

RADIOACTIVE WASTE SHIPMENTS AND TRIBAL CONCERNS*

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ABSTRACT

Several Indian tribes have registered concerns over the potential environmental, health, and safety risks of transporting transuranic wastes to New Mexico's Waste Isolation Pilot Plant (WIPP) site. With the scheduled beginning of the WIPP test phase near at hand, the US Department of Energy (DOE) has sought to identify and accommodate tribal concerns. Appropriate DOE response to tribal concerns depends, in part, on understanding both the general nature of tribal interests and also the specific issues that individual tribes accord the greatest priority. Described here is the approach taken in the context of WIPP program activities to identify transportation-related tribal concerns, and to create an institutional arena for addressing these concerns by establishing cooperative agreements with two tribes whose jurisdictions are crossed by WIPP test-phase shipments. Special attention is directed to support for tribal activities involving public information, accident prevention, and emergency response; these activities are designed to enhance tribal capabilities for managing potential transportation-related impacts.

INTRODUCTION

With the successful completion of an initial test phase, full-scale operations at the Waste Isolation Pilot Plant (WIPP) in southeastern New Mexico would result in shipments of transuranic wastes crossing as many as 26 Indian tribes' jurisdictions. Tribal transportation-related concerns are largely similar to concerns held by non-Indian public safety authorities throughout the relatively sparsely settled transport corridor states. However, tribal government jurisdiction enjoys a special status not shared by non-Indian state and local governments. The Department of Energy's (DOE) joint planning with tribal governments to address their transportation-related concerns acknowledges this special status, and conforms with the present administration's policy to conduct business with Indian tribes on a "government-to-government" basis.

Cooperative efforts undertaken to date in addressing tribal transportation-related concerns are summarized here. The paper encourages the DOE to continue to pursue its emerging government-to-government interactions policy "out in the field," delegating significant authority for these interactions to its field offices. By implementing its tribal interactions policy in this manner, the DOE would enable tribal representatives to more easily retain their authority to speak on behalf of community interests. The prospects are brightened for cooperative problem solving among the DOE and tribal governments when the credibility of each is

increased through mutual understanding of the others' internal organizational processes.

This discussion is presented in four sections. First, we provide some background information regarding the WIPP transportation program. Next, we summarize the tribes' concerns that have been raised in the course of recent interactions with DOE. We then summarize the process by which cooperative agreements are being established between the DOE and two tribal groups to enhance tribal impact management capabilities during WIPP's test phase. We find the initial stages of this process to be encouraging, and conclude by examining some of the lessons learned in the WIPP transportation program's tribal interactions that may be applicable to other major DOE shipping campaigns, and to the development of implementation guidance for overall DOE tribal interaction policy as well.

THE WIPP TRANSPORTATION PROGRAM

Preparations are nearly completed for permanently storing radioactive by-products of US nuclear weapons production in an underground salt bed formation near Carlsbad, New Mexico. Owned by the DOE, the storage facility is known as the Waste Isolation Pilot Plant, or WIPP.

Geologists and health physicists regard salt as providing an especially effective barrier isolating the radioactive material from the biosphere. Groundwater is one of the principal environmental media by which the material could conceivably be re-introduced into the biosphere, and the

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presence of salt underground is a good indication that groundwater has been absent for a very long time. If groundwater were present, it would have dissolved the salt. In addition, the radioactive material will radiate heat for many years, and the salt formation at WIPP is expected to respond to this temperature increase by slowly "creeping" into a form-fitting seal that will further stabilize the isolated radioactive material until natural processes of radioactive decay eventually render the material harmless.

Current plans call for WIPP to begin receiving radioactive materials in 1991. For the next five years, the facility will handle these materials in an experimental fashion, aiming to demonstrate that operations can be conducted in a safe and environmentally sound manner. If the test phase is successful, the plant then plans to receive materials for a 20-year period. At the end of that period, preparations will begin for an indefinite period of care-taking.

The materials to be placed at WIPP are known as "transuranic" wastes, materials contaminated by radioactive isotopes with an atomic weight heavier than uranium. They have been created mostly in the process of research, development, and production activities associated with the US nuclear weapons arsenal at ten different locations around the country. Within the DOE, a renewed emphasis on environmental restoration and waste management has mobilized clean-up efforts at these locations. While the volume of waste material will be greatly reduced through re-processing, and much of what remains will be stabilized at (or near) its current storage locations, some material will have to be shipped to WIPP.

