

**State and Tribal Government  
Working Group  
November 4 to 6, 1997  
St. Louis, Missouri**

**PROCEEDINGS**

MARTHA CROSLAND: --St. Louis, the first meeting that STGWG has had since I believe it was December of 1995. We're anxious to begin an important two-way dialogue with you on the future of this important forum.

I would like to begin this by having us go around and introduce each other, and then I will turn it over to Elaine Hallmark, who's going to facilitate the meeting for us, and then we will have opening remarks by Al Alm, our Assistant Secretary for Environmental Management.

Should we start with Tom Winston?

MR. WINSTON: I'm Tom Winston, and I'm with the State of Ohio Environmental Protection Agency, and quite some time ago when this organization, before our hiatus, I was co-convenor with Donna Powaukee, and I guess on behalf of Donna, and I would like to welcome you to a long awaited STGWG meeting.

MR. ALM: I'm Al Alm, the Assistant Secretary for Environmental Management. And since I'll be making opening comments later, I think I'll just pass.

MR. WALKER: I'm John Walker. I'm with the State of Nevada. I work with the state agency that provides oversight for the Yucca Mountain project. I also cover EM issues for the state.

MS. REDEYE: Good morning. My name is Lana Redeye, and I'm the Assistant Planning Director for the Seneca Nation of Indians in Western New York, and I'm also very happy to be here and see everybody here wide awake.

MR. GRAINEY: I'm Mike Grainey. I'm Assistant Director of the Oregon Department of Energy and I represent Oregon Governor John Kitzhaber.

MR. MULDER: Roger Mulder, Director of the Pantex Program in the State Energy Office, State of Texas.

MR. TARLTON: I'm Steve Tarlton with the Colorado Department of Public Health and Environment, responsibility for Rocky Flats.

MR. SETSER: I'm Jim Setser with the State of Georgia. I coordinate all of the environmental programs in Georgia, and serve as vice-chairman of the Southeast Interstate Compact on low-level waste disposal.

MS. RAGAN: Good morning. I'm Ann Ragan. I'm the Federal Facilities Liaison for the South Carolina Department of Health and Environmental Control.

MR. TAYLOR: Good morning. My name is Tuss Taylor. I'm the program manager for the federal facilities oversight in Kentucky. Thank you.

MR. WILKINSON: Good morning. My name is J. R. Wilkinson. I'm the Program Manager for special sciences and resources, Confederated Tribes of the Umatilla Indian Reservation.

MR. MINTHORN: Good morning. My name is Paul Minthorn. I'm the Deputy Director for the Department of Natural Resources for the Umatilla Tribes in Pendleton, Oregon.

MS. JOHNSON: Susan Johnson from the National Conference of State Legislatures. I was the coordinator for STGWG when it was in operation previously.

MR. WARD: Good morning. My name is Paul Ward. I'm Policy Analyst for Yakama Indian Nation Environmental Restoration Program.

MR. LEMING: Good morning. I'm Earl Leming with the State of Tennessee. I'm the Director of the DOE Oversight Program for the State.

MR. WISENBAKER: I'm Bill Wisenbaker, and I work for AI in the office of Environmental Management with the Environmental Restoration Program. I'm currently the acting Associate Deputy Assistant Secretary.

MR. ALLEN: I'm Richard Allen. I'm with the Illinois Department of Nuclear Safety. I'm the manager of the Office of Environmental Safety.

MR. CHEN: My name is Marsden Chen, State of New York Department of Environmental Conservation.

MR. APPEL: My name is Gordon Appel. I'm the Deputy Director of the Illinois Department of Nuclear Safety.

MR. ROSS: I'm Ron Ross. I'm with the Western Governors' Association.

MR. GELLER: My name is Bob Geller. I'm with the Missouri Department of Natural Resources and the Federal Facilities Oversight.

MR. HEVEWAH: Hobby Hevewah, Shoshone Bannock Tribes, Tribal Council, and also a member of the Culture Committee.

MS. DOLD: Ann Dold. I work with the State of Idaho INEEL Oversight Program. I manage the Idaho Falls office.

MS. HOLM: I'm Judith Holm with the National Transportation Program in DOE. I'm in Albuquerque, New Mexico.

MR. CHESTNUT: Hello. I'm Peter Chestnut, tribal attorney for the Pueblo of San Ildefonso in New Mexico.

MR. TORRES: Good morning, everyone. My name is Elmer Torres. I'm the governor for the Pueblo of San Ildefonso. I've been involved with a lot of issues in the environmental area and I've been attending a lot of the area conferences that we've been having with respect to environmental. Currently we are in discussions with transportation issues because of that. I'm pretty much concerned for my tribe and the committee as well, and a lot of issues in regards to that. Thank you.

MARTHA CROSLAND: I apologize for the microphone situation. I checked to see if we could rectify it, but we can't, and I apologize for that. We'll have to manage the best we can. And if the people in the back of the room, is it possible for you to come to one of the mikes there to introduce yourselves? Because you're certainly key players here as well.

MS. ARMSTRONG: Good morning. I'm Dee Armstrong, and I'm with Westinghouse Electric Corporation at the Waste Isolation Power Plant. I'm here with Ralph Smith, and here for your service, really. Thank you.

MR. KING: Good morning. I'm Ron King, Director of Communications, Idaho Operations Office.

MR. YOUNGBERG: I'm Chuck Youngberg, the Trial Liaison Officer for the DOE Idaho Operations Office.

MS. MINTUR: I'm Marsha Mintur. I'm with the Federal Facilities Restoration Reuse Office at EPA in Washington, D.C.

MS. HODGE: Good morning. I'm Margaret Hodge from DOE Albuquerque, Office of Public Affairs. I coordinate the cooperative agreements with our New Mexico tribes.

MR. CLARK: Good morning. My name is Kevin Clark. I work for the Department of Energy at the Hanford site. I'm managing the Indian Nations Program and the cooperative agreements with the Nez Perce, Umatillas and Yakama Indian Nation.

MR. WHITE TAILFEATHER: Alexander White Tailfeather, and I work for Martha Crosland in the Office of Intergovernmental and Public Accountability.

MR. PETROSIC: Good morning. Grant Petrosic, Department of Energy. I work also with Martha Crosland. I also am doing work on the Foreign Research Reactor Spent Fuel Program.

MS. HALLMARK: Hi. I'm Elaine Hallmark, so I'm going to be wandering around here in the back. I think I did see one or two people join the table that got missed in the introductions. Do you want to do that?

MR. SMITH: I'm Ralph Smith. I'm with the U. S. Department of Energy in Carlsbad. I'm with the WIPP project.

MS. HALLMARK: Who else got missed? Linda, I think you weren't there to introduce yourself.

MS. SIKKEMA: I'm Linda Sikkema. I'm the alternate representative from the National Conference of State Legislatures.

MS. HALLMARK: Was there anyone else who joined? Oh, and Catherine, you didn't--

MS. VOLK: I'm Catherine Volk with the Department of Energy in Martha Crosland's office.

MS. HALLMARK: Great. Well, I think people thought it might be good if I took just a minute to kind of acknowledge some ground rules with you. And since it's been such a long time since you've met and since I've never worked with you as your facilitator, it might be good if you would help me understand how you would like me to best help you have your meeting and accomplish what you'd like to do today.

So are there ground rules that come to your mind right away that would help or that you are expecting in the meeting, and maybe I can just quickly jot some down here, and then we can get on with all the presentations and information this morning? Anybody want to--okay, Tom's going to start us off, and then I might add a couple suggestions.

MR. WINSTON: In the past, we have used the tent card as a way in which to keep the flow of discussion going, so that if you need to talk, put up your tent card, and it seems to have worked pretty well. So I would just suggest that.

The other thing is I know a lot of people don't like microphones, but this is a large room and the acoustics aren't very good. If you're not talking into a microphone, the sound just dies. So I was hoping that we could have a ground rule that we all use microphones so that we could make sure that everybody is heard. That means that some of the people that are kind of the custodians of the microphones, people like J.R. and Steve, are going to have to be passing them up and down the row, but I guess I would propose that.

I have a third one, and it's also a point of explanation. In your packages is an action item list, DOE action items, state of tribal action items, possibly facilitator action items. This

is just an example. These aren't pending action items, but these are some--this is a way in which when someone says they're going to do something, you know, I'll follow up with you or I'll send that out to you, that could be added to the action item list so that we're sure that it's going to be taken care of. And often at the end of the meeting, we would go over the action item list to make sure that everybody was clear that they had a deliverable that was due at a certain point in time.

So those are three that I would propose.

MS. HALLMARK: Okay. So is that okay with everyone? We'll use the tent cards, you know, to be recognized, and I'll try to help, and I know Tom will probably help as well to see what order they're going up in and come around to you in that order.

There may be a time--what I would suggest is that if there is a time when you're in some particular discussion and there's a reason to go out of order like that, that you could additionally, you know, sort of wave your hand or something to let me know that that's a direct connection to the other topic, and we might want to ask permission to do that. That's one thing that keeps it from being quite as stilted if that becomes a problem.

And then is anybody objecting to using the microphone, even though it may be difficult? We have our person back here I'll just acknowledge, Chris, who works for the hotel who will actually raise and lower the level of mikes as you use them, so that you won't be picking up noise from the mikes in between you if no one's using it. So just so you're aware of that, and I think they come out of the holders, too, so if it's easier to just pass it that way by hand for a minute, you can try that.

And then Tom's point of tracking action items, and I assume, Tom, you're saying that you would track them, but maybe ask the group to help be sure when there is an action item, and I can also try to help you, help catch those things and track action items.

What about keeping to the agenda and the time schedule? How do you like to do that? Do you want me to help you try to maintain a focus and keep fairly well on track with that time schedule? I see some nods going around. Is there any other, like maybe how much flexibility, or do you want me to just ask you if you're getting off, like do you want to change it? Mike?

MR. GRAINEY: I think we shouldn't be too slavish to the times here. When we had our working group conference call, we talked about just having a few issues that would allow extended discussion and dialogue. I think it's more important that we have that discussion and then worry about the time, as long as we're within a reasonable bound. So that's what I would recommend.

MS. HALLMARK: Any other comments on that or concerns about that? Tom?

MR. WINSTON: I agree with Mike, and maybe what you can do, if we start to get way off track, maybe as facilitator, you can say, well, let's pause a minute and see where we're at, and then bring it up to the group. I think that that often works well.

MS. HALLMARK: Okay.

MR. WINSTON: So I would ask that maybe you take that on, sort of monitor, be our time keeper, but not to the point of disrupting a good flow of discussion.

MS. HALLMARK: Okay. So I can watch the time and remind you, you know, how far off we're getting, if that is happening.

And then the other thing I usually ask groups to do, which is somewhat connected, is actually to treat each other with respect and listen to one another, and that also goes to that kind of monitoring your own use of time, you know, taking the time you need, and participating in the discussion, being part of that, bringing out what you want, but then also, you know, recognizing there is--you probably do want to end by the end of the day, so there's a finite amount of time, and you can all help to balance that. Is that okay if I ask you for that, too?

Is there anything else in that respect that you'd like added to the ground rules? Anything else I should know about?

(No response.)

MS. HALLMARK: Okay, I would encourage you to, if there is something that isn't working well, to actually bring it up and maybe suggest that we add something to the ground rules, or just bring it to my attention so that I can help you.

And with that, I will let you just get started on your agenda and hear the opening from Al Alm.

MR. ALM: I plan to be fairly brief in my introductory comments. First of all, let me welcome all of you to a hopefully revived state and tribal government working group, STGWG. This is the, unfortunately, the first and last meeting that I will be attending as a group, but I do think it's very important that the tribal nations and the states, through a forum like this, help participate in developing DOE policies.

We have a unique situation within the department. First of all, we will be working and submitting a draft 2006 plan in February, very shortly after the President's budget. So that the kind of input you all have on these two particularly important issues, cultural resources and transportation, I think will be extremely important.

Our 1999 budget has been submitted to OMB, but in no time at all, we'll be starting to work with you all on the 2000 budget and beyond, both as part of the 2006 plan and also in terms of just the 2000 budget.

Anyway, let me again welcome you. I'm really here to listen. I believe that there's much to be learned in a forum like this. So thank you all for coming, and why don't we move ahead.

MS. HALLMARK: I think Tom actually wanted to share, didn't you, from the Executive Session a little bit of what you all discussed?

MR. WINSTON: I'll also be brief, and then I think we probably want to go into some questions for AI or some comments. And so my point here is to share the highlights of actually a very good discussion we had last night at our Executive Session.

I think first and foremost, the group reaffirmed the importance of a tribal and state dialogue. There were a number of comments about the richness of that dialogue that helped each state and each tribe, that all the participants took something away that added value to their own interaction with the Department of Energy. And then of course you add on top of that the input that can be provided by the unique coming together of tribal and state interests.

So we spent some time, since we hadn't met for a while, kind of taking stock on both looking back at the past and trying to look ahead at the future of really what contribution it made to each of us, and what contribution we felt that this forum can make to the department. And once again, in summation, we reaffirmed the importance, and the critical importance of that dialogue.

One of the primary focuses, I guess, or outgrowth of the STGWG experience has been the level of communication that occurs certainly between the tribes, between the states, and then also between the states and tribes, and I think as a minimum, there was a recognition that before we leave here, we want to find out how we can certainly continue that and enhance that. I'll get to that a little bit later. But the communication aspect clearly of the meetings, the sharing of experiences, was something that all the participants mentioned as a critical component.

Some specific issues that were raised, though, I think that there was certainly a concern with your departure, because I think there was a feeling that you were a critical reason why this forum was called together after its hiatus, and I think there's a concern as to what level of commitment your successor may have, and maybe one of the things you may want to address when I hand the mike back to you is your feeling in that regard and what you think the situation is.

But I do feel that we appreciate certainly the commitment that you've made to re-invigorate and reconstitute STGWG, but with your departure, I think that there's at least some question about what the future holds and how much firm planning we can do without knowing your successor's perceptions and desires for this body.

Secondly, I think we're always aware of the budgetary situation, and because of the budget cuts, because of what's been happening in headquarters, I think we have some

questions about what level of support the department can commit to. We recognize that if this organization is going to be effective, it's going to need to have a certain threshold of stable funding, kind of like we've all been talking about for the individual sites that we're interested in. Certainly this organization is going to need to know how it fits into the overall picture and what kind of resources can be provided for our meetings, for possibly staff support.

One of the issues that came up, I guess I'll mention as the next issue, is that if this organization is going to have as much impact as it can have and should have, some level of staff support, depending on the issue, is really going to be needed. In the past, we had an arrangement with NCSL. Susan Johnson, when she introduced herself, mentioned that she was the coordinator. She was staff support to the committee, she was able to keep a lot of loose ends, not really so much logistically, certainly NCSL had done that historically, but I think that Susan was able to help us bring to completion some of the papers that we put together on partnering and on streamlining and on cultural values. And without that level of support, I think we recognize that we have a lot of busy people on this committee, and that we're not going to be able to be as effective as we could.

I think we're interested in hearing from DOE how you are sorting out the various stakeholder inputs that you have. I mentioned this last night, but I really feel that a tribal voice at the national level, and certainly individual tribes have been vocal, but the collective voice of the tribes has been absent for some time, and I really appreciate the fact that you are attempting to correct that.

But the question becomes with so many different venues for you to receive input, such as the Environmental Management Advisory Board, the National Governors' Association, the collections of site specific advisory boards, all coming in at the national level, and there's others as well, how are you sorting that out and how can we help sort that out. And I'm not sure how much we'll get into that at this meeting, but I think that's a question that we have.

I think many of us feel that there is a--DOE needs a lot of input from outsiders if they're going to solve some of the daunting challenges, and so I'm not sure that we want to make it a competition between groups, but obviously some level of efficiency and some level of mission and direction is needed if each of the groups is going to be the most effective that they can be in providing input to the department.

Two of the issues that are I guess specific, planning issues that are of interest to the members, certainly the 2006 plan and really strategic planning initiatives in general, I think that there has been a lot of debate across the country about the 2006 plan and there's probably some assistance a networking group like this could provide in sort of helping with the outreach effort.

I know talking to you, Al, there's been frustration on your part that sometimes the 2006 plan might have been misunderstood, and often the interactions with stakeholders didn't go as well as you had hoped, and I think that there's some lessons that can be learned

there, and possibly a broad base group that is representative of certainly the governmental interests can provide a vehicle to really enhance once again the richness of the dialogue or the debate. Maybe there's some lessons from the last round of stakeholder interaction on the 2006 plan that we can bring to the table and discuss.

The national dialogue was mentioned. There's certainly a lot of uncertainty about what the status of the dialogue is, whether it will be moving forward, and if so, in what form. And certainly if it does move forward, what is the role of the governmental agencies of the tribes or the governmental organizations of the tribes and the states in that discussion.

We ended up spending some time, and I think we want to make sure on our session on Thursday we really have a vision and maybe a plan for where we're headed. Our hope is that as we leave here, we have a good idea, or the department has a good idea where we're headed. I think it was Jim Setser offered the suggestion that maybe independent of funding, we really step back and take a look at what we want to accomplish. What is our vision, independent of what the resource issues are, that that would probably be more telling of where we want to head, what this group constitutes by its membership and what its opportunities are.

There was some discussion that we may want to clarify some specific chunks of, like a one year chunk or a two year chunk of activity so that we really have a plan of areas of interest and areas of focus, and possibly that would be something we could share with the new Assistant Secretary when he or she would take office.

There were a few other specific issues that I think that came to the floor, and two that I'll mention. The issue of perpetual institutional control, which is sort of an unanswered question about how we resolve that issue, there was a lot of interest and I think there was a feeling that no one's really taking a look at that, at least from an external discussion standpoint. And then certainly the near-term RODS, the records of decision, especially those that are part of the PEIS, those were two areas of strong interest by the participants at the table.

So I think with that, I'll stop and I'll ask if there's any other members of STGWG that want to add anything to that, anything that I missed that we would need to share with AI.

(No response.)

MR. WINSTON: Okay. Well, with that, we can have questions. I don't know, there were a couple things I mentioned, and maybe I'll just ask you first, start off the questioning, what is the level of commitment, especially with your departure, not to put you on the spot or to have you commit someone who's going to be your successor, but from the vantage point of this organization, not having met for probably a year and a half, your effort to reconstitute it, and now with your departure, what can you tell us from a candid standpoint is the situation.

MR. ALM: Well, it's easier to commit people to a course of action when you don't even know the people, but I'm going to argue that certain kinds of activities tend to be more or less inevitable. And I think that STGWG is that kind of inevitability. As the Environmental Management Program is accelerated to the 2006 plan, and I also believe that the 2006 plan is firmly institutionalized, you know, both by the Secretary in his creation of pilot projects at certain sites, and by the appropriations committees who have asked for a budget structure that really reflects projects that will be done before that, or after that.

So we have a lot of issues that are bubbling up in a way that they didn't before. Now, when you do have a long-term plan, it brings up a range of issues that you can avoid if you just incrementally make decisions on a year to year basis, so we're willing to sort those out.

Martha and her staff certainly is committed to the continuation of STGWG, and I would certainly in my memo, I'll advise to my successor, assuming we can find somebody in the country that will take this job, but I would certainly recommend continuation of STGWG. I think it's a very important organization.

You know, your comment about communications is absolutely right. I've found that in moving something like a 2006 plan, I've been to all the sites, I've met with numerous stakeholder groups, some of the Native American tribes, and communications is just a continual grinding operation. The wrong signals or misconceived signals seem to pass along at the speed of light, while any of the more positive attributes move along more slowly. So communications is really very important.

I think this is the one outlet on a national level where the Native American tribes can really participate, and I think that's an important mechanism for participation. The government will also participate through the NGA, or the Western Governors' Association or the Southern Governors' groupings, but for the Indian nations, this is really kind of a unique opportunity. I would think that it's unlikely that this kind of a mechanism would be let lie fallow again. I think we need to make this work. I think we need to make it a very action oriented part of the framework we have for getting public participation in the program.

MS. HALLMARK: Okay. I think we have on the agenda about 20 more minutes for just discussion here. So if people would like to open it up for other kind of questions or comments or followup on some of the things Tom raised, what's your pleasure? J.R.?

MR. WILKINSON: In the Executive Session last night, there were a number of issues that were discussed, and I guess maybe just a point of question or process, can we capture the eight points or nine that Tom listed, and in essence, I think we've addressed the first one, but we still have some more to go through. So maybe what we could do is capture those on the flip chart and basically somewhat mechanistic walk through them and let's discuss them.

MS. HALLMARK: And just hear responses?

MR. WILKINSON: Right.

MS. HALLMARK: Okay. I actually did capture them. I didn't write them up there, so maybe I can get you started on them, and then I can list while you're talking.

MR. WILKINSON: Okay.

MS. HALLMARK: So let's hear what Roger's comment or question was first, and then I'll just come back to that.

MR. MULDER: Well, I just had a more parochial interest on what your reaction was to the WCS court decision and what impact that will have on the other states if that court ruling stands.

MR. ALM: Do all of you know what the WCS--I'm trying to think of where to start. We have been using the facility as a commercial disposal site for low-level waste, and we had a procurement which we were finishing in the state for mainly Ohio waste, and WCS sued the department, actually sued me and Mary Ann Sullivan as officials. And the district court in Texas actually put on an injunction preventing us from entering into any new contracts for the disposal of low-level waste. If this goes on for a long time, it will certainly have a negative impact on the Fernald 2006 plan and the regulatory requirements for Fernald.

I am not aware of what our full strategy is. There's a meeting with the Secretary last night, which I did not attend because I came out here, to decide some of the next legal steps. But it's something we're very, very much concerned about because it's, in a sense, having a major impact on our ability to use commercial sites, and that raises all kinds of other questions, if not commercial sites, what sites. So I hope that was illuminating?

MALE SPEAKER: Can I ask a followup on that?

MR. ALM: Yes.

MALE SPEAKER: I want to ask a followup on that. I guess first from Ohio's standpoint, we didn't ever envision people fighting over our waste. We thought it was probably just the opposite, but it's one of the ironies of this business.

Part of the, as I understand, and I've tried to follow this somewhat closely but it gets confusing, but both due to a court decision and possibly either an internal or a Justice Department interpretation, it would appear that there is possible coverage of DOE contractors under the Atomic Energy Act, which would make them exempt from, for example, state requirements. That has been part of this, and I think that's one of the--on the one hand, people are following this closely to see how this competition between commercial vendors will play out, but there's also the underlying concern about extension

of DOE's immunity to contractors and possibly into areas such as siting. And I guess I'd like for you to maybe respond to that on what the current situation is and who are the players in making ultimate decisions on this.

MR. ALM: Well, the issue that was posed by Judge Kendall in the suit, he basically concluded that the state or NRC regulation was inappropriate and that only DOE under the AEA had the authority to grant permission for disposal. We have exactly the opposite position that--DOE has the authority to regulate. We've looked to states to provide that regulation.

If we settle this case, then the question comes on can DOE go into other states, not that we're particularly likely or desirous of doing so, but could we go into states in theory and create more disposal sites. And I suspect under Judge Kendall's logic, that would be possible, because the only way that WCS would be a commercial competitor would be that DOE would provide the licensing requirements.

I suspect what we'll be doing is an environmental assessment of this policy change, you know, whether the policy change is really meaningful, and if we went ahead with WCS, there would be also a site-wide EIS. So we have some issues to sort out, but it would be through an open process, unless a decision was made last night that would be contrary to this, which I doubt would be the case. Does that answer your question?

MALE SPEAKER: Yeah, it does. I think that there would be a lot of interest among the parties at this table in that. I would suspect the tribal representatives would be very interested in this, too, because it gets to the point of the authority of the federal government to make decisions that we had felt were to be made in partnership. So I think that's an important issue to all of us.

MS. HALLMARK: Mike, did you have a followup?

MR. GRAINEY: Yes, a followup also on this. I had read one of the newsletters yesterday that DOE was going to appeal that case, appeal the judge's decision. Is that a definite decision that's been made, or is that part of last night's meeting?

MR. ALM: As far as I know, there's no definite decision.

MR. GRAINEY: Because the states, I know through the NAG group, National Attorney General's group, we're looking at whether to join the lawsuit as well to intervene, because we are very concerned about the implications for state permitting authority, and that's something that if you haven't, if the state and tribal members haven't seen the case yet, I recommend you look at it very closely.

MR. ALM: Yeah, the dilemma, there's no doubt that if we hadn't gotten an injunction, and this was merely a legal interpretation, we would sue--there would be no question. But if we sue, you know, then we've got a substantial delay, and that will obviously delay the Fernald project, among others. So we just need to sort that out.

MS. HALLMARK: Okay. Is that enough on that topic right now?

MR. ALM: It's enough for me.

MS. HALLMARK: Well, I have put up, if you can read my handwriting, the list that I got out of what Tom stated. And Tom can maybe check it and see if I've missed some things. But we might just check in on the things you'd like to hear most about right now. You've already heard from Al on the DOE commitment to STGWG. I don't know if you'd like a followup on the budget. That was listed as a specific question, about the level of support. And then the various voices at the national level, how is DOE sorting those out and how can STGWG help that. Then there were specific things like the 2006 plan, the national dialogue.

I listed the vision plan for STGWG. I think that was more, if I understood Tom, a charge that the group wanted to be sure it accomplishes before the end of the meeting. And then there were two specific kind of substantive issues about perpetual institutional control, and near-term RODS.

Now, I assume as you go through some of your presentations, you're going to get into some of those issues, but it may be good to have some quick followup or dialogue questions, responses, right now on some of those.

So is budget level--I mean, I'm just going to start at the top--is that something you need to hear more about and/or, Al, you can say anything about, budget level for STGWG?

MR. ALM: I've learned over the years not to make budget decisions with huge numbers of people. Seriously, I think you all will be talking over the course of the next couple of days about what you want to achieve. I've asked Martha to put together some options in terms of funding and organization, you know, who would staff, et cetera.

MS. HALLMARK: Okay. Do you need to say anything Martha? Okay. So maybe we can move on to that next one about the various voices that are speaking at the national level, and how does DOE sort those out, how can STGWG help.

MR. ALM: Well, as I think I mentioned earlier, these views will be captured in the 2006 plan, both in terms of pros and in terms of--in our public comments thus far, and in the meetings that I've had, people expressed a real concern about ground water, and the priority associated with ground water. That's going to be focused on in the draft plan.

Another question is long-term stewardship, you know, what is the department's obligations and its approach. That will need to be focused on both in terms of pros and maybe in terms of some kind of a view, I'm not sure. But that's the place to bring about the input.

We have a lot of input and there's no, you know, one simple--in fact, I don't think it's possible to get one simple group of folks that represent everybody else. I really believe that multiple chains of advice is really going to be the most useful way to do it.

MS. CROSLAND: And this is an issue we have--I agree totally with what Al said, and we have been struggling with this ourselves. We have pulled together, and I don't think you've got it in your packet now, I think that we will hand it out, and it shows some of the complexity and a number of the different avenues that we have already planned for getting involvement with intergovernmental groups, such as yourselves and with the general public, and how it feeds into the 2006 and feeds into the RODS. So it's work in progress; it's something I would like to pass out. I'd love to have input from you in terms of how we can improve it, display it differently.

Unfortunately, because of the complexity, it is not an easy chart to look at. We describe it as our eye chart, but I would like to give it out to you because it is something we are thinking about and working on.

MALE SPEAKER: At what point in the agenda will we be doing that, Martha?

MS. CROSLAND: Let me just pass it out, and we can--so you can have it as a frame of reference as we go through the discussion.

MALE SPEAKER: Okay. You do have it here?

MS. HALLMARK: Go ahead and just distribute them now so you can have it to look at. It might be something you do want to talk about, where some of this discussion could continue in your agenda. What I'm hearing I think is that this question about the various voices at the national level brings in issues of the 2006 plan, the national dialogue, and then those RODS in particular that Martha just mentioned.

Is there anything else on that that people want raised or highlighted now, or any thoughts about when and where you want to discuss them? Go ahead, Tom.

MR. WINSTON: Well, I guess I was going to just follow up a little bit with either Al or Martha. Right now, and I like what Al said about multiple chains of advice is what the department needs, in fact, that was similar to a comment I made last night because I do feel the department needs more input rather than less if they're going to have successful decision making and sellable decisions.

At the same time, there's uncertainty on the part of the various groups about where they fit in. Does that provide problems to you? I mean, I guess I'm trying to find out how much leadership you are going to be providing--maybe leadership isn't the word--but how much direction you're going to be providing, how much concern you have about overlap of various issues that groups are looking at. For example, if the Environmental Management Advisory Board has a subcommittee that primarily looks at the 2006 plan, how does then other groups' input on the 2006 plan, which everyone is going to have

input on that, how does that fit in? Does that cause you problems? Are you really overly concerned about overlap or redundancy, or is it more like Al was saying, where there's sort of a multiplicity of inputs is really what the department is looking for?

So I think that would help us. You know, certainly what we don't want to do is spend a lot of time putting a you might call it a program plan together of the areas we want to work on, only to find out at the eleventh hour well, no, that's really--that's not what we had in mind. I guess we're trying to really read your mind on how much direction you want to give.

MR. ALM: Let me talk to some of the avenues for advice that we have. The Environmental Management Advisory Board is made up of selected stakeholders. It's very helpful to me in terms of getting advice. I would say, though, it's not the kind of group that represents really any particular constituencies. Most of our advice on individual sites comes from site-specific advisory boards. And, in general, this has been a very successful mechanism. We did have a meeting of all the SSABs last week. And so that's another mechanism for getting--it's an input on the integration issues.

I think it's important to separate the site-specific issues from the inter-site issues. On the inter-site issues, you know, we have a number of mechanisms, the SSABs, STGWG will certainly be one, the National Governors' Association, Western Governors' Association.

I think that you all could be most helpful if you focused on a finite number of issues, as compared to trying to cover the entire waterfront.

MS. HALLMARK: Anything else? Martha? Martha seconds what was said. She's not getting a mike very easily.

Is there anything else? We're just about at the end of this time period anyway, but anything you want to highlight or to question out of that, or anything more specific? I think I acknowledge that it seemed like those last few sort of rolled together and are going to be part of what you're going to be talking about throughout this day and a half, at least as you figure out where you are going to focus.

No one mentioned anything about the issue of perpetual institutional control. Is that something that you need any comment about right now? Go ahead, Earl.

MR. LEMING: As I mentioned last night, Oak Ridge is facing a number of records of decisions, site-specific records of decisions, that obviously with hundreds of acres of burial grounds, those decisions are very specific in terms of whether to remove or whether to leave material in place. Dealing with particularly the long half-life materials, this is not a decision that comes very comfortable of leaving materials in place over a hundred years, a thousand years or ten thousand years, since the risk tends to go up over time. The near-term cost is tremendous. The near-term risk is probably lower.

From that standpoint, the state has raised a very specific concern in Tennessee about how to deal with this aspect, either from a technology, a continuous funding, or a perpetual institutional control mechanism. CERCLA doesn't lend itself to that process. It has a re-evaluation every five years. When you look at the 2006 plan and the curve of funding that falls off out at the outer end, particularly as it relates to the EM program, then perpetual institutional controls and the mechanisms to ensure the health and safety of those sites, both from an ecological or human health aspect, is very important.

It's not just a Tennessee issue; sites all the way across the country, and it very much is an issue that is related to either tribal or to states or the nation in general. And from that perspective, it's an area that we would seek help. I think DOE would be seeking advice also, and so that's one of the reasons that before we complete and sign these records of decision that certainly not only impact Tennessee, but would impact the rest of the nation, both in terms of long-term aspects, I think it's well worth the dialogue and the effort.

MR. ALM: Which records are you thinking of, Earl?

MR. LEMING: We've got two records of decision, and these are site-specific for the Oak Ridge Reservation. One is the Bear Creek OU, which has roughly 40 tons of uranium buried in the burial grounds. That's coming up within the next six months. The feasibility study is in its second phase. The other record of decision is somewhat related also, in that the on-site disposal facility, which is a privatized effort, also depending on the waste acceptance criteria that's established for that site, also lends itself to the same aspects because it's looking at a thousand years of institutional control. So that gets beyond the area of three year budget.

MS. HALLMARK: And I think actually I misspoke when I said that no one had actually mentioned that issue. I think Al did mention it when he said it was one of the issues to be focused on in the 2006 plan.

Is there anything else, Al, that you can add about that now?

MR. ALM: No, I think it's a good issue. You know, it's one we're struggling with. We recently came out with a report on--with some ideas about long-term stewardship. One question from a departmental point of view is how do we organize in sort of the short-term stewardship, which would be the next 10, 15 years, and then the question is how do you deal with waste over thousands or tens of thousands of years. What kinds of records do you keep? I thought computers would help, but most people who have thought about it feel that probably the most important thing really is to have physical markers and ways of assuring that future generations don't drill into these areas or disturb them or understand their potential impact in case of natural disasters.

But I really think it's a good issue and I would be very pleased to get some input about how we approach this problem.

MS. HALLMARK: Okay. With that, maybe we can close off this portion and I can save this list and we can check in on it later to see, you know, if there are other pieces that you need to come back to. Is that okay, Tom?

MR. WINSTON: I think that's a good idea. We discussed earlier, and I don't want to really go back to it at any length, but the WCS issue, and it just struck me that there may not be good information that's been sent out to folks. Most of the information I have has been sent to me from Envirocare, and that's probably suspect because they have a vested interest in me thinking the way they want me to think.

So if there's interest in receiving more information on that, I would take the lead on working with Catherine Volk and the folks at DOE and NCSL to get information out to people.

MS. HALLMARK: So Mike has it here, so we might be able to get copies if you need it right away.

MR. WINSTON: Is there interest in more information on that issue?

MS. HALLMARK: Okay, it looks like there are some nods around, there is interest. Steve?

MR. TARLTON: Before we move on, in my short time working on DOE projects, it seems to me that Mr. Alm has brought something to DOE that we haven't seen much of. He's taken an approach that has focused on projectization. Let's look at what we can get done and focus on that. And he has done something that's very important to this organization, and that is focusing on integration, and I think we should recognize him for those accomplishments, and I am sorry to see you go, sir.

MR. ALM: Thank you.

MS. HALLMARK: Thank you. Okay, I think then we're ready to move onto the presentation on cultural resources, which I believe Paul Minthorn from the Confederated Tribes of the Umatilla Indian Reservation is going to make. Is that right, Paul? Do you want to come up here, or I don't know how you'd like to do this.

MR. MINTHORN: Is it okay if I just stay here?

MS. HALLMARK: It's fine with me, as long as you can get that mike working, we're fine. I'll turn this off.

MR. MINTHORN: Good morning. Good morning, Mr. Alm. It's good to see you again.

I'm here this morning somewhat as a pinch hitter. As I understand, this agenda item was proposed by Armin Minthorn, who is a board member for the Umatilla tribes. I have to

apologize for Armin. There are pressing issues back home that prevented him from being here today.

I did not have a chance to sit down with Armin to go over the topic discussion, so I've been working with J. R. to try to get up to speed and be here this morning. In anticipation of the issues that you're dealing with here relative to cultural resources, I think it's important that I might want to first give some background by way of the Umatilla tribes, and the reason why I feel I need to do that is that the Umatilla tribes share with tribes across the nation many characteristics that are common to all of us.

But the Umatilla tribes, like other tribes in our region, have a different relationship with the federal government than other tribes. That relationship is founded on a treaty that was negotiated and signed between the Umatilla tribes, the Walla Walla, Chiuse and the United States government, and that treaty is the backdrop for the relationship that exists between the tribes and the federal government. It is the first contract with America, at least our contract with America. And in that treaty, the Umatilla, Chiuse and Walla Walla tribes seeded title to the United States to 6.4 million acres of land. In return, the tribes reserved a tract of land which is now known as the Umatilla Indian Reservation.

As part of that bargain, that contract between the tribes and the United states, the tribes specifically reserved certain rights that are explicit within the treaty. Included in those rights that were reserved were the right to access the lands that they had just seeded to the federal government, the right to use the resources that have always been used by the tribes for their existence, for their religious existence, for their sustenance, for their daily materials just simply to live.

The Hanford Reservation lies, or part of it lies within those 6.4 million acres that the tribes seeded. Hanford now lies within an area that the tribes have traditionally used for many purposes, not just for occupation, but for hunting, for fishing, for plant gathering, for other resource gathering.

And so since 1855, that agreement has been in place. There have been a number of legal battles in the courts in the interpretation of that treaty, what does it mean, what did the negotiators intend, what was their understanding. And for the most part, the courts have come down on the side of the tribes with regard to our interpretation of the meaning of the treaty as opposed to state and federal government interpretation, not so much that we made better arguments, but that the federal courts have devised rules regarding the construction of treaties, what to interpret them. And some of the basic rules are that when construing the meaning of the treaties, in particular our treaty, the courts must first look to the intention of the negotiators. What did the Indians understand the treaties to mean at the time the treaty was being negotiated? That rule was developed because of the unfair bargaining positions of the United States and the tribes, since the treaties were being negotiated in the American language. It was being written in the American language. So that rule, amongst other rules, have been used through the years by the courts trying to interpret the meaning of treaties, in particular our treaty.

With the development of federal laws through the years to protect primarily in the early years antiquities and archeological sites, and later cultural resources and what that means to tribes, I'm not sure that cultural resources means the same thing to the non-Indians as it does to us in terms of our definition, what we try to define as a cultural resource, what I have found in the last decade working for the tribes in trying to reconcile our interpretation of cultural resources and tried to place that into perspective of the federal statutes that are currently in place to protect cultural resources, is that the tribes' perspective of cultural resources extend not just to archeological sites or artifacts or burial grounds. The tribes' definition of cultural resources includes human beings, the air, water, the earth itself, plants, trees. Everything that lives has been used by Indian people for one reason or another through the ages, and the tribes of course, I think like any culture, we want to preserve those resources so that we can use them today, we can use them tomorrow, our children can use them tomorrow, so that we can teach our children what these resources mean, what they were used for, why they are important.

