

**TEC Tribal Topic Group Conference Call
March 12, 2008**

Call Lead: Julie Offner (U.S. Department of Energy/Office of Civilian Radioactive Waste Management/Office of Logistics Management, DOE/OCRWM/OLM)

Other Participants: Tom Bailor (Confederated Tribes of the Umatilla Indian Reservation, CTUIR), Catherine Bohan (DOE/West Valley Demonstration Project, WVDP), Mike Coplin (Chickasaw Nation), Brad Frazier (Prairie Island Indian Community), Sydney Gieser (Booz Allen Hamilton, BAH), Elizabeth Helvey (JK Research Associates), Paloma Hill (DOE/OCRWM/OLM), Bill Mackie (DOE/Carlsbad Field Office), Titto Moses (CTUIR), Frank Moussa (DOE/OCRWM/OLM), Christina Nelson (National Conference of State Legislatures, NCSL), Brooke Oleen (NCSL), Wilda Portner (Science Applications International Corporation, SAIC), Claire Sinclair (DOE/OCRWM/ Nevada), John Smegal (Legin Group), Bill Spurgeon (DOE/Office of Environmental Management, EM), Larry Stern (Commercial Vehicle Safety Alliance, CVSA), Pat Temple (Bechtel/SAIC, BSC), Neil Weber (Pueblo de San Ildefonso), Christopher Wells (Southern States Energy Board, SSEB), Sara Wochos (Council of State Governments – Midwest, CSG/MW)
(NOTE: Dan King, Oneida Nation, attempted to call in, but had difficulties in signing on.)

This call focused on status of action items from the February San Antonio Transportation External Coordination Working Group (TEC) Tribal Topic Group meeting, Tribal Topic Group Task Plan revision, OCRWM Tribal Involvement Plan, and draft language on method of distribution of Section 180(c) funds to Tribes.

Action Items:

Responsible Party

Action to be Taken

J. Offner	Check into “Indian 101” class for OCRWM staff at DOE Headquarters (Forrestal Building, Washington, DC); Contact American Council on Historical Preservation.
J. Offner	Report to Tribal Topic Group on status of next TEC/ Tribal Topic Group meeting.
J. Offner/P. Hill	Follow-up and report on Tribal Caucus recommendations from San Antonio TEC meeting.
J. Offner/W. Portner	Schedule next Tribal Topic Group conference call.
C. Sinclair	Follow-up and report on 2 action items from San Antonio meeting: status of DOE meeting with Timbisha/Shoshone; and explanation of how 2009 funding was determined for State of NV and Tribe.

W. Portner	Email this summary to members of Tribal Topic Group; soliciting volunteers to participate in 3 work product subgroups: Revision to Tribal Topic Group Task Plan; OCRWM Tribal Involvement Plan; and Section 180(c) and Emergency Preparedness Issues.
P. Hill/W. Portner/E. Helvey	Set up conference calls for subgroups and report back to Tribal Topic Group.
T. Bailor	Submit written comments to J. Offner and P. Hill on relationship of EM Framework Document and OCRWM Tribal Involvement Plan.
J. Offner/P. Hill	Develop crosswalk between EM Framework Document and OCRWM Tribal Involvement Plan; obtain/distribute written statement explaining why OCRWM did not adopt EM Framework Document (based on language that conflicts with the Nuclear Waste Policy Act, NWPA).

Summary

Julie Offner opened the call with a round of introductions. She thanked everyone for attending TEC in San Antonio and for the warm welcome she received as the new Tribal Topic Group lead. Julie acknowledged comments made during the San Antonio meeting indicating that the Group wants to be more product-oriented, and said she hopes this call will serve as a kick-off for substantive work by the Group. She told call participants that OLM management has been discussing the next TEC meeting and hopes to reach a decision by the end of the month. Changes to TEC include sunseting some of the Topic Groups and reviving the Communications Topic Group. The Tribal Topic Group remains a constant at TEC.

Based on comments she received after the last TEC meeting, Julie clarified the roles of the Tribal Topic Group and the Tribal Caucus. The Caucus is provided by DOE in response to a request from Tribal members immediately preceding the 2007 Tribal Transportation Workshop in Denver, CO. The Tribal Caucus is arranged in a manner so that Tribes can meet the day before the full TEC meeting to orient new participants and to discuss transportation issues of concern. Participation is limited to Tribal representatives and a designated note taker. The Caucus reports to DOE TEC and to the Tribal Topic Group. The Tribal Topic Group is open to all interested stakeholders and regular sessions are held at TEC meetings and conference calls are scheduled as needed.

