

National Transportation Stakeholders Forum

Tribal Caucus Meeting Summary

January 26-27, 2016
Palm Springs, CA

Meeting Overview and Purpose

The U.S. Department of Energy (DOE) Office of Transportation and Packaging (OTP) hosts the National Transportation Stakeholders Forum (NTSF) to serve as the mechanism to communicate information about the Department's shipments of radioactive waste and materials, including occasional high-visibility non-radioactive shipping campaigns.

The purpose of the NTSF is to bring transparency, openness, and accountability to DOE's offsite transportation activities through involvement and collaboration with state and tribal governments. Tribal participation is facilitated through the NTSF Tribal Caucus, comprised of designated representatives who meet as part of NTSF to share insight and provide guidance directly to DOE, other federal agencies and representatives of participating States.

Key Takeaways

- Develop a framework for advancing the knowledge and expertise of the tribal caucus. Determine current capacity and expertise levels through a survey or study.
- NRC will host a training on the Advanced Notification Protocol at the upcoming NTSF annual meeting in Orlando, FL on June 6-9, 2016. Tribes are encouraged to identify the correct person from their tribe to attend the meeting and receive the training.
- A letter to tribes should go out in advance of training.
- Tribal input is also sought on the breakout sessions of the annual meeting
- Tribes are encouraged to become more active with the SRGs.
- A Steering Committee was formed. Initial members include Talia Martin, Shoshone Bannock; Richard Arnold, Consolidated Group of Tribes and Organizations; Clarice Madalena, Pueblo of Jemez; Heather Westra, Prairie Island Indian Community.
- Steering Committee will survey Caucus members to determine issues of interest.
- Steering committee will circulate some ideas around branding and identity for the group.
- Caucus should consider identifying a co-convenor
- Should the group pursue publishing a newsletter?
- Tribal input sought on START Routing tool. Interested in information such as: Hospitals (emergency capabilities, capacity, etc.), number of emergency responders, large capacity gathering places (casinos, concert venues, etc.) and culturally important sites.
- Further discuss private shipments from one NRC regulated facility to another and utilities shipping materials. How does the notification process work in these circumstances?
- Proposed for consideration that two to three tribal caucus members go to FL to see if they can engage tribes. United South & Eastern Tribes (ESET) can be a possible conduit to identify new tribes and see if they have any upcoming meetings that Tribal Caucus members could attend
- Recommended coordination with Office of Indian Energy on tribal engagement.

Attendees (See attached Participant's List)

Via Phone: Erica Bickford, DOE-NE; Mike Wangler, DOE-EM, Paul Michalak, NRC; Dave Pstrak, NRC; Ellen Edge, DOE-NE

NTSF Overview

Michael Wangler, DOE Office of Environmental Management

The NTSF is a DOE chartered group and provides DOE with a platform to engage at the national level with States, Tribes and Federal agencies on transportation activities of nuclear materials.

NTSF organizational structure: Headed by DOE chair and includes a planning committee to monitor progress made by DOE, ad hoc working groups to work on specific tasks and developing needs, membership (open only to state and tribal officials) and other stakeholders (labor, industry).

Other EM Communication mechanisms: State and Regional Groups (SRGs), tribes, ASKPAT information requests, public website, Waste Information Management System (WIMS) (info on waste generated at specific sites) and Prospective Shipment Reports.

NTSF Annual Meeting: June 6-9, 2016 Orlando, FL at the Rosen Plaza. Theme *Stewards of the Environment*.

Overview of web resources

NTSF wiki site (*Lisa Janairo, CSG-Midwest*): Private site which is free to join. Houses information for NTSF including important documents and upcoming activities. Kaitlyn Tye helps maintain site and develops webinars. Working group members are encouraged to post updates on activities.

CURIE website (*Steve Maheras, Pacific Northwest National Laboratory*): Stores documents created for DOE Environmental Management (EM). Operates in a regular (open to anyone mode or you can request a password for access to other documents. Website has search feature allowing for easy searching of specific documents. Contains latest reports of NFST. Is archival – has historical information. Does not contain info on Consent Based Siting – different website.

START Routing Tool: START estimates routes from origin to destination for routing. Displays how waste may be moved off site. Provides many options of base map views. Has ability to add many layers – (shutdown sites, transload sites, nuclear reactors, DOE facilities), routes (rail, highway, barge,) emergency response, gathering places. Uses GIS mapping. Access must be granted by DOE.