So when we try to work with the Department of Energy and other agencies, other federal agencies, in that effort to protect those resources, we use those statutes and we try to give the broadest interpretation or the broadest definition to those resources to federal agencies. We do our best to make federal agencies understand that cultural resources are important to us because we want to preserve ourselves. We want to protect our culture. We want to be here. It's self-preservation.

We don't ask federal agencies to protect cultural resources because it's a good idea or because the law mandates it. It's a self-preservation. It's an act of self-preservation that we're seeking this.

So in our dealings with the Department of Energy and other agencies, we try to give the broadest definition, we try to fit our definition into the existing definitions in the statutes and in the regulations. We try to implore upon federal agencies the importance of using the definitions that we suggest rather than a limited definition, and it doesn't always work. Sometimes it works better with some agencies than others. Some agencies are more prone to dragging their feet and sticking with the definitions that are given to them by others.

Part of our relationship with the DOE regarding Hanford, for example, and the statutes, in particular the Archeological Resources Protection Act, the National Historic Preservation Act, the Native American Graze Protection and Repatriation Act, and a host of other statutes, is that sometimes--often times, rather, we have an overlap between our work with federal agencies in trying to protect cultural resources using the federal statutes and regulations. At the same time, we are also trying to have the Department of Energy honor and recognize the treaty of 1855.

The resources that are protected by the statutes are also protected by the treaty. The treaty protects the tribes' access to those resources. The statutes also are supposed to do the same thing.

So what the mission for tribes are, at least the Umatilla tribes, is to convey upon the Department of Energy that they have a two-fold purpose for working with the Umatilla tribes and trying to protect cultural resources in the manner that we think is appropriate, either because the statutes require it or because the treaty requires it.

What we have in place now, in trying to convey the message that Armin wanted to convey, I think what Armin was looking for was to bring to this group this need to elevate cultural resources, cultural resources management and protection, to a higher level. This is what I was speaking about earlier and trying to get the Department of Energy to understand where we are coming from, how important cultural resources are to us, and that cultural resources, the definition of cultural resources is much broader than what we've coined as stones and bones.

Currently, we have a number of activities in the Hanford area that are ongoing. One of the problems that the cultural resources program for the tribe has had is that with the current statutes in place, much effort is being put forth by the Department of Energy to comply with the National Historic Preservation Act, that is, that there are cultural resources at Hanford, both historic and prehistoric. Our experience is right now that the majority, the vast majority of effort by the Department of Energy in complying with the National Historic Preservation Act are geared toward the historic resources.

Hanford is an area that is rich in cultural resources. The Columbia River that runs along Hanford is the last free-flowing stretch of the Columbia River. It's still a river. It's not a reservoir. It's a river there. That stretch of the river includes a national registered archeological district. There are cultural resource sites flooding that entire area on both banks. Since Hanford was fenced off years ago for the government's need for the war effort, much of Hanford is still in pristine condition, untouched, untrammelled, undeveloped. As a consequence, the indigenous plant species and life species that are there are important to us because they're gone from other places in the Columbia basin. They're extinct; they're wiped out. So places like Hanford are a repository of endemic species that cannot be found, cannot be used by tribes anywhere else. So for that reason, Hanford is important to us.

There are archeological sites, burial sites, occupation sites all over Hanford. It's in the written record. It's in the literature. We've commented on a number of activities at Hanford pointing out much of this. But we continue to see the efforts by the Department of Energy to review adverse effects to historic resources, historic resources such as concrete buildings with tin roofs that were used for some part of the war production efforts there at Hanford. Those buildings receive attention, yet cultural resources sites important to the tribes do not.

Why? Why is that? That is the question that I think Armin wanted to get at, is why is that, why is it that the mission of DOE in complying with the statutes regarding cultural resources protection, why is it that these concrete and steel structures as part of the war effort are important? Why are they being considered for the National Register of Historic places, and yet we have 10,000 year old sites up and down the Columbia River right

there. It seems to be a continuous cycle of trying to understand the cultural resources that are out there and trying to get a handle on how to manage them.

Well, the concrete and steel structures are there. I suspect that they will be there for some time until they're dismantled or they're preserved because they are culturally significant to the country and are, therefore, they should be put on the National Register and preserved and protected, but burial sites and archeological sites, plant sites that are important to us, those do not.

So what we would like to see is some balance. When the Department of Energy determines that they need to comply with these laws, somebody somewhere within the decision making chain must acknowledge that there are cultural resources that are important to the tribes, and that they are eligible for nomination to the National Register of Historic Places, and they need to be preserved and managed as such, not just the concrete and steel war structures. So somehow or another there has to be some balance in the decision making. That's the way the tribes see this thing.

I was trying to get a better idea here of where Armin was going, and I was looking at some materials here that were prepared, and I have to tell you that I think what Armin was suggesting here was that this group develop a policy or a set of criteria for DOE to use to recognize culture resources and to protect them during an environmental cleanup.

The first thing that came to my mind was that's a reinvention of the wheel. There isn't any need for this group to develop that policy. Those policies are in place. Those statutes are in place. The regulation is in place. And that's all aside from the government's obligation to the tribes under the treaty.

What we really need is some participation by the tribes, not just the Umatilla tribes, but I think by the tribes nationwide that are involved, affected tribes, in the prioritization of the funds that Department of Energy determines it needs on an annual basis to comply with these federal statutes. That is not to say that the tribes are intending to interfere with the Department of Energy's mission of cleanup and its other missions regarding these sites, but there has to be some balance.

There really isn't a need in my mind to reinvent the wheel here by developing policies upon policies. President Clinton has already issued a couple of Executive Orders dealing with this subject matter. The infra-structure is already in place. We work closely with the Washington State Historic Preservation Office, the Oregon SHPO, the Idaho SHPO. We have a working relationship with all of the federal agencies that we have to work with, not just DOE, but the Corps of Engineers, Bonneville Power, Forest Service, and each and every one of those federal agencies has their own spin on complying with these federal statutes, but I can think of no other department that is in a better position to develop and implement plans to protect cultural resources.

I say that because of my experience in dealing with federal agencies, at least in my region. The Forest Service is probably ten years behind the Department of Energy in

understanding some of this stuff. The Corps of Engineers, they're like the DOE in terms of being a bureaucracy. It's like trying to roll a dinosaur over. They're just--it's very hard, but we're moving on them. The Corps of Engineers, for example, is the agency that we're dealing with on the Kennewick man, very complicated, very protracted, many interests involved. But the Department of Energy seems to have a consistency about it in terms of their operations, in terms of the issues that they are dealing with, and in that sense, what I see the Department of Energy doing, at least regarding cultural resources, is that they are able to develop the necessary budgets and infra-structure to do the things that we want them to do and the things that they need to do, as opposed to other federal agencies that, number one, just either don't have the inclination or the capability to do some of the things that we're asking for, either because of financing, budgets, or the way that their budgets are developed.

The Department of Energy, for example at Hanford, I think somebody was saying earlier, you know, some of these areas are going to be contaminated for a long time to come. So with the need to bring balance to the decision making about cultural resources and the expenditure of money towards that end, we have a need then I guess for the tribes and the Department of Energy to come to an understanding on how the Department intends to comply with these federal statutes, and also how it intends to fulfill its trust obligation to the tribes under the treaty, or just its obligations to the tribes under the treaty, and I'm not sure how that's going to occur. I know that there are a number of mechanisms that the tribes have used with other agencies, such as memorandums of agreements, programmatic agreements, et cetera, and somehow we have to develop better communication, and that is tied with the agreements. Because what I see happening to the Umatilla tribes with all these different federal agencies that we have to deal with, we're getting a big stack of agreements. We've got a big pile of memorandums of agreements and memorandums of understanding, and there's just a big stack of them. And the policy people that I have to work for, the board members, whenever problems come up, they say, well, I thought we had an agreement with them. I thought we had a written agreement on that.

Yes, we do. But implementing this agreement, or understanding it, or having people over time, having the institutions who change personnel understand that that agreement is there, let alone what it says, is a different matter. So what we're finding is that, not entirely, but what we're finding is that, yes, we need to develop agreements, but they have to be meaningful agreements. They have to be agreements that keep the door of communication open.

I know people say that a lot, but I don't know if people really communicate. Otherwise, you end up with a nice stack of agreements with different federal agencies, and I think people, I think being what they are, tend to lose track or lose sight or fail to understand the importance of these agreements, what is it that they really mean.

So we have agreements in place, but if the agreements are just stashed away in somebody's file cabinet somewhere, then management personnel for the government, for the federal government, they will go through their checklist of things to do when they're

moving a project or doing a study, and one of the boxes on their checklist is to call the tribes. That makes those agreements not very meaningful. That's not communication.

So I would try to--I'm trying to convey what I think Armin wanted to convey to you today, but I would have to put my own spin on this, and that is that I think the Department of Energy is doing a good job. There's room for improvement. But I think moreover, we simply just need to refine and develop and strengthen those lines of communication so that when the tribes are engaged with the Department of Energy over a resource issue, a management issue, that there is discussion, that there is dialogue, that there is understanding, that we're just not engaged in the perfunctory exercise of pushing paper back and forth. And I don't know how we can do that other than people making a commitment and keeping those commitments.

As a lot of the folks back home will say, paper doesn't talk to me. So with that, I don't have much else to add to that. I was hoping that there would be some discussion on that. I wanted to get some feedback possibly in terms of how does the Department of Energy see the tribes. How do the states see the tribes relative to the Department of Energy?

MS. HALLMARK: Okay. So shall we open it up for that kind of feedback and discussion?

MR. HEVEWAH: I'd like to make a statement before maybe DOE or the states maybe make a comment.

One of the reasons why the tribes are so adamant about the treaties and their resources, human remains, sacred sites, is because of what took place right before the treaties. You know, I'm not going to try to put anybody on a guilt trip or make anybody feel bad but, you know, people need to hear this. Because of the treaties, we lost our lands. We lost our people. You know, the cavalry came in and just moved us, put us on prisoner of war camps, but today, those camps are our homes. They took a lot of lands from us. They killed us because we was out there praying for the lands, because we was praying for the resources, we was praying for the people.

We fought back because we were trying to protect our homes. We were trying to protect our families. But when it came down to the history, we were savages. We were drunken Indians, and that's how our people look at us today, the non-Indians. The stereotyping of our Indians is really hurting us today because that's what grows in our minds today, and that's where we sit today. That's what we need to break. We need to break that stereotyping because a lot of the medicine plants, a lot of the things that we do out there can help you. The medicines that you use today have after effects. The medicines that we use out there can heal you with no after effects.

But the thing that I wanted to get to is when you talk to us about significance, what's significant out there, we have to say everything is because I can't stop fighting for my rights. My father was fighting for our rights, and I'm sitting here today, too, to get recognized as an Indian that has rights out there in those lands. But the state people have

to understand why we're so angry about the situation, because nobody came to us and said, hey, we're sorry about what you did. We wiped you out. Today, there's only 4,900 of our Shoshone Bannock people that are sitting there, and I've been asking DOE through the risk assessments how can you bypass us. How can you bypass the Indian people and, you know, try to bypass the areas that you put us in?

The United States government put us in these areas for a certain reason, and that's to get out of the way of what's going on in this world here today, because we were a hindrance at one time. But now, you look at these routes, they're coming to the heart of our homes, heart of our lands, our resources. We still live off the lands in the west. I still hunt the elk because of the meat. The elk and the wildlife, they run out, they eat the medicine plants.

In the fall, I hunt them and I store that meat because I need that, I need those medicine plants. The same with the bear. The same with the elk. The fish that we have today, that's a main ingredient to our diet here.

But look at these reserves; they're right next to the Columbia River. They're sitting on the aquifer of the Snake River. You know, those are things that we have to continue looking at, because without those resources, I don't think any of us can continue on.

But that's what I wanted to bring to the table today, was exactly that, those treaties. You know, we gave up a lot. I still feel that hurt inside of me. I still cry for my ancestors because of what they went through. I go to their sites and pray for them. Some of them are being destroyed. But that's my history and I just want to put that on the table today because I think everybody needs to hear that. I still hurt in here, just like the rest of our people do.

Back then, we were all people. We weren't Shoshone Bannocks. We weren't Umatillas. We weren't Nez Perce. We were people. But today, we're all in a situation where we're all put in boundaries now. We have our own reservations. But today, hopefully the states and the tribes will come together and say, hey, we're all one today.

Let's start working together because this issue is going to--you know, to me it's an issue that going to infect all of us. If we don't do anything on the cleanup situation, I feel sorry for our kids, I feel sorry for our future, because I think it's going to start here. If we're going to clean it up, I think we'd better do it and do it together, because if we don't, like I said, I feel sorry for our ancestors, or our future here, because the water is going to be contaminated, the air, the resources, and they're going to be moving into different areas.

We look at the desert as pristine, clean, where nobody goes. That's the reason why we go out there and do what we do. You go out there and you'll find pictographs. You go out there and find sacred signs, burials. We've been there, and we've been there for a reason, because it's pristine, it's supposed to be clean. But the DOE look at those areas like secluded areas where nobody goes. That's why I always bring up the issue on risk assessment.

When we go out to those sites out there, you don't look at us when we're out there because there's maybe two or three of us at a time. But that risk assessment needs to be changed to implement what we do, because we need to survive too.

MS. HALLMARK: Thank you, Hobby. Other responses, comments? It's hard to pass the mikes.

MR. TORRES: I wasn't going to say anything, but I think it's a very sensitive subject that we've touched on, and it's one area that I can't I guess leave from this meeting without saying anything on this particular subject, the issue of cultural resources and the preservation and protection of our culture, as two gentlemen alluded to, and gave you information on the ways that we feel as Native Americans on this particular issue, and the way we see it.

On the other side of it, our Pueblos there in New Mexico, we're very strong in our culture, our history, and try to protect as much as we can those particular areas as well. Our Pueblo alone, we have a very small community. We're down to almost 850 tribal members right now. At one time we were at a population of over 2,000. Right now, currently we're situated there in an area where our boundary is right against a nuclear facility, Los Alamos National Laboratory. They've been sitting there for 50 plus years right now, and our ancestors have been there for more than 50 years, and I think we are seeing a lot of major impacts as far as our own cultural ways and our ways of lives that go on on a daily basis.

I've seen the changes that have gone through there. The transportation issue being a major one; the roads are being improved on an annual basis to develop the roads to where you can transport a lot more materials through that area. But the things that I see are things that are going up there is we have these facilities that are sitting up there, but I think their focus is on technical and scientific issues relevant to just projects that are ongoing. They have no sensitivity as far as what is beyond there. There are people living beyond those boundaries, beyond the DOE reservation boundaries.

We as Native Americans live right next door to that. Like I say, we have elk that migrate to there. We still hunt those elk within those areas, but right now, with everything that's going on there, we're sort of not relying on that as much any more. We're taking samples as well to make sure that the elk that we harvest now are going to be clean, is not contaminated.

We have worked together with the laboratory in specific areas, air monitoring, water monitoring, sampling of that nature, but I think we need to work together in those specific areas to make sure that these things that we have there are going to be there for the future, and are still going to be protected and preserved as well.

The Los Alamos area, the whole area, Los Alamos, the laboratory sits on 43 square miles. Within their boundary, they have 1,500 ultra sites on there. Within the last four years that I've been governor for the Pueblo, we've only visited only about four sites. We barely

touched the top of this with the laboratory up there, and those are things that I see that we as Native Americans are real sensitive to those issues.

We're trying to educate the laboratory now on the--issue as well. We're working with the Park Service up there, Bandolier, which is adjacent to the laboratory. That's another issue that we're working. The Forest Service is another area, BLM, all those different agencies that are in those areas within our lands, we're educating those people. The whole area is just full of archeological sites. Our ancestors migrated from the Colorado Basin area, from the Mesa Verde area, and traces are found throughout New Mexico as being one of the richest archeological sites, and history is there.

We don't have treaties like some of the tribes do with the United States Government. We have a Spanish--we were under the Spanish government. Those are the ways that we came about in New Mexico, signing an agreement with the Spanish, and with the United States Government. Our form of government is different, but yet we still work together, or try to work together with the different agencies in different areas.

But I think as time goes, like I say, we've been there for thousands of years, but the need to work together, the state, federal government and other agencies, should be coming to the tribes to work with them, not the tribes going out to them to work with them. We've been there for years and years and years, generations, generations and generations. Traces are there, but I think time, every year I see something change. There's always a change going on, and the need for governments to be more sensitive to our cultural resources is the biggest thing. I think they need to understand the way that we revolve around our own lives, and that's the biggest thing that I see that is a major area that needs to be worked on with a lot of the government agencies.

I'm working with that within our area with the Department of Energy, not just Los Alamos area, but the Albuquerque area, and now we're working with the Waste Isolation Pilot Project, WIPP, and it's taken me quite a while just to convince them of our issues and why we're not signing such agreements for the transportation, is because of cultural resources that we have, that we just can't stop things that are happening within our Pueblo area, things that are happening traditionally.

If something were to happen within those highways that are running through our reservation, we just can't close it up. Those are things that I look at as well as being sensitive to our Pueblo areas.

But as far as cultural resources and the protection, preservation, I think that's one area that needs to be thoroughly reviewed. There are policies that are already out there. All kinds of statutes are being in place. But I think a lot of times, they do put these in place or make decisions in the federal level, but yet we're not included in there to make those decision or make our input, out participation. We need to be part of this from the beginning to the end, put our input in the policies as well. A lot of times they are put in place, but yet implementation is the one that's not carried out.

The same thing with agreements. I think we do sit down sometimes and work out different types of agreements with different agencies, but yet we'll go on down the line for maybe six, nine months, or whatever, and yes, it works fine, but thereafter, after a year or so, we forget what's inside and what the contents are of those agreements, what are the responsibilities of those agencies, or all parties involved. Those need to be looked at real closely to make sure that we have a full commitment, not from the tribal side, but for all agencies, then we can work together on a lot of these issues.

I think as we go into the future, we're all looking at the same common concerns right now. We're impacted by the same issues, and I think one of the biggest things that I foresee that we need to do is protect and preserve our own cultures, which are our own human lives. If we don't, we're just destroying everyone of us out there. Sometimes we focus too much on research and development, but yet we forget that we have our own lives to look after. If we don't protect the human life, where are we going to be at. The next generation will wipe out everybody. Those are things that I see are very important as we go in the future.

I as governor for the Pueblo am just sitting here looking out for the best interests of my committee and for the next generation. Things that maybe are put in place now, I may not benefit, but the next generation will be here to go ahead and enjoy those things. But I think as time goes on, we need to be aware and more sensitive to a lot of the issues that are put on the table by some of the different tribes that we have throughout the United States, and start working together with the state and the federal governments that we have. Those are the only ways that we can resolve some of these issues.

And like I said, this is one area that I think coming from the Pueblo area, our culture is very strong in this area and we hold that real strong to ourselves, and we can go on and discuss topics such as this for maybe one full day with different tribal leaders on this particular issue. But hoping, like I said, the educational part of it continues through all the federal and state agencies, and try to work with the tribes, especially in this particular area, and view our sensitivity, how we view those areas, and the reasons why we do some of the things that we do, why we protect the water, why we protect the air, the soil, the plants, the animal life, the fish and all those things that are out there. We look at this as a big and broader picture, I think. When we see a road being developed, or whatever, we look at a bigger picture. We just don't look at what's on both sides of the road. How is it going to impact the whole area? So those are things that to us we view in a broader sense.

So with that, I'd just like to close, and like I say, it's one of the areas that I think is very sensitive to us, but yet we'd like to share some of this information with everybody here, some of the different agencies that are here.

Thank you.

MS. HALLMARK: Thank you, Elmer.

I see that we have three cards, I think. Kevin came up to the table with a different card. Kevin, and then I think it was Tom, and then J. R.

MALE SPEAKER: Thank you. I wanted to address Mr. Minthorn's comments and agree with you, Mr. Minthorn, that in particular, the balance, as you talked about, has shifted in particular in the last couple of years to the built environment at Hanford, and it became recognized around the community, as well as with the state, the State Historic Preservation Office, that we had many, many buildings which were of historical significance at Hanford. And in particular, with the change in the mission, we were starting to affect those buildings and making decisions about knocking them down, altering them, decommissioning them, decontaminating them, and that we had to get a handle on it. And, again, we have hundreds, literally hundreds of buildings which had to be evaluated as to whether or not they were significant, and we were putting a large amount of the cultural resources budget into that. Hopefully, that is now going to be reduced in the sense that we can start focusing again back on, which we were originally, on the prehistoric resources.

One of the things that Mr. Minthorn brought up that I also agree wholeheartedly with him; we have cultural resources issues meetings with tribes on a monthly basis, and we have those meetings principally to talk about current issues. But what we need to start focusing on is that larger budget issue of next year and the prioritization, because that seems to be one of our--one of the issues that come up as to why we're spending money here, and maybe we ought to be spending money over there. And I will commit to you to raise that issue again with the cultural resources people, and Mr. Wagner at the Hanford site about involving you in those particular important discussions about prioritization of where our dollars are going.

Thank you.

MS. HALLMARK: Okay. Tom, you're next.

MR. WINSTON: I really appreciate the eloquent and heartfelt comments by Paul and Hobby and Elmer, and I did want to note that I think we're all honored to have a tribal governor with us, which I think underscores the importance in the tribal community of sharing these issues with us.

Paul had asked for a response from the states, and I certainly wouldn't want to be presumptuous enough to say that I could speak on behalf of the states.

The point I wanted to address, though, was just the need for continuing communication and education. My first STGWG meeting was at Topinish (phonetic), and it was a very enlightening experience for me. The rest of the country is often very ignorant about these issues, and so I left there certainly much more educated about a number of these issues. I've had a long conversation with Russell Gem and many other colleagues at the table today about these issues. But I actually was very surprised, and I still sort of felt that this was a western issue, and it was something I was very interested in, but we had an

experience where at the Fernald site, it turns out some of the activities were involving digging up the remains of tribal ancestors in our community, and it actually is a very big issue in the east as well, and I think we were successful in working with tribal representatives in the eastern part of the country to have the appropriate reburial. I think there's even an opportunity to sort of extend that program to address a lot of concerns about the inappropriate way in which reburial had not occurred in the east.

When we were down at the National Dialogue Workshop, there was certainly a lot of--a lot more interest in that issue, and those of us that were there in Oak Ridge, Earl and I and some others, recognized that once again, we were ignorant, even though we were probably better prepared and better educated after participating in STGWG, I think we were certainly still ignorant. So I really appreciate Elmer's comments where we continually have to learn and grow and share and listen, and I think that's a critical component.

So with that, I was also going to put Al on the spot. I was interested in Al's perspective, especially now that he's leaving. If he might give a grade, I don't know if it's a letter grade or a discussion of how the Department is doing or has done in addressing these issues. I know Paul mentioned the President's Executive Order, and I guess my thought was I'd like to hear from Al how the Department has done.

I have one specific question of how was this handled within the Department? How much autonomy do the site offices have? Is this something that headquarters really keeps a close eye on and has some clear minimums? Is this something that's kind of left up to the field to work out as best they can? And I guess the final part is what can be done to improve, if the grade is not an A plus, which I don't think Al is going to probably say it is an A plus, what can be done to improve the capabilities of the Department?

MS. HALLMARK: Just before you answer, Al, I see a motion from J. R. and I don't know if that means you'd like to add something to that question or say something before Al responds. Or should we let Al respond now?

MR. WILKINSON: I see that there are other tents up as well, so I don't know if what we're going to say is going to potentially feed or add to Al's comments, or just go ahead and let him go.

MR. ALM: I think it makes sense to really go through all the other comments, and I would come in at the end.

MS. HALLMARK: So you can answer everything?

MR. ALM: Well, not only answer; I'm really here to listen.

MS. HALLMARK: So if that's okay, we'll go through these three. We've got J. R. and then Mike and then Steve, and then we'll let Al respond, and then we'll take our break.

MR. WILKINSON: I'm going to be kind of brief. Often I get caught in a situation where I'm more of a translator between the technical world, the compliance people, and try to put it back into the tribal community and take their feedback, and to try to better understand and communicate that, and it's a very interesting process. But I think for this particular issue, it can severely impact compliance agreements and cleanup schedules if those that are managing these sites don't understand the complexity and the problems about how it can really affect your cleanup schedules. Such as at Hanford, we had the environmental and molecular sciences lab debacle, and that severely impacted the budget out there in terms of having to stop the project within a few days of starting construction and ground scraping actually, stopping construction, reevaluating the sites, moving the lab, and what ended up happening, DOE had ignored Umatilla comments, as well as from other tribes, as well as from Washington State Historic Preservation Office. So I think that's an example, a negative example of where there wasn't the consultation or understanding process to respect that.

So I guess in that translator role is to say that if those states that have compliance agreements, and of course obviously at Fernald they've run into it, is that this is an opportunity to try to understand better how to make sure that if you run into a site, or how to do an inventory work to actually get this on the ground before you actually begin construction in order to ensure that you can reach a compliance agreement schedule.

I'd also like to turn it over to Paul because we do have some concrete suggestions regarding this.

MS. HALLMARK: Okay.

MR. MINTHORN: Just very quickly, I wanted to lay out just four points for DOE, and of course our comments are related directly to Hanford.

First, there needs to be an intensive resurvey of DOE lands. The information that currently exists with the State Historic Preservation Office and other sources, the information is outdated. The information, the data was gathered during an era years ago that do not meet contemporary standards or not consistent with contemporary standards for recording sites.

So even though we do have baseline data for part of Hanford, for example, in order for DOE to protect those resources, they need to know where they are. They need to know what's there. And that requires on-the-ground ground truthing. So we have to start with a complete survey of DOE lands and try to get the best handle on what resources are out there. And obviously of course, like I said earlier, those resources are not just stones and bones, but it runs the gamut from fish, wildlife, plants, et cetera. So we need to get that baseline information. That needs to be started right away.

Even from a scientific perspective, the data that exists isn't very useful for land use managers, for archeologists that work for Hanford today. That information is not that

helpful. So we need to start over and get current information about what resources are there.

The second thing is that with the information that you do have, as with other federal agencies beginning probably in the Fifties and the Sixties, mass collections of artifacts were done. Digs were done all over the place. Artifacts were collected and warehoused. They're boxed up. They're stored all over the place. If you don't have some analysis done, if you don't have more than just putting them in boxes, then those artifacts and where they came from, the context in which they were found isn't useful again to land use managers today. It isn't helpful to archeologists and cultural resource managers if you've got artifacts that are in storage that aren't being used for anything, they're just there. They're maybe not even inventoried or recorded. But that stuff needs to be gone through, and that is also tied to the DOE's obligations under NAGPRA to do their inventory and summaries of human remains and burial artifacts.

Oh, NAGPRA is Native American Grave Protection and Repatriation Act.

The third thing that probably needs to be done is that a management plan needs to be developed after the basic data has been gathered. The task is necessary just for management. The development of the plan will facilitate input by the Native American groups on the management of resources. The management plan will also force DOE to deal with cultural resources on its lands.

And the fourth thing that's tied to that last one is that the management plan must include components to protect cultural resource sites. For example, at Hanford, opening up the Hanford to the public will result in unlawful artifact collecting and digging, because for the most part, today the public is still not educated in terms of what is permissible and what is not permissible on public lands when it comes to removing, digging or finding artifacts.

We still find today people going along the Columbia River digging artifacts, looking for pretty arrowheads. Often times, they are not just taking arrowheads, they are taking large collections of all kinds of stone artifacts that are at sites, which is in violation of federal law and state law. But yet the public is still not educated to that. We hope DOE might be able to do a better job of educating people that come out to Hanford that artifact collecting, arrowhead collecting is prohibited.

So those four things, trying to get a better handle on the resources that are there by resurveying lands, analyzing what information you do have, artifacts and data, developing management plans and implementing those plans.

MS. HALLMARK: Okay. I'll just put--I wrote that on a sheet here, so I'll just put that list up that Paul just discussed. And let me just check in with you. I had said we'd go through the other comments and let Al comment. You have been here a long time this morning without your break. Are you okay to complete this discussion before you have a break?

Okay, I see people nodding. So if you're desperate, I assume people will take care of themselves. So you might, before you wind up, or as those of you who are talking make your remarks, also think about where you want to go with this or what you would like STGWG to do in terms of these proposals, as well as some of the discussion.

So, Mike, I'll let you go ahead.

MR. GRAINEY: Thanks. I just want to express my support for the comments that Paul and Elmer and Hobby have made. I think the issues they've raised are very important, and if those are addressed, it doesn't just benefit the tribal members, it benefits everybody in the state near those sites, and I think it's important that STGWG take up and support those issues as well. So as far as our state's concerned, we certainly think that would be a desirable thing to do.

MS. HALLMARK: Okay, thanks. Steve, did you put yours down? Do you want to pass then?

Okay, so I guess, Al, we're back to you to be able to make those responses or answer some of the specific questions.

MR. ALM: Let me first address Tom's suggestion that I give our current efforts a grade. Rather than giving a grade, let me just make the comment that the opportunities to raise the grade or improve the program are almost limitless, so I think we've got a long way to go.

I was really interested in this discussion because I always thought of cultural resources more in terms of artifacts and buried remains, and I hadn't really thought about the ecosystem resources, cultural resources, which is really a different but a very important way of looking at this.

I've been impressed that at some of the DOE sites, you've got some of the largest remaining pieces of generally undisturbed ecosystem in the country. You take the area in the Hanford area, if it wouldn't have been for the DOE reservation, that land would be continuous agriculture, and you would really not see the ecosystem that's currently existing. That's true of our other sites.

I think spending attention on this is right on. I think the practical question is that, you know, like politics, all culture resources are local, ultimately local issues. I would think that each of the sites, through whatever mechanisms, we really need to give culture resources much more attention and maybe more priority in terms of budgetary resources.

We're tight, very tight on our budgetary resources, and hard decisions are made every day, painful decisions. I've been going around the sites on what we call workouts, or some people call them extractions, but basically to become more efficient so that we can get the work done so that we can meet our compliance needs, but in places, we simply aren't going to be able to do all of that.

I think the idea of the site-specific advisory boards for looking at culture resources and the extent to which we are doing enough to protect them is a good issue. I think the four questions you raised are very legitimate ones. One is the resurvey to understand what we have. I'll look into that.

I think that the analysis of what we have, again, I can take a look at that. The management plan for culture resources I would think would be developed at the site. A national plan would be pretty generic in nature. But I think that the issue you've raised is really a very important issue, and that is we need to give culture resources a much higher priority and, two, the definition of culture resources goes beyond merely artifacts, to the other culture resources, which I would call essentially ecosystem cultural resources. They're the web that supports life rather than a part of the cultural resources that are basically inert, namely I guess stones and bones.

So I would foresee us giving this high priority. And by the way, you may be interested, while you all chose this as one of the major issues, the staff asked me what I thought would be two interesting issues, and I mentioned cultural resources as one of them. So I think we're getting on the map, but I think what we need to do now is to keep following up and discussing this.

Martha, did you want to say anything further?

MS. CROSLAND: I just would like to second how much I appreciate the statements that were made, and how much I feel I gained from hearing this and hearing the broader definition, because I, likewise, had not fully understood that. I think they were extremely eloquent statements and I do appreciate that.

Thank you.

MS. HALLMARK: Okay. We have two people down there who want to make a comment. I can't see your name, but go ahead.

FEMALE SPEAKER: I just want to make a comment that might help, that I feel as the department liaison, I need to assist maybe in this effort on the cultural resources. I don't know when you all are meeting again or when anyone will be in Washington, and maybe we should include someone from our Environmental, Safety and Health Program Office.

Was the Assistant Secretary--is that who was our Assistant Secretary?

MS. CROSLAND: Yes.

FEMALE SPEAKER: And she's left; right?

MS. CROSLAND: She has left. I believe it's Lois Thompson.

FEMALE SPEAKER: Lois is the cultural resource person, but maybe we want to start including, since cultural resources is very important, maybe we should--this is just a recommendation--include Lois at a minimum, and start involving the Assistant Secretary or the Acting Assistant Secretary for Environmental, Safety and Health.

I just checked with Kevin Clark at Hanford. They work with their ES&H people and someone else he mentioned, and I didn't follow up, but maybe I can throw that out there. Have you worked with Lois before, J.R.?

MR. WILKINSON: I did not even know there was somebody at headquarters.

FEMALE SPEAKER: Oh, yeah, and she's wonderful and she does participate in many of the NCAI, National Congress of American Indian events. So my job, any of you that want to be set up for a meeting, be it jointly, individually, or include Lois, I'm happy to do that. All the tribal people here I know definitely know how to reach me, and if any of the state people want to be included as well, Martha and the other staff people know how to reach me.

So maybe with Mr. Alm's help and whomever the other Acting Assistant Secretary is at the other end, we could get a push to include ES&H as well on this issue.

MS. HALLMARK: Okay. I understand Donna actually wants to make a direct response. So if we can do that first, then Earl?

MS. POWAUKEE: Vicki, I really appreciate your comments, as well as the comments from the other tribes.

I think one of the problems is that over the years as the tribes have been involved with the Department of Energy, we have all recommended holistic approaches to everything, from cleanup to looking at cultural resources as a component of the cleanup.

I think that we do need to take your recommendation under serious consideration and talk with Martha and the Assistant Secretary about that possibility.

I would also like to recommend, or maybe a little stronger, I think the conversation that we just had again points out the need for training from the tribes to DOE. We have so much turnover at the various levels of the Department of Energy and even on the site, and Nez Perce has consistently offered training on tribes, the legal status of tribes, why do Indians have governments, et cetera, et cetera, and we, under this most recent administration, have not been taken up on it, and we're not asking for fees or anything else, we're doing it so that all the tribes and DOE people benefit from it.

So I guess I would just like to reiterate again that I think training on what a tribe is is very important, because there's no place else you can learn it. You don't learn it in school. You don't learn it in college. You don't learn it anywhere unless you happen to be an Indian nut and spend all your days in the library looking up treaties that are 150 years old. So I think

it also ties into that issue of the very important need for training to interested states, and most definitely DOE officials.

MS. HALLMARK: Okay, I've added that to the proposal list up there, too. Earl?

MR. LEMING: From the perspective of Tennessee, I would like at least from the eastern side, the side that has roughly 35,000 acres remaining, and the years on STGWG, I appreciate the comments and very well respect these recommendations.

As I mentioned last night, Oak Ridge does have a tribal perspective. I'm sure it's there in history and prehistoric. So I think one of the things that at least in my mind when I look at the prioritization for projects at Oak Ridge, I don't see cultural resources. Much like AI, I think in terms of ecosystems, and that aspect of the reservation. But I think the STGWG, as well as--

FEMALE SPEAKER: --or out of the office of the Secretary, but we will take that back and I think that certainly even the broader definition, admittedly paper is not as good as a meeting and we need to follow through with training, but at least if it's written down, that should help us.

MS. HALLMARK: So we've gotten some action items, which I see Tom busily writing as well, that we can come back to and review, and then per like Mike Graine's and Earl's and other's comments, it may be something you want to come back to as you look at your whole work plan or what STGWG itself wants to take up.

And with that, can we leave the issue at that stage for now? And then I need to ask--oh, Ann, I'm sorry, I did not see your card.

MS. DOLD: Yeah, one of my comments goes to your comment that you just made regarding the policy at the national level. AI, I believe that was also a proposal you made during your presentation, was that DOE develop a policy that's consistent across the site, and I would certainly add that to our action items, since we seem to be developing a list of proposals for cultural resources.

I also heard during the presentation that this broader vision, this more holistic approach to cultural resources that goes beyond stones and bones takes into account the environment and the ecosystem, the medicine plants and the animals that live in that ecosystem, that these issues be factored into the risk assessments that are prepared by DOE for particular sites. And I certainly support that proposal.

So with that, I won't belabor the point. We can take a break.

MS. HALLMARK: All right. That's my next question, is now that we are at the time where we were going to start the transportation and inter-site waste transfers, how are you feeling about the break, and do you want to still take a break and then come back? I

see lots of nods. Okay, you do still need a break, and then we'll come back and figure out the time there.

While you're gathering, just a couple logistical things. Number one, just so those of you who are freezing to death will know we have asked them to readjust a little bit again. It was too warm earlier this morning, so then it got over adjusted, so they're turning off the air conditioning for a while. And Tom is starting around a sign-in list, so that will be coming to you. Please be sure and get your name on the sign-in list.

MR. WINSTON: Put your E-mail address and phone, regular address and E-mail address.

MS. HALLMARK: Okay. And fax number. So be sure and add E-mail, it's probably the newer thing for people.

Okay, in talking to the presenters and looking at our time frame, what we are suggesting is that there are a series of presentations scheduled that all relate in one way or another to some of the various transportation issues. So the suggestion is that we try still to get the three presentations in before lunch, although they are expecting you at the restaurant around 12:00. I don't think it's an absolute drop dead thing, but that's when they're ready for you, and we should probably try to get there as close to that as we can.

So we'll see how that works, and we've asked the presenters to try and just go quickly through their presentations. We suggest we have very little discussion, except questions that you need to ask to clarify what they're saying just to understand so you're not lost, and then after lunch, there are two more scheduled, and we'll do those and then have some open time for discussion overall of all the various issues that that brings up and what STGWG might want to do.

So does that sound okay with people if we just do that? We will then start--get people started, and I think actually most--we're still missing a few people around the table, but I guess we'll just go ahead and start. So my understanding is that Mike Grainey is going to speak about transportation generally, and Tom Winston, or Tim Winston on the agenda, is not going to speak about it. So, Mike, I'll let you just go ahead.

MR. GRAINEY: Can we wait till Al gets back? I'd like Al to hear.