Current plans call for these shipments to travel by truck in specially-designed containers called TRUPACTs. The trucks will be routed along interstate highways, except where states have designated an alternate highway segment as part of the route across their jurisdictions. The planned shipments to WIPP will certainly not be the only radioactive materials in transit. Every year, about three million packages of radioactive materials are transported by common carrier for medical and industrial purposes (1). Radioactive materials owned by the DOE are also routinely transported among its various research, development, and production facilities, and with less frequency, to international destinations. As the Department points out in its public information programs, on any given day, radioactive material shipments in the US (whether owned by DOE or not) are but a very small part of the enormous volume of hazardous materials in transit throughout the US.

What distinguishes the planned WIPP shipments, however, is the unprecedented volume of radioactive materials to be delivered to a single location. Current DOE plans call for about 19,000 truckloads, or roughly three trucks arriving at WIPP each working day, over a twenty-year period. Planning for these shipments is being watched closely within

the DOE and by state, tribal, and non-Indian local governments whose jurisdictions may be crossed by other transportation corridors the DOE is currently contemplating. The way in which state, local, and tribal concerns are taken into account in planning the WIPP shipments may serve as a model for other major transportation campaigns the DOE undertakes. The WIPP transportation planning activities could also serve to cultivate collaborative relationships with affected parties, and to develop technical capacities for shared responsibility among these collaborators.

TRIBAL WIPP-RELATED CONCERNS

The DOE and its predecessor agencies have had an uneven history of consultation and cooperation with tribal governments. Hydroelectric energy programs in the Pacific Northwest, Atomic Energy Commission activities at Hanford, and the Nevada Test Site dislocated some Indian people as recently as the 1950s, and separated others from fisheries and traditionally important cultural resources. Fisheries enhancement programs have been introduced in recent decades, along with cultural resource management planning, to address some of these outstanding sources of conflict. Employment and scholarship programs through the national laboratory complex have also benefitted Indian people. In addition, conservation grants programs have provided weatherization assistance along with energy conservation and alternative energy technology program opportunities to tribal governments.

Until recently, the DOE's approach to tribal interactions has been oriented toward the resolution of specific, local issues. Each field office has had its own way of addressing these issues, including designation of the organizational component assigned tribal liaison responsibilities, the background and qualifications of the individual staff assigned to carry out these responsibilities, and the level of field office management support and commitment to seek accommodation of tribal interests and concerns.

Tribal governments have a long history of dealing with various agencies of the federal government (2), and have become increasingly insistent that all of the agencies with which they do business be prepared to fulfill the federal trust responsibility to Indian tribes. This has prompted the DOE to re-examine its approach to tribal interactions, and to initiate the development of a DOE tribal interactions policy that will set forth the broad principles guiding the DOE in its relations with tribal governments. Tribal input will be sought during the development of this policy.

In the specific context of WIPP transportation activities, the DOE has attempted to build its credibility with tribal representatives through a series of group meetings that are then to be followed with more specific discussions with individual tribes. A February, 1988 meeting was convened in Carlsbad, New Mexico by the National Congress

of American Indians (NCAI). In attendance were representatives of tribes concerned about WIPP. NCAI has also convened another series of meetings in conjunction with the DOE's high-level radioactive waste transportation program, and WIPP has been discussed at these meetings as well.

In March, 1990, the DOE invited representatives from 14 tribal groups whose jurisdictions are crossed by the western WIPP corridors to a meeting in Albuquerque. Also in attendance were representatives from the All Indian Pueblo Council and the Council of Energy Resources Tribes. In August, 1990, the DOE was invited by the Cheyenne-Arapaho Tribes to attend a meeting to which representatives of the 12 Oklahoma tribes along the southern WIPP corridor had also been invited.

At the meeting in Albuquerque, the DOE for the first time signalled its intent to work in government-to-government fashion with each potentially affected tribe. The tribes represented at these meetings may not have seen this as significant progress in an absolute sense. After all, "government-to-government interaction" has shaped the conduct of federal Indian policy through other executive agencies for more than a decade. However, it represents a concrete change for the DOE.