WebTRAGIS (*Steve Peterson, Oak Ridge National Laboratory*): A browser based GIS tool for modeling transportation routing of HAZMAT shipments. It offers a number of options for route calculations, provides access to network databases for highway, rail, and waterway infrastructures in the continental U.S., and provides population data for all transportation segments using the LandScan USA population distribution data model. Access must be granted – DOE sponsorship required. Currently open only to .gov or .mil or .edu addresses, unless there is a sponsor. Working on a solution to allow access for states, tribes and communities. Mike Wangler agreed to be a sponsor to allow for access for members who are interested.

Working Group updates

Rail and Routing (Erica Bickford) - Trainings on the Stakeholder Tool for Assessing Radioactive Transportation (START) have been taking place and DOE welcomes tribal input on the tool. Development of the S-2043 cask car is moving forward. The working group is hosting a spring rail transport webinar series. Additional information available on the Wiki site.

Internal communications (Uldis Vanags) - Newcomer homepage is available on wiki site and the newsletter will be available as well. Encourages everyone to submit content. External communications – just beginning. Sharing info on Consent-based siting.

Planning committee (Neil Weber) – 36 members representing DOE, NRC, NCSL, SRGs, NNSA, 5 tribes, states (OK, UT, MI, ME,).

Transportation (Heather Westra) – The draft transportation plan on spent nuclear fuel transport includes a lot more tribal language in plan as a result of the work group's efforts.

Management Plan working group (Ellen Edge) – Moving towards documenting policies and ensuring they align with DOE policies. Once draft is completed, will be circulated for comments.

Transportation practices (Mike Wangler) – Documented a series of practices regarding shipments of materials. Revision of document had a lot of input from states. Codifies standards will cover majority of DOE practices and shipments.

Legislative update (Jim Reed) – Thirteen states have bans or restrictions on the construction of new nuclear facilities. This happened as a result of the Three Mile Island meltdown in 1979 largely because there was no permanent storage. Wisconsin Bill 384 was just introduced and would lift ban. Other states are having similar discussions. Could be precipitated by the Clean Power Plan.

Updates from SRGs

CSG-Midwest, Lisa Janero – Fall meeting was held in Des Moines, IA. The group sees the need to have legislators learn more about shipments and nuclear waste. States are interested in additional trainings such as WIPP Trex and tribal inspectors need to be included in training opportunities. SRGs have submitted a joint letter to John Kotek asking for his assistance in getting documents, such as the near-term implementation plan out of DOE. Kotek's reply acknowledged importance of relationship with states and tribes, but at this time, there is nothing more that can be done. Greater emphasis should be placed going forward on information exchange between tribes, SRGs and state and federal agencies.

CSG-Northeast, Uldis Vanags – Winter meeting was held in December in New Hampshire. A presentation on tribal issues by Richard Arnold was very helpful and it was nice to have Tony Memmo's participation. Other tribes who may be impacted by transit routes are encouraged to get involved. WCS and Holtec provided presentations regarding their storage facilities for spent nuclear fuel. As a result of the six nuclear power plants in the northeast that have already shutdown and the three additional that have announced future shutdowns, there is more and more spent fuel that is stranded.

Western States Energy Board, Jim Williams - Fall meeting was held in Spokane. A training exercise is planned for September in anticipation of WIPP resumption of shipments. The group is working to systematically assemble materials that the committee has generated over last three decades (since 1985) and get the materials in electronic format. In addition, WEIB has been asked to revisit policies and

positions including how western states deal with tribes. Given the number of tribes in the western states this is a helpful.

Southern States Energy Board, Chris Wells – Meeting was held in New Orleans in December. The meeting include a site visit presentation on Crystal River by Steve Maheras as well as a RAP team presentation. Emphasized collaboration with the tribes and acknowledges that in the past, the tribal perspective was often an afterthought. In addition, it's important that tribes are not lumped together as they are autonomous and should be treated accordingly. Suggests that going forward, groups need to attend each other's meetings and be more deliberate in their outreach to tribes and other stakeholders.

Comments:

Devon Boyer – Tribal treaties were present before states and tribes should be addressed accordingly, not as an afterthought.

Jim Williams – Wants to reinforce working together vs. working separately and acknowledging differences and similarities.

Richard Arnold - Tribes and states have similar interests in this arena, namely the safe transport of radioactive materials.

Section 180(c) of the Nuclear Waste Policy Act Update

Erica Bickford, DOE-NE

Funding will be made available to help states and tribes prepare for the shipments of spent nuclear fuel. Based on the assumption that tribes don't have the same capacity as states, states and tribes participated in an exercise to see if these assumptions were correct. Two aspects: 1) planning and assessment – infrastructure, risk assessment. 2) Training (using START tool.)