MS. HALLMARK: You would like Al to hear? That's a good point. I don't know--is he on the phone?

Okay, are there any other--I think that is a good point in terms of the presentations. Are there any other kind of logistical or other comments, questions people might want to put in while we're waiting?

MALE SPEAKER: How about having Patty do hers? Because it won't be something Al hadn't already heard. In other words--

MS. HALLMARK: Yeah, that might be a good way to start. Is that okay? Does it make a difference to you if Patty goes ahead and talks about the inter-site transfers first? That's probably a really good suggestion.

J. R., you also had a comment?

MR. WILKINSON: I was going to say what's the scoop with lunch?

MS. HALLMARK: We'll give details. You're eating on the top floor at the Riverfront, Top of the Riverfront, and Linda is going to give some more specific directions about what choices you get and things like that. I don't know. But before we leave, we'll have that.

So, Patty, if we catch you with your mouth full--I can tell you're eating--we'll just bump you up here.

Would you rather wear the lapel one?

MR. WINSTON: Those of you in the corners, when we have our--won't have to run around, so we don't have to have the passing of the mikes.

MS. HALLMARK: Right. And we added another mike up front, too, so hopefully we'll be better.

FEMALE SPEAKER: Okay, I will try to do this fairly quickly, but if I'm moving through at a speed that is inconsistent with your level of knowledge, just raise your hand and I will slow down or answer any questions that I'm not clearly discussing here.

She's right that Al knows what I'm going to say because I gave this same presentation to the site-specific advisory board chairs last week. I've had similar discussions with states through the NGA forum, and have actually talked with Al about this in other informal discussions.

So really what I wanted to cover today was give you a little bit of better understanding of where DOE is in its decision making processes, particularly those that are records of decision resulting from the waste management PEIS, give you some information on status, as well as make a proposal to this group on some information that we're going to be pulling together that we would like to share with groups who have an interest in this, and ask for their feedback. So I want to make a proposal that this be a group that we would share a set of technical information with, and we'll ask for your input on so that you can give some feedback to us that will facilitate us in our decision making process.

I'm also, if there is time, and I will check in with this, I wanted to discuss the status of DOE's review of the recommendations that were given to us from the contractors. Some of you may have heard of this famous EMI contractor report, the Environmental Management Integration effort, where Al Alm tasks the contractors from around the

complex to give him--to take a look at different ways that we could do business if we really only focused on kind of engineering and economics. So they gave us that report, and I wanted to bring people up to speed on where we are in reviewing that.

Just a little bit of review and framework setting, we have not changed the way we make decisions. There I think might have been some confusion at sometime that the 2006 plan is or was a decision making document. It is not. It reflects decisions that are made through our decision making process that have--processes that have been established, that is, through our NEPA implementation, through what we've already signed up to in compliance agreements and consent orders and continue to renegotiate or have discussions on, and then what we get in our budget through authorizations and appropriations. I mean, those are our three kind of formal ways that decisions are made, and I think through each of these, there are opportunities for either yourselves or members of the general public to weigh in on as they are being worked. So the 2006 plan is not the decision making document. It reflects the decisions that we make through those processes.

We are--on the horizon are several decisions resulting from the NEPA process, and as I said at the beginning, I wanted to bring you up to speed on those, mostly the waste management ones. There are other decisions; the WIPP record of decision is pending. There was a supplemental environmental impact statement released I think late September. There's a ROD pending associated with that. Also, the surplus plutonium is in the middle of its NEPA process. I'm not going to focus on those today. I'm really going to just try to give you a little bit more background on the waste management decisions.

These decisions are focusing on where we are going to do things. Where are we going to treat and store transuranic (phonetic) waste? Where are we going to treat and dispose of hazardous waste? High-level waste canisters, where are they going to be stored pending deep geologic repository? Where will we treat mixed low-level waste and where will we dispose of it, and where will we treat and dispose of low-level waste.

In our environmental impact statement that we released back in May, we had preferred alternatives for many of these decisions. Some were more specific than others, particularly the disposal ones were not very specific in terms of locations.

The decisions that are going to involve major cross-site transfers are going to be made, we think, in a time frame that's going to allow more public discussion and input. We know these are the kinds of things that are very contentious and cause issues that are near and dear to people's hearts, so we want to allow time to gather input from the public before we make those decisions.

The ones that particularly fall into that category are the ones on the high-level waste canister storage, and where we're going to dispose. On the high-level waste canisters, our preferred alternative in the EIS stated that they would be stored at the site where they are generated. We generate or have high-level waste at four sites, Idaho, West Valley, Savannah River and Hanford. The West Valley facility, through the 2006 planning

process and through carrying out its responsibilities under the West Valley Demonstration Act, would like to finish up the cleanup program at West Valley and turn the responsibility back to the State of New York under the Act. So we would like to see if we can have some further discussion to see if it's possible to move those canisters off the West Valley site to another location. That's different than what we put on the preferred alternative and obviously we'll have to have lots of discussion on that. So the timing of that record of decision right now is a TBD, I mean really we're going to have to allow a lot of time for those kinds of discussions to happen.

And then the ones that I really wanted to talk about today are the mixed and low-level waste disposal decisions. As I stated in the EIS and the preferred alternative that we put out, we had said that it is our preference to go for low-level waste, to go from the currently six operating disposal facilities to a smaller number, somewhere in the two to three range, but we did not name the facilities that we would like to continue to operate for low-level waste disposal. So we need some input as we are narrowing down that decision. And the same thing for mixed waste. We did not name specific locations where we want to dispose of mixed waste. We only said we had a preference to have a smaller number of facilities.

So we want to have discussions with folks like you, site specific advisory boards, states and others to provide us some input and advice as we make those decisions.

We would like to share, and we understand that you are going to need information to help you understand what this decision is all about, and we're--I'm proposing that there are at least two tools, two graphical tools that we'll be putting together that we can share with folks that will help answer some of your questions about where's all this stuff coming from, where is it coming to, why does it have to come here.

So I'm going to actually put one of those graphical tools out. It's called a baseline disposition map, and it's a little technical and a little complicated, but we found when people review these things, it helps, it really helps clarify what is happening at that site, what is the baseline of activities at that site. So this is just an example of one that's done for the Argon East site, and you can see of the three waste types that they have at that site, how much is there, how much is proposed to be generated, what happens to that in the processing category, how does it get treated or dealt with or compacted or repackaged, and then what's its final disposition path, where is it going to rest, you know, as it goes through that cradle to grave scenario.

And as you can see, some of these waste streams don't have a disposition path. It's a to be determined, and that's basically because we have not gone through this formal decision making process under the NEPA Act to make the decision on where, for instance, Argon waste is going to dispose--or Argon East is going to dispose of its low-level waste.

So we are in the process of generating this type of baseline disposition map for every site, for every waste type and material that resides at that site, and we're going through that with DOE so that there will be complete DOE ownership of these baseline disposition

maps. The contractors in the report that they gave to Al Alm, which I mentioned at the beginning of the presentation, did a baseline disposition map for every site, and for most of the waste types and materials at those sites. We're now going through the process of having DOE own those and ensure that that absolutely represents what they have going on at their site.

So when we have these and can share them with you, as well as any accompanying information and narrative to help explain some of this, we think it's going to be helpful to you to help you understand what's going on and what we are proposing. So these to be determined at some point will be filled in with a proposal. Where does Argon East think it wants to send its low-level waste, and what's the reasoning for that, so that we can put that kind of proposal out on the table and have you react to it to see whether you think that's reasonable.

Based on that information that comes in, we will generate something that we're calling an in/out map. Basically, that will be for every site, who is proposing to send something to that site, what are they proposing to send and what's the volume associated with that, and what is that site proposing to send to someone else. So this is an example of one that the contractors did for Savannah River, so we're in the process of generating an in/out map for every site also based on the information that comes in on the baseline disposition maps.

Yes?

MALE SPEAKER: I don't know if you're taking questions. Are these time dependent? Is this for a given period of time, or is this for the--

FEMALE SPEAKER: This is life cycle. That's what we've asked for, and we've asked the sites to give the volumetric data on an annual basis that supports this. That's a challenge for them, but we've asked them to try to do that so that we can give you a life cycle picture.

Other questions?

(No response.)

FEMALE SPEAKER: So back to this slide here, we will be putting those graphical pictures together for each of the sites. We'll put that package together and hope to share it with anybody who has an interest in providing us input on that. We will summarize the proposed set of facilities that are the disposal facilities that we would like to narrow ourselves down to, you know, down to that two to three, based on what the sites are proposing, and give you that configuration as well as the complete picture as represented in the baseline disposition map.

So hopefully, you will not only understand what we are proposing as the disposal set of facilities, but you'll get a better feel for, well, how does that relate to everything else that

the site that I care about has to deal with. So we'll try to give you as best we can, based on the information that we're getting from the sites, try to give you a complete picture for every site.

We made a commitment in the EIS under waste management because we did not name the facilities that we want to narrow down to for disposal that we would publish those facilities in the Federal Register and put them out for a 30 day public comment period, because basically we had not finished the NEPA process, because we did not give the public a complete opportunity to review the total configuration. So in addition to us working informally with groups like you and site specific advisory boards and states through the NGA, we will also give the general public an opportunity to comment on the disposal configuration through the more formal mechanisms available in the Federal Register.

Hopefully, you'll all have this in your package, so I don't want to go through everything. It's some of the same information that's in the timeline that Martha had passed out at the beginning of the meeting. But I'll just go through the bottom line, and then later on this afternoon if you have questions on anything that's a particular item on here, I can address it.

This line is kind of the timeline for the records of decision. The transuranic RODs, they're plural there because there will be a record of decision from the WIPP EIS and a record of decision from the waste management EIS, those two records of decision are tied, in that the record of decision from WIPP will decide what the level of treatment is. What do we have to do to the waste in order to get it ready to be disposed at WIPP? And it will make the decision about disposing at WIPP. The RODs from the waste management PIs will decide where we're going to do that treatment.

So we hope to issue those, I've got it shown here late November. Actually, the date now is probably around December 9th or 10th, and that's because around the holidays, you've got kind of a blackout period where you can't really deal with the press and Congressional folks, so we have to allow time to have people come back from the holidays. So it's probably closer to December that we'll be issuing that ROD, or those RODs.

The hazardous waste record of decision, we hope to issue that also in the month of December. That I don't think is going to come as a surprise to anybody. We're basically going to implement what we currently do, which is we get hazardous waste treated by commercial facilities.

And then this is kind of a little bit of detail on the disposal records of decision, that we would start drafting the ROD in the January or February time frame based on the information that we're pulling together from these baseline disposition maps, share that with you and others, have all kinds of discussions in any way that makes sense, and one of the things that would be really helpful, either from this group or in further discussions, is any feedback you can provide on how we deal with the groups in a more disciplined

manner. I mean, right now, we are very fragmented in who we're talking to and how we're getting that information. So any thoughts you have on how to bring that all together so that, you know, we're not just getting different input from different national groups at different meetings, we'd like to work with them more in a disciplined overall manner.

But then we'll publish in the Federal Register, we're proposing that we publish in the Federal Register the sites somewhere in the late April, early May time frame, allow for that 30 day public comment period, and make that decision on where we want to dispose of low-level and mixed low-level waste in the June, early June of '98 time frame.

I have an arrow here for the high-level waste storage ROD. That's the one with the West Valley canisters. We'll make that decision whenever we feel that it's appropriate to make based on the level of public input that we're getting.

So I guess, you know, some points for you to consider, and I guess based on the way the agenda is going, we'll do this later on this afternoon, is how would you propose to offer feedback on these pending decisions, and how would we hear that feedback. What would the mechanisms be?

Is there a question? Yes?

MS. POWAUKEE: Before we get too far, I had a few questions. Actually, one of them was related to your last question to us, basically how would we provide that feedback. I'm a little concerned that if you have a proposed configuration for mixed low-level waste and low-level waste by January, 1998, which is really just around the corner, are you going to put forth that proposal without any feedback from groups like this?

FEMALE SPEAKER: Well, it's kind of a catch 22. The answer is yes, we would like to put forward that proposal so that we could get your feedback. We didn't give enough information in the preferred alternative to get any additional feedback. I mean, basically we--so we would like, it's risky, but we would like to put that proposal out and ask you to react to it, so that as we're making a decision, we're getting your feedback, so that the decision wouldn't be made until, you know, the June time frame, but in between January and June, is when we would be doing the give and take to say, you know, you say we don't like that configuration and here's the following reasons why, and we would take that input into consideration and have our decision reflect the input that you gave us.

MS. POWAUKEE: That's pretty much what I understood from your schedule.

FEMALE SPEAKER: Does that still cause a concern, doing it that way?

MS. POWAUKEE: Yeah, I think you do run risks by putting a proposal out there that you haven't had feedback from groups like this on.

FEMALE SPEAKER: Well, how do we get that feedback without giving you the proposal?

MS. POWAUKEE: I don't necessarily have the answers one way or another. Obviously more time would be one way to do that. But I see Mr. Alm has an answer--a response.

MR. ALM: The same question. I've been searching for a way of getting some real consensus, or at least very early input. But one of the questions is the dilemma we're in is that people will say, well, show us something so we can react to it. Okay? Then we show and they say, well, it's a cooked deal. They never really wanted our views in the first place. So we're sort of damned if we do and damned if we don't.

If you've got any way that we can--you could comment on something that we haven't proposed meaningfully, I'm going to be more than happy to use that as a model for our decision making.

FEMALE SPEAKER: Short of sending it in in an anonymous envelope.

MS. POWAUKEE: Well, of course some of those comments you've received already on the waste management PEIS with regard to low-level waste and, for example, in Idaho, we basically wanted to see you consider commercial low-level waste sites, and this case that was relayed to us here today was very interesting and I'd like to read a copy of that.

But, no, I don't have any instant answers, and I know this catch 22 you're in, but to the extent you can, I would really try to garner comments. And perhaps from what you got from the PEIS is a good place to start. Meetings like this or the SSABs or other stakeholder meetings that you have between now and then would also be good opportunities to invite some comment.

But I don't think there is any answer, or easy solution. It's just I wanted to make clear in my own mind how you were proposing to proceed.

MR. ALM: Let me make a comment about the low-level, mixed low-level waste situation we're in right now, and that is we're disposing at six sites, which we've indicated we want to reduce to two or three on the disposal side, two probably being the most logical. We've been getting quite a bit of our waste, particularly the very low-level stuff. With the WCS case, the entire commercial program is open to question, and at the very same time that we're going to be making--or the sort of general time frame, we're going to be making some decisions with respect to government sites. So we've got a tough set of decisions that need to be made, and whatever can be done here to help guide us would be much appreciated, because I'm sure you all collectively can come up with some better ideas than we have right now. I would hope so.

FEMALE SPEAKER: Okay.

MS. POWAUKEE: I did have a followup question before we move on. It's always been a concern to me with the many EISs that DOE has had to produce in compliance with NEPA, how are all of these documents going to be interlaced? You have to sequence the decisions and yet these documents are labor-intensive, take a lot of time and money to do.

So my question is if the WIPP supplemental EIS is going to be the document where you will decide how transuranic waste will be treated, how do we coordinate that with the decisions DOE is making in Idaho with respect to the advanced mixed-waste treatment facility where they've already let a contract to British Nuclear Fuels to build a facility that will treat transuranic waste? So my question then is how does one make a decision like that contract, or to agree to write a contract when at the same time you haven't made the decision on how you're going to treat the waste in the first place?

MR. ALM: Well, you've raised an important question. But the contract, as I understand it, requires that they meet the acceptance criteria at WIPP. I mean, the two will obviously need to be coordinated. I believe it's a contractual requirement.

FEMALE SPEAKER: Yeah, and I--go ahead, Al.

MR. ALM: Go ahead.

FEMALE SPEAKER: Well, I don't know from a timing perspective, you know, when the vendor through the advanced mixed facility would be making decisions, particularly related to, you know, the level of treatment. I mean, there's been draft waste acceptance criteria for WIPP that are out there. I'm assuming that they're working from that. But you're asking a good question about, you know, the timing of the two decisions. I don't have a real clear answer.

Yes, Mike?

MR. GRAINEY: Patty, first, I guess in answer to your direct questions there, I think STGWG should look into these and give you feedback. I would suggest that this is an issue where we might want to work jointly with NGA and have a couple of meetings after your initial proposal comes out in January. And in particular, I hope that proposal will take into account the concerns that we raised at the NGA meeting, and through the NGA staff about some of the assumptions that were in the contractor's reports that raise some serious questions about compliance with state and federal legal requirements. And I guess I see the way to deal with this chicken and egg, what do you propose and how do we respond, give us your proposal in January that hopefully reflects some of the comments we had from the NGA meeting. Give us the opportunity to react and give us another draft proposal before you go final, and see how those comments have been taken into account. I think that's one where we could work jointly with NGA and benefit from the staff work that they've done, which was very good.

FEMALE SPEAKER: Yeah, I absolutely agree. I mean, this is definitely envisioned as an iterative process, even though it may not reflect that along the timeline, and one of the things that I'd like to work with Martha's staff on is to come up with kind of a calendar between now and June as to when we will share information with folks and who those folks are, and then when we can set up iterative discussions with those individual groups, and as you suggest, combine as many of those as possible.

Yes?

MALE SPEAKER: Just an issue that I think--I hate even to bring this up--one that would probably benefit from some kind of national guidance would be a definition of the bottom end of low-level waste, because right now, everything that's radioactive that's produced by DOE at all is--and DOEs no rad added policy or order, requires that that all go to low-level waste disposal sites.

We're trying to struggle with that in Colorado. It is a dangerous, dark issue that no one wants to talk about, but it is something that probably would benefit from some kind of coherent national message.

MR. ALM: Let me follow up on that. I agree with you, it's somewhat of a ridiculous way to define something, by backing into it and saying anything else is called low-level, you know, no matter what the actual activity.

FEMALE SPEAKER: All right. And your question actually brings me up to one other thing I wanted to point out on this, is the draft DOE waste management order. Actually I've got it shown here in December coming out for public comment, given that many of our staff who are working on that order have been involved in all the WCS discussions, that timeline may slip a little bit. But that order, for those of you who are familiar with how we operate, it is the revised 5820.2A order, which is the order by which we do our self-regulation under. That order is going to come out for public comment, and that will, you know, contain all the definitions of waste types as well as how we are going to manage the radioactivity associated with each of those waste types.

There are some changes that will be in that order from the 5820 order. I hope that you will view them as positive changes. But that's another piece of information that, you know, when it comes out for public comment, we would hope that you would be able to absorb that, and that would increase your level of confidence in our ability to manage low-level waste.

Other questions? I don't know what my time is to go on to the contractor report.

MS. HALLMARK: Well, let me just check in with people, because we have about 10 minutes to 12:00, so I'm wondering if you want to just take the rest of the ten minutes with Patty, and then we'd have to slip the other two transportation things till after lunch. What do you think?

FEMALE SPEAKER: All right, I can do it in ten minutes.

MS. HALLMARK: Do you want to do that? Okay, so we'll just do that, let her finish, and whatever questions you have for her.

FEMALE SPEAKER: Okay. Again, just by way of background, and Mike had kind of referenced this blue report here that he's got, I shipped copies here. I don't know whether

they've arrived or not, but hopefully they have or they will, so that you can take a copy of--they've arrived. Okay. And I've got actually a cover note that I want to put on them from Mark Frye that kind of helps put this into context.

As I mentioned, this report came from the senior executives of the contractor organizations who were tasked--don't pass it out yet, because let me put the little transmittal note on it, if you don't mind. Plus, it will be distracting to folks, since we only have ten minutes. Al Alm tasked the senior contractor organizations to independently identify, analyze and recommend technical opportunities. Again, as I mentioned, it was basically looked at from an engineering and an economical perspective. So those recommendations were provided to DOE, and we summarized them in the June discussion draft of the ten year plan. We only summarized them, and it was buried as an attachment to one of the attachments.

So it is fair to say that you have not clearly heard from us what this report is, what we're doing with this report, and how you get copies of that report, so we're trying to fix that a little bit. One way is to get it out to you guys and the site specific advisory board. So if you don't mind carrying the paper home, you can take it home with this transmittal note that kind of explains where we are in reviewing these recommendations.

Also, what came around to your table is a front and back one-page fax sheet that kind of explains where we are in the decision making process, and how these recommendations fit into that.

But the recommendations provide some information on what the cost savings are associated with those recommendations, some information on the investment required for those recommendations. And in your hard copy, I've summarized them all by waste type. It's probably--I'm not going to take the time to go through them. You can read them, and I don't think we're going to discuss any of them in detail here, but for each waste type, you know, they went through and analyzed it from a systems engineering perspective, and tried to look across the site's life cycle as a system, seeing if there were different ways that we could do business that would save money. And these are their recommendations summarized by waste type.

Also, they looked at the environmental restoration program and spent fuel, and this is kind of a summary, a high level summary of the recommendations that came out in that report.

So where are we in reviewing these recommendations? Well, we're currently evaluating them, evaluating them based on what are the costs and scheduled savings? Do we believe them? Is there enough information there that we can defend those costs and scheduled savings? What's the initial investment required? What's the risk to the public and the environment of implementing this recommendation, and what are the perceptions of equity by the stakeholders? Many of them, just by the sheer fact that they were in the report, caused some people to react very negatively. So some of them may not ever be able to be implemented. That's going to have to be part of the evaluation. And any review

or acceptance of these recommendations will be done through our formal decision making processes. We have just begun to evaluate them, even though this report has been out for--been to us for almost I guess six months--eight months, we have just begun to evaluate them.

And in the records of decision that I talked about in the previous part of the presentation, those recommendations in general will not be reflected in those records of decision, unless they are things that we were already doing. But for most of the waste types, they were things that we weren't already doing and we're not going to reflect them in our decisions right now because we have not had the opportunity to evaluate them and accept or reject them.

So I guess, you know, kind of discussion points for you again is how would you propose to continue to be involved in our evaluation of those. We have just tasked the sites with evaluating those and gave them the set of criteria that I listed in this previous slide, asked them to determine whether they are able to write kind of an action plan on how they're going to discuss these things with folks based on that initial evaluation.

For instance, if there's not enough information there to go anywhere with this recommendation, we can't really find the technical backup as to what the cost and schedule savings are, well then we have to at least get the basic set of information before we move forward at all. So we've tasked the sites with just beginning to do this, and I guess, you know, would like to have some feedback on how would you like to be involved in that.

And, again, the bottom line message is implementation or acceptance of these recommendations will not come as a surprise to you because it will be something that you will have had an opportunity to be involved in through all the other mechanisms that, you know, currently go on either at your site or at a national level.

Yes, I'll take questions now.

MR. GRAINEY: I guess that last slide confused me, because it sounds like this report is a free-standing independent process, and that concerns me. If it's part of the complex-wide integration review that you described previously where you're looking for feedback after your proposal in January, I think that's fine. But I think this thing is sufficiently seriously flawed by itself, that it shouldn't be out there as a free-standing process to get comments on. I think it would divert efforts by the states and others. I think DOE should go back and re-evaluate going out with this at all.

FEMALE SPEAKER: Okay. I ask this question every time I make this presentation, so I've got to get a clearer message come through on this, but it's not free-standing, but it's not--the recommendations are not mature enough or owned enough to be reflected in our decisions right now. And we're not holding up the decision making process to be able to thoroughly evaluate each of those recommendations, discuss them with you and determine if they are things that we want to include in our baseline.

So it is not a free-standing process or document, but from a timing perspective, we would like to move forward with making the records of decision resulting from the PIS, which we started six to nine years ago, so we can get that off of our screen, but continue to discuss these kinds of things with you. And if a change in the baseline is recommended as a result of those recommendations, we'll go back and change the record of decision and do supplemental NEPA analysis at some future point.

Does that clarify?

MR. ALM: I'll make one comment, Mike, and that is that I know before taking this job, one of the major criticisms I heard about DOE is that they never looked at the entire complex as a system and the contractor's report was an attempt to do that. Now, one thing that clearly came out of great use of the disposition maps, I mean everybody seems to like that kind of flow so you understand what's going in and out, and we have an accurate and well thought out analysis of the flows of material.

The contractor report has a lot of recommendations. Most of the recommendations achieve savings after the 2006 period. So it's not--the implementation of the contractor recommendations is not necessary to achieve the 2006 goals, but the question is are there aspects of what they recommended that would have enough public support and would save money. Now, we have not endorsed this report because that gets us into a whole new series of defending things we haven't even staffed out.

So we're staffing them out from our own point of view, seeing if we even think they make substantive sense. And we'd like to sort of get them out in the open and see how many of them, you know, could conceivably get public support, and if we find that some of them make sense substantively and have public at least acquiescence, we might move ahead with them. Others you'll find that they just love public opposition, and they're simply not worth pushing.

So that's the process, you know, and I think just having--if we've got nothing more out of this than the format, it's been worthwhile.

FEMALE SPEAKER: One of the cultural changes that the report, just the generation of the report and the fact that so many contractors were involved in it, one of the cultural changes is I believe DOE at the site level is beginning to think more like a system. We've had many discussions and meetings amongst ourselves and we're going to set up internal workshops where, you know, the field and headquarters get together and say, you know, you are not an entity on your own site, you are part of a system and we need to look at ourselves as part of a system and figure out how we can learn from each other, share information with each other, and see if the interdependency causes us to be more efficient.

So from a cultural perspective, that change is in the process of happening, and I think that's a positive change. We need to be sensitive to the fact that, you know, consolidation

and shipping waste doesn't necessarily sit well with everybody, so we can't make it happen if it doesn't. But I think the cultural change has been positive.

MR. GRAINEY: I applaud to looking at the--as a system-wide basis, and I think the diagrams are useful tools. You're going to have controversy on shipping and who gets what regardless. But aside from that, there's serious problems with the report as far as I think a number of us are concerned about, but what I'm hearing you say is that we should give you specifics on that, that you want comments on this report separately from your other processes.

FEMALE SPEAKER: Right. Did somebody else have a tent up? Martha?

MS. CROSLAND: I think that it should be clarified, however, that in seeking the comments that Patty is talking about now is just sort of a preliminary, this is almost your chicken and egg type problem, too, because they're asking for comments up front in terms of which ones look good or not good. But clearly, the process that is being laid out, any that would substantively look like they had any hopes of proceeding, and look like there might be some degree of public acceptance, there would be a separate process set up, and I think Patty alluded to this, a separate process to work with stakeholders on those before any decision was ever made.

FEMALE SPEAKER: Yeah, not a separate process, but the same process that we go through for all our other decisions, we will repeat that for these recommendations.

MS. CROSLAND: And there would be action plans that would lay that out, and it would be very clear.

MALE SPEAKER: One thing to remind people that when I chartered this group to do that, the concept was for them to look at it, and don't look at it in such a narrow vein that there are constraints that are put upon us. Look at it from a systems engineering point. Recognize that there are obstacles that maybe have to be dealt with, but from a system-wide thing. Because in some cases, we had situations where one site would make an assumption that the waste left their site, the site that they proposed to send it to never knew that they were supposed to be accepting that waste. And so that kind of thing was what we were looking at in this thing, was to look at it big picture wise, so they could do the disposition maps and stuff like that, so that you could see a full picture of that.

And there are constraints. There are things that would make it sometimes virtually impossible to implement those things. They were not asked to make those choices, but merely to look at them and present them, and I'll say now is do any of these have any hope of receiving acceptance throughout the community here that we could then pursue to implement, because there's some issues there that in order to get to where we need to be, there's going to have to be shipment of waste and stuff like that, or everybody's got to deal with their own. So that was the intent behind it.

So they looked at some things that, you know, maybe from a perspective of regulatory agreements, and so on, can't be done. The question is is it worth something pursuing to where we need to look at that and then go back and work the issues that we need to work.

MR. ALM: One thing that occurred to me, Patty, and that is maybe if you could get comment from people on the most repugnant and least repugnant of the--I mean, otherwise, I think you're not going to get anything, because everybody will say, you know, sort of take pot shots at what they don't like. I think it's worth trying to think of, you know, which ones are just out of the question.

FEMALE SPEAKER: Yeah.

MR. ALM: And which ones, you know, are at least worth considering.

FEMALE SPEAKER: Along those lines, we had a I would call it a furor in the Northwest Washington area over this report, particularly related to many of the high-level waste recommendations, but the one associated with risk based retrieval of the liquids in the high-level waste tanks, the contractors recommended that with a risk based strategy, you wouldn't have to pull as much of that liquid waste out, and there would be cost savings associated with that. That was very problematic for the folks in the Northwest. That's off the table. That recommendation is not even being considered by DOE. We know that that is just too emotionally charged and is, you know, the antithesis of what we've signed up to in the TPA. So that's kind of--those kinds of reactions are what we need.

Other comments?

MALE SPEAKER: Time schedule--

FEMALE SPEAKER: I don't know. We have to give you some formal instructions on that. I don't know. The question was when did we want comments. And there's lots of people, so I think we'll have to get more formal.

MR. ALM: How about close of business today?

FEMALE SPEAKER: Al wants to know what's good--yeah, you can jot that down and get that to us before the end of the day.

MS. HALLMARK: So, Patty, did you make it through? We are at lunch time.

FEMALE SPEAKER: Yes, I did.

MS. HALLMARK: I just was trying to see if we're at a stopping place here. We've had the suggestion that we reverse the order after lunch so that Ron Ross from Western Governors' Association goes ahead of Ralph Smith on WIPP. So that's one little flip-flop we'll make after lunch. But we'll start with Mike Grainey and Judith Holm, go through those transportation issues.

So before we break, Linda, are there any further instructions about how to get your lunch or anything? Or do people just head to the top floor?

MS. SIKKEMA: Yes, lunch is actually at the Top of the Riverfront Restaurant, and if you go out the door--

MS. HALLMARK: I think you might need to grab a mike. It's hard to hear you.

MS. SIKKEMA: If you go out the doors, past the escalators, take the elevator up and hit "R," we're the only ones up there.

MS. HALLMARK: Oh, so you have the whole restaurant. And we'll try to be back here at 1:00. Do you think we can still make that at 1 o'clock?

MALE SPEAKER: It's supposed to be 1:30.

MS. HALLMARK: Oh, excuse me. I'm not looking.

MR. ALM: No way you can make it by 1:00.

MS. HALLMARK: Oh, it says lunch 12:00 to 1:00, but start at 1:30. Okay.

MALE SPEAKER: And I was just going to mention that Al has to leave at 2:30, and so it's very critical that we get a start right at 1:30. Mike will be on first, then Judith, and then Ron, and maybe have some opportunity to have some discussion in there, too.

MS. HALLMARK: I mean, in light of that, do you want to try to start earlier if lunch goes that, or do you need that extra break now? I mean, we could build it in maybe after Al leaves if that's a difference.

MR. ALM: This is flattering, but I think by the time we get up there and served, I don't see how--getting back at 1:30 may be a struggle in itself.

MS. HALLMARK: Okay.

MR. ALM: But why don't we really push to get back at 1:30.

MS. HALLMARK: Okay. Well, we'll go for 1:30 and start right on time at 1:30, so head up.

(Whereupon, the lunch recess was taken.)

## AFTERNOON SESSION

MS. HALLMARK: We wanted to go quickly to pick up the presentations we didn't have this morning.

Also, I have mentioned about the heat again. I hear the people in the back of the room thought they might go comatose from cold. I think they're going to try to raise it up a notch. But of course after lunch, we want you to stay awake, so anyone drifting off, you'll get cold air.

With that, Mike Graine, I'll let you start on transportation.

MR. GRAINEY: Thanks, Elaine.

I have included in your packet a brief note, plus an attachment that actually Western Governors' Association and Ron Ross put together, but it outlines the agreement between the Western states and the U. S. Department of Energy on safety provisions for transport of radioactive waste to the WIPP facility. And the provisions cover two broad categories, what I call accident prevention measures, things like agreeing don when to ship so you don't ship in bad weather, advanced notification to the states of what's in the shipments, agreement on safe parking provisions if the weather turns bad and you need to pull the trucks off the road, safety inspections and other basic provisions to avoid accidents. And the second category is emergency response provisions, training, preparation of first responders in the event there is an accident in transportation, so they're well trained and they know what to do, they know whether it's safe to approach a particular truck or train that has an accident.

And this program, while it's not necessarily--it doesn't address every safety issue, is a good program. It's a good baseline. It's a program that the Western states spent a lot of time negotiating with the U. S. Department of Energy, that we think will help assure that shipments of radioactive materials occur safely.

The point I want to make is really very simple. This program really ought to be the baseline for all U. S. Department of Energy shipments, and it's not right now, and it should apply to all shipments, whether they're environmental management related, whether they're civilian radioactive waste related, whether they're defense program related. And virtually every time there's a new source of shipments, whether it's cesium capsules or spent fuel or foreign spent fuel or research, we have to renegotiate with USDOE what the terms and conditions are and provisions for training and for emergency response and for transportation safety generally.

I don't think that should be necessary. I think the provisions here that are in the Western Governors' Association should be the minimum, should be the baseline that DOE starts from in dealing with the states. The provisions here are not unreasonable. They're not

gold plating. They're not excessive. They're things that we think are the minimum necessary to assure the health and safety of the citizens. And if we can't assure that, and if we can't assure that the shipments will occur safely, shipments won't occur. And if we can't ship radioactive materials across the country, then the cleanup projects aren't going to go forward. The integration and consolidation of waste is not going to go forward. I mean, this is fundamental and underlies everything, in my opinion.

And I think it's both a policy decision by DOE and it's also a legislative decision. The WIPP Land Withdrawal Act provided some transportation requirements, and that were the basis for this agreement that USDOE has implementing I think very well.

Let me give you just a couple of other examples. The Nuclear Waste Policy Act that's currently pending before Congress on commercial waste disposal in the Senate, has some provisions on transportation safety that would apply to all the states. And, again, while there are a lot of obviously controversial provisions in the bill, and there's even controversy about the adequacy of the transportation provisions, they will apply to every state through which shipments of radioactive materials takes place.

The House bill, by contrast, is limited to states through which, and I'll quote, "The secretary plans to transport substantial amounts of spent nuclear fuel." And it's that distinction between substantial amounts and all shipments of radioactive materials that I think is fundamental.

I don't think we can justify, based on frequency of shipments or relative numbers of people, not having an adequate safety program for transportation. I think the WGA is a good starting point. It doesn't require DOE necessarily to negotiate with every state. DOE can negotiate with regions like they've done with the west, like they've done with the south, the Southern States Energy Board has acted in a similar role as WGA.

So, Al, I would encourage you to, not only for the EM program, but to deliver the message back to the DOE management that this type of thing should occur in all DOE shipments. And that's my message.

MR. ALM: You're talking about all the elements of the WIPP program? So it includes the cask safety, the accident prevention, the training, setting up of routes?

MR. GRAINEY: Yeah, and I recognize the nature of the materials may dictate which of those elements you need. I mean, if we're talking--there's, for example, low-level waste. There's low-level waste that if it spills, you can pick it up with your hands and clean it up, and there's also low-level waste that you have to approach in space suits. But the point is that DOE should approach the states first, let them know what the nature of the material is, and then reach agreement with the states on what precautions are necessary in terms of both accident prevention and emergency training, and that might dictate what type of shipping casks as well.

MR. ALM: Do you believe that the routes themselves ought to be approved or coordinated or what?

MR. GRAINEY: They certainly need to be coordinated. I think most of the routes, my experience has been they have not been in dispute. What has been in dispute is when you use those routes and what precautions are necessary along those routes. Particularly in the west, and I'm sure in the rest of the country, too, weather is a serious consideration many times of the year as to when those routes should be used, and maybe not used at all.

MS. HALLMARK: Okay, we have a couple comments or questions. I think you were first.

MR. ALLEN: I'm a little bit concerned that we may be trying to apply a set of rules here to any radioactive material shipments that were specifically developed for WIPP shipments. Towards the end of your discussion, you got into a little bit about low-level waste and how that might be handled a little bit differently. But I think we should have some additional discussion about what the differences are between spent fuel at one end of the spectrum, and at the other end of the spectrum, low-level radioactive waste which, frankly, has been shipped around the country for years without incident by not only DOE, but everybody else.

Is that truly what WGA is suggesting, that that set of guidelines needs to be the starting point, the minimum point, for low-level waste and mixed low-level waste?

MR. GRAINEY: Well, I'm not speaking for WGA. Okay? I'm recommending that the pattern that we developed with WGA be used for all shipments. And some of those elements won't be necessary, depending on the nature of material. But for any type of material, even if it's low-level, if there's an accident, if the truck goes off the road, if there's a truck fire, emergency responders need to know if it's safe to approach the truck. They can't know that without advanced notification, advanced notification of what the material is. They need to know that if special precautions need to be taken, or if they can just bring up the fire truck and hose down the fire. Those things apply whether it's high-level waste or very low-level waste.

MR. ALLEN: Then by extension of logic, they should also apply to commercial shipments of such, which you have no clue as to what they're doing.

MR. GRAINEY: Commercial nuclear shipments?

MR. ALLEN: Commercial shipments of low-level waste, you have no handle on that at all, and no hope to get a handle on it, as well as shipments of radioactive materials which in many cases can exceed the hazards involved in shipments of low-level waste, which again you have no notification of and no hope of getting that.

MR. GRAINEY: Well, we have requirements under state law that give us a handle for commercial shipments. And maybe your state doesn't; ours does. But I guess to the extent

that DOE is the initiator of the shipments, either directly or through its contractors, I think we need to deal with what that policy is and address what we can. I think the commercial shipments ought to be looked at as well.

MS. HALLMARK: Okay, we have a couple more questions or comments. Paul, you were next, and then Ralph over here.

MR. WARD: I agree with what you're saying, Mike, but the tribes need to be involved fully also.

MR. GRAINEY: Absolutely.