The concerns expressed at the Albuquerque and Oklahoma meetings were not unexpected, since they were similar to concerns that have been expressed earlier; their expression makes evident the need for continuing support for tribal involvement. Generally, the transportation-related concerns expressed by tribal representatives fall into five categories:

1. Safety of WIPP Transportation Activities:

Road Conditions -- Accident patterns and arrest data leave substantial cause for concern about several segments of roadway. When pressed for assurances, the DOE acknowledges that it cannot guarantee that no accidents will happen.

TRUPACT Safety -- Tribes have expressed concern that container design specifications are being changed to accommodate the DOE's inability to manufacture the TRUPACTs according to approved standards, leaving the containers less safe than planned. In the first batch of containers delivered to WIPP, weld deficiencies were found. While this alarmed some observers, the DOE regards the fact that these deficiencies were detected as a reassuring indication that safety engineering and quality control systems are functioning properly.

2. Tribal Emergency Preparedness Capabilities:

Lack of Equipment and Personnel -- Many tribes are either wholly lacking equipment and personnel or have undertaken emergency response planning in other contexts and appreciate the need for substantially upgrading capa-

bilities. The tribes have taken the position that the DOE should provide the funds for development of tribal emergency response capability because they feel the DOE has imposed the need for this capability.

Response Times for Reservation Emergencies -- Distances are great, response times are slower than needed, and mutual assistance agreements with local non-Indian jurisdictions are often lacking. This is widely regarded as additional justification for the DOE to pay for enhancing tribal emergency response capability.

Cumulative Transportation Emergency Burdens -- Many tribal representatives are concerned that once the WIPP transportation program is underway, its transportation corridors will be opened automatically for other DOE shipments (e.g., spent fuel from commercial power plants). If each DOE program is willing to pay for only that portion of the emergency response equipment and resources that can be wholly justified by that program's needs, the tribes will be inadequately equipped to deal with the cumulative burden imposed by the DOE's programs.

Training for Tribal Emergency Response Staff -- Training is necessary, and the tribes are aware of programs the DOE has available. However, uncertainty surrounding the continuity of tribal emergency response programs from year-to-year, makes it difficult to recruit and retain talented community members. This difficulty, in turn, leads to higher staff turnover and greater training needs than is present in other jurisdictions that have access to tax base or other predictable sources of revenues to support basic governmental public safety functions.

3. Intergovernmental Coordination of Emergency Preparedness and Response:

Route Designation Process -- while the USDOT Routing Rule (Docket HM-164) acknowledges the tribes' right to designate alternative routes for WIPP, tribes feel they have been left out of this process, as state governments have not created opportunities for coordinated review of routing alternatives.

Accident Notification Procedures -- In the past, tribes have received inadequate notification of accidents on tribal lands, and procedures the WIPP truckers are expected to follow require only notification of state government, rather than direct notification of tribal governments.

Safety Inspections -- The DOE is working with an association of state governments to create an inspection program that will ensure truck safety but avoid having to undergo exhaustive inspections at each port-of-entry along the transportation corridors. The tribes along these corridors have been excluded from taking part in creating this inspection program, which could be interpreted as a signal that potential safety hazards are to be imposed on their jurisdictions with little tribal control.

4. Economic and Cultural Impacts:

Roadside Businesses -- Several tribal representatives have expressed concern over potential economic effects of WIPP transportation activities. Many tribes depend for their economic future on roadside businesses and accessible industrial development. They want to avoid diminishing the opportunity for returns on their investments. Investments have already been made for site improvements in hopes of attracting developers. The question has been raised regarding DOE plans to offer compensation for lost economic value.

Appropriate Community Information -- Translation and discussion among community members may present problems for some of the safety-related concerns and DOE's explanations of safeguards planned. Native languages don't necessarily have words into which such terms as "radioactivity" can be translated. In some native cultures, there is a very strong tradition of refraining from talk about disastrous events, and emergency planning activities themselves are inconsistent with this cultural orientation.