Comments on participating in the 180(c) exercise:

- Review process was complicated by the fact that participants presented information in very different formats (length, substance, etc.).
- Completion of the application required a minimum of three people.
- The exercise was deemed too cumbersome and costly to participate in.
- A standardized template would be helpful.
- Value of exercise was questioned when shipments are years out and variables could change.
- It was suggested that streamlining and standardizing the process would be helpful since states and tribes have to be prepared and will need funding to do so.
- Process must address disparities in tribal capacity and preparedness.
- No assessment of competencies has ever been conducted to determine Tribes capacity. Responding to radiological incidents is just one of many responses. No matter the incident, the pathways need to be there to protect people, facilities and the environment.
- Tribal representatives were reminded that once a tribe has an emergency response person designated, many trainings are provided for free.
- Grants are preferable over cooperative agreements to distribute funding. States don't necessarily agree that they need "substantial involvement" from DOE. States have same concerns as tribes about this exercise not being a good use of time and resources, so states wanted to make it something that had value. This is one of the reasons the scope was expanded

– to make it more realistic so states knew exactly what would be involved. The CSG-Midwest is looking into hosting a webinar to discuss the types of trainings that are available. 180 c should be modeled after WIPP Land Withdrawal Act of 1992.

Erica Bickford – NTSF proposed the idea of an exercise. Exercise scope was expanded to create a template for future exercises. One tribal volunteer and 8 state volunteers participated. Valuable to have tribal participation to understand differences between states and tribes and how that may change scope moving forward. Exercise will be finalized at June 2016 NTSF meeting. In 2017, DOE will consider lessons learned including: 1) funding allocation discussion 2) identify and develop training modules 3) design and walk through of a more full scale exercise 4) develop a standardized grant application.

NRC update

Paul Michalak, U.S. Nuclear Regulatory Commission

David Pstrak, U.S. Nuclear Regulatory Commission

Overview of Tribal Protocol: It was first published in 2008 and in 2014, the Tribal Policy Statement and Tribal Protocol Manual was published. Comments were taken until May 2015 and the NRC is currently working on a response.

Tribal Liaison Team Activities during the past year included five 2-day training session on basic health physics and the NRC role in licensing uranium recover options.

David provided an overview of the Regulatory Structure followed by a review of Acceptance Criteria after the accident conditions tests 1) remain subcritical 2) no escape of radioactive material exceeding a total of A2 in one week 3) external dose rate may not exceed 1 rem/hr at 1 m from the external surface of the package.

Harmonized with IAEA requirements for transportation

New US DOT and US NRC final rules went into effect on July 13, 2015

Compatible with the IAEA Safety Standard Regulations (SSR-6, 2009)

Hypothetical Accident Condition Tests (6 tests) - Free Drop; Crush; Puncture; Thermal; Immersion – fissile package; Immersion – all packages.

Advanced Notification 10 CFR 71.97 – required for shipments of irradiated reactor fuel; made in writing to the appropriate governor or designee and tribal official or designed.

Timeline required for coordination:

By mail, 7 days before start of shipping window

By other means, 4 days before start of shipping window

Updated list can be found at <https://scp.nrc.gov/special/designee.pdf>

Part of the protocol includes the physical protection of irradiated fuel in transit 10 CFR 73.37.

Objectives:

Minimize the potential for theft, diversion, or radiological sabotage

Facilitate the location and recover of shipment that may have come under unauthorized control

Final steps for tribes to receive advance notification: 3 steps

- 1) Identify a tribal designee and back up point of contact
- 2) Complete safeguards training
- 3) Confirm reservation borders

NRC to conduct Safeguards Information training at the National Transportation in Orlando, FL at the June meeting.

Closing ceremony

Dan King – The National Congress of American Indians (NCAI) 50th anniversary of the commencement of Vietnam. A special pin has been designed with the quote “a grateful nation thanks and honors you.” Tribes can sign up for anniversary event. Dan awarded Mike Levine from Morongo Band of Mission Indians a pin in recognition of his service

January 27, 2016

Richard called the meeting to order.

NFST Update

Jay Jones, DOE-NE

Consent based Siting – March 24, 2015 administration authorized planning for a separate repository for high level radioactive waste resulting from atomic energy defense activities.

On Dec 23, 2015, DOE published a Federal Register Notice for public comment on consent based siting. Comments due by June 15, 2016.