MR. WARD: And I was looking at the OCRM guidelines last year, and there's different methodologies for figuring, you know, what kind of financial support will be given to different entities, and some it was based on linear miles. I don't know if they also considered population bases. But for at least the tribes in the Northwest, we have resources that are outside of our reservations that we're highly concerned about, such as shipments along the Columbia River, or particular river systems that could be highly impacted by an accident, you know, considering fisheries and what other resources there are. So those are other considerations to work into the funding provisions.

MR. GRAINEY: Yes. Well, I would agree with that, and the states need to be involved as well, because a number of these cases, they are the first responders. In our state, the Umatilla Indian Reservation is the first major area outside of Hanford, for Hanford shipments into or outside of Hanford, and there's portions of the highway there are pretty hazardous in the winter.

MS. HALLMARK: Okay, Ralph?

MR. SMITH: Well, let me say that, you know, when we did the PIG with the Western states, and we call it euphemistically the PIG, since it's program implementation guide, it was never designed to be the universal shoe. And the other shipping campaigns have used it. Judith's cesium and nitric acid, uranium and even the foreign fuel have used it as a baseline and negotiated differences because there are sometimes vast differences in the shipments, but used it as a baseline of at least things to start talking about.

It's also, I wanted to say and just clarify, this is only for truck transportation. This is not a rail transportation, and we're working with OCRUM, since we believe OCRUM will be shipping about 95 per cent, that's what their figures are, or at least their expectations are, by rail. WIPP feels that we may ship 5 or less per cent, and probably 5 per cent is optimistic by rail. So this was designed strictly for truck transportation. It doesn't take into account river transportation, air or rail, and is not designed to be taken probably in total by anybody, but to be used as a baseline to kind of get a consistency and a standardization between shipping campaigns, because right now, there aren't.

I mean, there's really truly very different ways, even in DOE, of looking at transportation around the country, and what we've managed to do is with this one document, we've got the ten Western states that we deal with, Nebraska was the chairman at the time, Ben Nelson, and so we've included them even though we don't plan on shipping through Nebraska, and with the Southern States Energy Board, including states from the Midwest Council and the Northeast Council State Governments, we will include about 30 states under this as their model for shipping. That's a majority of the states even OCRUM is going to ship, I believe they've got about 44.

Certainly if you can get that many states kind of going the same direction on this is a standard, but not as the total standard, we can start getting consistency so that they don't have to worry about if it's an OCRUM shipment, do we have to go to Plan A, and if it's a WIPP shipment, do we go to Plan C, and what do we do for Judith's shipments, do we go to Plan B. It doesn't make sense for DOE, and the reason that I push this a lot is because it--you know, my funds are falling for what I can support, and I know Judith's has, and I know OCRUM has gone way down, and we need to start making it more consistent between shipping campaigns, instead of having these little tiny islands of kingdoms within DOE so we can do routing in common, training in common, protocols and procedures in common, working with the states. And this has been a total state/DOE effort. The states have developed most of this, and a lot of compromise in here, even compromise when we took it to the Southern states, because they have a different flavor for the region than the Western states do. They have a little different look at nuclear, because they have a lot of nuclear power plants.

So I just wanted to kind of give you a history. This thing was developed. You know, we're trying to get it across DOE, but we're not trying to jam it down anybody's throat. This simply is not a universal shoe. As it stands right now, it's someplace you can begin, build on, and for a particular campaign, negotiate the specifics you need to do that campaign.

MS. HALLMARK: Okay, let's hear from Steve, and then we'll go on and get the whole DOE overview.

MR. TARLTON: Just a followup to something Rick said about the statistics on the transportation being much safer. It's my understanding those statistics don't exist, that there hasn't been a thorough analysis of DOE transportation data for either plutonium shipments or waste shipments, and that while, you know, I can go to a data base in the State of Colorado and get information on gravel trucks, that information does not exist in a comprehensive way for shipment of radioactive materials by DOE, waste by DOE or plutonium product by DOE.

If we had that data base and if it could be used, it would be a very compelling argument to use with the public.

MS. HALLMARK: Okay. I think Bill wanted to make one more comment, and then Ann, and then we'll let Judith go.

MR. WISENBAKER: Mike, does the proposal for this, would it also apply to other hazardous materials like gasoline or materials like that that pose a risk as well? And a second question, in our FUSRAP program now, we don't currently have that program any more, but it would maybe apply at some other sites as well, we've had some turnkey operations where, for instance, Envirocare becomes the owner of the waste at one of our sites, and then they're responsible for shipping it to their site, so it's no longer DOE involvement in that. How would that apply to that as well?

MR. GRAINEY: Well, the gasoline and other chemical shipments, you know, I certainly recognize, like everybody else, that those are day to day more hazardous than the radioactive shipments, but DOE doesn't have jurisdiction over those, and this is a DOE meeting.

In terms of Envirocare and other contractors, it's my feeling that what we ought to be focusing on is the nature of the material, not who owns it, and that shipping campaigns need to meet safety standards, and the shippers need to cooperate with the states along the types of provisions that we've outlined here. And I think that includes rail shipments, because rail shipments, you're going to have accidents just like trucks. Some of these provisions obviously are inapplicable to rail; others are not. So I think this is a baseline that should apply to all shipments of radioactive materials.

MS. HALLMARK: Okay, Ann?

MS. DOLD: I just wanted to respond to Steve's comments regarding risk assessments for the variety of different shipments that DOE proposes to undertake over the next several years.

In Idaho, we're the recipients of a grant from DOE. This is the second year that we've been operating under this grant to do Idaho-specific risk assessments for a variety of different shipments that we anticipate will be coming through Idaho. These risk assessments, we did the first one on cesium-137 shipments that were going through out state last year. This year, we're doing WIPP shipments, and the spent nuclear fuel shipments that are coming through our state under the auspices of the Department of the Navy--Department of Defense, the Navy.

I mention this because it's pretty exciting work. What we've done is instead--we've taken DOE documents that give us risks associated with a variety of different shipments. These are often presented in their EISs, and those give you risk numbers for the transportation, the entire route from Point A to Point B, and you're given a number. We've taken that data and looked at it very carefully and broken it down just for Idaho, taking I-84, which is a primary route, as well as train routes, broken those into ten mile segments, and then collected both census data within the one mile on either side of the corridor, as well as taking information regarding transportation, traffic accidents, densities and that kind of thing, plugged that into risk kind and RADTRAN, and come up with risk numbers for each part of that segment of that corridor.

And with that information now, we can go out to the variety of--the counties, the responders, who are usually county hazardous materials response teams, and talk to them about the risks associated with the WIPP shipments that are coming down, the spent nuclear fuel shipments. This is adaptable to anything.

And I would like to say a word of praise, if you will, for the Navy, who was unable to give us source terms for the spent nuclear fuel because it's classified, but has worked very closely with us to give us something that we can work with that will be comparable.

And, again, I'd like to say that our numbers have come very close to what DOE has predicted, so we've actually verified the numbers that they're giving us. This, by the way, is work that's available to anybody who is interested. Check in with me if you'd like phone numbers. This is adaptable to your states, to your counties, to your cities. The tools are out there. The models are out there, and we some expertise.

So with that, I'll let you, if you're interested, talk to me separately after this meeting. Thank you.

MR. ALM: Can I ask you a question? Is there much variation among the various ten mile segments? And if so, what are the major factors that create differences?

MS. DOLD: There are differences, and it's very interesting what the factors are. On the I-84 corridor, we found one ten mile segment very close to the Utah border where there absolutely hardly anybody lives there, it's a very remote area of the state, and yet the risk factor was very high. And the reason for that is that there is some kind of localized meteorological conditions there, black ice, other types of conditions you find in the winter that are actually causing a high number of accidents. So even though you have very low populations, you have higher risks to cars on the road.

The other factor is population density. So not surprisingly, the ten mile segment that involves Boise is an area where you'll find higher risks, simply because you have higher traffic incidence of accidents.

So in both cases, it's accidents, but one case related to the weather and the other related to just density of traffic on the road. Not surprising, you could say it's almost common sense, but it's very good to be able to verify that and go out there to the counties and say, look, this is what we have found to be the case, and these numbers are consistent with the numbers that DOE has been giving us. Both of those are very good messages to be able to give.

MS. HALLMARK: Okay. Okay, I think we're ready to go on with the presentations from Judith on the national. Do you want to hold one? Or I can give you the lapel one.

MS. HOLM: I'll just hold it. Can you all hear me?

MS. HALLMARK: While she's getting the overhead turned on, I'll just note that since Al is going to leave at 2:30, maybe we can interrupt the discussions or presentations that are going on about five minutes before and at least give him a chance to respond to anything else, or any last words before he leaves the meeting. Is that okay, Al? We'll put you on the spot then.

Okay, go ahead, Judith.

MS. HOLM: Thank you. I'm glad to be here and I'm glad to be able to talk a little bit about the planning process that we have suggested and would like to have some feedback. I think, Mike, you brought up some of the comments that we have been thinking about and worrying about for the last several years.

We've come up with a three tier approach, some of which we're doing now, but not all of it, to include people in transportation planning, looking at the kinds of features that need to be added in that planning process.

The first tier is more generic interface with national transportation, state and tribal groups, stakeholder groups, local governments. We have a transportation external coordination working group, which is composed of associations of state, tribal, local organizations, technical, professional associations, as well as industry, railroads, trucking industry, unions and others. This is the group where all DOE programs participate in sitting down with this group of associations and talking about a variety of transportation issues.

Some of the things that have come out of this group have been a focus on specific topics that they wanted to explore more thoroughly, things like training and what we're doing in training, and suggested ways to go about training, routing issues, we're right now developing routing discussion papers and having phone calls with people who suggested they'd like to participate in this. We've addressed equipment needs. That's been turned over to a programmatic initiative to look at standards for emergency response equipment. No one in the country has done this, and several groups have said if you can do this through a standard setting body that brings in all the experts, not DOE saying this is what everybody needs, but a group saying this is what everybody needs, then we'll have done something that hasn't been attempted before.

The third thing we've looked at are things like funding and technical assistance issues. We're just now starting that discussion with people. We also think that you need to have a tribal nation government to government kind of consultation process. We have not done that for transportation. What has been done has been focused on site issues, but we really haven't, except in specific campaigns, looked at a consultation process on a national basis, because there are more tribes impacted by transportation, I suspect, than maybe by some of our side activities.

The second tier of this planning process suggests that we write national transportation plans, programmatic documents. After you've completed your records of decision, after

you've looked at the kinds of things you want to do and come to agreement on where different activities will occur, such as in Patty's process, you then sit down and programmatically write an implementation plan that says here's all the things that we know we'll be transporting, here's where they're going and here's a framework for working with people and here are the components, similar to what you've suggested, Mike, that would be included in that programmatic material specific, but national plan.

I think some of the activities coming out of the 2006 systems integration work, we're looking at transportation issues as part of that, lend themselves to getting this kind of data out on the table and in combination perhaps with the mapping that's going on, we can come to an implementation plan process.

MR. ALM: National plan for each material type? You mean waste stream?

MS. HOLM: Waste stream, yeah. You may not have waste streams. You may have materials that would still be used as one of the features.

The third tier is a process that is concurrent with this development of a national transportation plan, and this is where, depending on the criteria that people select, you may write specific site transportation plans as we have done for cesium shipments from Northglen, Colorado to Hanford, as we've done for nitric acid, as we've done for spent fuel, both from Brookhaven Lab, foreign fuel coming into the ports of South Carolina and California ports, the Concord to INEL shipment. These would be very specific and would include some of the features that have been laid out in the WIPP protocols.

This process allows very specific planning to take place, involves states through regional organizations like Western Governors', Southern States Energy Board and the Northeast and Midwest Councils of State Governments. This is an implementation plan, if you will, that lays out roles and responsibilities. It kind of follows the PIG, and we basically have tested the WIPP procedures through the cesium plan. So that has worked.

Again, these are some of the features--or the people who have been involved. In the case of the foreign fuel program, because it's spent fuel, because of the heightened awareness and sensitivity about spent fuel and concerns, these tend to become very large groups sitting around a table. We have other federal agencies involved, including DOT, FBI, because of security issues, the Coast Guard in the case of the foreign fuel, EPA, just you name it, they're all there, but the process works.

Features of the plan include, as I said, roles and responsibilities. Who does what? What's the role of the state and what's the role of DOE and what's the role of the carrier? The carrier has to be part of this, too. They're the ones who have liability and responsibility for getting the shipment from origin to destination, so they're key. Mode, routing and tracking issues are all spelled out in a plan like this, when it's going to happen, what's the schedule you need to walk through in both executing the activity as well as getting prepared. Communication and public information protocols, who says what, do we agree on the messages that would be presented, can we put together some fact sheets or press

releases jointly, not that we would speak for states or tribes, but that we would at least all agree on what we're going to say, either in the event that somebody calls or if something happens.

Route maps, that's where you go through the process of identifying the routes jointly. Under DOT rules for highway, as you all know, the carrier is responsible for "selecting the route," but as a shipper, we have a role to play in working through that process, and in consulting with people and jointly kind of agreeing on the best route.

In the case of some of these routes and shipments that are NRC regulated, NRC is the approval authority for safeguards purposes on routes, and so that process is followed. The carrier or the shipping agent submits the route to NRC, who then does a check and approves or says, gee, think again. And usually you'll have two routes in that case; you'll have a primary route and alternative route.

The emergency plans, let me address that for a minute, it's both an emergency plan attached to the plans we've built that talk about the carrier's emergency plan, and then there's another plan that looks at what are the training needs before you get out there. And this has been on a campaign by campaign basis. I want to talk about that a little bit, because we think there's a better way to do training that doesn't go campaign specific every single time, but tries to look at a more comprehensive approach. And it's through this program that we've initiated actually two years ago called the Transportation Emergency Preparedness Program.

We have guidance out to our field regional coordinating offices, the people who actually provide a third tier response from the DOE, the regional radiological assistance programs teams. Part of that is a technical assistance program plan, a base plan of how they are going to manage their program, identify the needs within their region for transportation, training, exercising and technical assistance, and then looking at a technical training plan that they would work jointly with the states and tribes, and if need be, jointly with locals in the region.

What we're trying to do is get a modular based training program in place that is handled regionally, that will cover all the materials that we will be shipping. We don't want to have extra training imposed on people, especially at the local level, where they have very little time for most of the training they have to take anyhow. We think it's better to work through existing systems at the state, tribal and local level to provide that training and let us with you develop those materials, identify the needs, do the hazmat flows, as they've done in Idaho, to identify what really is shipping out there and what do you need to focus your training dollars on.

So that's what we've tried to do in the training arena. That's the bulk of my presentation, and looking at how we approach planning, I'd be interested in how we can work together to identify some of those criteria, looking at the planning process, how you think you all want to be involved as we go forward. This approach is spelled out in the 2006 plan appendices. It's hidden away there.

A couple other things that we have done. We have something called the program managers guide to transportation planning that basically advocates this process, but not exactly in the same way. This has been sent to our field offices and our programs, so they will have an idea of what we're thinking about in terms of an effective planning process to go through.

The other thing I was curious about your statement on shipments and what do we know about what we're shipping, or were you really getting at the risk assessment issue? Because we do have information now about what we have shipped historically, and we can give you that data. It is available.

MALE SPEAKER: Does that data have accident rates and types of accidents?

MS. HOLM: We have another data base called the radioactive materials incident report that collects all radioactive material transportation incidents. It is a joint data base that we feed into the Department of Transportation with the NRC, yeah.

MALE SPEAKER: This data may now exist, but the last time I checked, you can go to national data bases and determine what's the rate of accidents on a stretch of interstate. What you can't get is what is DOE's rate of accidents on shipping radioactive materials, and I believe that number is probably better. I believe you're significantly safer than the rung of humanity on the highway, and I would like to have those statistics to be able to demonstrate that.

MS. HOLM: Okay, let me go back and see what I can find for you, because I think we have some of that data. It may not be totally accurate, but we can try and pull that out.

The other thing we have available is prospective shipment information for a category of materials that basically our external coordination working group suggested we develop. That's proved really useful for our planning purposes. It doesn't gather everything, but with enhanced technology, we're able to get more good information and start to turn that around in summary fashion to people.

MR. GRAINEY: A couple comments. First, Judith, I want to encourage DOE to continue with what you're doing there. I think what you've outlined is very important. And you said--you were talking during the break that this would apply to all programs, not just EM; is that right?

MS. HOLM: This particular approach is spelled out for EM. We are looking and are working with the other program offices to develop a more consistent approach, yes.

MR. GRAINEY: I think that's essential, because it wasn't that long ago, it was a matter of months, not years, that DOE people, who I won't name, told me--and this was just in the context of WIPP, let alone other sites, don't worry about accidents, they can't happen, and that the WIPP protocols themselves were unnecessarily elaborate. So I think you need to convey to DOE program people the importance of this as well of what you're doing.

I guess the other comment is on emergency response. Training you highlighted as important, and I agree with that. Another essential element is equipment, the right equipment, and many of our emergency responders are either local county sheriffs or in some cases volunteer fire departments, or the Umatilla Indian Reservation, which have limited resources themselves. It's important that they have the right equipment as well to respond.

MS. HOLM: On the equipment side, looking at this as a group with some of the experts, and tying it to training, what we've done is if this is your role as a responder, whether you're a first responder, second, third tier, and these are your roles and responsibilities, then here's the kind of equipment you need to either do your job, identify the hazard, protect yourself, and so the list is shorter than we would have expected, which is interesting, but it does give at least a guideline for what people in the--have suggested would be the appropriate equipment list.

Now, that's why we're taking the next step and taking this out to a standard setting body like ANSI, to verify that this really is the list, and bringing in the other agencies who have some responsibility in this area, like FEMA, NRC and others, EPA.

Does anyone else have a comment?

MS. HALLMARK: I think that's all. I think we may want to just move ahead then with Ron Ross from Western Governors' Association, and we can interrupt him before--oh, we do have another card up. I'm sorry, we did miss you. Can you use that mike there?

MR. APPEL: I guess I'd like to make two comments. My name is Gordon Appel. I represent the State of Illinois.

You heard one view of the way people feel about transportation, and we have a little bit different view, largely because I think because we have a lot of experience in actual matters of doing this. But I'd like to urge DOE to exercise some sound judgment in choosing exactly what materials they believe really deserve the kinds of elaborate planning that can be done in terms of transportation.

And, secondly, I'd like to make it clear that at least from Illinois's perspective, before DOE launches off and develops training programs that get implemented in the State of Illinois, we'd like those coordinated with the Illinois Department of Nuclear Safety, since we're going to be the ones that deal with it when it happens, and we do not want to be in a situation where some other agent has trained a local responder to react in a manner that's different than what we really want them to be doing.

MS. HALLMARK: Do you want to respond, Judith?

MS. HOLM: I think really--so noted, but I think the goal for our training programs is for not--not to have us or our contractors come in and train, but to work with the states or the appropriate training organization and have you guys deliver the training in concert with

your existing training programs. And I think if your point is to get involved at the development stage, I would hope we would pay attention to that, and we have done that with a current course that's a video course, where we've had significant and extensive comment on that course. It's a stand-alone, but also could be used in classroom settings geared for first responders.

So, yeah, we think it's important to have you all comment and participate in this.

MS. HALLMARK: Okay, I guess we'll go ahead with Ron, and, Ron, with the warning that we'll interrupt you probably in about ten minutes at least to let Al say something before he leaves.

MR. ROSS: Let me know when you want me to wrap up.

Let me indicate first of all I'm with the Western Governors' Association, and what I'm about ready to tell you is a model that we have used, has been found acceptable in the Southern states and the Midwest states as a model for opening discussions.

We did work with the WIPP project to develop a set of protocols. I would submit those as an outline to begin the dialogue in a cooperative effort between the states, tribes and DOE on their shipments.

To answer the gentleman's question over here in the corner, we'd like to see these extended to private shipments also, because they're, in reality, not a lot different in material types, in some cases, as the DOE shipments are. But right now, we happen to have the ability to work with DOE and to bring this about.

Let me indicate that I have one copy, but I can make more available to you. We're updating it is the reason I only have one with me right now. If you want to leave your name and card with me, I will provide you copies. This is the infamous PIG. Ken Gray with the Umatilla Indian Reservation is developing a tribal one. He calls it the HOG. So, anyway, if you would like, please leave me your card. That's enough advertising for right now. But what I'm going to talk to you about is contained in there in a greater detail.

Let me indicate that Mike did a good description as to what our protocols do. First is the accident prevention. Second is emergency preparedness and training. There's a third component and a fourth component that I'd like to submit to you that we're using in other shipments. The third one is public education and participation. This is absolutely critical, as we are finding out right now in the West Coast shipments of foreign spent fuel, to get with the public very early in the process to discuss how you're making your decisions and what you're going to do on a time table.

The fourth piece of this is security. Now, if you'd go with me and visualize a line, if you may, at one end is LSA, which is lower than specific activity, low level waste, mixed waste, true waste, moving on up through high level waste, spent fuel and what we call in

Oregon odd-ball shipments, which are things out of Hanford which may be liquid or other kinds of things that have a perceptual problem, as well as a real risk.

At the low end, using the same outline that I am advocating here that we've developed for WIPP, which looks at those four components, we discuss things amongst the states and DOE. We then come up with basically simple things that we need to do, notification, a procedure if you have an accident, an incident notification, cleanup, and training.

Now, most of our people are trained to Class 7, radiological. Judith has worked with us on special shipments such as cesium to come up with components to that set of training procedures at the state level, not WGA, but the state level, to train their firefighters in the addition of recognizing what a bust cask was and the special components of risk associated with cesium. This can be carried on as you go up the level. WIPP is in the center. Everything in this book that we're saying we should do for WIPP, that's sort of the centerpoint. And as you move on up to high level, you start adding a few things to it, such as additional security, such as using routes, either southern routes in the winter and northern routes in the summer. You'd also look at time tables of when shipments are occurring. You don't want to get out on freeways in the middle of the Christmas rush. This seems silly, but right now, the original time table for foreign spent fuel put those shipments out there in the middle of the major Christmas rush on the railroads, UP would not be able to accommodate that. So those are things that we start thinking about and we start working with as we move up the side of the spectrum.

So if you bear with me then, or visualize with me, you've got one set on the bottom end, which you do minimal things, but you do the same planning routine and outline for discussion all the way through, and you look at the high level. So essentially, that's what we're advocating as a position to dealing with DOE, and Judith has taken this in a format and put it into what I call DOE, and attempting to institutionalize this within the EM program.

We have also submitted this to OCRUM, and they at this point have kind of been luke warm towards it. But we feel that it is an appropriate methodology in which to start those dialogues.

Now, to deal with one more subset of issues here if I may? Yes, Al?

MR. ALM: Both you and Mike talked about having a base set of characteristics and then deviating from them. Now, first of all, do you consider WIPP sort of the cadillac, the end, so you'd be deviating in most cases down from them?

MR. ROSS: I look at WIPP as in the middle.

MR. ALM: The middle, okay. So you go--

MR. ROSS: You go down towards what I call the LSA end, and then you add things to WIPP as you go up to the high level and odd-ball stuff.

MR. ALM: If you did stuff like high level waste, for example, okay.

MR. ROSS: That's where you start adding in specifics of security. That's where you start adding in the weather and summer and winter and that kind of thing.

MR. ALM: How do you describe either the criteria which would be the more stringent set of requirements, and vice versa, how do you describe this and when it's all over, aren't you at the same spot that people have to make decisions pretty much on the fly?

MR. ROSS: Well, taking the first half of that question, how do we describe it, I've not talked to Mike, so Mike, you respond how you see fit, but as I've heard within the WGA task force meetings, is that the lower end of the spectrum up to WIPP can be done by waste stream. You've got a program for low level, you've got a program for LSA. WIPP starts where you start really getting into routes and specific waste stream itself, and as you move on up, you may want to get into case by case or shipment by shipment, such as the cesium situations, depending upon both the real risk, as your engineers would tell you, and the perceived risk, as the public will tell you, and that dialogue I think has to occur from the very beginning in the cooperative dialogue effort as we announce shipments.

MR. ALM: So you see a policy statement that lays all this out that would be agreed to by the governors, whether it's NGA or Western Governors or whatever?

MR. ROSS: I would propose that, and this is going to sound a little bit like feathering here, I'd propose that you look at the four regions, because we're all a little bit more unique, or a little more unique between ourselves. The Southern states have a little different way of looking at things, as WIPP has discovered. The West, which covers 21 states actually, has a different way of looking at things because of our different systems out there.

MR. ALM: You said four?

MR. ROSS: The Northeast and the Midwest Council of Governments.

I'd like to also offer that we've been working with the tribal governments along the routes which we are using. I'd also like to make the offer that any tribe that wants to attend our meetings of WGA and to participate, to let me know and we will do that. We have had participation from the Umatilla Indian Reservation. Ken Gray attends our meetings quite regularly, as does a representative from the Powaukee Pueblo down in New Mexico. Other tribes have come as they see that they have need. But our meetings are open and we do encourage you to participate.

We recognize one thing. We're all residents of the same route, and we'd like to work together, and our states have authorized me to talk to you to tell you that we want to work together and cooperate on these things.

MS. HALLMARK: Al, I think you have about five minutes left.

MR. ROSS: Okay, let me add one more thing, if I may. Al, one of the messages that I brought to you last week and the same one here, I'd like to work with you and the WGA to identify a funding mechanism which doesn't wholly depend upon either WIPP or any set of particular shipping programs, but to basically try to come up with a way to allow all the programs to contribute and use that then to fund the states to prepare.

MR. ALM: Okay, I appreciate that. Let me just make an overall observation that this is our first STGWWG meeting for a very long period of time, and I think the meeting, at least thus far, has been quite successful. First of all, I think that the level of the presentations and discussions have been at a very high level of quality. I think, secondly, there are a number of recommendations that have already been made that are things that we either will implement or need to give serious consideration to implementing.

And I, third, would hope we can institutionalize STGWWG in a way that it will continue to play a major role in giving the Department advice. So I guess I would like to just close up by thanking all of you for coming. I'm sure since I'll be around quite a while, I'll see most of you, but those who I don't see again, I really enjoyed this opportunity. I feel like I've accomplished what I've set out to do, and I'm looking forward to doing something that doesn't take virtually all one's energies. But it's been a very enjoyable period of time, and I just want to thank you for both working at the meeting, and for longer term relationships.

MS. HALLMARK: Anyone else?

(Applause.)

MS. HALLMARK: Thank you, Al, for being here this time. Good luck.

MR. WINSTON: Al, I was just going to say as you're leaving, I appreciate the comment on institutionalizing, and it's very possible that we can have a discussion with you, not certainly at a meeting, but maybe some representatives can discuss that with you before you leave, and get your thoughts on how best to approach your successor.

MR. ALM: Great.

MS. HALLMARK: Thank you.

MR. ROSS: I didn't want to take up too much of Al's time, because he's heard the rest of this presentation, but I'd like to throw a few more things out for you to think about as we go through the transportation thought process, and I don't like to take up any more time than I need to, but I think these are critical.

First of all is that the WIPP protocols, we are applying them in a modified manner to rail. Rail has many of the same features as far as emergency response, emergency response planning, exercises in that that are associated with highways.

Second, and probably more critical, is I'm going to suggest that we do a dual process where the site people who are working through the waste maps and your waste streams and basically what you're going to do on an integrated basis, that we at the transportation level start looking at things that will then coincide with what you're doing, beginning very shortly with routing, the criteria which we would use to look at routes.

First of all, if you're not familiar with the highway system in this country, it has had literally a dis-investment mode of operation for the last 15 to 20 years. We're putting fewer and fewer dollars actually into the maintenance and upgrading of the transportation system, particularly highways. We need to take a strong look at that from the perspective of these particular shipments as you move up that spectrum towards the high level.

Second, we in the west at least have experienced mergers with the railroads, and our two healthy railroads have finally bought up, merged and to a great degree had major problems with those mergers of the smaller--not smaller, but the at least wealthy railroads, the Santa Fe being taken up by Burlington Northern. That integration program has not had the visible problems that you've seen with the UP, and the UP buying up the Southern Pacific.

Those not familiar, we've got some 8,000 to 10,000 rail cars stuck in Houston, can't move them. They've got on their system 40,000 cars they can't get off of it because they don't have any power. They have no engineers, and their system has very, very poor switching facilities. It's going to take years to change that and get it upgraded, and we need to consider those systems as we go through the routing criteria as well as what you're doing at the site level of going one site to another. So I think the transportation people need to be working on these things.

I also submit to you that on the transportation side, you have different participants and different regulators and different responders, and they need to work in concert with you at the site levels to understand what you're doing, what you're shipping, so that the whole thing works as a system and not as a site shipping to another site, and it just gets there somehow or another.

Unfortunately, this is the way it's been operated in the past. The western states do not believe this is a smart way to go. The corridor states need to be involved. Where we ran into this is Nebraska. They did have a low-level waste dump by Envirocare in Nebraska of a couple of rail cars. Nebraska basically has just been funded for one computer through our agency, plus a few trips to our meetings. That's it. No training per se, no major equipment, nothing like that. Inverse, they see almost all the shipments because they're on the central core. They need to have more funding, more training, and so those needs need to be addressed.

So basically, those things need to be addressed as part of the transportation program. So, again, it should be parallel. It should involve both groups on cross-overs when it's appropriate, and we all need to get started on this business now if the EM program is going to actually meet its mission targets for the 2006.

MS. HALLMARK: So are there questions of Ron before we go on, or do you want to go ahead and hear Ralph's presentation on WIPP and then get back to the whole thing?

MR. ROSS: I confused them all.

MS. HALLMARK: You confused everybody. Okay, I think we'll go ahead then with Ralph. You need the overhead. Do you want this one or would you rather have a clip-on?

MR. SMITH: I don't even need a microphone, but I'll--

MS. HALLMARK: They're recording, though, so they'd like you to do it anyway. It's right here.

MR. SMITH: I always test it on my own name. That way if I look foolish, it's only on the cover sheet. I'm Ralph Smith. I do the institutional programs for WIPP. That includes the states, 28 states that we're dealing with right now. It used to include the tribes. We hired a headquarters woman to do the tribes here in the last few months, and she's doing a great job, and I can now concentrate on the states.

I come with an exciting message. There it is. That is our date. We are going to open in May of '98. We're going to charge through. We have some opposition to opening, but everything that we can do, all the dates that we need to make to make this happen, we've met, and certainly we believe that it is not beyond the realm of possibility now that we truly will open in May of 1998.

That said, these are the things that are kind of what's between us and opening, and let me go over these quickly. The EPA last month gave us a draft rule. That draft rule will kind of culminate next April in a final rule after some public hearings. With that, we can possibly ship non-mixed waste, and we'll talk about that in a minute, since that's one of the wildcards in our equation. The Part B, which is the wildcard, is issued by the State of New Mexico, and right now, we don't have a date from them. The date I've heard is anywhere between tomorrow and next October, and we're just not sure, and that has created some frustration and confusion.

We are looking at seeing whether we can ship legally non-mixed true waste, in other words, true, true waste, just the nuclear component. That decision has not been made. We have identified the sites, and we'll get into the routing in a minute, that have that kind of waste and how much it is. It basically looks like about a shipment a week from each of three sites. It could be a little bit more from one. And so we're looking at that, but again, that decision on shipping has not been made, and I'm not going to even guess what it's going to come out as.

The third one is the supplemental environmental impact statement, and Patty corrected me, unfortunately when I did this slide, this was a good date, and certainly it now looks like December, but at least we have a date, or dates, that look fairly close. We issued in October, the final site--and then the record of decision, from what we heard this morning, will be issued early in December.

Those three items, however, will also, and probably will also kick off some lawsuits, especially right now for us is the site two when the ROD is issued, we expect that we'll probably be sued by any one of a number of organizations. We believe that once the EPA issues their final rule, that they will be sued. And the interesting one is we believe the state of New Mexico may sue the state of New Mexico on the RCRA permit. So don't ask me; it's more fun than I can have in that state.

It's an interesting state politics. The governors are republican, the attorney general is Tom Udall, one of the Udalls, I think Stewart's son, and he's a democrat. History; Jeff Bingaman, who is now a U. S. Senator, made his bones by suing WIPP, and we believe that Mr. Udall is doing about the same thing, or may do the same thing on RCRA Part B by suing WIPP. There's also a lame duck that cannot run again, and we believe he's going to run for the House seat from Santa Fe, the one that Bill Richardson moved into the U.N. and is now held by the first republican in history.

The routes; most of you have seen this map. It hasn't changed. The only changes we're looking at presently may involve Denver. There's some routing issues up there, political issues about are shipments going through downtown Denver. We're working closely with them. We have got some suggestions and the State of Colorado has given some compromises we think that may work. Some of the politicians up there are pretty excited about the compromises, and we'll see.

What I wanted to go over with this map was right now, our first route will open from INEL, Rocky Flats and Los Alamos, coming down to WIPP. Those three sites have identified, as I was saying, about a shipment a week from each of the three sites of true waste that's non-mixed. Rocky Flats thinks they may be able in fact to do two shipments a week, and this is--we're looking right now between the May time period and October of next year to start, because we would hope, and we're really working with the State of New Mexico to get the RCRA permit even before we open. Understand that we would love to have it before May of next year. We just don't know, they haven't set a date, and so we're looking at both options. But certainly we're also looking to see where we've got waste and how much we can get shipped.

We're also in the next month, and I was talking to Roger Mulder from Texas, we're beginning to open the southern route, the Savannah River route. That will be open in time for the first shipments, which we believe will be in March of 1999. And then all the other routes, as I've long held, probably when we're open, will look like the Oklahoma land rush, because folks in all these states are going to want stuff going out of their state, and so we feel that after we open, we may have a lot of work trying to open routes fast enough. But the biggest consideration for us is the lack of true packs to ship the stuff in

right now. We have 15 true packs, and that certainly would not allow us to open all these routes anytime within the next year.

But we do have an RFP, and I didn't put that in my slides, we have an RFP going on the street that is transportation. We're going to marry the transportation sector, in other words, the trucking company with the purchase of true packs. We need about 60 true packs total. We have 15 right now certified, so we need about another 45, and those, too, would be kind of married on an RFP so that we would get all the transportation services in one package rather than going out and doing two of them, and that will be on the street hopefully next week. But certainly there's some other issues involved there, and so we're not going to make promises on that, but we would like to get that out as quick as we can, because we can use true packs. There's about an 18 month to two year lead time on those, since they are NRC certified and the last true packs we made were in the late Eighties, so there's nobody in the country right now that has the quality, programs and everything else needed to put them together, and that could take a while. Plus, the special stainless steel is not just laying around. A lot of things go into the lead time.

The other two things I wanted to cover were--this is kind of where we stand. We have agreements right now with the Shoshone Bannocks in Fort Hall, Idaho, the Umatilla in Oregon, Powaukee Pueblo in Northern New Mexico. We also have ongoing discussions with San Ildefonso, Tusuki (phonetic). Both of those are Pueblos on the Los Alamos route. Those are the two and we've been in discussions with the Navajo Nation, Akema (phonetic), and Laguna; those will be on the western route of the Nevada Test Site and Lawrence Livermore National Lab.

We would like to have agreements with all the tribes along the Los Alamos route before we open and are continuing negotiations to that end.

And I'm finally going to talk to the states. As I said earlier, we have agreements with Western Governors. That's ten states. We have included--Ron alluded to Nebraska. We have included them in talks. We're not planning on shipping through there, so that would make that eleven states. And in the east right now, I have 18 states, although we're going to add probably West Virginia and a couple of Northeastern states here fairly soon. That will make up the 30 states that we believe we'll be impacting, and that will kind of be for the next 35 years, some or all those states will be participating in our shipments.

That's basically all I have to say. Does anybody have any questions?

MALE SPEAKER: Were you going to talk about the mixed waste shipments?

MR. SMITH: Let me tell you that we're ready in May of next year to do either, mixed or non-mixed true shipments, if in fact we can do mixed. If we get the RCRA, Part B, we will be a lot happier. First of all, we'll be able to do five shipments a week, which is the starting point. The end point of shipments, in other words, the high end of when we're going to ship, about 17 shipments a week, so a lot of states, they expect to see hundreds of our trucks running up and down the road, because we do have 39,000 shipments over

30 years. But, in fact, we'll only have about 17 trucks on the road at any one time during the height of the campaign.

The reason for that is the through-put of the site, we have an elevator and that kind of stuff, it just will not accept a lot more through-put. So it's not going to be--and if you look at the routes again, we're talking about several thousand miles of road miles around this country. You take 17 trucks, some of them empty, some of them full, running those routes, they're certainly not going to over power or add significantly to the hazardous waste in any city or state or tribal lands throughout the country on any week. There will be a continuous flow.

But let me tell you, too, that how we plan to do routes like NTS, NTS is pretty neat. They have a finite amount of true. Once we clean that up, they do not plan on generating, and we know of no other waste out there. Lawrence Livermore is pretty much the same way, although they will generate small amounts every year. So we'll probably open that route over about a two year period. Six months, we'll blitz the 200 shipments in there, and we're going to close that route down. That same thing goes for Argon. They have about the same number of shipments, a little over 200. We'll probably open that in a two year period, take the assets we need in there, blitz it out, and then close that route down.

And we're looking, and I will propose for the Southern States Energy Board folks in our meeting in December, for what we call SQS or small quantity sites. We'll probably be taking those, again these are proposed--I do routing a little bit differently. What we do is propose the routes to the states. The states then come to us and tell us what they can or can't live with and what it looks like; the same with the tribes. It kind of works, insofar as it gives us a starting point to talk from. We have some biases. We'd like to do as the states do, talking to Nevada and California, we've made some modifications.

If you know 49 CFR, and you look at this map, we're not using interstates here all the way. And the reason for that is is Nevada wanted us out of Las Vegas. California wanted us out of Los Angeles. We've managed, because of--to meet those needs.