5. Overall DOE Policy Regarding Interactions With Tribal Governments:

In the view of tribal representatives, while DOE staff occasionally say informally that the Department is committed to acknowledge tribal jurisdiction in environmental resource management matters, the DOE has yet to formally articulate an overall policy containing language to that effect. Far from being simply a rhetorical exercise, articulation of a Department-wide policy for interacting with tribes introduces elements of consistency and continuity to the DOE's activities. Consistency and continuity in its dealings with tribal governments, in turn, could potentially enhance the DOE's credibility and trustworthiness, attributes that are known to influence judgments of risk associated with the DOE's activities.

In addition to these widely held concerns, specific local interests have also been expressed. Acoma Pueblo representatives have repeatedly stated for the formal record that the use of salt for WIPP's purposes runs counter to traditional religious practices of great importance to Pueblo peoples, and constitutes a practice offensive to the people of Acoma. In at least two cases (Las Vegas Paiute Colony and Pojoaque Pueblo), investments have already been made for site improvements in hopes of attracting road-side commercial developers. The question has been raised regarding DOE plans to offer compensation in the event of lost economic value.

The tribes also differ in the extent to which they are already familiar with the technical issues of transportation planning, emergency preparedness, and environmental resource protection. In this light, it must be seen as a mixed blessing to be excluded from WIPP transportation planning interactions. That is, to be excluded means that one's jurisdiction is not located along the WIPP transport corridors, and, presumably, not exposed to attendant potential environmental, health, and safety risks. Even if they are not located directly along the WIPP corridors, however, many tribes still feel they have the burden of DOE-owned hazardous materials being transported across their jurisdiction, but no identifiable sponsor to which they may turn for support in technical capacity building and impact management. The DOE's WIPP managers may be sympathetic to the need for such support, but they are not authorized to use WIPP-appropriated funds for uses not related to WIPP.

With these considerations in mind -- the DOE's acknowledged need to expand its limited track record in interacting with tribes on a government-to-government basis, the specificity of local concerns and tribal technical capabilities, and the Congressionally-imposed limits authorizing the use of specific funds -- during WIPP's test phase, the DOE tribal interactions will focus on two tribes whose jurisdictions will be crossed by radioactive materials shipments, and who are in the process of negotiating cooperative agreements with the Department: the Confederated Tribes of the Umatilla Indian Reservation and the Shoshone-Bannock Tribes of the Fort Hall Reservation.*

Both of these tribes have dealt with the DOE in the context of several different programs. The Confederated Tribes have been involved in DOE-sponsored activities through several branches of the DOE-Richland Operations Office (DOE-RL). Along with the Nez Perce and Yakima tribes, the Confederated Tribes were designated by the Secretary of the Interior as "affected tribes" under the authority of the Nuclear Waste Policy Act, which enabled tribal participation in the planning and preliminary investigations of the Basalt Waste Isolation Project (BWIP) at Hanford from 1983 to 1988. Since 1985, tribal representatives have attended DOE-sponsored meetings addressing high-level waste transportation issues. A tribal representative was also appointed to the Hanford Historical Documents Review Committee, which was empaneled by the Operations Manager in 1986 to review an unprecedented public disclosure of documentation concerning past activities at Hanford. The Historical Documents Committee recommended that an encompassing study be undertaken to

* When test phase activities have been completed successfully, current plans anticipate that cooperative agreements will be sought with other tribes in Oklahoma, New Mexico, Arizona, Nevada, and California whose jurisdictions may be crossed by operations-phase WIPP transportation routes.

reconstruct the radioactive doses to which people in the region may have been exposed as a result of past activities at Hanford. Because of the distinctive lifestyle of the region's Indian residents, special studies were recommended for each of eight reservation populations, including the Umatilla Reservation. Along with these seven other tribal groups, the Confederated Tribes have received a small sub-contract from the Department through the "Hanford Environmental Dose Reconstruction" study's managing contractor, the Pacific Northwest Laboratory, to collect historical dietary and settlement pattern data for the periods of greatest concern.

In 1988-89, the Confederated Tribes played a major consultative role in the development of the Hanford Cultural Resources Management Plan, which was produced by the Site Management Division of Richland Operations after interactions in the course of BWIP activities pointed to the need for such an encompassing planning document. An enrolled member of the Confederated Tribes is employed on the cultural resources management staff of the Pacific Northwest Laboratory.