Julie then reported on the status of action items from the February Tribal Topic Group meeting in San Antonio:

- The following documents have been distributed to the Group: EM Implementation Framework Document, Draft OCRWM Tribal Involvement Plan, Q's and A's from the 2007

Tribal Transportation Workshop, and summary of the February 6 Tribal Topic Group meeting.

- An email was sent to Group members providing the URL for the “Indian 101” training recommended at the February 6 meeting. David Brockman, Manager, DOE/Richland has expressed an interest in a live presentation of the training for his staff; Julie is exploring a live session at DOE Headquarters in Washington, DC. Tom Bailor suggested DOE consider using a Tribal person to help teach the class; Armand Minthorn has volunteered to teach such a class in the past.
- Response to the Tribal Caucus recommendations from the TEC meeting in February is being developed. The recommendations were used to update the revised Tribal Topic Group Task Plan.
- Claire Sinclair will follow up and report on her two actions from the San Antonio meeting: status of DOE meeting with Timbisha Shoshone on going forward, and providing Group with an explanation of how 2009 funding levels were determined for State of Nevada and Tribes.

Julie opened discussion on the following new activities, suggesting that Group members form 3 subgroups to support development and provide input:

Revision of Tribal Topic Group Task Plan (W. Portner would serve as subgroup coordinator)

Wilda Portner reported on the Plan status. The draft was emailed to Group members last week for review and comment. It was suggested that the Plan’s “Purpose” section be expanded to include shipments made by program offices other than EM and OCRWM. Julie said she would talk to her management about the change. Naval Reactor shipments were given as an example. Wilda walked through the structure of the draft revised Plan.

OCRWM Tribal Involvement Plan (P. Hill would serve as subgroup coordinator)

Paloma Hill reported that the Plan was distributed to the Tribal Topic Group last week, as well as at the TEC Tribal Topic Group meeting on February 6. She walked through the document, stating the main purpose of the document is to develop a planned approach for future interactions with Tribal Nations. OCRWM is at a crossroads where DOE and the Tribes can work on the way they meet with each other. The Plan suggests 3 vehicles for communication: TEC, Tribal transportation workshops, and regional meetings (perhaps piggyback meetings with U.S. Environmental Protection Agency [EPA] regional meetings). One of the callers suggested that if the Tribes are in a meeting location shared with EPA staff, DOE might lose some interest to meetings with EPA because some Tribal representatives see OCRWM as something in the somewhat distant future. Paloma said another focus of the Plan is improved technology such as on-line forums or blogs. The Plan can be expanded to include interactions on topics such as 180(c) as the need arises. Julie asked Group members to share lessons learned from development of the EM Framework Document.

One caller noted the Framework had taken 5 years to take effect and another expressed concern with OCRWM developing a document separate from the EM Framework Document, emphasizing that Tribes see only ONE DOE and not individual offices, not re-inventing the

wheel in Tribal outreach efforts, and focusing on a consolidated approach to communication with Tribes. Julie and Paloma responded that DOE legal staff objected to OCRWM adopting the EM Framework Document because of some conflicts in the language of the NWPA. They agreed to provide the Group with a written summary of the reasoning behind OCRWM's decision not to adopt the EM Framework Document.

Draft Language on Funding Distribution for 180(c) (E. Helvey would serve as subgroup coordinator)

Elizabeth Helvey quickly summarized what is happening with this project. In July 2007, the *Federal Register* Notice on 180(c) funding was published (comment period has closed). A separate *Federal Register* Notice that addresses Tribal funding will be issued in 2008. Funding for States will be based on a formula, but Tribes have indicated a formula will not work for them and have suggested that a Needs Assessment approach is more feasible. Elizabeth said the draft language developed so far for 180(c) funding does not apply to Tribes in Oklahoma because there are no reservations. She has been conducting research on Oklahoma Tribes along potential Yucca Mountain transport routes and Mike Coplin (Chickasaw Nation) agreed to discuss with Elizabeth 180(c) language pertaining to the Oklahoma Tribes. Mike also recommended the emergency management group in Oklahoma (created for Tribes only) as a good contact. Elizabeth is also trying to contact Charles Rogoff about how the U.S. Department of Transportation handles Hazardous Materials Emergency Preparedness program funding in Oklahoma.

It was suggested that DOE sponsor a workshop wherein Tribes could sit down and complete a Needs Assessment, identify the items needed in a needs assessment, or fill out a model grant application. Due to lack of budget, it was recommended that the Section 180(c) subgroup work through teleconferences to design a workshop for the whole Tribal Topic Group to take place at the next TEC meeting. Julie indicated she has been discussing the possibility of extending Tribal Topic Group meetings beyond the current short sessions to longer, perhaps day-long, meetings.

Following the 180(c) discussion, the call adjourned. Wilda Portner will distribute the summary and request Topic Group members to volunteer for the 3 subgroups discussed above.