

Summary
TEC Tribal Topic Group Conference Call
April 11, 2006

Participants: Jay Jones, Department of Energy (DOE)/Office of Civilian Radioactive Waste Management (OCRWM), chaired the session. Other Topic Group members included Richard Arnold (Pahrump Paiute Tribe/Consolidated Group of Tribes and Organizations), Vicki Best (Bechtel SAIC Company [BSC]), Kevin Blackwell (Federal Railroad Administration), Barbara Durham (Timbisha Shoshone Tribe), Bob Fry (National Conference of State Legislatures), Steve Grey (Lawrence Livermore National Laboratory), Elizabeth Helvey (JK Research Associates, Inc./BSC), Daniel King (Oneida Nation of Wisconsin), Angela Kordyak (DOE/Office of General Counsel), Robert Lupton (DOE/NV), Corinne Macaluso (DOE/OCRWM), Jennifer Patric (Booz Allen Hamilton), Stanley Paytiamo (Pueblo of Acoma), Wilda Portner (SAIC), Willie Preacher (Shoshone-Bannock Tribes), Shannon Rindfleisch (Prairie Island Indian Community), Herman Shorty (Navajo Nation), Larry Stern (Commercial Vehicle Safety Alliance), Kevin Tafoya (Santa Clara Pueblo), Ki Tecumseh (National Nuclear Security Administration), Pat Temple (BSC), Laura Van Houten (Legin), Neil Weber (Pueblo de San Ildefonso), Christopher Wells (Southern States Energy Board), Tad Williams (Walker River Paiute Tribe), Sarah Wochos (Council of State Governments – Midwest).

| <u>Responsible Party</u> | <u>Action to be Taken</u> |
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| Wilda Portner, SAIC | Prepare draft summary and send to Group. |
| Jay Jones, DOE/W. Portner | Send internship announcement to Group. |
| Corinne Macaluso, DOE/ E. Helvey, BSC | Redraft 180(c) paper and send to Group. |
| Jay Jones/C. Macaluso, DOE | Explore possibility of “Tribes Only” meeting and Transportation workshop. |
| Corinne Macaluso, DOE/ W. Portner | Distribute information on Yucca Mountain legislation. |

SUMMARY:

Jay Jones, DOE Office of Civilian Radioactive Waste Management (OCRWM) opened the teleconference with a round of introductions, followed by a brief overview of the meeting’s main topics: meetings (past and future), DOE internship, and 180(c) white paper.

Recent Meetings

March Transportation External Coordination Working Group (TEC) meeting in Washington, DC:

- The draft summary of the March 14-15, 2006, TEC meeting is under review by OCRWM and will soon be available on the TEC Website.

A meeting was held in Baltimore the week of April 3, 2006, to discuss the framework document drafted by the DOE Office of Environmental Management and its potential use as the Implementation Plan for the DOE Indian Policy. The meeting included representatives from 7 or 8 Tribes, as well as DOE Headquarters and Field personnel. OCRWM staff will consider preparing its own version of the framework document and share it with Tribal representatives involved in OCRWM transportation.

Bob Fry reported on the recent National Conference of State Legislatures (NCSL) Native American Legislators Caucus meeting. He said the Caucus wants to make itself known as a way for Federal agencies to interact with Tribes. Judith Holm (OCRWM) gave a transportation update at the meeting. Bob is a member of the Environmental Caucus Committee, which might be able to arrange meetings with State representatives and regional Tribes for DOE.

Upcoming Meetings

Jay said representatives from the Navajo Nation might tour Yucca Mountain during the next open house on May 20, 2006.

Willie Preacher asked what the response has been from the 39 Tribes DOE contacted by letter in March 2005. Jay responded that the reaction has been mixed, with 25 to 30 percent of Tribes contacted being receptive to meeting with DOE staff to discuss Yucca Mountain transportation. He said the contact phone calls will continue to make sure all 39 Tribes have been contacted, and the next move could be a regional or national meeting with Tribes.

OCRWM hopes to meet with Acoma and Laguna Pueblos in the near future, as well as the Shoshone Bannock Tribal Council.

The next DOE State and Tribal Government Working Group (STGWG) will be held in Richland, Washington, May 23-25. The agenda is not yet available. Bob Fry said the group plans a tour of DOE's Hanford Site on May 23, with general sessions the following 2 days.

"Tribes Only" meeting to discuss funding allocation and 180(c):

- Dan King sent out an email prior to the conference call asking Tribal members about their interest in such a meeting (has been a topic of discussion in the past

couple of Tribal Topic Group calls and meetings). David Conrad followed up with an email offering space at the May National Tribal Environmental Council (NTEC) meeting or at the NTEC offices in Albuquerque.

- Jay Jones and Corinne Macaluso said OCRWM would discuss the logistics of supporting such a meeting in conjunction with a possible DOE Tribal workshop or at the fall TEC meeting.

Tad Williams announced the NTEC annual conference would be held in southern California the week of May 1-5, 2006.

180(c) Discussion

Corinne announced the discussion would focus on the two appendices to the paper.

Appendix A – Funding Allocation:

- Corinne began the discussion by reviewing the changes to the 180(c) paper as a result of the March TEC meeting. She said the paper was changed to reflect the request that if a formula approach is used, Tribal enrollment figures be used instead of population numbers from the census.
- Corinne mentioned that some Tribes have told her that applying for small amounts of funding is not worth the effort involved, and she asked what Tribal representatives on the call considered “small.” Stanley Paytiamo answered, “\$20K.” She reminded callers that no funding matches would be required for 180(c) funding.
- Corinne said she and her contractor staff would be working to restructure the issue paper from the perspective of pros and cons for both the Needs Assessment Approach and the Formula Approach. She asked for input from call participants. OCRWM will take a look at what is being done by other Federal agencies and examine how their actions might be applied to the OCRWM approach. The Capability Assessment for Readiness “CAR” will be examined to help OCRWM explore which approach is better, the needs assessment survey or narrative style application. It was suggested OCRWM come up with a sample format for the grant application and send it to the group for further discussion.

Appendix B – Timing and Eligibility:

- Stanley Paytiamo pointed out that the question of jurisdiction needs to be examined further. Corinne said Appendix B gets to that issue. The basic definition on page 13 of the paper may be changed to delete “whether state or tribal.” If a Tribe does not exercise its emergency response authority, there is a possibility it may not be eligible for 180(c) funding under the Nuclear Waste Policy Act. DOE has been asking the “39 Tribes” about their authority and jurisdiction.

- Willie Preacher asked how the U.S. Environmental Protection Agency (EPA) fits into the 180(c) process. Elizabeth Helvey replied that EPA does not dictate the DOE 180(c) application process; it was mentioned at the March meeting only as an example. Tad Williams said he has substantial experience with EPA grants and they do not really apply to the DOE 180(c) process. Neil Webber said the EPA emergency management program grants might be applicable to the DOE process.
- Stanley Paytiamo requested information on fees. Corinne replied that all the issue papers are available on the TEC Website. Elizabeth Helvey said she would prepare a short summary of the Fee Paper and send it to the group. He also requested DOE address the Local Emergency Planning Committee, which meets monthly.

A revised 180(c) paper will be developed on the basis of the call's comments and recirculated among the Tribal Topic Group for review. Comments should be emailed to Corinne at corinne.macaluso@rw.doe.gov or to Jay at jay.jones@rw.doe.gov.

Other Business

Jay announced a DOE Native American internship, with the potential for moving to a full-time position with the Department. Jay will forward the announcement.

Draft legislation on the OCRWM program is available, including a section on transportation. Corinne will make it available to interested parties.