The Confederated Tribes send a representative to the State-Tribal Governments Working Group (STGWG) that DOE has convened to address issues associated with the environmental restoration and waste management plans at various facilities around the US. Discussions with DOE-RL are presently underway to explore ways in which the Confederated Tribes might take part in Hanford activities as spelled out in the DOE's five-year clean-up plan. The Confederated Tribes were represented at the Albuquerque meeting held in March, 1990 to discuss WIPP Transportation concerns. A US Department of Transportation training course on radioactive shipments for emergency responders was held at the Umatilla reservation in 1988. In 1990, a member of the tribal government staff attended a TRANSCOM training course in Oak Ridge. Also in 1990, tribal representatives met with the Secretary of Energy in Richland, Washington, and were invited to provide input to a policy formulation effort regarding the Department's interactions with Indian tribes.

The other tribal group with which the DOE plans to enter into a cooperative agreement are the Shoshone-Bannock Tribes of the Fort Hall Reservation in Idaho. The Tribes have become involved in DOE-sponsored activities largely through the DOE-Idaho Operations Office (DOE-ID) and its External Affairs Division. The Westinghouse Idaho Nuclear Company, which operates a chemical processing facility at the Idaho National Engineering Laboratory (INEL), has had employment outreach programs directed to Indian people for a number of years. A Tribal Liaison was appointed in 1989 to promote effective communication and a mutually beneficial relationship between the INEL and the Tribes. A series of meetings between INEL

representatives and the Tribes' governing body have been held. DOE-ID has provided speakers to students from the Tribes regarding job opportunities and careers in science and math. Tribal members have toured the INEL site, and other forms of increased educational assistance have included scholarship money, computer equipment loans, and the establishment of a volunteer tutor program for students on the reservation. With the recent discovery of pre-historic materials at a location within the INEL, further discussions about cultural resource management policies and procedures are anticipated in the near future.

The Tribes also send a representative to the State-Tribal Governments Working Group (STGWG) that the DOE has convened to address issues associated with the environmental restoration and waste management plans at various facilities around the US. The Tribes were represented at a meeting held in March, 1990 in Albuquerque to discuss WIPP Transportation concerns. A WIPP-sponsored training course for emergency responders was held at Fort Hall in 1989. In October, 1990, Shoshone-Bannock tribal representatives met with a special assistant to the Secretary of Energy to provide input to a Departmental policy regarding the Department's interactions with Indian tribes.

These experiences have enabled both tribes to better understand the Department's internal organizational dynamics, to appreciate internal distinctions between the national headquarters and field office perspectives. The cooperative agreements will be structured so that the tribes continue to deal most directly with their field office counterparts.

COOPERATIVE AGREEMENTS: AN ARENA FOR ADDRESSING TRIBAL CONCERNS

Successful resolution of issues regarding transportation risk management depends, in part, on identifying all the parties with legitimate interests in the outcome. A derivative concern is the matter of who has authority to speak for those potentially exposed to transportation risks, and how this authority has been established.

In planning for the WIPP shipping campaigns, it is ultimately up to the DOE to decide who legitimately has a say in shaping the plans. In practice, such decisions have depended upon both: a) the regulatory framework that categorically prescribes the participation of state and tribal governments (and authorizes the use of public funds to pay for their participation); and b) the resolution of a classic federal tension between the Department's national headquarters, which is concerned about applying consistent policy priorities in its attention to any single set of special interests, and the Department's field offices. The field offices tend to have a more detailed understanding of the agency's local and regional interests, and also a long-term

relationship to maintain with potentially affected units of state, tribal, and non-Indian local government. The strength of this relationship is bolstered, generally, to the extent that agency field offices are able to attend, with special resources, to the interests of their neighboring jurisdictions.

The fullest level of participation is signalled by the presence of a formally executed cooperative agreement. A cooperative agreement is a funding mechanism, and the wording of each agreement is tailored to the specific activities that the DOE and the cooperating party have agreed the party can appropriately undertake with the DOE's support.

From the DOE's perspective, administering these agreements is sufficiently burdensome that the preference is to establish fewer, rather than more of them. Thus, the Department would have preferred to work with organizations that represent more than one of the jurisdictions considered to have an authorized interest in the way the program is planned.