Anyway, what I believe we'll be looking at is kind of a coming down into--well, I've got to go back up a second. Ohio has the biggest non--or small generator site in our system. They probably have about 500 shipments of remote handled. The rest of--I think the next biggest one is about 100 shipments from someplace else. The rest of it's one or two shipments, a couple meters here and there. But that would mean that--and Ohio, in their response to the EIS, has said why don't we take the stuff down through Cincinnati, or around Cincinnati, and then down 75 through Kentucky, and hook up with the Oak Ridge route. Once I empty this route out, we'll abandon that and not go back through there, and basically we have this much to add to an existing route, and the Oak Ridge route will be open for a long, long time so it kind of makes sense.

What we've tried to do here is combine routes and shorten them up and make them so that they're kind of independent. I can open a route or close it. Like Oak Ridge, I can open it. The only ones I have to open are the Idaho and the Savannah River. Those are kind of the

lynch pins. The Oak Ridge I can open independent on any time I want to, the same way with the Argon Mound, the same way with the Nevada Test Site and Lawrence Livermore. Those you can open them, close them, it's not dependent on anything. The other two pretty much you're going to have shipments over the 35 years and you've got to have them open.

Can I answer questions?

MS. HALLMARK: Okay, Ron, do you have a question?

MR. ROSS: I just wanted to make a point that Ralph is indicating here, and I don't want it to be missed, that is is that what WIPP has done, which is a bit unique, they were one of the first, is to negotiate routes with the states, the tribes and the local communities. In many cases, as he's indicating, those routes are not on the interstate system and they were not originally on the DOT system for hazardous materials, and we are working with the states and tribes to both do the negotiations and do the designations. There is a process by which DOE--excuse me--DOT can work with the states to designate other than interstate routes.

So I just want to make sure that that point is out there, that this is a good place to start the negotiations, and early on.

MR. SMITH: Well, one of the things we have to always worry about is we are doing the training for these, and if we're going to give ourselves enough lead time to do training, obviously we've got to know what route we're doing.

The other thing is is in our contract with our carrier, and please understand that the way WIPP does this is not the way DOE, the rest of DOE does this, and, Lord, the rest of DOE has beat me to death on this, and they point this out big time, we have a carrier that is under contract solely for carrying our waste. It's under contract usually for a five year--five one-year contracts, and when we sign a contract with them, we put this map--probably not the map, but the wording in there, and there are no deviations and no alternate routes, no nothing. The only alternate route is if under the state's power of emergency, a state highway patrolman says this road is closed, you will use this one, absolutely we use it because that's a state emergency route. But we're not going to give our drivers and other folks the chance to get us into trouble by taking some route that somebody may dream up during the middle of the night. These are the routes we're going to use, period. They're negotiated with the states.

If the states decide to change them, as Denver may, or Colorado may with Denver in the near future, our whole thing is we will follow the routes that the states designate, and we will train along those routes, and we'd just like to have enough time so we can do an adequate job of training and exercise.

MS. HALLMARK: Okay, Mike, I think you're next.

MR. GRAINEY: Ralph, what's your latest estimate on when shipments from Hanford would start?

MR. SMITH: You know, the problem is--we had a program review and the problem I've always told the folks is two-fold. One is the money that I need to do pass-through to the states, and I've got to have that in hand. I mean, it's hard to negotiate when I don't have a dollar in my hand. And the other is the commitment of the site that they can be ready, and remember this is not just them being ready to throw this stuff in a true pack, they've got to have a quality control program in, they've got to have just a number of things in place, and we've got to go and do a number of audits and make sure that this is done, because we're not going to accept stuff from anybody that doesn't meet our acceptance criteria. And those things have not been real solid up till this time. A lot of the sites have a number of issues on their plates, the tanks in Hanford is a good one, that have drained resources away from what they might have put into shipping true waste.

As we get closer, though, a lot of the sites have started to indicate that they're more willing to take some resources and shift them over to the WIPP stuff because they'd like to start having this stuff leave, and working with their state governments so they'd get a better deal and, you know, do some good faith effort.

We think it will be in October, '99, but please don't hold me to that because there are just a number of factors. Over the past five or six years, and Ron knows this, we have probably had about six shipping schedules at least, I mean probably more. Sometimes they change every two or three months, and it's things that we don't control. In an ideal world, we'd like to stage some of this stuff, and that kind of stuff, but certainly we'd like to open as many sites as quickly as we can.

Again, we have very limited resources right now, so opening a site doesn't really get us much with 15 true packs. You've got to get some more true packs into the system so we can start making some meaningful shipments. It's fairly expensive to do a shipment every two or three months. We'd like to do it so at least we can do one a week, that kind of stuff, and that will probably start we figure 18 months after we get this RFP, we'll see our first new true pack show up, and then a couple a month after that. So we figure October, '99, but please don't hold me to that. And we will be working with the states, each state along these other routes, and the tribes.

I've already got agreements with the Umatilla, and we've had that for a number of years. So we can open these routes fairly easily insofar as we're not starting from scratch. We're starting from a base; we've already worked with the tribes, with the states, and it will be a matter of negotiating what they need beyond what they're already getting, and then what training exercises and that kind of stuff.

MALE SPEAKER: Mike, we have an agreement with WIPP and Ralph that we have asked for two year lead time before opening any route. So if I show up there at your office with \$150,000 or whatever Ralph gives me, that's the date two years hence that we

expect shipments to occur. And that is pretty much an agreement the western states have held Ralph to, that you don't open a route until you've funded it for at least two years.

MALE SPEAKER: And you weren't at the office last week, so that's why I asked the question. Two years from now would be October, '99.

MALE SPEAKER: That is correct. Ralph didn't show up with any money, so it's not going to be October, '99.

MR. SMITH: It could be December, '99. We'll be working with the states, and each one of these is budgeted and designed to sit down and negotiate separately with that set of states, in your case, Idaho, Oregon and Washington and the Umatillas. And certainly we will be working individually with each state and with each tribe to, you know, come to an agreement, even though we already have an overriding agreement with the states and tribes, we'll be working to make sure that the particulars are taken care of.

MS. HALLMARK: Okay, Susan has been waiting, and then from comments that we had this morning about delaying our break a lot, people said it would be really good to take a break pretty close to the time, and when everybody gets a chance to take one together, so after Susan, we'll take a break, and then we've got more time for discussion after that.

MS. JOHNSON: All of the presenters on this issue talked a lot about what stakeholder involvement has occurred, and so forth. But one group that I haven't heard mentioned is state legislators, and the reason why they're important is--well, many fold. For one thing, every sector of the transportation route goes through somebody's district, so you have legislators along the way representing the communities along those districts. Also--the communities along the transportation routes.

Also, state legislators may be considered a source of opposition when you least expect it. So, you know, they're often a group that's overlooked in these types of things where the state executive branch has regulatory authority. And I bring this up incidentally because I think we often overlook that NCSL does have a seat on STGWG, and the theoretical reason for that is to represent the interests of legislators, so we try not to let that slip.

MR. SMITH: Well, let me say that first of all, we've gone to NCSL for a number of years. We do talk to legislators. We've had legislator breakfasts in Idaho, in Colorado. We are scheduling them right now for Wyoming and Utah, and we work closely with the state legislators in the whole state of New Mexico, as we do the southern corridor, we'll be working with the folks who we deal with, who are usually governors' representatives. But we do recognize the need to work closely with the state legislators because they do, in fact, impact us, or could impact us. And so we have not forgotten them. I guarantee you that we look at everybody in the political system and in the regulatory system in each state, and want to make sure that we don't miss anybody.

MR. ROSS: Ralph, I'd also like to mention that we do work with the western legislative group out of CSG and have briefed them on several occasions for breakfasts and that, as

well as each of our state governors' offices, and agency people do spend time with their state legislators specifically.

I also had lunch the other day with Jim Reed to bring up him on the NCSL side of things. So we do do that. We also provide tours for state legislators. In fact, we're doing that for two groups coming up real shortly. So, yes, even though I mentioned that we're with the Western Governors' Association, we do make that outreach, and if we're not reaching somebody, please let us know, because that's not our intent to skip anybody.

MS. JOHNSON: Yeah. And similarly, on the external coordination working group, NCSL is a member. Jim Reed is our participant, and Bob Light, when he was on the radioactive waste task force, used to attend. He attends now just because he likes to come, but not in an official capacity.

FEMALE SPEAKER: I appreciate that, and I just wanted it to be publicized what that involvement was.

MS. HALLMARK: Okay. Before we break, I think Tom would like to give you a couple suggestions of where to go, or what to think about while you're on your break.

MR. WINSTON: I suggest the restrooms on this floor. They're very nice.

MS. HALLMARK: I mean when you come back. I'm sorry.

MR. WINSTON: We've had a real good discussion of a wide range of issues centered on transportation, and then the tie-in with inter-site shipments, and I got the impression this morning from a lot of comments on cultural resources that that is clearly an area that this group wants to be active on, but I think I'm a little less clear on where and how much interest and in what portion of this transportation, inter-site transfer mix we have our greatest interest. So I'd like you to be thinking about, of all the issues we've talked about as part of this session, where do we fit in, which parts of these issues are most important to us. And so I'd like to--we've got about 45 minutes for discussion once we come back. So during the break, I'd like you to be thinking about--

(Whereupon, a recess was taken.)

MS. HALLMARK: I think that what we want to do, we have 45 minutes here, or until 4 o'clock, reserved for continued discussion on this whole broad issue of transportation and inter-site transfers, and Tom was kind of charging you to think about what does STGWG really want to do with these issues, so I think I will just open it up broadly, unless anyone else has a focus, and I know that you would like to talk, so I'll let you be first, Elmer.

MR. TORRES: Okay. I'd just like to just followup from the last speaker that discussed the issues in regards to WIPP. And our Pueblo would like to say that if we enter the negotiation process now with Carlsbad in trying to develop something as far as an agreement, and we've been at it for the last I would say almost two years now, and

nothing solid has developed over two years, we've addressed our concerns. A lot of it, like we had discussed earlier this morning, was in regard to our cultural sensitivity as well should be considered.

But other things that I foresee that are still not considered, we still haven't gotten together, is trying to get the right agencies or appropriate people together. Right now, we're dealing with the Los Alamos National Laboratory, which is generating the waste which sits up there. They have emergency response people that will be responding to some of these accidents, but yet we're having a hard time trying to get the same people at a table to discuss the issues of emergency response.

We have state people that will also be responding, but yet we can't bring them together at the table to discuss those issues, and also the tribal side of it. Those are things that we still have a hard time as far as trying to get the right entities involved in the emergency response.

One other issue that I've thrown on the table is regards to the protocols. What are the protocols in an emergency response, who makes the calls when those issues start rolling down? Does WIPP make those calls or does LANL make the calls or does state make those calls?

And then the other issue is the jurisdictional issues as well. Those are things that I see are very critical in trying to get things together as far as making these shipments possible across our lands.

One of the biggest things I find also is these emergency response plans that are circulating within our own state. There is a draft emergency response plan that's put on by the state right now. I've reviewed their plan, but nowhere in their plan is a part there where it tells them how to coordinate it, any type of emergency, with the tribal governments within our state, and I've asked that question to them and the response I got back was that the state hadn't any kind of agreements with the tribes, and that's why they didn't incorporate the tribes within their plan. And my response back to them is state highways are going through our reservations. They have certain responsibilities to act when such emergency happens within our lands, but yet they do not want to incorporate or be part of that plan right now.

Los Alamos National Laboratory has one as well within the laboratory, and part of our reservation is incorporated into their plan, but nowhere have they met with us to participate or give them input for the development of this plan as well.

So those are things that I see that we're still missing again, is putting the tribes in there to be part of this emergency plan, the response plans, to make things happen. It seems like we're always the last ones to know or last individuals to find out that these things are going to be brought before us, or we find a document that is brought to my office and say can we have your signature, or can we have your tribal council review it in ten days or so and give us a response on this.

Our feeling is that we like to be part of the process as well and be part of the decision making process. We are impacted by everything and anything that goes on on our lands. The road that goes from Los Alamos through there is the only route that is going in and out of Los Alamos at this particular time. There is no alternate route coming out of Los Alamos.

So I think those are very critical issues that we're still seeing and we haven't really gotten a definite or solid answer from DOE in Carlsbad. We have our own fire department within our Pueblo at this time and we're trying to get our department to be equipped to handle emergencies such as this, to be probably the first one at the scene to evaluate what is there and who do we call. Those things, we like to work with them as well, but they'll give us necessary training as well that's available, but yet when I turn around and say I need adequate equipment to protect those individuals as well as other individuals on the highway, they turn around and tell us that we can get you surplus equipment. I mean, that's not working on a government to government relation.

I can see where they turn around and tell the state we'll give you so many millions of dollars, you buy new equipment. How does that compare with my department responding to the same scene with their several thousand dollar truck and mine a surplus truck sitting there. Those are things that I think are not very I guess equitable, or things that we see are still not worked out right with some of these governments. We're seeing, like I said this morning, we're looking at this as a bigger picture. We're seeing how it's going to impact not just the Pueblo alone, but our area, there's a lot of checkerboard area where we have non-Indians living in our area, and I look at that as well. How do we protect those individuals in that area as well.

There is no alternate route within those areas. If that road shuts down, the only thing to do is turn back and go to Los Alamos. We posed the question to Carlsbad and said are you looking at alternate routes, going another way around to go back around and down towards--and they said no, we have not considered that. We've asked them if they took accident risk assessments within that highway area. To this date, we have no numbers. The State Highway Department has shown an increase of 30 per cent of accidents on the improvements that are made now coming off the hill. Accident rates have gone up.

So those are things that I think we haven't gotten solid answers, and we're still hoping to get a good number and answer from all those agencies that are supposed to be part of this. I know the City of Santa Fe has also been talking to Carlsbad and they've been having meetings with them, and I think they have been getting some good response back from them. I know just recently, they pumped in another \$3 million to do the bypass in Santa Fe, which was additional to another \$3 million which was there.

So those are things that I see myself as the tribal leader and for my Pueblo, we see that it still needs to be resolved and we still need to sit down and really thoroughly discuss with the agencies, and I told them agreements just don't happen over night. You thoroughly evaluate those agreements to make sure that the contents in those agreements are going to work both sides, both groups or whoever is signing a signature to that agreement lives up

to those agreements, whether it be the Pueblo, DOE, the county, city, Those are things that I'm looking at.

With the increase of population in our area, I'm not sure they've done a real thorough assessment. One of the biggest things that I see is that route between Santa Fe and our area, there's an increase, and I've seen all New Mexico, we have a lot of gaming facilities and within that road from Santa Fe and Los Alamos, there's two gaming facilities, and the traffic situation is just terrible through there. And those are things that I'm not sure if they're being considered or taken into account, the studies or surveys by them at this particular time.

So with out situation and with the WIPP issue, like I said, we're hoping--we're not opposed to the moving of the material from Los Alamos, we'd like to see it moved to a better location, but it's a matter of trying to do it in a way that we are part of this decision making and making sure that our Pueblo is also protected as well, to have some kind of agreement with them so we can work together, like I said, not just Carlsbad, but this is just one part of it. We see daily shipments coming off of the laboratory, but yet we don't have anything, and specifically a type of agreement to say what are they shipping on a daily basis.

Plutonium pits are being shipped from Pantex to Los Alamos, and we get--once in a while, we get notified of that, but sometimes those notifications are after the fact. And those are things that, like I say, we're just adjacent to the laboratory there, and we should be working in parallel with them with a lot of issues. We should be sitting at the table at the laboratory on certain specific committees, task force, or whatever, that make those decisions.

The same thing with the state. The state has a WIPP task force committee that was developed at the state level, but nowhere on that committee was a tribal representative sitting on that committee. I've addressed to the state the same thing. We should be part of this. But I think it's after the fact when they start coming around and saying, oh, we forgot that we are crossing your reservation.

So I think those are things that need to be considered long before. I remember the WIPP issue was an issue back in the early Eighties, and I attended some of those meetings way back then. And even the possibility of a shipment from Los Alamos to Carlsbad was already discussed at that time.

So those things I think, like I said, are real serious considerations or thoughts that we have in order for us to be part of this, or for us to work together hand in hand. I think government to government relationships need to be really put on the table and I guess really defined or really thought about it again by each agency. What does that mean to you? I mean, those orders that do come down from the President, I'm not sure if every agency understands what those orders were, or the statutes.

We're trying to work and deal with every agency within our area as much as we can on all these specific issues, like I said, transportation just being one of them, and we have a whole handful there at our Pueblo that we're contending with on a day to day basis, with the laboratory being right at our back door.

But this issue with the WIPP, like I said, is something that we like to resolve and it's going to take a while, and I'm not sure if the May, 1998 opening date is going to be something that we're seeing right now at this point in time. But I'm hoping that we can sit with all those different agencies and develop some kind of agreement that we can all feel comfortable with.

So with that, I'd like just to say thank you on that.

MS. HALLMARK: I just wondered if any--I know Tom has his card up. I don't know if you're following up on that, or if we should give any of the DOE or transportation people a chance to make any response.

MR. WINSTON: It's not exactly a followup, although something Elmer said sort of jogged my memory, and what he was talking about is getting the right people at the table for the discussions. We actually had a discussion at the NGA meeting this past summer about transportation. It's one of the first discussions we've had about transportation, and I think one of the reasons we did was because Mike was there, and Mike feels very strongly, as everyone knows, about the transportation issue.

But as I recall, there was some uncertainty as to who the players are. It's sort of like trying to grab smoke when you try to talk about transportation. There's a lot of different players within large state bureaucracies that are involved in that, and my recollection, which may be wrong, my memory is getting worse with each meeting, but I thought that DOE was going to be trying to sort out the various discussions they've had with folks from--on the transportation issue. Now, maybe I just--and I don't know if you remember Patty, and I don't know what the status of that is, but there was a lot of uncertainty about all the discussions that DOE may be having with a lot of folks getting input or whatever, and it was a lot less apparent what was going on in that arena than it was some of the other environmental management arenas that most of us have dealt with.

So I don't know if anyone from DOE can speak to how you've sorted that out, if you're able to report back or planning on reporting back on that issue?

FEMALE SPEAKER: We did take action away from that NGA meeting which was in July--back to the states through the NGA forum to answer the questions that Tom has said that they were confused or it wasn't clear to them just who all these players were. You know, DOE has lots of different groups that meet with us, and we talk about transportation things, but we couldn't clearly explain to them who those groups are, who they represent, and sometimes, you know, the folks in that room who were representing their governors didn't know who the person was from their state who supposedly was representing their state in these transportation discussions. So we did take the action to

get back to those folks who are the governors' reps through NGA to at least explain to them who all these groups are that we talked to, what the charter is for the different groups, and then who the different representatives are within those groups that supposedly represent their states.

I have that action. I don't have an answer certainly that I can give today, but through working with Judith Holm and the transportation center in Albuquerque, I expect to get back to you when we have the next meeting, which I assume will be somewhere like in the February timeframe.

MR. WINSTON: My sense is that that would be valuable information to all the participants here, you know, states and tribes, as to sort of what has--where the discussion forums have been. And kind of thinking ahead, kind of spring boarding off of what Elmer was saying, you know, one of the issues, if we decide we want to pick up this issue, I'm not sure we want to get specifically involved in a specific shipment, but there probably are some common themes in terms of who ought to be at the table. The earlier the involvement the better.

There may be some themes that we might be able to come up with that, I don't know if you want to call them principles or whatever, but that may be one avenue that we may want to pursue that sort of would become sort of an overall arching concept that we would be able to tell DOE that, you know, maybe picking up on some of the good things that were done in the WGA work, that there could be some principles.

I think part of Mike's presentation was, you know, if there are some good ideas here, let's find a way to transfer them in those areas where it's appropriate to transfer them. And so maybe that's a niche for us as well.

MS. HALLMARK: So I think that Tom's real question for everybody was to the effect of where do you want to go with this, or how does STGWG want to follow up or carry on?

Is there more that anyone would say about that? Have we exhausted everyone? Mike? Can you reach that with that mike, or should I bring one around?

MR. SETSER: There are two aspects. First of all, if STGWG is to be effective as a unified group, then we have to look out for the concerns and for the issues that are raised by all of our members, and certainly a viable issue has been raised here in terms of the lack of discussions that have taken place. So I think that we need to foster any kind of coordination mechanism or any kind of commenting mechanism or any kind of hand-holding mechanism which would allow, you know, concerns to be addressed where they need to be addressed, and have those meetings take place and ensure that they do take place. We also recognize that we may have some of the same problems, too, and that's one of the things.

The other issue that I wanted to get into; risk communication is an area here that we sort of, you know, say, but in reality, risk communication is the issue that's going to underlay

and guide the speed with which the transportation takes place. We have been working in Georgia, and many of you know Jim Hardin (phonetic) of my staff, who has put in many long hours, after hours and on weekends, both thinking and working on committees to try to work out some plans, because we all know what's coming. And I'm real happy with the efforts that we've made and the degree to which we've made them.

But Murphy's law is still around, is still alive and well, and so even with the best that we've done in Georgia, all of a sudden, a lot of very strong anti-nuclear forces have networked with the League of Women Voters, the League of Women Voters have now networked with members of the state legislature. Legislation has been introduced. There have been four hearings in the last two weeks on that issue. It's covered like a blanket by the media, and now, you know, people's awareness and concerns are raised even more.

If we as scientists and engineers and planners and regulatory agent and bureaucrats and government officials try to allay those concerns and fears by saying we've got good plans in place and nothing is going to happen, or you don't have anything to be worried about, or you don't have a problem, or look at all this data we've got to show you, we've lost the battle before we start, because the first hurdle is to demonstrate and be empathetic to people that it's really okay to have concerns. People own concerns. They're legitimate concerns because they own them. It doesn't have anything to do with the factuality that makes up the concern. We have to recognize that it's okay for people to have concerns and we have to be empathetic and sympathetic to people that have concerns.

After we demonstrate that we are empathetic, we may, and I underline may, get the opportunity to have a logical discussion about facts and figures and plans, and that's what we're hoping to get to.

So to the extent that a committee in STGWG could work on development of some risk communication criteria that we all would use in order to tackle this issue, it might be really beneficial, because I really truly think that all hell is going to break loose. Even with the best efforts that we can do, and with all we can do, it's still going to take place.

There are other groups that are already in place that are already poised, one of them being out of Los Angeles, to file class action suits on behalf of anybody that wants to enter into the class act, regardless. They may or may not win, but will sure serve to slow the process down and spend my time and energy where I don't need to spend my time and energy.

So I really truly believe that risk communication is a big thing, and we really should be looking at the kind of message and make sure that our actions and our body language and our intent matches the message we're trying to give when we communicate with various people. So not only do we have to address the real issues that have been overlooked and haven't taken place, that have already been talked about here today, but we've also got to be ready to go out there and meet those that now hold us responsible and accountable, because we're really not in charge, guys. We just--they just let us believe we're in charge. They really are in charge out there.

MS. HALLMARK: Okay. Mike, I think you've--he's got one.

MR. GRAINEY: Yes, I also agree, I think this is an important issue for STGWG to be involved in, both for the states and for the tribes. I think this is especially important for the tribal nations, and this is a good issue for STGWG because of that to work together on. And part of it may be a monitoring role to see that the various work groups that Judith outlined, which I'm encouraged by, actually follow through, and follow through, and then follow through with the states and the tribes on the specific shipping campaigns. But I certainly think that this is an issue that would be good for STGWG to have a continuing role in.

MS. HALLMARK: Okay. Any other comments on that issue? Can you get that mike?

MALE SPEAKER: I hate to always be the dissenter, but I mean, Tom knows me well and it's part of my character.

I mean, independent of the tribes seemingly legitimate complaint that they need some valid coordination with them on the transportation issues, I really think that the transportation issues overall and the specific means by which states deal with them are best left to the states and the traditional regional arrangements that have been dealing with them for years. I think it's just better at that level.

MS. HALLMARK: So you're saying you don't think STGWG needs to have a committee or go forward?

MALE SPEAKER: Yes.

MS. HALLMARK: Okay, anyone else? It may be that leaves--oh, I see Tom is ready to say something. So go ahead, Tom.

MR. WINSTON: As I've looked at if we were to have a role, if you took a look at the maps, especially just at the WIPP shipments, you know, not all the states are at the table that are the transportation corridors, and not all the tribes that are affected are probably at the table. So I just throw that out, not that that's, you know, the reason for us not to proceed on that, but I think we have to be sensitive that if we're starting with a bias, as Elmer said, of involvement and participation, we at least need to be sensitive to some people that aren't here, and we may want to take that into account as we decide what our role should be. And we may not necessarily be the, you know, the arbiter of some of these issues in that sense, but there's still a lot of value that we might add if we decide to pick this issue up.

MS. HALLMARK: Okay. J. R., I think you've got a mike there; right?

MR. WILKINSON: Yeah, I'd just like to pick up a little bit on what Gordon is saying and what Jim's saying. And I think that the transportation is really the achilles heel of the cleanup efforts to achieve the 2006, meaning that if for instance Hanford becomes a

national repository for all these wastes coming in to be repackaged, that's going to create a fire storm, and I think there needs to be a very careful analysis of how this waste is being moved around. The commitments, if it comes in, it's got to get out. These issues need to be thoroughly resolved because I think the communities along the route will throw their arms up in seeing these wastes being moved around quite a bit, and to put it bluntly, in a shell game. And I think we need to be very careful about doing that analysis to make sure that those communications, the needs of the tribes and states are being met. Communities that are all along the transportation corridor, there is going to be an organizing effort along that route, or around all the routes.

Going through this has been quite enlightening, looking at how the shipment campaigns for Hanford are moving in and out and directly affecting the three Hanford tribes, and specifically the Umatilla Indian Reservation, because of both the rail transportation route, as well as the freeway access in and out of the site.

So I think there are going to be very much some broad based concerns about putting these waste materials on America's highways, and it's something that I think we do seriously need to consider, whether or not STGWG takes it up as a champion issue to better understand the mechanism for communicating some of this information, or the reasons why or how does it achieve cleanup to meet the goals that we all believe in I think is something we really need to explore.

So I just throw that out to really muddy the waters.

MS. HALLMARK: Good. Well, it may be that this flows into the discussion that you were scheduled to have next, is on the STGWG charter, which I presume leads into the broader discussion of what does STGWG want to do over the long-term.

Now, you can help me out. I'm just raising that. I'm not saying that--I'm trying to say you could move along earlier. You don't have to spend the last ten minutes just on this subject, if you want to go on and take up that issue and then look at these things that are on your plate generally. Martha?

MS. CROSLAND: One of the things that I think we would like some feedback on, not necessarily, you know, establishing a working group, or I'm not quite sure what the mechanism is, but Patty and I were discussing this earlier, you saw the proposals in terms of coming up with a draft configuration and before we go into the charter and really more institutionalizing STGWG, I would like to just throw open to the floor for discussion how you as a group, or even individually, think that you can contribute to those discussions, which I guess would begin in the January timeframe.

You know, I personally liked Mike Grainey's suggestion that maybe the way to handle the chicken and egg problem is that you do actually come out with a first draft or discussion draft of a configuration, and then have input. But that input is going to have to be on a very real time frame, and then maybe you have another draft configuration. These transportation issues obviously play into this very much. But I would really like to

explore how we--what type of role you'd like to play in that as STGWG and/or individually.

MS. HALLMARK: So that's back to those questions that Patty had up on her charts, how does STGWG participate, or how do you feed into the whole inter-site transfer decisions.

MS. CROSLAND: Uh-huh.

FEMALE SPEAKER: If we could have any discussion on how at least the state folks who are also part of the NGA group, if they've got any feedback on is there any potential for bringing the two groups closer together, particularly on the configuration.

MS. HALLMARK: So the question, just in case the tape didn't pick that up, is to add to that discussion what people think about bringing the states, the NGA group and STGWG closer together, and if there is any possibility for some of those joint kind of discussions. Comments, ideas?

(No response.)

MS. HALLMARK: You've stumped them.

Okay, Tom?

MR. WINSTON: I'll defer to Tennessee.

MR. LEMING: I was thinking on one of the things, and this goes back to the NGA discussion in terms of on the transportation issue, who all are the players. If you could bring that to this group, the NGA members, much sooner than February, I think that would give us a basis to see whether or not this is the right group of players.

I think Tom pointed out that not everybody is at the table. I know that obviously there are folks here that aren't at the right table, so to speak, and I think the key to it is getting people, the right people to the right tables on the transportation issues, not so much of whether it's the STGWG table or the NGA table, but to the right tables.

I would recommend that if DOE can give both STGWG and the NGA groups an earlier outlook in terms of who these players are and how many different organizations there are that perhaps DOE is communicating with, then we can make a better judgment on that aspect of it.

MS. HALLMARK: Okay. Tom, do you want to go next? I think I was standing behind Donna and didn't see her card.

MR. WINSTON: I see Donna's and then I see Steve's. He's got the card of all cards.

I think you've raised a real good question, Patty, and I've thought long and hard about how best the department gets past this point now of having to make some decisions, knowing they're going to be very controversial, wanting input, but not necessarily knowing how to get it, and probably somewhat apprehensive about sort of sticking something out there in January. And I guess I would tend to agree with Mike that I don't see any other way than you coming out and offering at least something to discuss, to move the discussion.

I'm not sure how to frame a discussion without some specificity, because of, you know, people are going to be engaged more when they sort of know what the stakes are. I would certainly urge the department to whatever you present, to make it as tentative as possible. This is our initial offering, and probably be more open to change, and certainly not in an announce and defend mode, and sort of offer it in terms of getting the discussion going.

Beyond that, I'm still not sure that I would envision any group getting together and coming up with, you know, an answer that says, oh, we want you to change in this direction, because there's going to be a lot of pros and cons and judgment calls, and it's in a sense going to be every state or every tribe for itself when you come down to that.

So as a minimum, I think the department needs to get information out to folks as clearly and as quickly as possible, and then offer an opportunity to have a discussion so that not only do you see the material yourself, but you sort of hear what others are saying about that. And I think whether that occurs at NGA, whether it occurs with STGWG, whether it's a separate meeting for tribal issues or whatever, but I would urge the department to be very creative in getting a discussion going, maybe centered around a, I don't know if you want to call it a straw man proposal, but what the department comes out with.

But I think, you know, no group, STGWG is not going to sort of pick that up and say no, we don't think these are the sites. These other sites are the sites. I mean, that's just not going to happen, and I don't think that's at all what you're proposing. And if you recognize that that's not going to happen, then really what you need to do is try to assure that you get clear information out that is readily understood so people know the timelines, know what is expected in terms of how they comment, and then also give an opportunity for people to not only comment, but to hear other people's comments as well. Because I think one of the things we talked about, I mentioned it earlier, but the discussion came up last night, sort of a richness of dialogue as people not only, you know, hear their own-- what they're saying at their SSAB or at the local level, but they also hear what's being said in the Northwest, what's being said around Oak Ridge, and you start to get a flavor of what does this mean from a big picture standpoint.

Then the ultimate decision is still going to be back in your lap, but you may have a much better discussion of those issues if you move in that direction.

FEMALE SPEAKER: Thank you. I forgot you were taping, so I'll be good and use the microphone.

MS. HALLMARK: Okay.

FEMALE SPEAKER: That's very helpful, because I think, you know, what I see as my job is to put in front of the senior decision maker, whoever is going to make these records of decision, information that first of all tells that person that this is the best set of information we were able to compile, so that we, you know, do the best job we can in putting the logic together as to why this configuration makes sense. Why should this waste leave this site and go to this other site? What are the costs, what are the risks of doing that, and have us have a defensible position on this configuration.

I think the way we create that defensible position is by having you be the critics and say, you know, this is what we can pull together. Do you believe it? Ask us the questions and see if we can provide you the answers that give you the confidence that this configuration, you know, from a logical and a technical and an equity perspective, is the best that we can come up with. So through that iterative process that Mike suggested, I think we can gather that kind of information.

And the second thing we have to put in front of a decision maker is who's not going to like this? Even though we may have the best logical and equity arguments, there still will be people, politics, whatever, that are going to come into play. So that's another way I think we see folks like you, and particularly the state folks and local folks, giving us that input so that we can give a decision maker information that says, you know, there may be some risks associated with making this decision, and here they are based on what we can gather from the people that are talking to us.

MR. WINSTON: And I would also--I would assume that you're also having discussions with the most affected parties about what this will mean and what kind of offsetting equity considerations might be open for discussion.

FEMALE SPEAKER: Yes, absolutely. I mean, we hope to have as many of those focused discussions so that if there's concerns with this configuration, what are the ways of addressing those concerns, you know, what are the issues that you want us to help resolve to address the concerns that we hear from the specific people.

MR. WINSTON: And the final point you talked about, you know, blending of NGA, the state representatives, I think that's probably difficult for those of us that are on both STGWG and NGA. There's some states that are not on STGWG, so I'm not sure that this is the forum to do that. I think maybe there might be some opportunities that we could outline as possibilities, but we certainly wouldn't want to, you know, I think there's probably five or six of us that are here that are on the NGA task force, I don't think we would want to answer for the other states. There may be some efficiencies of, you know, bringing both groups together around the same time. If they're going to be discussing similar issues, there could be some presentations in joint forums and then have some separate discussions.

I mean, there's a number of ways you would be able to devise it for efficiency, especially if you're on a fairly tight timeline and if you're going to stick to your schedule, that's a very tight timeline.

FEMALE SPEAKER: Yeah, and one of the things Martha and I were talking about is what I'd like to do is put together a suggested calendar of things that--when we will have information to share, and then when we might be able to set up a specific NGA meeting or STGWG meeting, and get that out to folks and then see if there's efficiencies by combining some of those meetings. And we've got to have SSAB meetings in there, too, so try to work a calendar within the next month so that we know when we'll be able to go through this iterative process, what meetings will actually be able to take place.

MS. HALLMARK: Okay. I think maybe Donna was next. Do you want to go?

MS. POWAUKEE: Sure. I have a couple of comments. One is if the NGA is somehow contacted or a meeting set up between NGA and STGWG, then that also means that the affected tribes who don't necessarily sit at this STGWG table have to be identified, contacted and invited as well.

I think we're talking numerous tribes. I was trying to envision on some of the maps, some of the tribes I know, and of course since they weren't exactly on the map, I'm not sure, but I know there are a lot more affected corridor tribes than are sitting at the table. So I think that's one important point.

Elaine and I last saw each other at a national dialogue meeting, a series of meetings actually that were held in Washington state by the League of Women Voters, and I was very surprised at the turnout. They had lots of people. I don't know, Elaine, do you have any numbers on attendance there?

MS. HALLMARK: Didn't we think overall, there were over 400 at the four different sites.

MS. POWAUKEE: It was quite large, and I've talked to people from the Savannah River area who have tried to have like local grass roots type meetings. They've had two people. That's kind of what we get at our public meetings if we don't, you know, give cash prizes or tickets to the Bulls game or something.

But anyway, I was real interested in the dialogue that actually took place there, because as someone mentioned, I think we have to be sensitive to each other's concerns, and although Nez Perce isn't a corridor tribe, at least not from the Department of Energy, but may soon be from the Department of Defense, we're understanding the concerns and we also have issues related to not the transportation per se, but what comes into Hanford and what remains at Hanford and how that affects us as well as everyone else who lives around Hanford, and the other sites as well.

I hadn't seen this information prior to today and I agree it's very interesting to kind of get the gist of what may happen, but one of our concerns is we can't even take care of some of the stuff we've got there now. We've got leaking tanks, we have a tank that exploded, we've got cesium levels in the water, in the river. We've got plumbs, we have all these concerns that contractors apparently cannot address now. So are we willing to take on more, was part of the dialogue, at different sites? Are we willing to share the risk and the transportation problems? Or should it just all go to one or two or three places as opposed to six or seven or eight places.

I found it a really interesting dialogue and one that really gave cause for a lot of thought. It's interesting to sit in a room--that aren't necessarily from the Department of Energy or state, but are retired people or are workers at Hanford or housewives or whatever they may be, I was just amazed at the interest, at the different opinions they had. And so I agree that we, meaning right now me representing the chairman of the Nez Perce tribe, probably aren't going to be the decision makers. I think it's going to be the people, because they're very loud about what they think and what they want and what they think should happen.

So I'm not sure what my point is, except that I think we do need to support the kinds of meetings that were held in Spokane, and I think that we do need to listen to our citizenry and those people that we represent from the states and the tribes, because that does cover almost everyone, and I think even the states and tribes that aren't directly affected are still affected just by virtue of the fact we're all citizens of the U. S.

So I guess what I'm recommending is that somehow, I think Tom and Mike really come up with some innovative ideas, and there has to be a way for us to outreach without a gigantic meeting, to somehow communicate what the plans are to those that it will affect the most in terms of states, tribes and citizenry. And I think there are a couple of ways to do that through state organizations, NGA, through tribal organizations, NCAI, INTEC. We have probably three separate Indian organizations with different levels of involvement with nuclear waste.

So I think that--I hope you're getting kind of the gist of what I'm trying to say, because I know what it is, but I'm not sure that I'm communicating well. The word must get out. I think people need an opportunity to input without a notice in a Federal Register, where they write their comments, and I think maybe that's one thing that STGWG could set up small committees and be able to achieve that. It sounds like a huge goal, but I think it is achievable if it's something people want to work on.

MS. HALLMARK: Okay, let's hear from Steve then.

MR. TARLTON: What Donna said fits in very much with what I was planning to say. Can you hear me? Is that better?

It seems like to me that there are a lot of existing groups working on transportation issues. That doesn't mean we shouldn't work on them, but one of the things that comes to

me is that probably our greatest role would be in communicating the status of the issues and what is happening on those issues back within our own organizations and among ourselves, so that the tribes, for example, that may not be involved in the NGA, might know that an NGA meeting is coming up to talk about transportation issues that could impact them.

