

TRIBAL ISSUES TOPIC GROUP MEETING SUMMARY JULY 13, 1999 Crowne Plaza Center City Hotel, Philadelphia, PA

Kevin Blackwell (U.S. Department of Transportation/Federal Rail Administration) (DOT/FRA) presented an overview of the topic group's discussion.

- The status of the DOT/FRA's response to DOE's inquiry about the tribal right to inspect rail shipments is still an open issue. At the time of the July meeting, the response was in the final stages of review in the Secretary of Transportation's Legal Division. The response will be forwarded to DOE's Office of Civilian Radioactive Waste Management. The draft response is an opinion letter, not a formal ruling, focusing on the issue of preemption. DOT has recently undertaken a "One DOT Initiative;" which includes a new DOT order that lays out a DOT Tribal Policy. The final Order is due in the fall of 1999.
- The NRC's Advance Notice of Proposed Rulemaking on Tribal Notification Federal Register notice is being finalized. The Notice will be forwarded to the Commission in later in the summer.
- DOE is in the process of updating its 1992 tribal policy. A letter has been sent to tribal leaders setting up a framework for revision of this policy.
- Information was requested on how other federal agencies deal with ceded and treaty lands (lands that may be physically removed from reservation lands, by treaty or by other means).
- Topic group members requested commodity flow information, by rail, through or nearby tribal lands. Kevin Blackwell, Federal Rail Administration, offered to assist tribes in obtaining this information by working with the Regional FRA contacts and the railroads.