Such inter-governmental organizations differ markedly in the degree to which they are seen by their members as adequately representing each member jurisdiction's specific interests. In planning the WIPP shipments, the corridor state governments have agreed to use existing multi-state organizations to represent their interests: the Western Governors Association and the Southern States Energy Board. It appears that the states are willing to formally engage the DOE through these regional organizations in part because the organizations are regarded as adequately representing most members' interests. Equally important, perhaps, the regional organizations do not offer the only channel through which the states are able to communicate effectively about their specific interests with the DOE.

The situation is different for tribal governments whose jurisdictions are potentially affected by WIPP shipments. Inter-tribal organizations are generally not regarded as adequately responsive to each tribe's local interests. Also, the tribes generally don't feel they have other effective channels through which to communicate with the DOE. And in the broader context of a changing political economy for the federal administration of Indian policy, the tribes would generally prefer to see federal resources directly targeted to tribal governments. The tribes, for these reasons, have

sought to persuade the Department to deal with each tribe individually, on a "government-to-government" basis.

Initially, senior DOE officials were reluctant to enter into such individualized interactions. As mentioned earlier, part of this reluctance was due to the anticipated administrative burden. Upon successful completion of the test phase, full-scale WIPP operations would result in shipments crossing as many as 26 tribes' jurisdictions, and the prospect of administering that many separate cooperative agreements is daunting.

Also contributing to the DOE's initial reluctance to deal with potentially affected tribal governments on a one-to-one basis was the absence of any explicitly articulated Departmental policy statement guiding such interactions. As described earlier, such a policy is currently being drafted, and the DOE has been propelled to do so because its senior managers are being forced by field activities to acknowledge the DOE's commitment to fulfill its federal trust responsibility to Indian tribes. Key DOE officials have strongly supported the tribal interaction initiatives, as reflected in the March, 1990 decision to work with the tribes on a government-to-government basis. Thus, while the impending WIPP shipments provide the immediate context for negotiating transportation risk management measures with tribal governments, these negotiations may also help to inform planning for a much wider range of field activities.

The WIPP tribal cooperative agreements will involve several organizational components of the DOE:

1. DOE-HQ: Headquarters personnel have identified opportunities for DOE financial assistance to tribes in enhancing WIPP transportation-related public safety resources. Headquarters personnel are also responsible for providing technical assistance in implementing tribal cooperative agreements, coordinating tribal interaction activities with other WIPP-related intergovernmental interactions (e.g., WGA, SSEB), and with other DOE programs involving tribal interactions.
2. The DOE Albuquerque Operations Office (DOE-AL), WIPP Project Office (DOE-WPO), and Support Contractors: DOE-AL has been delegated the program authority for these cooperative agreements. DOE-WPO will coordinate with DOE-AL, DOE-RL and DOE-ID in providing technical input to administration of the

* The test phase WIPP shipments will only pass through western states, so a higher priority has been placed to date on executing a cooperative agreement with the Western Governors Association (WGA). The Southern States Energy Board (SSEB) receives a relatively modest amount of money, essentially to keep track of WIPP activities as they unfold. It is expected that a more substantial level of support (along the lines of the WGA agreement) will be forthcoming at the point where progress in the WIPP program requires accelerated transportation planning for the southern corridors. The DOE's agreement with the WGA was formally executed in July, 1990. In its initial year, \$1.5 million has been authorized for ten states and WGA administration; each state has to submit a plan for DOE approval before it can spend its authorization. States who are members of the WGA but aren't located along the test phase corridors will only receive money for meeting attendance and document review (about \$5,000 each), while experimental phase corridor states will each receive about \$200,000 each. These funds are authorized for activities related to accident prevention, emergency preparedness, and public information.

cooperative agreements, and will provide updates regarding additional tribal interactions covered by other ongoing inter-governmental activities. In addition to its ongoing support to training, technical assistance, and information distribution, support contractor Westinghouse-WIPP will provide technical support in administering the cooperative agreements, including information distribution, meeting planning and support, and public safety/emergency preparedness training.