The model that is in my mind on this is that at Rocky Flats about four years ago, we formed a group of people that do public information from all the organizations involved at Rocky Flats, and that group tried to set up a coordinating mechanism for announcing meetings, for telling people what's going on, for planning meetings, so that you didn't have one segment of the public invited to three meetings in one week to talk about different topics, that you could spread those out. And that group has been quite successful and it set up a good communication mechanism with the public, saying if you want to hear about this topic, you can hear about it at the SSAB meeting or CAB meeting that's going to be at the first of the month, or you can come to a public meeting that's going to occur at the end of the month, or there's a committee over here that's working on it at a technical level, and you can participate with them.

And it's possible that one of the things STGWWG could do, assuming we had the resources, would be to set up those communication links we discussed last night and actually broadcast information on what's happening in the NGA committees, or what's happening in our own committees, what's happening with other efforts, these upcoming RODS, the dialogues, and so on. Because one of the problems we continually have is that within each one of our organizations, those activities often take place at different places. Our transportation people are not me, and so--but we can talk. You know, it is possible, not routine, but it is possible that we could communicate internally.

But what's easier is for me to be able to look at an E-mail that I get once a week that says this is the kind of stuff that's coming up. And I think that's something that we could be a very valuable contributor to, because of the diverse base of membership that we have.

MS. HALLMARK: Okay, good. J. R. just stood up, so we'll let Lana go next. Can you use that one?

MS. REDEYE: Thank you. I feel after listening to these discussions relative to cultural resources this morning and then to transportation issues this afternoon, I feel that I'm compelled to speak on behalf of the Seneca Nation relative at this point to the transportation issue.

The State of New York and the Seneca Nation of course are not in the primary corridors, as has been described here today relative to weapon, some of the other major sites across the country. However, we are no less affected by these issues as any of the others, and I would like to share with you just a brief capsule of the history of the Seneca Nation relative to the West Valley site in terms of transportation.

In 1978, approximately, the nation was relatively--had not been--I mean, not relatively, it just did not have a relationship with West Valley, Department of Energy, Westinghouse, New York State Energy Corporation. There had not been much of anything at that point in time. And during '78, there was purported shipments that were going to be either coming in or going out of West Valley, and at that time, we didn't have anybody that had been--that was knowledgeable about it, had been involved in any aspect of nuclear waste shipments or West Valley.

At that time, I was the education director for the Seneca Nation, and the president asked me to be on a low-level nuclear waste committee for the state, and from there, I then became the coordinator of the shipments, and I think that happens to organizations and to tribes, you find somebody that you think can do the job, and they ultimately become kind of the catalyst for many aspects.

What the tribe did, though, at that time was to sponsor a resolution, which is a law. Within our government, those resolutions turn into law by the tribal governments, and that law said there will be no shipments of nuclear fuel, low, middle or high, across or near our reservations. And at that time, that resolution was communicated to West Valley, and that did not happen.

We recognize over the years that the laws have changed relative to transportation issues. One of the things that I don't believe that the Department of Energy may be really cognizant about is that the lands of the Seneca Nation are not, although we are federally recognized, they are not federal trust lands. We never gave up title to our lands, and we own them in fee simple. And so we have an extremely different relationship to our land and to the government than many other tribes do.

The second thing that I think is important to know, and I think we heard it this morning from Paul, who I really commend, just gave--and our other speakers gave just tremendous articulate representations by sharing with you much of what our inner core and our being is. And I think that that's hard for us to do sometimes in an environment such as this.

Two of the most important things, and I should probably even say the most important things to us, and I won't repeat exactly what Paul said, but certainly from the Senecas as well as all Indian tribes, the environment is the most important thing to us, our land, and the things that flourish from there, our land. There is no separation in our culture between we as human beings and any other aspect of life on this earth. We are one in the same, and our religious, our cultural doctrines dictate that we respect one another because we are part of that life cycle, and we respect every tree, every plant, every form of human life as one in the same. So to intrude into that sanctity of our environment is an intrusion onto us as individuals, and to all that we are.

I say that to say to the next point, recently West Valley shipped some very, very low-level waste--I believe it was even in the category that probably wasn't even a low-level classification. We weren't notified about these potential shipments. There were only three

or four of them, I believe. We heard about it from a coalition, it's called the Coalition of-- West Valley Coalition, which is a local community organization who closely and has closely monitored the activities at West Valley.

We had to go to the tribal council because they were aware of this, and they pulled up that 1978 resolution that said no way, it's just not going to happen. Thankfully, we did have a person on our staff that was hired as a result of the DOE cooperative agreement who was very, very knowledgeable about these various issues, and she and I presented to the council the differences, and we had to explain very, very carefully what the differences were between this low-grade nuclear waste and what the various stages and levels of them were in order to help them to understand whether this was a threat to us, to our people, to our land, or whether it wasn't going to be.

As a result, the shipments did take place, but it led the tribe to have to expend, out of necessity and out of our protection for the land, dollars from our own general fund, which are limited, like any other tribe, to hire a relatively high profile legal company, legal firm, to help us to identify what are the legal rights of Indian nations today relative to these shipments on our lands. Those dollars have been well spent. They have helped to assist us in identifying what potentials, what choices we may have relative to regulating shipments that are coming across, or may be going across the reservation, on or near, and we are in the process of identifying and exploring each of those options.

I think it's important that there be several things that I think that could help tribes, at least from the position where I am and our relationship to the facility. One of the things has definitely got to be training. And I guess that with this mix of people here from various backgrounds, I believe that training would be a great asset to tribal governments and to their people. We are not as sophisticated in this whole relationship and the dilemmas and the ups and downs of a relationship with the nuclear waste facility. We've just begun not even our full second year of the cooperative agreement. And as I said, until last year, '96, '97, we had never had a relationship. So we're really new into this and I think that any help that we can get, even by participating today has been a real plus for me to take home the kinds of information that I have heard. But anything that we can--that anyone can help us in terms of information and training.

What have other tribes done out there that--in relationship to transportation? There was a mention this morning that there are some cooperative agreements with several of the tribes relative to transportation issues. We would like to take a look at those. We'd like to know what kinds of agreements have been made. And then what resources are available, you know, whether it's technical resources, whether it is financial resources, whether it is some other element of resources that in a group like this someone knows something that, you know, would be helpful.

It disturbed me just a little bit that in the development of the transportation components that have been discussed in great detail today, it appeared to me that there was not a great deal of discussion relative to the involvement of tribes and the establishment of these various criteria. And I apologize if that's an overstatement; it just appeared that way to

me as it was being unfolded. And I think that based upon what we have all said to you this morning, and myself this afternoon, relative to the sanctity of our lands and our environment to us as people, that they cannot be separated.

It would appear to me that if the Department of Energy and any other agency is anxious to achieve a working relationship in these most sensitive areas of our very existence, it would be well to include us very early on, and provide us the assistance that will bring us to the level of understanding that we can be an active player in this, and that we can continue to exercise an element of self-determination within our own boundaries.

Thank you.

MS. HALLMARK: Thank you, Lana.

You're getting a good discussion going now, and let me just check in, because originally on the agenda, we had said we're reserve 4:00 to 5:00, or we had allocated 4:00 to 5:00 to talk about your charter issues. Is it okay to go ahead and complete this discussion? We have Bob and Judith, I think, and J. R. Do you still have your card up, J.R.? Okay.

MALE SPEAKER: I was just going to say I think the charter is kind of a snoozer issue, and I don't think it deserves a whole hour. In fact, it may just deserve a few moments. But I would like to continue. I don't know what others feel. But this is good.

MS. HALLMARK: It's okay? Okay, I think then, J.R., you had yours up ahead, so we'll start there and then come back to you.

MR. WILKINSON: Well, I appreciate Lana's comments. It's going to be difficult to follow up those.

I think there are a lot of competing issues for STGWG's time and effort, and so I'd basically like to just caution us to try to figure out where can we focus our resources and time and how do we get the biggest bang for the buck and build our organizational strengths.

So given that caveat, and to follow up with what Donna was saying relative to listening to the people and communicating, and Mike is not going to do it so I'll do it for the Oregon Department of Energy, is that they did a plutonium disposition pilot project here a couple of years ago on what I see is a very technical difficult issue for people to understand, plutonium disposition. It even challenges those of us that work on this project. And so it might be well to take a--to go back and take a look at the model and the issues and how they approached it relative to community outreach and how that may aid us as we try to put the puzzles of STGWG back together on how we're going to focus our future efforts.

So, anyway, toot, toot for Mike.

MS. HALLMARK: Okay. Let's go over--I think Bob, you were next.

MALE SPEAKER: Yes. As far as the transportation issues, I'd just like to--my perspective is that from the DOE's standpoint, there is no one agency that has the authority and responsibility to address these issues. The transportation does cut across, whether you're a site receiving, a transporting site, a corridor site--or corridor state, tribal government, we're basically all affected by this issue.

And I guess I would offer to DOE that we would serve as a sounding board, if nothing else. We are a unique group of states that are not always involved in the other NGA discussions. We are not regionally identified. This is across the nation. And I guess I would ask you to continue to provide us with that information. It allows you to meet your commitments to the citizens and the communities to provide early involvement and continuous involvement as you address the transportation issues.

It also can provide us an opportunity to give you some direct feedback, if not identifying specific papers or position statements, I don't think you'll see us come to a consensus on anything related to transportation, other than we want to know all the information, we want to know it as early as possible. The discussions between the states or tribal governments, any other entities and DOE will probably not take place in this group. It will take place one on one, as the gentleman was talking about the WIPP shipments, and I think the ability for DOE to bring us that information here in a concise presentation format--I apologize that generally we don't like to have the talking DOE heads where we come in, but we do gain a lot of information on different situations, and we can provide some immediate feedback.

So once again, I guess I would encourage DOE to continue to use STGWG as an opportunity to voice their early positions and continue that discussion, at least from an open standpoint.

MS. HALLMARK: Okay. Judith?

MS. HOLM: I just wanted to reiterate your request of Patty to provide information about who attends these other groups. I know the transportation planning, activities and involvement have been, until now, have been a different set of people and activities, and some of you cross-cut those, but not everyone does.

I think with--Patty and Martha and I have been talking about how to integrate these activities more fully into the ongoing discussions with the upcoming program records of decision, so that what we have done in transportation which cross-cuts a lot of the department, can be applied to the EM program specifically.

So I think your comments around the table have been really helpful to me to understand what the different groups can bring to the table, because I agree there's not one group that solves all the problems. I think that different groups have different levels of interest, and need to be informed and involved. It strikes me that STGWG is one of the groups that is looking at the broader higher level issues and would be less interested or involved, although individually you might be, in the specific implementation activities.

So I think looking at the planning process, the information process, and for us to try and get information that we now have to you through the STGWG group to keep you up to speed on transportation would be helpful. That's sort of what I'm hearing and I need to get Patty the information on these groups. I do have a sheet that explains the tech group, how it evolved, the purpose, the charter, not by individual, but by group who participates in that, and I can--we can make copies for everyone, so I can leave that with you.

The other thing I wanted to mention is I agree with you that for tribal national transportation planning and involvement, we have not done a good job. I mean, I will say that right up front. That's one of my concerns, and I'm hoping this year that we can start to address some issues with tribes on things like consultation at a government to government relationship, the differences between that formal process, you know, we need to get feedback on what that means, at what level that occurs. I think we know that, but I'd like to hear it for transportation.

Also, information about how do we get agreement to start to work at a staff level on some of these implementation issues, and how can we try to get at individual agreements that are not programmatic always, but combined, so that you can see--and this would go for states too--so you can see the full picture of transportation, not one program and then another program. It seems that that's the best part of the 2006 plan, is you start to see everything in one piece.

So I'll be quiet now.

MS. HALLMARK: Any other comments? Am I missing someone here? Hobby?

MR. HEVEWAH: Just information for Lana. We have an agreement with the DOE there on some of these shipments, along with the WIPP there. One of the things I'd like to recommend to some of the tribes that haven't got involved, I wouldn't sit around and wait for DOE to come to your door. You know, you need to go over there and bash their door down to find out what's happening. That's the only way I think the Shoshone Bannock tribes got more involved, and by that, we stopped a shipment on the freeway when it came across our reservation there. That was only for a purpose; to bring them to the table to make them understand that there is a trust responsibility out there. And by bypassing us, they overstepped their jurisdiction by not coming down and talking to the Indian tribes.

When we did that, you know, things opened up a little bit more. But the main thing I wanted to pass on was don't wait for them to come. They probably never will. But the thing about it is if you want something done to deal with your tradition, culture, sacred sites, access, it's all there, you just need to work with them and draft something. But make sure you draft it and you give it to them, and make sure that mechanisms on how to manage sacred sites, how to manage or take care of the resources out there, write it down, give it to them.

That's some of the suggestions that we can give you here. You know, from the STGWG group, I think a lot of the states are probably in the same mode as some of the tribes are, because our biggest issue today is finding areas where we can stop the shipments, make sure the exposure--you know, we can go out there and monitor them and make sure there's no exposures, and let them cross our lands. And then once they get on the other side, we like to do that again. And when they return, also we like to do that again, monitor them just to make sure that there's no risk or exposures that are coming out, because these shipments are going through the heart of our lands. You know, it's not even an eighth of a mile, or even closer than that, you know, that's our high school, and then some of our elementary schools are just right along the railroad tracks there. So we've got to get that mechanism into place there.

But other than that, you know, the biggie is working with them. They're not going to-- maybe today they have a better understanding of what our issues are. But like I said, don't wait, just get in there and start dealing with these issues, because, you know, under especially--the Naval shipments also was one of the other issues that we had to go out there and put a police car right on the train track to stop them also, because we didn't get a response from them on how we can work together, this and that, so we stopped that also. That was only last year here, but that was just a wakeup call for them.

I think the reason why they look at us like that is because we own 96 per cent of our lands here, and they all are in fee status, too. And just last year, we bought more land, so I think that escalated up. We may own maybe 98 per cent of our lands now today.

But the best thing you can do today is, you know, what the Shoshone Bannock tribes can do is give you copies of what we've done in the past, and pass it around here.

One of the biggies I'd like to see from the STGWG group here is maybe get some members from the state and from the tribes to maybe amend this Indian policy that DOE has here, because in the first place, I think when it was first drafted, you know, there was no really dialogue or comments from the tribes on how to really make that mechanism work. To this day, a lot of our DOE people don't even know what the Indian policy is all about, and every time I go to a meeting, it seems like I'm just re-educating those mechanisms that are in that Indian policy there.

But to me, I think if the states and the tribes work on that and amend it to fit our needs today, I think that would be a good dialogue for the states and the tribal nations to get together. But the biggie I think is that, you know, I think the scare tactics of the Fifties and the Sixties and the Seventies on nuclear waste. A lot of the American citizens think that when they go through there, you know, it's a time bomb. They think it's going to explode, things like that. I think that's where education needs to come into play.

You know, we educated ourselves. WIPP invited us down to look at what was happening and all their safety plans and this and that, their true packs are so safe, they sold me, and so I turned around and told them, well, to me, you can take any route in this road then if that's how safe it is. So go around us. But no, they're still going to come through us.

But that's where we're at. I think this entity here can re-educate one another and help one another, because I think that's where we're at today, because a lot of us are kind of struggling, and DOE is really, you know, I guess working with a lot of people here. But I think this entity here can get some issues addressed and help one another.

That's all I've got.

MS. HALLMARK: Okay, thanks. Lana, go ahead.

MS. REDEYE: I just wanted to express my appreciation for those comments. Certainly the Seneca Nation's history in its protection of its sovereignty and its ability to govern are probably well documented in history. And as recently as this past year when the major roads on the reservation, which is the New York State thruway and Route 17, came to a screeching halt regarding relative to a taxation issue that we had with the governor, so we have the same capability to close things.

And certainly you're right, maybe that isn't the way, you know, one would do things today. But when you are sitting in the position that we are, and I would say governments have encroached on you little by little until you are in this small localized area, you fight if you have to to retain what you have. And to that extent, I'm sure that that capability is inherent in all of us to do that.

But I believe also that it slows things down, but the Senecas also went through an absolutely nightmarish--I'm not even--I can't even think of the worst way to characterize this, but in the early Sixties, about a third of our habitable reservation was taken for a dam project that would have benefitted the City of Pittsburgh due to flooding of the Allegheny River, and many of our people were uprooted and moved into homes that were next to each other, like you would see anywhere in America. And normally, we had been historically an agricultural, berry gathering, woodlands nation, and then suddenly we have neighbors next to each other.

The government was able to access that tribe--our lands from the nation, in part because we weren't sophisticated. We weren't educated enough to be able to exercise our rights and try to defend ourselves, and the government worked in such a manner that for many, many years, as we found out later, these talks were going on in the halls of Congress well before we ever knew about them. And what ultimately happened was that the Congress exercised an eminent domain issue and took those lands for the greater good, supposedly, and simply inundated a good portion of our land with this project.

Many of our elders died shortly after that. The increase in heart disease, I think it can be well documented through health records, of the devastating effect that that intrusion had upon our homes, our families, our way of life in every single way that could ever--you could ever imagine, and I guess that we learn from history, we should all learn from history, and that today, as Hobby has just articulated, to whatever extent that we need to protect that which is most sacred to us, we will do that, but to try to work within the

system to see that the ends, what the goals are and what the end will be, will include the preservation of our culture.

I don't think that that is too much to ask in these ongoing discussions and relationships, and I do think that STGWWG does have and can have a role to play simply by listening to us. And I think that by hearing what we have all said from the various tribes today relative to where we're coming from, should help you as you go back each one of you to devise policy, to establish whatever game plans that you might be working on, to keep us in mind that we are there and we want to be part of the process.

So thank you.

MS. HALLMARK: And maybe before we just leave this topic, I could--I took a quick stab and a very rough stab at looking at a number of the things you've said during this long period of discussion on a multitude of topics, and then just see. I mean, it might be something the STGWWG members want to, you know, go back to in their executive session or something, and see if you want to pick up any of them for tomorrow.

But what I got, or what I was able to pick up, is that there seems to be a pretty strong feeling in the group that you want information about all of these and want to continue that exchange of information, and like Lana just said, the communication that went on today was very valuable and people want that to happen. You're not totally clear on the timing and want, you know, some of those proposals or issues about timing and efficiencies with other groups, and so on.

There I think was still kind of left open a question of whether STGWWG would want to have a working group on any of these inter-site or transportation issues. Some people thought that might be a good idea; some people thought it wasn't necessary. And then the other issue I heard kind of pulled out was the question of the larger public communication and what role STGWWG could play and STGWWG members could play in that, and communicating back to your own constituents, bringing that together, suggestions about the model of the plutonium round table and the other pilot workshops that Donna mentioned. So those were, I think, just ideas.

And then there was quite a range of discussion about the specific tribal issues, and the need for education in both directions, education by tribal members of DOE on some of these things, a vice versa, where DOE possibly could be providing more education of tribes. So those were kind of ideas.

Then within STGWWG, there definitely was a mention of sharing some information, like what other tribes have done, what some of these agreements have looked like, some of the things you I think have all offered to share. And then there was a specific proposal just made by Hobby to actually put on your agenda the idea of amending the Indian policy, DOE's Indian policy, which is just getting distributed, I see, in the little booklet, to fit the needs of today.

So those were some of the things I've captured, and I'd be glad to write them out for your meeting, if that would be helpful to you. I don't sense that you want to take any further kind of action or anything on those right now. Am I right about that? Tom? Here, I've got the extra one if you want it.

MR. WINSTON: Okay. I didn't envision that we would make any decisions now. I was hoping that we would flush out what were the areas of interest, and kind of take this list with us as we begin then to look at where we go from here.

Is everyone okay with that?

MS. HALLMARK: Okay. So then do you want to just start the charter issue? I'm not sure if you're the lead person.

MR. WINSTON: I had mentioned that it was going to be a snoozer, and that's probably because I'm going to lead the discussion.

In your packet, is the existing STGWWG charter. We worked on this a number of years ago. My recollection was that we finalized it shortly before our hiatus, which is, you know, maybe we don't want to finalize or revise the charter for fear that the same outcome may happen. But I would like us to take a few moments to just sort of revisit it and find out which areas are current and which areas might need some change. But I don't want to really spend a lot of time wordsmithing or working the change.

Yes, Steve?

MR. TARLTON: A little bit of followup question from the previous session. We didn't give a very clear answer to DOE on their question about our participation in reviewing those documents. Did you get enough of an answer?

FEMALE SPEAKER: I think we certainly got more than we had before. Is it enough? Probably not, no. But maybe we can come back to it. But it was helpful, and I think that we probably can't reach a decision now in amongst this group, but it was a helpful discussion. Thank you.

MR. WINSTON: And maybe that's something that we add to the list that Elaine put together. Maybe she can make a note of that, and then we kind of do need to give a little bit more crisp feedback.

If you--hopefully, everyone has found their copy of the charter. Marsden?

MR. CHEN: You said you didn't want any wordsmithing, but I read it very quickly about ten minutes ago, and what jumped out at me was in the first paragraph, environmental laws. I wonder if you could change it to applicable laws?

MR. WINSTON: I'm certainly taking suggestions, and when I said I didn't want to wordsmith, it was more in the interest of time. What I was hoping to do, and I'll make any notes that anyone wants to give me such as that, the charter is divided into three sections. I think the most important is the first paragraph, so I'm just going to read what is there. You can read along with me, but "The mission of the State and Tribal Government Working Group, STGWG, is to help ensure that the Department of Energy, DOE, facilities are operated and cleaned up in compliance with all applicable environmental laws, or all applicable laws and tribal treaty rights, and that the cleanup is performed expeditiously and efficiently in a manner that protects human health and the environment."

Personally, I don't see, I'm certainly open to other comments, but I don't see that mission as being outdated.

MALE SPEAKER: I just have a question on the second paragraph on the concept of reconfiguration. I mean, isn't the department already been reconfigured at this point?

MR. WINSTON: Yes. You're ahead of me. I'm on the first paragraph now, and I'm not taking the entire section. I think the first paragraph, which describes what we are about, you know, I think that that is still current, and I'm just trying to sort of test that. Are there disagreements in that? I mean, that seems to--everything we've done today has been consistent with that.

The next sentence, the second sentence in that first paragraph goes on to talk about how we do that, the forum for communications, and then the second half of that is policy level advice to DOE. And before we go on, as I said before, I think this first paragraph is the most important of the paragraphs, because it really talks about, you know, what our focus is and, you know, what we intend to do. A lot of the other ones are issues we're going to work on, how we're going to work on it, and some of those are very outdated. But I would like to get some feedback on whether that first paragraph, noting Marsden's comment to make it more broad than just environmental rules or laws, is still--are people still comfortable with that?

MS. HALLMARK: Peter has a comment here.

MR. WINSTON: Oh, I'm sorry. Peter?

MR. CHESTNUT: Again, it may be a wordsmithing thing, but it says tribal treaty rights, and not all tribes have treaties, but all tribes do have rights. And so I'd be willing to work with whoever to expand that a little better, because there is a general, you know, federal trust responsibility that should inform what DOE is doing, and I just want to be sure that we're not just limiting ourselves to treaty rights.

MR. WINSTON: All right. That's certainly a very critical point and we certainly wouldn't want to leave the impression that treaty rights are the only rights that tribal nations have. I'll note that as well.

MS. HALLMARK: Okay. Any responses?

FEMALE SPEAKER: This may be viewed as wordsmithing, too, but it seems to me that it's not only communication between the states and the tribes that are affected by DOE, although that's important. But I think you want a two-way communication with the department as well, and I don't read that there, but maybe that was intended.

MR. WINSTON: I'll not that as well. I certainly think that that has been our practice. I don't think that that communication wasn't meant to be there. I think it was implied, as we got to the second half where we were providing policy level advice, but communication both ways is important.

Yes, Steve?

MR. TARLTON: I'm not trying to wordsmith, but is a forum just--does that imply meeting as opposed to just working together?

MR. WINSTON: I think it's just a fancy word for people talking in whatever, whether it's a conference call or a letter writing or whatever. It's just an opportunity for communication. Now, I may be wrong on that, but that's how I interpret that.

I knew if I said I didn't want to wordsmith, I

was--that would have just the desired effect and I'd get all kinds of good comments on that.

All right, we noted those and, you know, I guess where I'm headed with this is I think we need to rework the chart, and if you have comments on some of these, I'm certainly interested in getting those, especially on that first paragraph.

The second paragraph I think is somewhat outdated. As John points out, some of the issues are no longer issues, and so I would suggest that off line, we update this, especially with, you know--you probably want to highlight those issues or areas of interest quite clearly in that opening--or that second paragraph.

The third paragraph--so I guess I don't need any more comments on that, but I just think we all need to recognize it needs to be reworked. The third paragraph, the key point here is that STGWG is dedicated to assuring the government to government relationship, which is in the Indian policy, which Hobby had mentioned, and while I would tend to agree that that policy probably needs to be revisited, one of the roles of this group was to assure that the spirit of that concept of government to government relationship was adhered to. And it's been my observation that without STGWG meeting over the last year and a half, I don't feel that that government to government relationship has been fulfilled nearly as effectively.

FEMALE SPEAKER: Very definitely, and unfortunately from the highest levels--not the highest levels, but very high levels.

MS. HALLMARK: Bill has his card up.

FEMALE SPEAKER: Oh, I'm sorry.

MS. HALLMARK: That's all right. Were you finished? I wanted you to finish.

FEMALE SPEAKER: Yes.

MR. WISENBAKER: Tom, you skipped over Paragraph 2 and said you were going to rework it, and based on John's comment, I got the impression, John, you were talking about the fact that you thought that the Department of Energy's weapons complex was completely configured and so, therefore, it was no longer an issue. Have I misinterpreted what you said? Because I'm not sure that's exactly the correct interpretation.

MR. WINSTON: I guess I was thinking more of all of the EISs that have been done dealing with tritium, plutonium, all those issues have been somewhat resolved.

MR. WISENBAKER: Well, there is still, and it's not so much an EM issue, so maybe it shouldn't be in there, but the idea of, for instance, I think we're proposing or were sued or whatever, we're always being sued, over a facility at the Lawrence Livermore Laboratory, the NIFF facility, which is a new construction thing that would change the mission, or whatever, and potentially create some problems for some of the participants around the table for California.

In addition to that, some of the work that may take place at the Savannah River site, or other places as far as consolidation of waste, are operating facilities or potentially building new facilities.

Now, I'm stepping, like I say, in some cases beyond the EM requirement. Just be careful when you're looking at that if your intention is to be involved in all the activities that could affect the cleanup and long-term missions or whatever the case may be that you don't narrowly exclude something you really intended to work on.

MR. WINSTON: And I assumed that when John was saying that that the department was in constant reconfiguration.

MR. WISENBAKER: Including the work force.

MR. WINSTON: Well, all the more so recently, sad to say.

MS. HALLMARK: We have a comment from J. R.

MR. WILKINSON: Yeah, I think it's just--and I'm glad you said that. You know, it's a mission statement. We shouldn't really, I think now that we can look back with hindsight to say, gee, look how much things have really changed or not changed, maybe it's more appropriate just to strike the paragraph and leave it as a real broad statement, as a mission statement, so that we're not getting pinned down to, well, these are the things narrowly defined that we're working on. Maybe it's just inappropriate to allow for the organic development of this group.

MR. WINSTON: I think that's a good comment. Personally, it--you know, otherwise, you're updating your mission statement every time you address a new topic, even though it may be under the umbrella of that first paragraph.

Steve?

MR. TARLTON: Back to the very first paragraph. We talk there about DOE facilities are operated and cleaned up. So the implication is is that we are not just concerned about closure of facilities and clean up, that we are actually concerned about ongoing activities, which would include DP functions.

MR. WINSTON: Is your comment then that we don't need to describe it in greater detail? Are you concurring with J.R. in a sense?

MR. TARLTON: I'm concurring with J. R., but also it's not an EM, solely an EM focus, I guess would be my thought. If we've worried about operating facilities, then we are as worried about the facilities that are continuing to operate at Oak Ridge as we are about the ones that are going through cleanup.

MR. WINSTON: I guess maybe I would tend to agree, although I also know that, you know, a group that's constituted by EM, we put the EM folks in an awkward position to have to answer for DP when they typically are not at the meetings, and that kind of thing. So I guess I would like some feedback from DOE on how they want us to handle that situation. We don't report to Secretary Pena. In a sense, we're giving most of our input to the EM folks. I don't want to limit us, and we typically branch out into those other areas.

MR. TARLTON: Well, let me ask this question. If that is not appropriate for us to be concerned about, is there another such group that is concerned about those kinds of things?

MS. HALLMARK: It's a good question.

MALE SPEAKER: And maybe I shouldn't have opened that can of worms by talking about those other facilities. But it is important. There is a distinction that indeed this group is chartered by and work through the environmental management portion of the Department of Energy and does not deal with or have sanction, if you will, for nuclear energy activities--however, they all impact each other. There's no question about that. Because the issues that Idaho with the spent fuel and everything is a Naval fuels issue, of

which we're playing the part of doing the remediation and the removal of that material from the site. So, you know, it's a touchy question and I really don't know a good answer for you, except to say that if it goes much beyond being kept informed so that you can understand what's happening, I think STGWG would get into a situation where it would be virtually impossible for all these other organizations to participate in that in a meaningful way.

FEMALE SPEAKER: I just would like to say one of the things that we're trying, at least with the site specific advisory boards where this issue comes up as well, is that the focus is on environmental management issues, which does not mean that to the extent that some of the operating facilities at Savannah River may affect the pace of that cleanup, that it's not within your focus to look at how that is affected, so that there is information flow that can come from it. And if it could be worded along those lines, I don't have the language right on the tip of my tongue, but more where we get away from the operating facilities, I think that is a potential problem. If this were done out of the Secretary's office, that would be very different, but it has been sponsored by environmental management, and we feel very strongly about it. I'm sorry that Vicki Thornton had to leave. But I think there are enough issues in the environmental management component that we could stay quite busy and have quite a full agenda. And then the concept, maybe there needs to be an expansion at the departmental level to have something similar. It may not be the same group of folks either, or the same states and the same tribes that are affected. I'm not sure of that. But I would urge us to stay more focused on the environmental management component.

MR. HALLMARK: If you want to go in order, I think you had Rich and then Earl, then Gordon and J.R.

MR. ALLEN: I think one of the things this group needs to recognize is that it has articulated two competing requirements. Okay? If one of the requirements is to be as broad based as possible, that's a noble goal. But on the other hand, we have to make sure we have the right people at this meeting. DOE has already brought that up, that they need to have the right people at this meeting, but we've already had a discussion about the states having the wrong people at this meeting. We've just tried to fix that. We think we have the right people at this meeting, but if you're going to change the agenda on us, then we've got to revisit that.

So you can have as wide range a discussion as you want among the uninformed, and that's fine if that's what you want.

MS. HALLMARK: Okay, Earl?

MR. LEMING: Coming from a side that has active operations, as well as environmental restoration activities, we deal with energy research, uranium enrichment, defense programs, as well as environmental management, and most of those programs are cross-cutting to a certain extent. So from that perspective, whether it's weapons dismantlement that has a waste management aspect from the defense programs, or whether it's energy

research that has a waste management perspective, or uranium enrichment, which has a waste management perspective, then I think we can talk about within the EM bounds, those issues that cross-cut.

So, to me, I think it needs to be broad enough on occasion to deal with those activities that might transcend into defense activities, whether it's into energy research activities, or to the fundamental environmental management programs that those sites that are going towards ultimate closure. So I think there's a broad range.

MR. WINSTON: Do you feel the existing language, is that broad enough for you?

MR. LEMING: Yeah, I think so.

MS. HALLMARK: Gordon? You pass, okay. J.R.?

MR. WILKINSON: Charters are like going fishing. All you need is a fishing license and a boat and make sure whatever you catch is the right size limit. And no matter what line you throw in there, you pull up your fish and you look at what you've got. Whether you end up with DP or whatever you end up with, that's where we're going to have to begin. But our fishing license is did I go after EM, and if we run into DP issues, then I think what we need to do is to have a format where we list the questions and the issues so DOE, Martha, can go back within her organization to say I've been posed these series of questions and issues. Who in your shop can we get to come to a report or to inform this group about these kinds of issues.

So, anyway, I would again make sure we just kind of stay real broad and not really get pinned down too much, and I think the language for me is appropriate, but it's like fishing.

MR. WINSTON: Let me just ask a question. The original mission statement was based on the premise that there are government, whether that's tribal or state governments that have roles as regulators, or treaty rights or some government to government relationship, and that's really what is embodied in this first paragraph. It doesn't differentiate between EM and DP. What we're saying is that the sites need to operate in compliance.

Now, we said environmental laws, and I didn't really discuss that. Marsden offered the suggestion that we be in compliance with all applicable laws, and take environmental out of that. I don't have an objection to that, but I don't want to--I mean, that may be a significant issue. I'm not necessarily sure what I'm getting into. Clearly, the State of Ohio has, in the primary thrust of all of our activities with our sites, has been environmental laws, and that has been the state's the push that the state has had. But I'm a little cautious now because some folks had said maybe the right people aren't at the table and maybe we need to pause and think about that.

So I at least prompted Gordon to put his card back up.

MR. APPEL: My flippant response to the question of what other group is there to address those issues is I'm convinced that that group is the elected officials of the various states in the room, and their representation in Congress in general, and I know that it does not address necessarily the states or the tribes, and that's a difficult issue, I think.

So you have some perspective on the State of Illinois's position on that particular issue, it is the express intent of the State of Illinois to regulate the Department of Energy facilities within the State of Illinois as quickly as possible, completely.

Now, there's a group that's trying to figure out how NRC and DOE are going to work that out. I don't think that--and, frankly, the State of Illinois feels specifically excluded from those discussions. And just in case the tribes were to believe that they're the only ones in that position from time to time, that is not true.

MR. WINSTON: Misery loves company.

MR. APPEL: Well, perhaps. I mean, there are two facilities in Illinois that are operated by the Department of Energy that are perfect candidates for regulation by the state. One facility is such that it wouldn't be regulated by NRC in the end anyway, because it's an accelerator, and they don't regulate accelerators. And, secondly, the other one is such that it's basically a broad scope research licensee.

So that's how we would intend to deal with the issue, and our participation in this group is from time to time, that will provide a convenient mechanism for us to try and achieve that.

MR. WINSTON: I don't want to misinterpret. I would take that that you wouldn't have objections to taking that environmental out of that, that you're not necessarily looking to restrict that.

MR. APPEL: No, I don't think so. No, I wouldn't argue that you could take environment out of it. I mean, broaden it as much as you like.

MR. WINSTON: Does anyone else have any comments on Marsden's suggestion to just say all applicable laws rather than all environmental laws?

Peter?

MR. CHESTNUT: I think we could say environmental and other.

MR. WINSTON: It seems as though the suggestion was to not limit it to applicable environmental laws. So if we said, you know, applicable environmental and other laws, you pick those up, I think there's something to be said for having the environmental specificity in there, but I don't think it has to be limited to that.

MALE SPEAKER: Just a point on the other laws. Nevada Test Site is unique I think in DOE, in that the site itself is composed of public lands, and those lands are really regulated under FLIPMA, which is really the law that BLM operates under. So other laws along with environmental would be something we would support.

MR. WINSTON: Any other comments on that issue?

(No response.)

MR. WINSTON: Okay. I think that there was general agreement that we would not be very specific, and take the second paragraph out. So I'm going to kind of move on.

The third paragraph, Alexander mentioned to me that it was actually the 1992 DOE Indian policy, and so we probably ought to make that note.

FEMALE SPEAKER: Just in keeping with our earlier comments in terms of avoiding specificity, would it make sense if we're talking about the possibility that this group would work on revising the policy, and certainly that is a possibility that it could be reissued, that we would just leave the date out and just describe it as the Department of Energy Indian policy? Certainly the government to government component of that will not change.

I don't object to putting the date in there, but if you want it as a living document, it may not be necessary, and just have it as the Department of Energy policy.

MR. WINSTON: All right, I'm going to move on to the composition section. And the main--the first sentence is that there's policy level representation. We had a long discussion about that in the past because we have various, depending on our organizations, we have various levels of participants, and after a long discussion of that issue, we decided to leave it because everyone is empowered, because of the second part of that as far as how participants are selected, so that the governors of the state would appoint, and the tribal representatives would be appointed by the governing bodies, and we felt that that by definition was sufficient to give policy level coverage. So I'm just kind of giving the historical perspective.

Does anybody have any suggested changes or things that provide heartburn on that section?

FEMALE SPEAKER: Can I, just to play devil's advocate, I don't know whether this is something you would want to do or not, but we're talking, it says from activities at a DOE facility, would that be broad enough if this group wanted to expand to include certain corridor states, to allow the corridor states to participate? I mean, I could read it as being broad enough, but I would just--it also could be read to be limited to the contamination that actually flows directly from the facility.

MR. WINSTON: And I think that the history of STGWG has meant that we've looked at that, and I guess we've broadened out from what had been the initial core that formed STGWG, to a number of additional tribes and states. And I guess the jury would be still out on whether we would want to expand it much more broadly, or whether on specific issues. Clearly, transportation is one where corridor states, we've already talked about them not being at the table. But there's been some degree of judgment on the part of STGWG members and the Department of Energy as we've opened up our membership to, you know, the expansion that has occurred to this point.

MALE SPEAKER: I think in that particular case, impacted by contamination from DOE sites would take into account the movement of waste through corridor states.

FEMALE SPEAKER: Okay.

MALE SPEAKER: I'm comfortable this covers corridor states like--and adjoining states, too.

MALE SPEAKER: And Georgia, as well.