DOE is moving forward with planning for an integrated waste management system based on CBS and will conduct a CBS process in multiple phases.

Budget – FY 2016 \$22.5 million for Integrated Waste Management Systems

Objective: Plan for SNF storage

Generic storage facility designs both horizontal and vertical. Functional and operational requirement; environmental considerations; regulatory considerations.

FY 2016 Objectives:

- Prepare for large scale transport to SNF to commence within 10 years
- Engagement with states and tribes
- Transportation operations (shutdown site visits and START tool)
- 180 (c) exercise

ATLAS railcar process moving forward - contract for design has been awarded.

Comments:

Heather Westra - Will training be provided to tribes on ATLAS railcars if shipments will come through their jurisdiction?

Jay - Funding and training will be made available once routes are determined (part of 180 C process).

Updates from DOE

Albert "Brandt" Petrusek, DOE Office of Environmental Management

Commented on consistency of leadership and membership with the Tribal Caucus and reported that Mark Whitney has been encouraged to attend June NTSF meeting in June in Orlando. EM budget is always short of what's needed, so EM is forced to make tough decisions. Appreciates Tribes participating in the process and helping set priorities, and the work of Caucus needs to continue despite political "noise." EM's focus is on risk reduction. EM recognizes its legal and moral responsibility and is encouraged by the amount of activity in recent years. This has been enhanced by the convening of recent Tribal summits held by the Secretary of Energy demonstrating DOE's commitment to Tribal engagement. The expansion of Caucus has to be weighed with available resources and potential impact. He recognizes that early involvement by tribes as issues arise is key to aiding DOE's decision making. He said that he has seen a lot progress over the years and thanked the caucus for the respectful interaction over time on these topics.

Thanked Dan King for acknowledging the veterans.

Comments:

Richard – acknowledges partnership with DOE and other agencies such as the NRC. Challenges of bringing new tribes in. See the need to work collaboratively and make sure that tribes are included in the process so that they have the information they need.

Current Status of Shutdown Sites

Steve Maheras – Pacific Northwest National Laboratory

Purpose of site visits is to evaluate site inventory, conditions and near site transportation infrastructure and experience. Identify gaps in information needed to ship SNF and GTCC waste from the shutdown sites. Updated report on shut down sites anticipated in spring 2016. Site is not included in the report until it is actually closed.

Prior to site visit, a review of documents and databases is conducted to make sure the right questions are asked and that the right people are available in the room. There are no shutdown sites that do not have transport options; all have at least one option, many have multiple options. Site visits are very important because face-to-face interactions are important and you get information you would not have otherwise obtained, and tribal participation in the site visits is important to make sure tribal perspectives and impacts are taken into consideration.

Comments:

Richard – part of his role is to see if Tribes that would be impacted (100 mile radius) are involved. Finding is that tribes are not being involved and those on-site are unaware of tribal cultural resources.

TEPP update

Ellen Edge, Office of Environmental Management

DOE has nine regions with trainings happening in all regions. Options: Train-the-Trainer, MERRTT, TMERRTT and CEU (Continuing Education Units). Training videos are being updated, and a new working group is starting in June to update training modules. Also developing a Level C (Tyvek/Coveralls) dress down procedure. Working with a number of federal agencies to make sure training complies with other trainings so participants can meet multiple training objectives with one training (example National Fire Protection training). All trainings can be brought to tribes, EM just needs to be notified so the trainings can be scheduled.

Moving Forward

Richard Arnold, Consolidated Group of Tribes and Organizations and Heather Westra, Prairie Island Indian Community

Looking to hold future mid-year meetings at the same place where the annual NTSF meetings are scheduled (e.g., Orlando, FL). This would give local tribes an opportunity to learn more about the Tribal Caucus prior to an NTSF meeting. Potential members could also be invited to participate in planning calls prior to meeting to learn more about the group.

Jay Jones commented that without a site (in absence of Yucca) they don't know where waste is going to be shipped and who will be impacted. Asked that the group be mindful of shotgun approach when conducting outreach to new tribes.

John Lavalley from Agua Caliente, Director of Emergency Services, welcomed members to Palm Springs and thanked the group for the invitation to participate.

See Key Outcomes section for additional information on key outcomes and next steps.



This meeting summary was written and compiled by Kim Tyrrell with the National Conference of State Legislatures (NCSL). Through a cooperative agreement with the U.S. Department of Energy, NCSL provides staff support to numerous state and tribal working groups.