3. DOE-ID and Support Contractors: DOE-ID will be the principal point of contact for interactions with the Fort Hall Shoshone-Bannock Tribes. This will include providing procurement and technical assistance, monitoring progress in achieving agreement-related milestones, and informing other DOE components of this progress. DOE-ID will be assisted in these efforts by its support contractor, EG&G, as needed.
4. DOE-RL and Support Contractors: DOE-RL will be the principal point of contact for interactions with the Confederated Tribes of the Umatilla Indian Reservation. This will include providing procurement and technical assistance, monitoring progress in achieving agreement-related milestones, and informing other DOE components of this progress. DOE-RL will be assisted in these efforts by its support contractor, Westinghouse Hanford Company, as needed. DOE-RL and its support contractor will also provide support to DOE-HQ regarding TMD system-wide transportation program activities.

The procurement process for WIPP tribal cooperative agreements began in August, 1990, with the goal of having formally executed agreements in place by May, 1991. The cooperative agreements will be established for multi-year tribal programs phased to suitably anticipate WIPP transportation activities. While the specific scope of the agreements will be defined in collaboration with the respective tribal governments, general areas to be covered in the scope of the agreements include support for staffing, travel, and other expenses associated with:

1. Public Information, including such activities as development, publication, and distribution/broadcast of appropriate materials to meet community members' information needs; community workshops communicating technical issues to an audience of non-specialists; travel to attend meetings with DOE and to facilitate interaction with other federal agencies regarding WIPP transportation concerns. Also of interest here are special issues regarding cultural resource management that pertain to recovery and restoration.
2. Accident Prevention, including such activities as development of shipment tracking capability (hardware acquisition and training in software use); participation in Commercial Vehicle Safety Alliance (CVSA)-spon-

sored activities; and development of safe parking guidance relative to tribal jurisdictions.

3. Emergency Preparedness Enhancement, including attendance at DOE/WIPP "first responder" training; development and publication of emergency preparedness plans and implementation procedures; identification of existing protection and detection equipment and personnel; identification of unmet emergency management resource needs; development of mutual assistance agreements with state and local jurisdictions, and of more encompassing memoranda of understanding where needed to facilitate mutual assistance agreement development.

A limited amount of support will be made available for invitational travel on the part of representatives from western corridor tribes to attend semi-annual meetings with DOE regarding WIPP transportation issues. The purpose of these meetings will be to provide for an exchange of information regarding revised WIPP transportation program plans and issues of tribal interest and concern.

IMPLICATIONS FOR DOE TRIBAL INTERACTIONS

A fundamental problem in assessing prospects for successful issue resolution is in clearly identifying the parties who have the most direct stake in the outcome. This identification includes an understanding of the internal social organizational dynamics of each party (3, 4). Without such an understanding, it is difficult to know such things about the party's interests at stake as: how widely these interests are shared by the party's constituents; who is authorized to articulate these interests on behalf of the stake-holding party; and on what basis this authority has been established, what is its duration, and what is required for spokespersons to retain such authority.

Issue resolution may involve interactions between different types of socially constituted parties, and this can be a major source of obstacles to achieving outcomes that are judged to be fair by all (5). Several Indian tribes are potentially affected by DOE's radioactive materials transportation. Moreover, the governing bodies authorized to speak for the general community's interests retain their authority to do so in distinctive ways. For example, tribal elections are held much more frequently -- annually in the case of the Umatilla and Shoshone-Bannock tribes -- than in state and non-Indian local governments. Tribal officials, to retain their elected posts, are held accountable for their governance in a much more immediate manner. Typically, these posts circulate among a collection of tribal members with a frequent changing of the guard, serving as an effective reminder to tribal officials to remain closely in touch with the ongoing stream of community activities. To be away from home too long or too often, even if it is specifically to

conduct tribal business, is to invite others to question one's ability to speak on behalf of current community interests.

From the tribes' perspective it makes sense to have the responsibility for representing community interests circulate among a number of individuals, rather than retaining this responsibility among a more limited number of tribal officials. A larger cadre of knowledgeable individuals is thus developed, and as the internal organizational dynamics of the DOE becomes more intelligible to tribal representatives, the opportunities increase for enhancing the Department's credibility. From the Department's perspective, it appears wise to pursue its emerging government-to-government interactions policy "out in the field," thus enabling tribal representatives to more easily retain their authority to speak on behalf of community interests. After all, the prospects are brightened for successfully resolving issues between the DOE and tribal governments when the credibility of each is increased through mutual understanding of the others' internal organizational processes.

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