MR. WINSTON: All right, I'm going to move on to operation. I would say that the first paragraph needs to be revised if it's going to stay in there, based on tomorrow's discussion. It talks about number of meetings per year. It talks about executive sessions and then it mentions EM and other DOE offices. Some of that I think can stay, but I think we're going to need to decide whether we want to be specific in terms of number of meetings, and I would suggest that we revisit that once we've--you know, towards the end of the meeting, or it will be apparent as the meeting unfolds.

I'm seeing some nods.

MS. HALLMARK: Steve has a question.

MR. TARLTON: Do we need that? I mean, if we took out Paragraph 2, would it not be appropriate just to take out operating details?

MR. WINSTON: I was thinking that, and the reason I didn't suggest that is that we haven't met in the last year and a half to two years. There was some--you know, we may want to specify some minimum level of meetings, but it does get down to sort of busy, rather than being a charter, it does tend to get down to a level of detail that doesn't give us an opportunity to change.

MALE SPEAKER: I guess my thought would be that if we stick with this all the way through and we're being funded solely by DOE, and we say we need to meet "X" number of times a year, which tends to be a function of whether or not they're willing to pay us to meet, then we would want them to be a co-signer of this to commit to that funding and that participation. I don't know if they now are. And so if they're not--if there's not a

commitment here about providing this level of funding, it would seem to me better just to leave that detail out.

FEMALE SPEAKER: I would suggest that maybe--I like your suggestion, and this may be a way to institutionalize, if that's what we decide as a group is the way to go, that Al was speaking of this morning, to have DOE as a signature on this would have it institutionalized.

Now, I think we need to discuss more the details in terms of what it says, but this might well be a means to institutionalize by having DOE sign the charter as well as the STGWG members.

MALE SPEAKER: In erasable ink so that we know who the next person is in charge?

MALE SPEAKER: Sign it before he goes.

FEMALE SPEAKER: That's right.

MALE SPEAKER: I think we're all adults here. We know what DOE signing onto something means.

FEMALE SPEAKER: But it is still--I heard a comment over here which I--I don't think it was on the mike. The comment is it's still better to have it signed than not signed.

MALE SPEAKER: Sort of like it's not worth the paper it's written on; is that what you're talking about, Steve?

MR. TARLTON: I wouldn't say anything like that.

FEMALE SPEAKER: --we have a charter for our transportation working group. We have a charter for the transportation working group signed by Hazel and it goes way back. It's five years old, but we call that up when we need to and people still go oh, okay. So it works.

MR. WINSTON: One aspect that I would not like to see go from that paragraph if we cut part of it out is the high-level representation from Office of Environmental Management and other DOE offices. I think the experience has been the meetings have been more effective if we've had the right people from DOE, and sometimes that means we have to go to Washington when we may rather not, but if we do drop, you know, how many meetings a year and that kind of busy stuff out of there, I still think we ought to find a place to put the information in there about high-level DOE participation from EM and others.

I'm seeing a lot of agreement on that. Any other comments on that first paragraph?

MR. CHEN: Yeah, Tom.

MR. WINSTON: Marsden?

MR. CHEN: If you want to drop the detail about three or four times a year, maybe you could cover that with some other statement like meet as required by some quorum set up within STGWG. You know, have three or four guys decide that you should have a meeting, depending on the significance of the issues at the time. We may have six times a year meetings, we may have two times a year meeting; we don't know. But it will depend on the people who are really running STGWG.

MR. WINSTON: And there's nothing in here about, you know, who does that.

MR. CHEN: Right. Right. But I think we can agree among ourselves to appoint certain people, and depending on the issues, you mention Ohio, somebody from Ohio may be in-maybe yourself, I don't know.

MS. HALLMARK: Paul wants to comment.

MR. WARD: Yeah, in response to what you're saying about high-level DOE officials, that would be in keeping also with the government to government relationship with the tribes, between DOE and the tribes, and I think on a practical level, it would allow us to work more efficiently as opposed to having several used care salesmen type thing going on where they come in and say, well, we'll see what we can do, and they go back to the secretary level, they sit there for a couple of hours and they come back.

FEMALE SPEAKER: My suggestion would be on the operation on the first paragraph where it says "generally meets three or four times a year," which really doesn't mean anything, for planning purposes, I think all of us have extremely busy schedules, I think it should read, "STGWG, at a minimum, will have "X" number of meetings a year." It would make a lot of difference to all of us whether it were two meetings or ten meetings, I know that. And in terms of just planning schedules, I think it would be good to discuss that a little bit and maybe put a minimum number of meetings. That gives us something to work with.

MR. WINSTON: I was going to suggest in the interest of time, these are all good comments and maybe, I don't know if we'll have time tomorrow to revisit at the end, but I think after we sort of talk about where we're headed from here, some of these things may be more apparent. I think we still have to be sensitive to how much detail do we put in, and are we going to have to revisit this so often if we do that. But these are all good comments.

The next paragraph talks about the fact that we don't vote.

MS. HALLMARK: J.R. had his card up.

MR. WINSTON: Oh, I'm sorry, J.R.

MR. WILKINSON: Thank you. Maybe in terms of that first sentence, just to recognize the fluid nature of our meetings, that STGWG as a whole meets as required. Then it says a lot less than what it says now.

MR. WINSTON: We'll add that to the list of suggestions. My only fear is that, you know, who decides as required. In the last year and a half, it was not us.

All right, one of the--I think the reason the next paragraph is in there is that for Federal Advisory Committee Act compliance, we do not take votes, and so that's the reason, and I'll get back to you, Alexander, if you had one on the one before, I apologize. But we do not vote. We reach consensus. There was some effort to describe in very non-specific terms, you know, how we do that, and it does say that recommendations are presented to DOE in the form of papers, and I'm not sure that that's necessarily the way we would operate in the future. But that's the language from a couple years ago.

MALE SPEAKER: I would suggest, Tom, that that leads you to advisory committee, and puts us under the FACA requirements. I would suggest you be a little general there. The fact that the title is working group makes it better, because working groups are not considered to be policy level making things that require us to be FACA chartered.

MR. WINSTON: Right. And that's just been something that every representative from DOE has always raised, and this language was meant to help tap dance around that issue, but still allowed us to do what we needed to do, but didn't cross over the line where there was an impression from a distance that we were taking votes and, you know, coming up with things that should be covered by FACA.

MS. HALLMARK: Alexander joined the table and wanted to say something.

MR. WINSTON: Yes, I'm sorry, Alexander.

MR. WHITE TAILFEATHER: Just I was reading that first sentence, and if you want to kind of fix it up, change it to read "STGWG typically focuses on issues of common concern to its members, and frequently reaches consensus on such issues; however, there is no voting and no requirement that consensus be reached." If you combine the sentences, it makes the "frequently reaches consensus" less out the, less in the face of FACA. It's not designed to reach consensus, it just sometimes happens.

MR. WINSTON: Right. Right, because we're all in the same boat.

MR. WHITE TAILFEATHER: But what I'm saying is that if you combine those two sentences and at the very least, put a semi-colon before "however," you will make that much more clear.

MR. WINSTON: Good suggestion. Any other comments on that paragraph? Yeah, Mike?

MR. GRAINEY: I guess just generally, it's never been clear to me why becoming FACA chartered would be such a bad thing. Is there any reason why we don't want to be? I know it's simpler, but I mean the advisory boards are FACA chartered. It seems like most of the amount of work we do is the same on the advisory boards as this group.

MR. WINSTON: I guess I would answer that two ways. One, there is a lot of expense that goes into that. There has to be transcripts. They have to go to the national archives. The other thing is that when I come here, I don't worry too much about membership because, you know, other more western states than eastern states, or some of those kinds of things, I don't worry about that. My governor doesn't worry about that. I'm here talking about issues, and I guess for some, if there's going to be voting, I think not only does it change what DOE has to do to deal with us, but it may change our own participation and how we look at the organization, and I'm not sure there's that much to be gained by it. But that's my personal opinion.

MALE SPEAKER: It also requires--and I'm not an expert on FACA, help me out, Martha, since you're a lawyer, but it requires so much public participation, notice in advance, we can't close our meetings, they're open to the public, it limits the ability to carry on discussions, and so forth. There's some fairly onerous things about FACA that--they add expense to us and don't give us the freedom to do quite as free talking as we would, because then there's public transcripts and stuff like that.

MR. WINSTON: Well, executive sessions may be a thing of the past, if that was a FACA.

MALE SPEAKER: Right. There are all kinds of problems associated with that law.

MALE SPEAKER: Maybe one way of making sure that we meet more often than every two years, and I think that was one of the reasons we were put on the back burner, was because of--other groups that have that FACA status.

MS. HALLMARK: Donna wanted to comment.

MS. POWAUKEE: I'm not sure how the other tribes view FACA chartered committees. Our tribal executive committee, because of the government to government relationship between the tribe and the federal government, they believe that a federally chartered group prohibits tribal council members from sitting on it, because they do not want to be advisory. They are on an equal level. And so I don't know whether tribes or states have that problem, but should a Nez Perce tribal executive committee member choose to take the seat instead of sending me, by being chartered, they would be unable to do so under their present policy.

MS. HALLMARK: I think, Paul, is yours still up from before? Okay.

MR. WINSTON: J.R.?

MR. WILKINSON: Yeah, I just echo what Donna has just said, and actually affiliated tribes and Northwest Indians, as well as the National Congress of American Indians have both passed resolutions opposing FACA chartered organizations. And I don't believe there's an explicit policy of the Umatillas, but it's clearly an implicit policy regarding that. The real core thing is that you are appointed as a citizen representative. You are not there to represent the governor or a tribal nation or anybody. And then there's turnover on the representations. So I think there are a number of negative reasons not to go with FACA.

MALE SPEAKER: And if we were to make that recommendation, I think we'd want a thorough evaluation of the pros and cons.

MS. HALLMARK: I might note that it's 5:30. Do you want to try to finish?

MR. WINSTON: Well, I think we're almost to the end of this. I'm hopeful.

Any other comments on that second paragraph under operations?

(No response.)

The third paragraph deals with staff support, and I don't think we can make a decision on that until we've had some more discussion. I think we've told Al today that we feel the staff support is critical, but we don't know the details of that and we'll need to revisit that.

J.R.?

MR. WILKINSON: Yeah, along the same line, Tom, I would actually just suggest to strike the remaining two paragraphs because they're very specific, and I would suggest that we instead say that there are co-conveners, STGWG will maintain co-conveners, one from the states, one from the tribes, and that there will be an executive committee established to provide some general steering and guidance to the planning and setting meetings, and basically to provide some input as we need. So I'd strike the two paragraphs, put something in about co-conveners and an executive committee, and then leave it.

MR. WINSTON: Any reactions?

MALE SPEAKER: Doesn't that undercut our ability to institutionalize the process a bit, and actually get long-term funding and support for DOE? If we get DOE just plain devil's advocate to sign the charter that does say that staff will be provided, doesn't that give us a little more strength in the long term?

MALE SPEAKER: Well--and Lucky is whispering in my ear, and I agree, and maybe the point to do would be to say, okay, we've developed the charter, you know, this is who we are. We've gone through this process to get here. Now the question is to write a letter to Secretary Pena to say we have completed this process. We want you to commit the resources to it to help us fulfill our charter. Now, that may be somewhat circular, we get

them to sign it. I mean, it's the end of a long day, we may want to strategize a little bit more along with meeting with people within the system to see how that might best play. But I'm just making the simple point that--whatever.

MR. WINSTON: There's I guess a little tension here in the sense that--I don't mean tension in the room, but on the one hand, we want to not be very specific, so that some of these minor points--and I'm not saying staff support is a minor point--but certainly the way we operate is a minor point compared to the mission. We don't want to be so locked in that we can't be flexible. At the same time, there's some aspect of getting--by the department by their acceptance of the charter. So maybe we need to think about that a little bit more.

The next step that I was proposing was that--and maybe I could work with NCSL to try to send out a redraft of this based on the comments, take the best shot at trying to put the comments that we got today into some semblance of another draft, and see what people think and get some comments back.

MALE SPEAKER: Yeah, maybe just to add on after the co-conveners and executive committee, is that the STGWG requests the Department of Energy provide resources to a level of funding necessary to complete its tasks.

MR. WINSTON: One of the things we may want to discuss in executive session is just our own, you know, what makes the best sense in terms of deciding who's on the executive committee, who's going to be co-conveners, what the term limits are. That's something I'm interested in.

MALE SPEAKER: This isn't like the Supreme Court, is it?

MALE SPEAKER: Well, we'll make sure it's in the charter.

MR. WINSTON: Does anybody else have a comment that they want to share on this? I've gotten a lot of feedback that's going to be very helpful to try to put a redraft together, but I'm open if somebody has a comment to share.

(No response.)

MR. WINSTON: All right, that brings us I guess to the close of this session. And for the DOE folks, you're free to go until the reception. For the state folks, we actually, and tribal folks, we had decided that we were going to take advantage of the executive session, and we actually, the agenda says that it's up on the main level. Is that right?

MALE SPEAKER: Yeah, and it ends in 20 minutes.

MS. HALLMARK: Right. It says Atrium C. I don't know--Catherine is saying that she doesn't see why you can't stay here if you'd prefer.

MR. WINSTON: In the interest of time, which is quickly leaving us, why don't we just stay right here. And if people want to run to the restroom for five minutes tops, and then we'll--you know, there's several issues we've got to discuss if we're going to have an effective day tomorrow.

MS. HALLMARK: The recorder would be turned off then, and this will be the end of the session. And then there is the reception is at 6:30 in the Laclede Room, I guess.

So that's it. Thank you.

(Whereupon, the session was concluded.)

**State and Tribal Government  
Working Group  
November 4 to 6, 1997  
St. Louis, Missouri**

**PROCEEDINGS**

MS. HALLMARK: I think we're ready to get started. Oh, Donna has still got her card up. Shall I put it down, since she's not even here? Is anyone hanging around out there that's ready?

Good morning, everybody. We have a smaller group here this morning. I'm going to put on here the tentative kind of agenda for today that came out of the executive meeting last night, and just see if--you can read that, I hope. So just take a few minutes to review the agenda, and then also if there's anything anyone else had, you know, left from yesterday, or comments, certainly we could bring those up first, and a check in on logistics, I'll come back to that. And then what we wanted to do was to have--to hear from Martha I think first, putting Martha on the spot about the DOE expectations of STGWG, and then what reasonably can she be expecting and looking to STGWG in terms of budget support and some of the constraints DOE is feeling.

And then the bulk of the morning to be spent on finalizing the STGWG charter, and we have a new draft of it which we can go over, and apparently the decision in the--or the thinking in the executive session last night was that was really the most important thing to do today, was to get this agreement on the charter so people could leave here with agreement on STGWG going forward and what it is and what it's going to accomplish.

Then we'll move into the next steps, and that can be I think a larger or a smaller discussion, depending on how much time you really needed earlier with the charter discussion itself. We will for sure try to set a meeting date and give some ideas of what's a good location so that you can get something going, and then have a general discussion on the focus of the meeting and give a little more specific feedback, if possible, or do just

some group thinking about the ideas on how DOE can work with a number of the different groups on these waste disposition issues. That was something they had specifically asked for feedback on yesterday. You talked a little bit about it, and so maybe in connection with thinking about your next meeting and how you want to focus that meeting, and then we can have a broader discussion on some other ideas around that.

So those were the main things that people wanted to accomplish this morning. I've got "other" on there if other things come up we can add, at least that's what was said back to me last night, so I want to check in and be sure that we have on this agenda this morning the things that people do want to accomplish.

Is there anything else, and have I captured that correctly from your meeting? Do you think we got it, Tom?

MR. WINSTON: I think so, yes.

MS. HALLMARK: Okay. The logistical thing I wanted to check in on, you know, we're scheduled to end at noon, we've heard a few rumblings of people having to leave earlier than that. So can we just get a show of hands? Are there people who have to leave before noon? At least two people over there.

And how early do you have to--we got a report that someone saw on CNN that the airport was fogged in and you might want to call and be sure your flights are going out on time if you're leaving early. They may have been delayed. I don't know any details. So that's one thing.

How early do you have to leave?

MALE SPEAKER: I saw a helicopter flying around this morning just outside here.

MS. HALLMARK: So it must be okay?

MALE SPEAKER: I've got to leave around 10:00.

MS. HALLMARK: You have to leave around 10:00? How early do you have to leave?

MALE SPEAKER: 11:00 or 11:30.

MS. HALLMARK: Okay. Kevin?

MALE SPEAKER: It's hearsay, but in the elevator, I did hear there was a two hour delay at the airport, or a couple of hours, they said. So it is important I think if somebody wants to call and find out.

MS. HALLMARK: Okay. So especially if it's making you leave the meeting early, you might want to check.

MALE SPEAKER: There are many airline crews staying here, and on Sara's desk, they keep a list of crews and stuff like that, so I imagine there they have information on what's flying and what's not.

MS. HALLMARK: Oh, interesting. Okay, Catherine says she'll go up and see if she can find out about that, so we'll bring back updated information.

Okay, is there anything else that's left from yesterday that somebody wants to mention before we get started?

(No response.)

Nobody's either awake, or else you settled everything yesterday.

Okay, well, with that--well, maybe I can just leave the agenda up there. Is that okay? I'll just leave it on. And with that, I'll let Martha go ahead and lead off talking about expectations.

MS. CROSLAND: This is great. I get you while you're still asleep.

I gave thought to this overnight, because we certainly talked about a lot of it yesterday. I am not sure that I have any great new insights, but I think it hopefully is confirmation, is the way I would prefer to phrase it.

It's a goal of my office, and it has been for a number of years, is to provide opportunities for meaningful involvement in EM's decision making and planning, so that all will agree that these processes are fair and their concerns are heard. And I think this is important to keep in mind, because I see STGWWG is a key component to helping us achieve that goal, because STGWWG provides a very important and somewhat unique mechanism for tribal and state leaders to provide us input into these decisions.

Our goal flows into what I believe is EM's and DOE's larger goal, which is to have sustainable decisions. And in my view, this can only be achieved if these decisions are technically sound, economically feasible, and they have a broad basis of public support. And I am very confident that this view is held by the most senior leaders at the department.

STGWWG provides us this incredibly important forum for enhanced two-way communication between and among DOE, the states and tribes affected by our facilities and activities. This is very key to us. I would hope that as we move forward with STGWWG this will be strengthened and we can actually begin to talk more in terms of collaboration and partnership in these vital arenas.

I think one of the things in looking through the history with STGWWG that I found intriguing was the paper that STGWWG had done about collaboration and partnership that I think Jack McGuirk (phonetic) authored, and there may be some others that authored it. I

would urge that is a piece of history that is probably worth dredging back up, because I think it was very good. It talked in terms of the two-way dialogue that I heard a lot yesterday from you, and as being very, very important. I think it's key.

I learned a tremendous amount yesterday. We saw Al Alm was taking notes. He's got some important meetings coming up on transportation. I can almost--am very confident that this has gone into his psyche and he will take back to those meetings, maybe not necessarily in your words, but certainly your ideas, and they will play into what he provides as his input to the department's decision making.

This is very important, which means STGWG has to be keyed in on a realtime basis to what our decisions are, and we need to work with you to understand your concerns. You need to understand what we are facing in terms of decisions, so that it can be a meaningful dialogue.

We need to get your suggestions and criticisms, I think to the extent they can be as concrete as possible. I heard a lot of--some of those yesterday, which to me that was one of the reasons I think the meeting was so valuable yesterday. I actually heard people making suggestions that I understood and that I think Al Alm could understand. We had really moved beyond a rhetoric level. I think that is very important, to the extent we can, and to begin to get some concreteness. I know we're not searching for consensus here, but some concrete ideas for how to move forward.

One example that I heard in terms of the transportation, in terms of communication, what Idaho has done to take our numbers and verify them, if you will, or create new ones, and take it to a new level of communication where it's long segments, which might not be appropriate for DOE to do, but clearly is important for the stakeholders in the State of Idaho to hear that and understand it. I would like to see a mechanism like that maybe be applied in other states. I throw that out as a possible suggestion for some action items by states.

I think, you know, near term one of the things that I think we can do is to look at the cultural resources, how we can do a better job sensitizing people throughout the DOE system to the need to consider cultural resources. This may involve training. In fact, I think it does involve training. It may involve a policy. I think that this is something that we need continuing feedback from STGWG on. I would not see this as a one meeting action item. I think this will probably--should almost always be on the agenda, if for nothing else than just a check-in to see how things are progressing or not progressing, and to get feedback on that.

I think related to that are issues of restoration, what do we do to restore these lands, what is economically, technically feasible. Clearly, I think that we all agree we need to consider the cultural resources. But there are practicality things. What do we do with end states? I think we heard the comments on the 2006 plan that the thoughts on end states now are to move more toward--there's sort of an interim end state where they'll be

reconsidered as technology develops. I think suggestions like that are extremely helpful, very beneficial to us, and hopefully to you as well.

I think stewardship is the next--is the phase of that that we do need to move into. There's this report that I mentioned that's in draft. We'll see about getting you copies of it when I get back to Washington. I think that this is an area that STGWG could provide us some very valuation information, and this is at I believe in the much earlier planning stage, but it's very important to get that feedback early so we can really plan and understand that it is a very important issue.

These decisions on the inter-site shipments and integration that you heard about yesterday, these are realtime decisions that the department would like to make, set forth a proposed time table. I think we heard yesterday you want more detail in terms of that time table, and that, you know, I know that Patty has taken that back and we'll be working with her on that. However, this is something that at some stage in the near future, whether it's May or June or some slightly later date, I'm not sure, but these are decisions that people do feel that they need to make if they're going to move forward with the cleanup. So it affects each of the sites as well.

I think we need to do a better job articulating the need for these decisions and how that does affect cleanup, and I think that the department will be working on that. But if STGWG is going to be involved in those, obviously this is going to have to be something that we move--sort of decide an agenda coming out of this meeting for how you have your next meeting, and the proposal at least as currently conceived, as you heard yesterday, is to have this flow out with a proposed, or a tentative proposed configuration probably in the January timeframe. And I would hope that we could get input and dialogue on these so that we can factor that input in and make adjustments in that configuration to actually do one of the suggestions that I heard from this group to do a second proposal of these before you actually go into making the decision, a second draft for discussion purposes. So I would think if that is the case, you may want to have two forums to discuss those particular issues.

The ongoing and proposed transportation, which I see is very related to these inter-site shipments and these decisions that are to be made, there is actually ongoing transportation and then there will be transportation that will be required based upon these decisions. I think we need help in terms of whether we are communicating to the right people in the tribes and the states for these campaigns, or decisions. Are we getting the right people before we make the decision to transport, and then the second level, which is the implementation, are we communicating with the right people in the states and in the tribes in getting the input?

One of the suggestions I heard yesterday, which I think would be worthy of follow-through, was risk communication. And I think Idaho's proposal was an example of how we can do better in terms of the risk communication, but working as a partnership where it's not just DOE. It is the states and it is the tribes. You know, ultimately, we are all trying to protect the health and safety of the people of this nation, and I think, you know,

we frequently lose sight of that in Washington that we are all working to protect the health and safety of the people, be they tribal members, be they citizens of the state. We all hopefully have the same objective and ultimate objective, and I think we need to work together to try and resolve that.

So I see STGWG as a very important means for communication for us to you and for you to us, and to me, that is extremely valuable, and it is the only forum that I'm aware of where we bring these groups together, and you can hear from one another, and I heard yesterday how you valued the richness of that dialogue, and I'm delighted to hear that. I certainly value it. I think it's extremely important, and I think it's the only means that we can get away from, I can't remember the exact quote, but somebody yesterday said, you know, paper is virtually worthless and, you know, we need the one on one communication. And if we have these meetings and they're focused and we're getting good input, we will get the decision makers here and the key people, and I agree, I hear the criticism all the time about no more talking. Well, to me, that's not valuable to have somebody stand up and just give you viewgraphs, but to have the person who is on the front line who is going to have to make these decisions and who is planning the process, I do think you want them here at your meetings to provide you information, and so that they can hear first-hand.

You know, we have Bill Wisenbaker, who is on the front lines with environmental restoration. Judith, who is that way with transportation. We had Patty yesterday, who is the one for the waste management decisions. To me, this is extremely important and I hope you value it and, you know, will help me in terms of being able to get these people to these meetings, because I think it is extremely important to you and to the objectives of this as an effective forum.

And in terms of budget, I don't--I said last night that this is a difficult one because I haven't been given my budget allocation yet. They're still in the process of deciding the budget allocations. But I can assure you that we will make the resources available to make this an effective forum. We will have budget constraints so, you know, I'm not suggesting that we could hold a meeting like this every week or every other week, obviously that would be outside the realm of possibility. But to be an effective functioning forum to meet on a regular basis, and with reasonable staff support, I think that is certainly doable.

I would hope that the objectives coming out of this, while we may want to pursue certain studies, if you will, or papers, I think the much more valuable product coming out of this is the communication, is a statement of--I'm not sure how you phrase it, since we don't do consensus advice, but individual recommendations that flow from the meeting, things that--observations of how DOE is conducting business.

Now, that's not to say there may not have to be research to help you make those observations, but I don't see STGWG as being a research arm or an extension of academia, if you will, and I don't know whether historically that was, you know, there was a certain element of that or whether it was perceived that way. And my only basis is

reading from the charter where we talk about papers. But I think of papers as being more like Law Review articles, which are very nice if they flow from this, but probably not our objective. And our objective really is to have meaningful communication to our decision makers, and one way of doing that I think is to have a summary that comes from the meetings that's done very quickly, that can be circulated to key people in the department to give them input from what you as a group have discussed and where you think the department is heading, where you think we are lacking, and that way, we get realtime communication, realtime feedback.

And with that, I will open it up. I hope I haven't said anything that startled anybody or very different from where I hope that you wanted to go as a group.

MS. HALLMARK: Okay, it looks like Tom wants to start off.

MR. WINSTON: I was just going to--what you said at the end, and we talked a little bit about that last night, Martha, but I really appreciate the last comment about really what is the most important output and, I guess, resource that STGWG is, and that is the dialogue. And maybe there's some words of wisdom there that we need to kind of think about rather than sending off committees to work towards major papers or that kind of thing. I think maybe some of our time, if we do have sub-groups that work on issues, ought to be to prepare for a meeting where we can have a valuable dialogue, and then get realtime information back out.

And I also would agree that at this meeting, we were not in the talking head syndrome. The DOE presentations were crisp and brief, and they were a sort of foundation then for the discussion, the dialogue, that was the most important, and maybe we need to make sure that we don't forget how successful that can be.

If you look historically, our I guess early roots were working with the department on the five year planning process where we actually were giving very realtime input on five year plan initiatives and various aspects of that. And so it was in a sense we were operating in that mode.

We have had a number of products over the years, but probably where we have been most successful is in those areas where we have sort of prepared ourselves for a thoughtful discussion, and then used the time in which to do that. And I think we probably felt somewhat pressured before, I think because there was not much of an appreciation for the value of the dialogue at a point in time maybe a couple years ago, that we had to be more product oriented. But I don't think that's our strength. So I was just going to second what you were saying in that regard and offer that up for the group to think about.

MS. HALLMARK: Judith?

MS. HOLM: I subscribe of course to everything Martha said, and I think the dialogue is really important.

One thing that would help us, at least in our area, is a better understanding of the intrastate and with intra-tribal communication that goes on, because we always think about what's the one group we all need to go address. I think there are multiple groups, which was borne out from the conversation yesterday, but to understand better what you need to do the job of communicating with your peers and colleagues would help me personally and I think would help our process also. So if you could give us some thoughts on that, I'd appreciate it.

MS. CROSLAND: I would like to just second. I mean, I think that one of the things we were looking for is input, and as we do this dialogue, input on the substance of what's being discussed, but also input on the process, which is I think going to follow what Judith is saying, that we need to make sure that we are in fact as a department or collectively as governmental bodies, touching base with the right people and for the right decisions. And they're not necessarily--I heard from Rocky Flats and I'm really anxious to see the communication plan, but that you don't necessarily for different levels of decision, the groups may be very different. And I think this is something that we collectively as a group could actually, you know, help each other on in terms of making sure that we do touch base with the right people. So I think that's an excellent suggestion.

MS. HALLMARK: Other comments, questions? Go ahead.

MALE SPEAKER: I guess from the Shoshone Bannock tribes' point of view, what we could do is pass a resolution and identify a person that could be, you know, your contact person for the STGWWG. That's one way of the tribes indicating who that person should be sitting at the table with everybody.

MS. HALLMARK: Anything else? Tom, go ahead.

MR. WINSTON: I just can't keep my tent card down.

I did want to ask Martha one of the questions I asked last night to her was--and I don't want to dwell on the funding issue because she has no budget, so even if we get 50 per cent of no budget, that's probably--

MS. CROSLAND: That's not real good.

MR. WINSTON: That's not real good. But what's the timeline? Do you have an idea of when you will have a budget, when we can expect to get a statement back from you? And then as sort of a second part of that, is just a statement that I think we all agree amongst the tribal and state representatives that we need some level of staff support. And I appreciate you said reasonable staff support, and that needs to be negotiated. But I think that is one of the things we put on the table as sort of the threshold level for us to be effective.

MS. CROSLAND: In terms of timeframe, I can't give you a specific date, but I would think by the end of the year, we certainly should, and maybe it would be sooner, but I'd

rather have that as the outside. Bill, is that your understanding of where we are with the budget?

MR. WISENBAKER: We're in the process right now of trying to sort out all the things that are in the Congressional language that came with the appropriations of our bill, which we only got a couple of weeks ago. And in doing that, we're sorting through and seeing what our requirements are and what obligations we're up against, and then we have other things that, for instance, there was a \$50 million general reduction in the budget, how do we spread that to absorb that. So until we can work all those things out, and I know we're starting next week to really start to focus on how do we pay the bills, if you will, with the limited resources we have, because the demands far exceed the availability of funds, I certainly believe that surely January the 1st will not roll around but what we have some indication of where we're headed, because the sites up until a few weeks ago were working from a continuing resolution, as we were in headquarters. And that was sort of--and the direction to them was to work at a bare minimum, and there are rules associated with a continuing resolution, but we do have a budget now, and like I said, we are sorting through that.

I, like Martha, believe that it could be much sooner than that, but certainly at the outside, we should know what the allocations, what commitments we have and what commitments that the Secretary has made as well that we need to participate in. So like I say, if we don't have it settled down by the 1st of January, everybody is in deep trouble because a quarter of the fiscal year has already gone behind us. So we've certainly got to sort this out.

MS. HALLMARK: Okay, J.R., I think you're next.

MR. WILKINSON: While I'm sure it wasn't the intention to downplay the need for technical analysis, I'd like to just refocus on that, that to a certain extent, I believe we all have real jobs outside this dialogue, and it's important I believe that, and given the fact that I think we're all really busy and doing other forums, that we do have the technical support and analysis that NCSL or another contractor can provide directly to this group so that we are working with an interpretation of information, data and documents that we would not normally have access to, or the time to be reallocating our own individual staff's time to do that analysis in support of STGWG.

So I would hope that as we look at how we do our activities that we not downplay the need to have that technical support and analysis to this group directly so we can provide realtime feedback.

MS. CROSLAND: Can I just respond?

MS. HALLMARK: Yes.

MS. CROSLAND: I did not mean to imply at all that that would not be important, and it is important. And I think that Tom said it very nicely that that's what you need to be able

to have the meaningful dialogue. It's not an end of itself, and I think that's where I was coming from. That shouldn't be the objective of this group, just to produce technical documents. To the extent technical documents are needed to help you have the dialogue, then that's very important, and it's important to us, or to communicate, you know, if it's a risk communication, that it's important to be able to communicate to those you represent. Then again, that's important. But just as an end of itself, I don't think that should be our objective.

MS. HALLMARK: Okay, Roger?

MR. MULDER: I think over the last five to six years, the traditional role of STGWG has been more or less to point out the obvious flaws in DOE and it's pretty much criticized everything we've seen going on. I see that changing somewhat with this forum, at least with some of us. I think if the number one objective is to now clean up sites, which some of us strongly believe in, I think that automatically means you then have to open waste sites, and then you have to move the waste to those sites, and I think some of us will be trying to keep the pressure on to make sure that those activities move forward, whereas in the past, a lot of the pressure was to stop opening waste sites, stop transportation, do a lot of things which really make it impossible to ever clean anything up.

So, yes, we want safe transportation. Yes, we want sites, cleanup sites, disposal sites that are not a threat to human health and safety and the environment. But I also believe this country was built on balancing risks and rewards, and I think at some point, we have to decide to move forward and I think we're moving towards a critical time in this country's history where we will either take on disposal of radioactive waste, or we'll simply throw up our hands and say it's too tough, just can't do it.

I would hope we would all agree that it's important to move on with cleaning up, but we have to acknowledge what that encompasses. It's easy to say we want to clean up. It's very difficult to say that means we have to have the waste disposal sites open and that means we have to move the waste to them.

MS. HALLMARK: All right, anything else? Earl, go ahead. Can you reach that mike?

MR. LEMING: Let me just add to J.R.'s comments on technical support. From the standpoint that there is a tremendous amount of technical support that is already out there that we can utilize, it may be an effort on our part as well as DOE's part to assure that that technical support and the information is available to STGWG, and I--you know, I think Idaho's risk assessment, the technology is something that I think all of us could look at. I think a number of the SSABs have technical support that we can utilize the information from. The NGA has technical support that we can utilize the information from. I think it does require enough support on our part to consolidate that information and to make it usable for us. But let's not reinvent the wheel and move off in a direction that we have to do the investigations ourselves. Let's utilize what's available and what has been done, and then if there's something new that needs to be done, then we can find a way to do it.

MS. HALLMARK: Good comment. You know, I might acknowledge, I never did this yesterday, that I am not trying to list all these things on the charts, mostly because I don't think you can see them anyway. But people are actually getting down all these comments. So the fact that we're going, you know, from one to another without a lot of acknowledgement, I wanted you to know that they're not just going into thin air. We have a number of people trying to help get things down, and we will actually get these into the summary in some way.

So are there any other comments on this part of what's expected out of STGWG, this inter-relation with DOE, or are you ready to move on into the charter? Shall we go with that? You may get more ideas as you go along.

Now, I think, am I right, Tom and Susan, we don't have actual copies of this new draft for everyone? We have overheads.

MR. WINSTON: Yeah, that is right. And I did want to take just a moment to publicly thank Susan. Susan was in an awkward situation in a sense. At the point in time when we felt that we had, you know, a long-term commitment from the department, we worked with NCSL, Donna and I as co-conveners, helped to interview candidates, and NCSL hired Susan, and then when the funding dwindled, she was kind of in the awkward situation of, you know, sort of maybe bait and switch is one way you could describe it, but she's very competent and capable, and so she was able to--NCSL was able to use her in many other capacities, which she has been doing. But she is back here and was very helpful, and last night after the reception, then she went back and typed up a revised version of the chart, and I just wanted to publicly thank her for hanging in there despite our hiatus.

MS. HALLMARK: Good. So I think probably the best thing is to--you're going to have to just work off of this--is to maybe go paragraph by paragraph, take a look, and you can discuss, you know, what does it mean. We can do a little wordsmithing. Let's not try to bog ourselves down in it. But if there's some things we can fix, we'll just do it right now so that you can get to a place where you can have something you can really agree on.

So would it help if I just read it sentence by sentence? I mean, it's right there. So mission, we'll take that mission paragraph. "The mission of the State and Tribal Government Working Group, STGWG, is to help ensure that Department of Energy, DOE, facilities are operated and cleaned up in compliance with all applicable federal and state laws, and tribal rights, including those conferred by treaties, statute and the government to government relationship between DOE and each tribe."

I'm just going to stop there and see if there are any questions. That was fixing, you know, a number of the things you commented on last night. So does that work for everybody? Did that take care of those things?

Earl?

MR. LEMING: Just a question in terms of I'm going to assume that when we talk about applicable federal laws, that the AEA will cover DOE orders. Is that--is everybody comfortable with that assumption? Since DOE orders are not necessarily law or regulation, but they do clearly deal with DOE's way of doing business in terms of waste management, so either I would suggest we add DOE orders, or in some fashion seek agreement that we are dealing through the AEA on DOE orders. I know that DOE doesn't like outsiders to look at DOE orders, but we do, and that's part of it.

MS. HALLMARK: And Bill's rising to the bait right now, so I'll let him say.

MR. WISENBAKER: I'm certainly not an expert in this particularly subject, but I think it's always been my understanding that the orders that we put together to direct us in how we do our business does flow from the Atomic Energy Act, so it's a package deal. Now, I may be mistaken in that, but the idea behind the orders and so forth was that we were self-regulated and, therefore, in order to define what our responsibilities were for occupational, health and safety, environment, whatever the case may be, that the orders were the way in which we roll that down to define our responsibilities under the Atomic Energy Act.

So I've always looked at it as all in one, but I think, Martha, you and I probably need to double check that. But I don't see a problem with just leaving it like it is with the understanding that the orders are the way in which we implement our responsibilities under the Atomic Energy Act.

MS. CROSLAND: I would second what Bill has said, and I think to the extent that the orders are done to really implement the safety and health, there are certain orders that are just, you know, mechanical management type, and I'm not sure those would necessarily flow from the requirements, but we have used the orders for health and safety purposes, those are akin to regulations and, in fact, now a number of them because of Price Anderson are being published and being treated more as regulations. And my interpretation is that those types of DOE orders do flow from the Atomic Energy Act, and that would be an applicable federal law.

MS. HALLMARK: Anything else? Steve, go ahead.

MR. TARLTON: I've asked this of one of the tribal people, but is the relationship of a government to government relationship between DOE and the tribe, or is it between the U. S. Government and the tribes? I don't care. It just seems like that's a nicety that we might want to clean up if it's not right.

MALE SPEAKER: The relationship is between the U. S. Government and the tribe, but the government expresses itself, you know, through the many departments, and so DOE in this sense would be acting on behalf of the government, the entire United States.

