

**TEC Tribal Topic Group Conference Call
January 18, 2006**

Group Chair: Jay Jones (DOE/OCRWM)

Participating TEC Tribal Topic Group Members: Rob Burnside (CTUIR), Earl Easton (U.S. NRC), Kristen Ellis (DOE/CI), Ed Gonzales (ELG), Angela Hill (DOE/OCRWM), Marsha Keister (INL), Dan King (Oneida Nation), Corinne Macaluso (DOE/OCRWM), Titto Moses (CTUIR), Stanley Paytiamo (Pueblo of Acoma), Willie Preacher (Shoshone-Bannock Tribes), Cathy Reynolds (DOE/GC), Larry Stern (CVSA), Kevin Tafoya (Santa Clara Pueblo), Neil Weber (Pueblo de San Ildefonso), Andrea Wilkins (NCSL), Sarah Wochos (CSG-MW)

DOE support contractors also participated in this call.

Action Items:

<u>Responsible Party</u>	<u>Action to be Taken</u>
Jay Jones/Corinne Macaluso/ Wilda Portner	Email and fax 180(c)-related 2006 <i>Federal Register</i> Notices to Tribal representatives on the Tribal Topic Group membership roster. (Note: As the subject Notices have not yet been issued, this is a carry-over item.)
Wilda Portner	Send Stanley Paytiamo's (Pueblo of Acoma) email regarding input on emergency response authority to Jay Jones and Corinne Macaluso. Also forward a copy of Ed Gonzales' email to Jay Jones to Corinne.
Stanley Paytiamo	Send Wilda Portner copy of wallet-sized version of MOU between Acoma, Laguna, Ramah Community, Cibola County, and State of NM, for distribution to Group.
Jay Jones/Corinne Macaluso	Draft a letter to Tribal Leaders identifying the term "responsible jurisdiction."
Wilda Portner	Distribute Jay's 2006 Waste Management paper on tribal communications related to Yucca Mountain to the Tribal Topic Group. (Note: In accordance with copyright agreements, this paper will be distributed following the end of the Waste Management conference in March 2006. Copies might be made available at the March TEC meeting.)
Jay Jones/Wilda Portner	Draft an agenda for the March TEC Tribal Topic Group meeting and circulate to the membership for review and comment.
Willie Preacher	Provide Jay or Wilda with copy of MOU between the Shoshone-Bannock Tribes, county, and State for distribution to the Topic Group.
Corinne Macaluso/Elizabeth Helvey	Update 180(c) paper and send to Wilda for distribution to Group.

Summary:

Jay opened the call with the round-robin of participants. The main topics of discussion included expanded Tribal participation in Topic Group, status of 180(c) Federal Register Notices, revised 180(c) paper, information on tribal emergency response (based on questions posed in email to Tribal Topic Group members), update of Tribal contacts, future meetings with Tribes, March 2006 TEC meeting, updates from the Tribal representatives on the phone.

Expanded Tribal Participation in Tribal Topic Group

Jay Jones asked Wilda Portner (SAIC/DOE support contractor) to summarize recent attempts to expand Tribal participation in the Group, especially this month's conference call. Wilda reported that in accordance with a decision made by the Tribal Topic Group on the December conference call, she:

- Emailed all Tribal members of the Group to determine their availability for a conference call on either January 17, 18, or 19;
- Faxed a copy of the email to Tribal members who did not respond immediately; and
- Followed up with phone calls to those who did not return the email or respond to the fax.

When January 18 was selected as the call date, Wilda followed a similar procedure for notifying Tribal members of the call. All other Tribal Topic Group members and support contractor staff were notified by email. Eight Tribal representatives participated in this month's call.

Update on 180(c) Federal Register Notice/Paper

Corinne Macaluso reported that a draft proposed policy and procedures document for Nuclear Waste Policy Act Section 180(c) is ready to go to DOE's Office of General Counsel (OGC) and Office of Public Affairs concurrently. The document covers how to implement 180(c); OCRWM staff hopes to issue the *Federal Register* Notice for public comment in February 2006. The Section 180(c) grant guidance document is now in the Office of the Director of OCRWM.

Corinne then led discussions on the draft 180(c) grant paper recently circulated to the Tribal Topic Group for comment. Earlier discussions of the Tribal Topic Group indicated that a needs assessment approach might be more appropriate for meeting Tribal needs than a formula approach. Willie Preacher said the formula approach might work for some Tribes. Corinne told callers that the Tribal Topic Group will eventually need to make a recommendation to OCRWM management as to whether to proceed with the needs assessment approach or the formula approach.

Willie Preacher asked whether 180(c) funding would be in jeopardy for Tribes who already have transportation-related agreements in place with the Waste Isolation Pilot Plant (WIPP) and the U.S. Navy for their shipments. Corinne responded that the funding would not necessarily be jeopardized but existing resources would need to be taken into account.

Ed Gonzales inquired how OCRWM would coordinate with Tribes who are working with local communities for emergency preparedness and response. Elizabeth Helvey (BSC/DOE support contractor) answered that the guidance document says grant applicants should identify any mutual aid agreements in existence. Along the same lines, Stanley Paytiamo mentioned Acoma Pueblo's Memorandum of Understanding (MOU) with the Laguna Pueblo, Ramah Community, Cibola County, and the State of New Mexico. He agreed to send a copy of the MOU to Jay Jones for distribution to Group members.

Jay Jones pointed out that timing and eligibility for funding both address jurisdiction. Ed Gonzales said copies of multi-jurisdictional agreements and New Mexico law enforcement agreements that could impact jurisdiction should be obtained and distributed to the group.

Sarah Wochos asked if the definition of “responsible jurisdiction” is going to be updated. Corinne replied that the definition is not currently in the *Federal Register* Notice, but OGC will be asked to review the definition stated in the 1998 Notice. She added that OCRWM is trying to determine who has emergency response authority and jurisdiction. An email was sent to Tribal Group members requesting information on their authority and jurisdiction; a few members have responded. Corinne asked Tribal Topic Group members to consider whether the 1998 definition of “responsible jurisdiction” is appropriate as written. Jay told callers to respond to Corinne and that we would discuss the definition at the March TEC meeting. Jay and Corinne agreed with a recommendation that OCRWM send a letter to Tribal leaders (particularly leaders of the 39 Tribes) to address the definition of “responsible jurisdiction.” Corinne said she would send a memo to OGC about the definition, including comments received from the Tribes. OGC will have the final “legal” call on the matter.

Nevada Tribal Interactions

Vicki Best (BSC/DOE support contractor) said the American Indian Writers Subgroup is considering an onsite rail tour in the next month or so. The Writers Subgroup might append their original input to the Caliente Corridor Rail EIS.

Next TEC Meeting

A formal announcement had not been made at the time of the conference call, but the next TEC meeting will be held March 14 and 15, in Washington, DC. The Tribal Topic Group will meet between 9:15 and 11:30 a.m. on March 14. A draft agenda for that meeting will be forwarded to the Group in the near future for review and comment. The key focus will likely be on 180(c).

Other Announcements

Jay will be in California in February and will be meeting with several Tribes in the Palm Springs area. If any members of the Group would like Jay to meet with their Tribes, let him know.

Jay will be presenting a paper on Tribal communications at Waste Management in Tucson in February. A copy of that paper will be distributed to the group following its publication (in compliance with the copyright agreement).

If Group members are interested in having another conference call before the TEC meeting, they should contact Jay.