

1 **6.11 Transportation Requirements**

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3 The transportation of all radioactive and other hazardous materials associated with any alternative
4 selected for implementation would comply with applicable DOE directives and the regulations of EPA,
5 DOT, and Ecology. Applicable DOE directives include DOE Order 460.1A, *Packaging and*
6 *Transportation Safety* (DOE 1996b), DOE Order 460.2, *Departmental Materials Transportation and*
7 *Packaging Management* (DOE 1995), and DOE Manual 460.2-1, *Radioactive Material Transportation*
8 *Practices Manual* (DOE 2002e). DOE Order 460.2 states that DOE operations shall be conducted in
9 compliance with all applicable international, federal, state, local, and tribal laws, rules, and regulations
10 governing materials transportation that are consistent with federal regulations, unless exemptions or
11 alternatives are approved in accordance with DOE Order 460.1A (DOE 1996b). DOE Order 460.2 also
12 states that it is DOE policy that shipments will comply with the DOT 49 CFR 106-180 requirements,
13 except those that infringe upon maintenance of classified information.

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15 The Hazardous Materials Transportation Act of 1975 (HMTA) (49 USC 5101 et seq.), as amended by
16 the Hazardous Materials Transportation Uniform Safety Act of 1990, is the major Federal transportation-
17 related statute affecting DOE. HMTA is implemented by regulations issued by the DOT Research and
18 Special Programs Administration, Federal Highway Administration, Federal Railroad Administration,
19 Federal Aviation Administration, and the U.S. Coast Guard.

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21 Under the HMTA, DOT has requirements for marking, labeling, placarding, providing emergency
22 response information, and training of hazardous material transport personnel at 49 CFR 172. Specific
23 packaging requirements for radioactive materials are in 49 CFR 173, Subpart I. These requirements
24 invoke the NRC packaging requirements for radioactive material as set forth in 10 CFR 71. DOT
25 regulations for truck transportation of radioactive and other hazardous materials are in 49 CFR 172, 173,
26 177, 178, and 397. DOT regulations for rail transportation of radioactive and other hazardous materials
27 are in 49 CFR 172, 173, 174, and 178. The Ecology regulations applicable to transportation of hazardous
28 waste in Washington State are in WAC 173-303-240 through 270.

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30 Transportation of waste products and contaminated equipment that is conducted entirely on DOE
31 property, to which public access is controlled at all times through the use of gates and guards, is subject to
32 applicable DOE directives and transportation safety requirements set forth in 10 CFR 830, Subpart B, but
33 is not directly subject to the DOT regulatory requirements. DOE transport of these materials over
34 highways to which the public has access would be subject to applicable DOT, EPA, and Ecology
35 regulations, as well as to applicable DOE directives.

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37 **6.12 Cultural Resources**

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39 The DOE policy on management of cultural resources (DOE 2001a) provides that

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41 DOE will uphold [the National Historic Preservation Act, the Archaeological Resources
42 Protection Act, and the Native American Graves Protection and Repatriation Act] by preserving,
43 protecting, and perpetuating cultural resources for future generations in a spirit of stewardship to
44 the extent feasible given the agency's mission and mandates. To do this, DOE will implement

1 management accountability for compliance with Federal statutes, Executive orders, treaties, DOE
2 orders, and implementation guidance. The Department also ensures that DOE contractors are
3 obligated to implement DOE programs and projects in a manner that is consistent with this Policy
4 and that reflects this commitment in site management contracts.

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6 The background statement in “Management of Cultural Resources at Department of Energy
7 Facilities” (DOE 2001b) further states that

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9 DOE recognizes the cultural and scientific value of the resources that may exist on the properties
10 under its management or over which it has direct or indirect control. Therefore, DOE has
11 implemented a program to protect these resources and ensure that all DOE facilities and programs
12 comply with all existing cultural resource executive orders, laws, and regulations. Thus, DOE is
13 able to preserve, protect, and perpetuate cultural resources for future generations.

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15 The DOE management document (DOE 2001b) defines cultural resources to include “historic
16 properties” as defined in the National Historic Preservation Act, “archaeological resources” as defined in
17 the Archaeological Resources Protection Act of 1979, and “cultural items” as defined in the Native
18 American Graves Protection and Repatriation Act (see Section 6.14).

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20 The National Historic Preservation Act authorizes the Secretary of the Interior to maintain a National
21 Register of Historic Places (16 USC 470a[a][1]). Federal agencies are to consider the effect of their
22 actions on properties included in or eligible for inclusion in the Register and afford the Advisory Council
23 on Historic Preservation a reasonable opportunity to comment on such actions (16 USC 470f).

24
25 The Archaeological Resources Protection Act of 1979 prohibits the excavation of material remains of
26 past human life on public or Indian lands that have archaeological interest and are at least 100 years old
27 without a permit from the appropriate federal land manager or an exemption (16 USC 470aa, 470bb,
28 470ee).

29
30 The Native American Graves Protection and Repatriation Act of 1990 prohibits the intentional
31 excavation or removal of human remains or cultural items without a written permit, and prescribes
32 protective measures and repatriative actions to be taken in the event that human remains or cultural items
33 are discovered inadvertently (25 USC 3001 et seq.).

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35 DOE and Hanford Site contractor compliance with cultural resources compliance legislation is
36 discussed in Section 2.2.14 of the *Hanford Site Environmental Report for Calendar Year 2001* (Poston
37 et al. 2002).

38 39 **6.13 Treaties, Statutes, and Policies Relating to Native Americans**

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41 DOE’s relationship with American Indians is based on treaties, statutes, Executive Orders, and DOE
42 policy statements. Representatives of the United States negotiated treaties with leaders of various
43 Columbia Plateau American Tribes and Bands in June 1855 at Camp Stevens in the Walla Walla Valley.
44 The negotiations resulted in three treaties, one with the 14 tribes and bands of the group that would