters is excellent - it should be quickly disseminated to the field for use at the local level.
- STGWG requests that DOE consider Treaty and Trust obligations in its Long-Term Stewardship decisions and actions and that DOE-Headquarters flow this policy down to the site level through its requirements and guidance. STGWG has prepared an analysis and

- summary letter on Treaty and Trust obligations for Long-Term Stewardship that will be transmitted to DOE within the next week.
- Continued and/or future remediation of residual contamination post-closure should be a part of DOE's Long-Term Stewardship strategy.
 - DOE is moving forward in the right direction in the right way on information management for stewardship.
 - DOE should consider multiple time scales - both very long-term as well as short/mid-term - for information management during Stewardship. The long-term approach should include very enduring and simple information systems (basic hard copy records, inscribed physical monuments, etc.) in case more sophisticated information archival systems do not survive or are not useable.
 - Oral histories should be included in the strategy for Long-Term Stewardship information management. The philosophies and methods used by tribes should serve as a model for this mechanism.

TRANSPORTATION

- STGWG commends the Office of Transportation on its consultation with tribes concerning transportation issues.
- The DOE Transportation Protocol process has been an excellent example of effectively involving states, tribes, and other external interests in policy development. The approach used to respond to comments is a good example of this success.
- It is important for EM's transportation program to coordinate with other transportation programs within DOE, including the Civilian Waste program. External organizations, including states and tribes, often need to deal with DOE as a single entity on transportation issues.
- A productive dialog between DOE and states / tribes will be an essential component of developing the Yucca Mountain transportation plan.
- The collaboration between the West Valley site and the Seneca Nation of Indians on the selection of a rail transportation route for high level waste is an example of how effective involvement can produce mutual success.
- Route analyses for transportation of radioactive materials and waste should address cultural issues, including tribal cultural issues, as well as technical considerations.