MS. HALLMARK: So is making it specific to DOE okay here, and appropriate?

MALE SPEAKER: Oh, I see where it's saying the government to government relationship between DOE and each tribe.

MS. HALLMARK: Yeah, I think that's just the question; is that a correct way to state that, is that all right? Hobby, you started to say something. Do you have a view on that?

MR. HEVEWAH: What I mentioned was any federal agency of the United States is an arm of the federal government and they all carry trust responsibilities to any federally recognized tribes.

MS. HALLMARK: Okay. So it's okay to name the agency?

MR. HEVEWAH: It looks okay to me.

MS. HALLMARK: Any other--there's conferring going on here.

MALE SPEAKER: Elaine, I just have a comment and I think Hobby said it, was the trust responsibility, and maybe for Peter, is the trust responsibility inherent in the government to government, or is it vice versa?

MS. HALLMARK: Paul, go ahead. Grab the mike.

MR. WARD: I was actually thinking past what J.R. was talking about, so I missed part of it. But I think you're talking about trust responsibility, or are you back to government to government? I mean, the government to government issue sort of flows all the way through the hierarchy of the federal government, which DOE is simply a part of. So they're still within that relationship. The trust responsibility does exist for each department, or each arm of the federal government.

What was your question exactly?

MALE SPEAKER: Well, it's just a question regarding the acknowledging the trust responsibility of the Department of Energy to each tribe versus the government to government relationship. Maybe it's purely an academic question.

MR. WARD: Well, one thing I would like to--what I would suggest is to remove statute and possibly--because statute is the same as federal law.

MS. HALLMARK: Oh, just take out statute?

FEMALE SPEAKER: But then what happens to the executive order tribes that aren't treaty tribes? Does that exclude them? They don't have treaty rights per se, but they have rights because of the executive order that made them--

MR. WARD: That's still federal. I mean, that still comes under federal law, doesn't it?

FEMALE SPEAKER: Well, it is federal law, but I was trying to make, you know, this list of tribal rights sort of broad enough so it would be clear where all the rights came from. Yes, it's repetitive because it is--

MR. WARD: Yeah, it's a redundancy.

MALE SPEAKER: The question is, and certainly I'm not--there again, I'm going to say I'm not an expert, but what would happen if you just deleted that and said including those conferred by the government to government relationship between DOE and each tribe, and leaving out what conveys that relationship, but it's relayed by whatever vehicle that does it, executive order, treaty rights, whatever the case may be, rather than trying to spell it all out. There again, you just--what we're trying to do here I think is make it so that we clearly understand that that responsibility is government to government. Now, that's just a thought, and I'm ambivalent to it, but I just wondered if that will help a little bit.

MS. HALLMARK: Let's see, I think we have Kevin and Lana want to add before we decide.

Go ahead, Kevin, you can be first.

MR. CLARK: The issue I've got with the sentence is actually with the government to government relationship to me in the list is the one that doesn't fit. We're talking about rights being conferred, and I believe the rights are conferred obviously in treaty statute, and I think the substitution would be better if we had "and the federal trust responsibility," because the relationship is something that there are no rights conferred in the relationship. You talk about the rights that are there in that relationship, but it's not conferred by the relationship. So I would just suggest add "treaty, statute and the federal trust responsibility," and that's not to say that somewhere in there, it might still be appropriate to talk about a government to government relationship.

MS. HALLMARK: So, Lana, do you want to go ahead before I mark it all up?

MS. REDEYE: I wanted to concur with that last statement, because that was my thought. But I would like to even see this worded in a much stronger way. I see that the government's trust responsibility for tribes is the ultimate objective, is the primary objective, and things like the statutes and the government to government relationships, et cetera, are the mechanics by which the government provides that kind of relationship to the tribes. I think trust responsibility needs to be in there and it needs to be very, very visible as part of this entire sentence.

MS. HALLMARK: Let's see, Marsden, you were next, and then--

MR. CHEN: I've got a couple of things here. If what we're talking about at this moment deals with the rights of the tribes and that trust responsibility covers it, then as he suggested, we need to draw up a statute.

And that statute part, if you're going to drop it, then we should add something in the land (phonetic) before which says applicable federal and state laws and regulations, enacting regulations for each law; and to be exact we must put in that regulation piece.

The second thing I have is the word "those," that pronoun is just standing there by itself. If you read carefully it says "income plans, applicable laws." And "those," what are the those? I think there's a word missing, something in the order--and the requirements conferred by statute and so on, so forth. Those--there's no preceding qualifier for "those." And to be exact--

MS. HALLMARK: You're talking about this one here, the "tribal rights, including those"?

MR. CHEN: Those, what does--

MS. HALLMARK: I think it refers back to tribal rights.

MR. CHEN: Well, you see--yeah, but also preceding those is state and laws, and it's not clear is what I'm saying.

MS. HALLMARK: Oh, so it could say "and those rights," maybe, or--and those tribal rights if it meant--okay, we'll come back to all the fixing the words.

Donna, I think you were next. Do you have a mike there or do we need--grab that one.

MS. POWAUKEE: I've no problem with the way it's written, and the addition of the words "trust responsibility," because that's an Indian legal law term that is really very misunderstood by most federal employees and appointees.

I do have a problem with the word "conferred by treaty." I think we might consider saying "tribal rights, including those retained by treaty, conferred by statute, and government to government relationship and trust responsibility, et cetera."

MS. HALLMARK: Okay, I'll make a note of that--

MS. POWAUKEE: Because the treaty tribes, no rights were conferred by anyone. Those rights were retained when the treaties were negotiated.

MS. HALLMARK: And is that true for all the treaty tribes?

MS. POWAUKEE: Yes.

MS. HALLMARK: So that wouldn't--so if we did "retained by treaty," and then move the "conferred" over here.

Suddenly I can't think of your name, but it's your turn. Go ahead. Do you have a mike there?

MALE SPEAKER: I would just--in the cleaning up that last part where--the trust responsibility, it would be between the United States and the tribes. So just replace DOE with United States at the end of that sentence.

MS. HALLMARK: Okay. So it sounds like people are agreeing on this adding the trust responsibility, so then it should say "and the trust responsibility," what, "between"?

MALE SPEAKER: Of the United--

MS. HALLMARK: "Trust responsibility of the United States." And then delete all the other stuff.

MALE SPEAKER: Um-hum.

MS. HALLMARK: Does that sound right to everyone?

I knew we didn't finish this. Ann, go ahead.

MS. DOLD: Donna, I don't mean to speak for you, but I did hear you say that you were not in favor of the language of trust responsibility.

MS. POWAUKEE: No, I was in favor of the language of trust responsibility.

MS. DOLD: Okay, sorry; misunderstood.

MS. HALLMARK: Okay. Let's see if I've got this right now. So let me go back and do the whole sentence here, or this whole phrase. "Facilities are operating an cleaned up in compliance with all applicable federal and state laws and regulations." Is that okay to add that part?

Okay, and then "And tribal rights, including those retained by"--this is going to be hard to tell--"retained by treaty," and then "conferred by"--I'll just note that we're moving that over there--"conferred by statute and the trust responsibility of the U.S.--of the U.S. government." And then you can delete all the rest of this. And we don't need "government to government" in here anymore at all.

I don't know if you could read that now.

MALE SPEAKER: I think you do want to leave "government to government" in there. I mean either way I won't get too worked up about it in the charter, but that's a lot of what the relationship between the Yakima and the feds is based on--Yakima and the Department of Energy--is that we insist on a government to government relationship.

MALE SPEAKER: It's in the last--

MALE SPEAKER: Okay.

MALE SPEAKER: It is in the last sentence of the paragraph.

MALE SPEAKER: That's great then. I wasn't--I was trying to stay focused.

MALE SPEAKER: We weren't that far yet.

MS. HALLMARK: Yeah, we only went--

MALE SPEAKER: I was being focused, yeah.

MS. HALLMARK: Yeah, so maybe if we leave it out of this first one and then it's in the other one it'll make sense. So let's go on then and read them together, and then take a look to see if we've got it making sense and doing what you want it to do.

So we've got the mission is to help ensure that "DOE facilities are operating and cleaned up in compliance with all applicable federal and state laws and regulations and tribal rights, including those retained by treaty, conferred by statute, and the trust responsibility of the U. S. government."

"The STGWG will also help ensure that DOE site clean-ups are performed expeditiously and efficiently in a manner that protects human health and the environment. The STGWG is dedicated to assisting and developing and maintaining the government to government relationship between the DOE and Indian Tribes in accordance with DOE's Indian policy."

Now is there anything else? Does that all flow and cover what you want it to? Okay, go ahead.

MR. HEVEWAH: I think the Indian policy really spells it all out if you look through the documents. Other than that, I've got to take off, and what I wanted to do was, you know, tell everybody that the dialogue that went here went really well. And hopefully we can meet again in the near future here. But what I want to do is wish everybody a long life, good health, and happiness. That's some of the things that we looked at here today. But I want to hopefully bless you guys with that and have the Creator walk with you guys.

Hopefully I'll see you guys again, and I just want to suggest next time we get an agenda, I'd like to express some of our invocation or maybe a prayer when we get going next time. To me, I think that hits home when we talk about environment, we talk about people and future. I think that's part of our ways.

MS. HALLMARK: That's a nice suggestion.

To just interject, Catherine came back having tried to check on the airlines. They don't have the information, she said, up at the counter; but she did get a list of all the 800 number phone numbers for the airlines. So if anybody wants a phone number, and you want to check before you go, you're welcome to look on this list. So I don't know if you need it. Do you want a number?

MALE SPEAKER: No, that's fine.

MS. HALLMARK: You know what you're doing, okay. Let you go. Thank you very much, Hobby.

MR. CHEN: On the DOE Indian policy, is there some kind of executive number that goes with that, instead of the dates we were talking about yesterday?

MS. HALLMARK: Catherine's saying "yes, there is," up here. So would you like to refer to a specific one, or--

MR. CHEN: Well, I didn't read what was handed to me yesterday, but if there's an Indian DOE policy number so and so which describes what we're talking about, then you should include that. That's a suggestion.

MALE SPEAKER: I don't think there's a DOE number, but it's in response to the executive order in--Catherine?

MS. VOLK: The DOE order.

MALE SPEAKER: 1230.2, I think.

MALE SPEAKER: Is that--so--

MS. HALLMARK: Yeah, there's a DOE order, 1230.2. Now yesterday I did hear some reference to the idea that STGWG might want to work with DOE to revise the Indian policy, and that you might want to leave it broader. I mean I don't know if the numbers change when you revise it or not.

MALE SPEAKER: No, unless we're changing the whole system, it becomes dot A or dot B or whatever the case may be. The only thing that could potentially happen to it is--and I don't know how this particular order fits into the overall departmental restructuring--but we're in the process of going from the four-digit, 13--whatever it is--to three digits in a streamline to get rid of orders that no longer are useful for the Department, and streamline itself. It's part of this idea of reducing paperwork. So we are going to a three-number system.

I think when Patty was talking yesterday, for instance, the old 5820.2.A waste management order becomes 435.1 under the new system. So, you know, the question is

do you want to put the number in there and then likely it'll be changed, or do we just want to leave it blank.

MS. HALLMARK: Susan?

MS. JOHNSON: The reason for leaving it blank was in case it changes, so we don't have to go back and change the charter again.

MS. HALLMARK: So is it okay--

MALE SPEAKER: Unless you want to put "and subsequent mods" or whatever--

MS. HALLMARK: Yeah, right. So is there any other concern about putting the order number in? Is it okay to leave it blank? Okay. Then I guess we can go on. I'm not hearing any more on that first paragraph. Are we okay with that?

Oh, okay, Joe--Bob?

MR. GELLER: I just have one question. I guess this is a question really back to DOE. In the first sentence it talks about once again the facilities, or operated. And I guess I'm asking, do you foresee any opportunity or need for this group to look at DOE issues that are not directly related to one of their facilities?

I know that transportation was discussed, but are there other things as far as DOE's function that you're considering that this group would provide input? Because I think it is somewhat restricted, and it is a little bit of a stretch. If we all agree that that includes transportation and almost anything else related to EM type activities, then I'm okay with it. But I guess now's the time if there's any question, that we make sure it's flexible enough for all of us.

MR. WISENBAKER: I really thought that when we said facilities are operated and cleaned up in compliance, that cleaned up carried with it all the aspects of the environmental management program, which is waste management, plutonium stabilization, facility deactivation and decommissioning, the actual clean-up--the transportation of the materials very much like Roger's talked this morning.

So as a representative of the Department, I don't see that as being restrictive at all. Now the only issue is going to be, is, you know, if we get in--as long as we all recognize we're not getting into things like weapons production and deployment and stuff like that, which none of us have the responsibility to deal with, as long as we're dealing with the EM program I think that sentence covers us.

MR. GELLER: I guess the only question would be related to like spent fuel, overseas spent fuel, if transportation issues are related to that. I don't know that that's covered.

MR. WISENBAKER: I still look at that as being cleaned up in compliance with all--

MALE SPEAKER: And that in fact is part of the EM program.

MR. WISENBAKER: Right.

MALE SPEAKER: That's housed in EM, so yeah, it's fair game.

MR. GELLER: Thank you.

MS. HALLMARK: The other thing I'll note from reading ahead, which you haven't had the chance to do, is under the composition, the membership is described a little bit more broadly, and they worked on that language about not just connected with facilities. So that might help.

Let's see, Paul, did you just put yours up?

MR. WARD: Yeah, just a little point. Instead of saying "in accordance with," put "consistent with," because I don't know that the policy is something that's prescriptive or lays it out like a regulation would. It just says what the general intent is. I think it'd be clear.

MS. HALLMARK: Trying to find it--oh--"In accordance with DOE's Indian policy"?

MR. WARD: Yeah, I'd change that to "consistent with." If that's fine with everybody, if it makes sense.

MS. HALLMARK: Yeah, it makes sense. "Consistent with DOE." Okay, anything--

MALE SPEAKER: Elaine, did Robert's point get resolved?

MS. HALLMARK: I think he was accepting that it was okay, or was getting convinced. Are other people?

MALE SPEAKER: I've just been trying to think of where a DOE action would not involve a facility at one end or the other.

MR. GELLER: Well, at least for Missouri's situation, we used to have DOE clean-ups at sites called FUSRAP sites. Those are not DOE facilities. Those are now the responsibility of the Corps of Engineers, so that was the one example I would've considered not covered by a DOE facility.

There are activities that DOE is involved in, in clean-ups at other sites where they are a responsible party, maybe the sole party. But they're not a DOE facility. They're not owned or currently operated by DOE.

MALE SPEAKER: But at one point in time they were, however.

MR. GELLER: Yes. Well talks--well, they may have been. This one talks about DOE facilities. Those clearly are not considered DOE facilities.

MR. WISENBAKER: Yeah, and that--and some of them were never ours. The Congress just in its infinite wisdom assigned sites to us to take the responsibility for cleaning up. If it had anything to do with radioactivity and even was a private site, the FUSRAP program took that on.

And of course in this year's appropriations language has indicated that responsibility went to the Corps of Engineers, and our current negotiations with the Corps of Engineers on what their responsibilities are, they're over here and we're over here. And so we're still trying to convey what does this mean.

Wow. I see your point, and Ralph told me I had to keep trying to fix it because there is a facility here in Missouri--

MR. GELLER: And other sites, could we include that?

MR. WISENBAKER: --that there are still some 15 to 18 areas, sites, whatever, across the country that we're--we were under the FUSRAP program--evaluated is what--they fit under that umbrella. I guess you're talking about Westlake Landfill.

MR. GELLER: Westlake, there's another one also.

MR. WISENBAKER: Yeah, there's another besides that? Oh, my God. I'm dealing with Westlake up in Kansas City next week, for that one. There also might be a little bit of a problem for--trying to think where else--

MS. HALLMARK: I'm wondering if we should hear these other comments while you're thinking about how to fix it. There were a couple of people who--

MR. WISENBAKER: Yeah.

MS. HALLMARK: --wanted to add in.

MR. WISENBAKER: What about--who's here from Kentucky. Didn't we have a Kentucky person yesterday? What about Maxie Flats, where we're just strictly a PRP, we do nothing except provide money. The Army takes care of the clean-up because--geez, I don't--

MS. HALLMARK: Well let's hear these other comments and then we'll try to nail it down here. Roger?

MR. MULDER: I was just going to say, in the second sentence, the traditional language has been "protect human health and safety in the environment."

MS. HALLMARK: Human health and safety, okay. Is to protect--protects human health--oh.

MALE SPEAKER: And safety.

MS. HALLMARK: Protects human health, safety--all right--this pen isn't writing anymore. Okay, that fixes that part. Earl?

MR. LEMING: I was just going to point out that there is something broader than facilities that are impacted. Examples that I can think of in Tennessee alone are the number of sites that DOE has become a PRP, that due to their surplus equipment or things like that, or the RMI site in Ohio, where they contracted activities but they didn't actively operate the facility. So it's essentially, it's where DOE activities have impacted the issues.

But I think we can wordsmith this to death, to the point that--I wouldn't worry too much about it.

MS. HALLMARK: But you would like it to apply, it sounds like, to those other sites.

MR. LEMING: It needs to be just a little bit broader to cover activities--

MALE SPEAKER: Yeah.

MR. LEMING: --DOE activities.

MS. HALLMARK: Maybe activities at other sites--

MR. WISENBAKER: We certainly didn't intend for that to be excluded, so however you want to word it--make sure that you feel comfortable--is okay with us.

MS. HALLMARK: Okay. Are these comments on this same topic? Steve, are you on this?

MR. TARLTON: Yeah.

MR. WISENBAKER: I've got to run for a minute. I got a beep from my--

MR. WALKER: Just to follow up on Earl's comment, we have some sites in Nevada that really are, you know, controlled by BLM that are contaminated that, you know, were DOE sites. So they're not facilities but they're areas on public lands that are contaminated, were contaminated by, you know, DOE.

MS. HALLMARK: Um-hum. Steve?

MR. TARLTON: I'm comfortable that, you know, we could easily argue a nexus, using the word facilities. But the example I was going to ask about, and this is a question I have--and maybe since all the DOE people just left, I can ask it. Is there any--(laughter)--

MS. HALLMARK: Judith's here.

MR. TARLTON: Oh, okay, good. Is anybody aware of any kind of followup to the study on the fallout problem, and is that something that someday we may end up getting involved in? I haven't heard anything about it since a newspaper report.

So anyway, that was my example of something that possibly would affect a lot of states but isn't at a DOE facility. It's from a DOE facility. But I think we could argue that nexus. I mean I'd love to take that one on. That'd be fun. But I'll just--I think we're okay with the wording as far as I'm concerned.

MS. HALLMARK: Judith has a suggestion.

MS. HOLM: The only thing--I can't answer that question. I don't know where that stands. I read the newspaper too. Martha might better because of her environmental law associations.

I would suggest add "facilities and clean-up sites," which would cover everything, as an option.

MALE SPEAKER: Good idea.

MS. HOLM: Would that work for people?

FEMALE SPEAKER: Yeah.

MS. HALLMARK: Okay, J. R., did you still have--did you still have something, J.R.?

MR. WILKINSON: Well I was just going to suggest, "and other sites."

MS. HOLM: You think clean-up sites is okay?

MS. WILKINSON: I always have a problem with the work "clean-up," because it doesn't mean anything in a legal sense. But as long as--I don't know. Yeah, whatever.

MS. HALLMARK: : Whatever, okay. Paul? Did you?

MR. MINTHORN: Yeah. I know part of the work that the stakeholders at Yakima have been doing--or at Hanford, I mean--has been the CRCIA, where they're looking at, you know, not where they're going to clean up possibly, and it's outside of the Hanford facility but the impact of the Hanford releases on the Columbia River system.

MS. HALLMARK: So the health affects?

MR. MINTHORN: So that's an example of something that's much further reaching than DOE's every going to--they're never going to go downriver and clean up probably. But those are impacts that are being considered seriously. So it'll relate back to how the clean up is done on the site. That's what was it was envisioned it was.

MS. HALLMARK: Um-hum. So you think that relates well enough to the language that's here?

MR. MINTHORN: I don't want to say I'm ambivalent, but I don't think we need to get too wrapped up in things at this point in the charter.

MS. HALLMARK: Okay. Marsden, did you have another?

MR. CHEN: Yeah, one shot worth. Instead of going through facilities and clean-up sites, suppose you say "facilities with DOE involvement." I mean that's pretty general, but if DOE is involved with the PRP, then it's covered. If it's a DOE facility it's covered. I mean DOE's involved in all of these sites.

MS. HALLMARK: Okay, see if that--well, let's see, Ann had a comment.

MS. DOLD: I don't have a comment on the last suggestion. But I do have a problem with the term "clean up" for the same reason stated earlier. It's a little--it's a loose term. Plus using clean up twice in the sentence--and I don't mind using the same word twice in the sentence--but when it's a word I'm not very comfortable with, it kind of--so now we're back on the first sentence again.

Other words, remediate, restored--those have a little more grounding in some of the federal laws. So--

MS. HALLMARK: Would using Marsden's suggestion take care of your problem, changing the wording to--he eliminated that altogether. Which was--say that again, Marsden, it was to say--

MR. CHEN: What's the reading there? To have ensured that facilities with DOE involvement are cleaned up, da-da-da-da.

MS. HALLMARK: So we have facilities with DOE involvement or the suggestion just facilities and sites. Just leave it sites. Tom, were you going to add something to this? MR. WINSTON: I don't know if this adds. It may subtract. I guess--I know we want to make sure that our wording is all inclusive, but if you take a look down at the next paragraph, it talks about all states and affected tribes--or states affected tribes affected by the DOE sites and activities.

And you know, to be honest, our membership doesn't take a look at sites where DOE has PRPs. I mean we're looking at what traditionally is thought of as the DOE facilities. So I guess I would go back and say I can live with facilities; facilities certainly from a--I would take it as anything that DOE is liable or responsible for. And the more you try to describe it, sometimes it's almost more limiting.

But that's--I'm not an attorney, so that's my general thought.

MS. HALLMARK: Ann?

MS. DOLD: Just to follow up on Tom's comment, that may be a good suggestion where you have a facility and not much acreage around it, and that may be typical of areas in the east. But when you get into the west you have sites, and then you have facilities such as INEEL. It's almost 900 square miles. And you have facilities on that site.

We do make the distinction and the site may be contaminated or the facility may be contaminated.

MS. HALLMARK: So maybe just broadening it with facilities and sites is the simplest--

MALE SPEAKER: I certainly--I can live--

MS. HALLMARK: Is that--is there a problem with that?

MR. TARLTON: Steve with Colorado. I'm just his PR man.

MS. HALLMARK: You're his PR, okay. J. R. got a comment on that though.

MR. WILKINSON: Yeah, I was just going to say to kind of widen it up and to really make it so it's so broad that it really doesn't again mean anything. But "is to help ensure the Department of Energy activities are operated in compliance with all applicable," so on and so, so that just applying to whatever DOE is doing, that they're operating in compliance.

MR. WISENBAKER: You put the word "activities in there," "operated" doesn't make sense. If you're going to use the word "activities," then you say are conducted and cleaned up or whatever, you know, activities are conducted. You don't operate activities. Just a little English there.

MS. HALLMARK: And if you totally eliminate that, then you get out of the EM; you get broader than EM as well, which you'd like, right?

MR. WILKINSON: Well I'm just throwing it out there as to kind of swirl the pot again--

MS. HALLMARK: Um-hum.

MR. WISENBAKER: Thanks, J.R.

MR. WILKINSON: You're welcome.

MS. HALLMARK: Well I heard a lot of thumbs up on the clean up and sites. I'm wondering if we can leave it there for a while. I mean facilities and sites, taking out the word "clean up."

MALE SPEAKER: Yes.

MS. HALLMARK: If we can leave it there for now, and then if you want to come back at the end and say it still doesn't sit right. So we'll just eliminate this word--oh, I just erased this here instead of writing. Okay?

Let's try to finish this last paragraph on this page and then I'll give you a break, okay? Tom kind of read through that once already, so let me just run through. "To perform this mission the STGWG provides a forum for enhanced communication at all levels among DOE and states and tribes affected by DOE sites and activities, and provides policy level advice to DOE and other interested stakeholders.

MR. WISENBAKER: Let me ask one thing on that, "and policy level advice."

MS. HALLMARK: I knew that was going to get me.

MR. WISENBAKER: Martha, does that throw us into FACA?

MS. CROSLAND: The word "advice" does not. If it were "recommendation," it would.

MR. WISENBAKER: That's what I need to know. I'm just throwing it out as a question. The last thing in the world we want to do is go through that awful FACA process.

FEMALE SPEAKER: And I guess I don't object--I don't understand what is added by "policy level advice."

MR. WISENBAKER: I think if we just put the word "advice" in there, then it certainly I think would make it broad enough not to include FACA. The policy level whether it's advice or recommendation, I'm afraid policy itself throws us into a potential that someone could challenge that that is a FACA responsibility.

FEMALE SPEAKER: And I'm not completely sure about advice either. Let me think on that. But I don't even know that policy--I don't know that you need the term "policy level." I don't know what was intended by it originally.

MALE SPEAKER: I think that probably tied to the policy level participation, but to be honest sometimes it's policy level advice, sometimes it's specific technical advice. So I don't think it would necessarily--we wouldn't want to limit ourselves.

MR. WISENBAKER: Like I say, I'm not so sure the word "policy" doesn't create a FACA--

MALE SPEAKER: Lightning rod or something.

FEMALE SPEAKER: I think--yeah--I think it's worse to have it there.

MS. HALLMARK: J.R., want to add something to this?

MR. WILKINSON: Yeah. No, I was just going to say that among DOE in the states and tribes we had an EPA representative here at some point in time. I don't know if we'll run into that. Other affected federal agencies as well. Department of Transportation, I think at one point in time we had a presentation by them, didn't we?

MALE SPEAKER: OMB came in.

MR. WILKINSON: OMB.

MS. HALLMARK: You had EPA here at this meeting.

MR. WILKINSON: Yeah, exactly, so I'm just wanting to make sure that we're not just--sometime somebody says "Oh, well, you listed these entities but didn't include other affected agencies."

MS. HALLMARK: So do you want to make that broader, to whom you're speaking? See if this pen works now. So we're taking out "policy level" and making it "provides advice to DOE and other interested stakeholders." Do you want to just say and "other interested stakeholders and agencies"?

FEMALE SPEAKER: Yeah.

MS. HALLMARK: Okay. That could be federal or state or anywhere. I mean I don't know if you do that. That okay?

FEMALE SPEAKER: Just because it builds concern about FACA, and I, you know, I know that "advice" is a buzzword with FACA. I don't like this term, but maybe we can come up with a better one, something like "input to DOE and other stakeholders and agencies." There must be a better term, but if we could change--I hate "input" too, or "feedback." I don't think those are good, and those are the ones I'm coming up--but there must be some word that we can use that isn't "recommendation" and isn't "advice."

MALE SPEAKER: Direction.

MR. WISENBAKER: No--

FEMALE SPEAKER: No, that may be worse. That has other problems.

MS. HALLMARK: Do you want your two-way communication?

FEMALE SPEAKER: I prefer that.

MS. HALLMARK: Something that's not--

MALE SPEAKER: What was the word?

MS. HALLMARK: I just picked up two-way communication as something you've been talking about.

MALE SPEAKER: Advice is--there again, I'm not a FACA attorney, but advice--

FEMALE SPEAKER: It triggers.

MALE SPEAKER: --I believe that word triggered us for some other route that we had to go through for a FACA determination.

MS. HALLMARK: Tom?

MR. WINSTON: I guess I--you know, I understand the sensitivity to FACA. I guess I might ask that you actually check into that because, you know, I can't tell you the number of times I've heard DOE officials be at local meetings, SSAB meetings, you know, national meetings--we just want your advice. So you may not want it on paper, but the fact is you get advice from all sorts of people, solicit advice.

I think the FACA distinction is the process in which, you know, you vote, you come up with a specific, you know, recommendation. It's more procedural than it is the fact that you're getting advice. Almost anytime you go out you do get advice.

MR. WISENBAKER: Right, and that may be okay, so we will commit Martha to looking into it.

FEMALE SPEAKER: Can I make a suggestion, that one way around it--because the way the sentence is structured you've got "provides" in there twice. So it implies that STGWG as a group is providing almost consensus advice. If you took out the second "provides" and just say it "provides a forum for enhanced communication and advising DOE and other interested"--that might be a way around it.

Because what you're doing--as I understand FACA, and again I'm certainly not an expert or even not particularly knowledgeable--but I think it's the consensus advice. You can give me your advice as the state--representing the State of Oregon, or your individual advice--or the State of Ohio or an Indian Tribe.

It's when it's a collective advice, that's what we're trying to get. So if we wanted--the forum allows us to get advice. That seems okay, as opposed to STGWG as a group providing consensus advice.

MS. HALLMARK: Judith, you had your--yeah, go ahead, Judith.

MS. HOLM: One of the things we've done in some of the forums I work with is put in language that talks about "identifies issues and suggest resolution," something like that. That may be too wordy and too cumbersome for this, but it's a way to avoid the advice word.

MS. HALLMARK: So you could make it more specific, the way Judith is suggesting, or you could try this, "states and tribes"--let's see, "to perform this mission STGWG provides a forum for enhanced communication at all levels among DOE and states and tribes affected by DOE sites and activities; and"--probably "and for advising DOE and other interested stakeholders and agencies," if you did that.

MALE SPEAKER: Is it that or is it "advises"?

MS. HALLMARK: Well she's trying to get it connected here, "provides a forum for enhanced communication and a forum for advising," or "for advice," I suppose.

FEMALE SPEAKER: To advise.

MS. HOLM: So what do you think? And for--

FEMALE SPEAKER: Could you write up Judith's more specific one and let's see how that would look?

MS. HALLMARK: Yeah, say yours again Judith. I'll just write it at the bottom.

MS. HOLM: "Identifies issues and suggests resolution," or something like that.

MS. HALLMARK: Identifies issues and suggests resolution."

MS. HOLM: Um-hum.

MS. HALLMARK: Hope you can read that. So it would go after the "And," if you did that? It would be "and identifies issues and suggests resolution to DOE and other interested stakeholders and agencies."

FEMALE SPEAKER: Parallel is when you put it for identifying issues and suggesting resolution.

MS. HOLM: A forum for enhanced communication and for identifying--

FEMALE SPEAKER: I was trying to get --

MS. HOLM: Yeah, could do that, "and for identifying issues and suggesting resolution." Probably is better English, so you do "for identify--suggest--

MALE SPEAKER: Can I make a comment?

MS. HALLMARK: Yeah.

MALE SPEAKER: IT seems to me we're spending--

MS. HALLMARK: Lot of time.

MALE SPEAKER: --this is getting spun out on something that we're not even sure is an issue. Maybe if we could just leave it with either "and advises" or "provides advice to DOE," and then you could let us know if that presents in and of itself a problem. I imagine this will get additional comments once it's finalized.

MS. HOLM: Right.

MALE SPEAKER: But it doesn't seem to me that it's clear that using "advice" is in and of itself going to be a FACA problem, because we talk later about consensus and process and so on, and maybe that's where we could deal with that instead of--

MS. HOLM: Maybe the suggestion--I mean if I'm understanding correctly that the thing to do would be to come up with where you feel comfortable with the language and we could leave it, you know, "provides advice to DOE." Let us take it back, go through general counsel's office, see whether that creates a problem.

And then at the next meeting we would provide you with that input, because there's no way I can get it between now and noon today. I mean that's what I'm hearing, is the suggestion.

MALE SPEAKER: I would say not at our next meeting, but you could just let us know---

MS. HOLM: Or even--

MALE SPEAKER: --in a week or whatever. My experience is that if somebody decides this is going to be a problem, it doesn't matter what the words are. If they decide it's going to be okay, it doesn't matter what the words are. I mean the whole FACA thing has been kind of thrown up as a ghost in some forums.

MS. HOLM: And it can still be regardless of what we put the words. I just--I think what bill and I are providing caution for is just where we don't use the buzz word that creates a problem when we really don't have a problem; because it could--I am afraid, knowing the people, most of whom are not really particularly FACA experts, they see the term advice

and they automatically assume it's a problem, which then we have to go around the Department and explain why it is not a problem.

If we could avoid that in the first instance, we--and still communicate the same thing--we probably are better off. It makes my job a lot easier and it'll make it a lot easier getting it through the system.

MALE SPEAKER: I understand that. It just seems like we're kind of spinning out here rather than spending--

MS. HOLM: Yeah.

MS. HALLMARK: Well let's see, is there objection to using this last language, which takes out the word "advising" altogether--"advice" and "advising"? Does that--let's just check in on that. If there's no objection that might actually accomplish--

FEMALE SPEAKER: That actually would help. I would suggest--can you suggest resolutions as opposed to just a resolution?

MS. HALLMARK: Sure, I mean I would think, right?

FEMALE SPEAKER: Because I think that implies the--you know, and there may be several different ways. We may not reach consensus, but you have come up with some resolution.

I personally like that. I don't--I think that avoids the problem altogether, and I think that is actually what we are about, identifying issues and suggesting resolutions.

MS. HALLMARK: Tom?

MR. WINSTON: I don't have a problem with that. I'm not sure that there's one that's a stronger preference than the other, and I think we know how we operate. But I can live with either.

MR. WISENBAKER: Why don't we do this, let's--we'll take both things back, Martha and I will discuss it with the appropriate people, and general counsel or whatever, or we may among ourselves discuss it and decide it's not a problem--whatever the case may be--and get back with y'all. Either way, you know, whether the longer language or the word "advice," we'll close out on that.

FEMALE SPEAKER: Can I just ask a procedural question? I'm assuming we're going to get a copy of this printed out and, you know, with the corrections that we can take back, as opposed to our trying to scribble all this down now?

MS. HALLMARK: Now Susan left the room. Susan had it on her computer, and I'm not sure what capacity for printing and so on she had.

MALE SPEAKER: As a minimum what you'll have is a fax tomorrow.

MS. HALLMARK: Yeah, she can fax it right away.

FEMALE SPEAKER: That's fine, I don't need it this afternoon. That's just all I wanted--

MALE SPEAKER: We can have that--

MS. HALLMARK: Yeah, so you shouldn't have to--if we can get this straight.

FEMALE SPEAKER: That's all I need.

MALE SPEAKER: And process-wise, what I think would work really well is if we do this as an option, two options of language or whatever. I don't really care. We might just agree on alternate language here.

But if we do it as an optional language, I would like to know, like maybe by the end of the week, what that implication is for FACA, so that then when it goes back out to us it's in a form that has already gone through that hurdle. And I'm not talking about a serious scrub. I'm just talking about around this one word.

MS. HALLMARK: Um-hum.

FEMALE SPEAKER: The only thing, please indulge us, this means we do have to go through our general counsel's office and you may not have dealt very often with our general counsel's office, but nothing is done in a day.

MALE SPEAKER: Appreciate that.

MALE SPEAKER: --like an interpretation of whether the word "advice" in there is going to cause a problem or not is not the same as scrubbing the whole document through them. And I have dealt with the general counsel's office and I don't think we all want to take that amount of time at this point in the process. We'll do that in a month or something.

MS. HALLMARK: So get feedback on the word right away, then get out the version that looks like it would be acceptable there from that perspective of FACA. So is it okay to leave it there with those two options, the--we sort of have the original option as well, so we almost have three options there. Do you want to take a break now before we do the next page?

MALE SPEAKER: Probably a good idea.

MS. HALLMARK: It's 10:00. Do you need a 15-minute break or can we do it shorter than that?

MALE SPEAKER: How about a 10?

MALE SPEAKER: How about 14?

MS. HALLMARK: 14, 10. Tom's saying 10 minutes, so if you can get back by a quarter after. Turn this off for a minute and let it rest.

(Off the record)

MS. HALLMARK: Okay, so let's go for it. We probably got through the difficult part. Okay, we're going to start here, we're on composition, and Tom's already got his card up. So go for it, Tom.

MALE SPEAKER: Can I say something first?

MALE SPEAKER: Yeah.

MALE SPEAKER: I talked to the guy about getting to the airport?

MS. HALLMARK: Oh, yeah.

MALE SPEAKER: And the buses leave as follows: at 12:40, 1:05, 1:30, and 1:55. Sounds like 25 minutes apart. There are--it takes about 20 to 30 minutes to get to the airport, and if they fill up a bus their agreement with the company is the company will immediately within three to five minutes send another bus. So there should not be a crunch of too great a magnitude.

MS. HALLMARK: They told me there was one at 12:15 and 12:40.

MALE SPEAKER: Well I didn't go earlier--

MS. HALLMARK: But maybe it's 12:05. Okay, so 11:50, 12:15 and 12:40 for those who are--I know there are some of these people who have a 1:30 flight, so they're running.

Okay, on to composition of STGWG. Tom, you're on.

MR. WINSTON: Well during the first session Roger was Steve's mouthpiece, and now Steve has appointed me as his mouthpiece for this session. He mentioned to me, and I tend to agree, it talks there about state representatives being appointed by attorneys general in addition to governors. And we're not--neither he nor remembers why that's in there.

We have had in the past two representatives of NAG. We had Dan Miller and we had Jack Ninclay from Ohio that were on early on, and I guess I would think they are covered in the national organization such as NCSL and NGA as a representative on here as well. So I don't know if that's still current, and I don't know of any state representative that's here today that was appointed by their attorney general.

I was going to propose--

MS. HALLMARK: So is that -- to delete that?

MR. WINSTON: Yeah.

MS. HALLMARK: --attorney general?

MR. WINSTON: It's representatives of the governors.

MS. HALLMARK: Is there anybody who needs it in there or has another rationale?

MALE SPEAKER: Yeah, we're going to tell the ambiller (phonetic) you wanted him off STGWW. That's why I'm your mouthpiece.

MS. HALLMARK: Okay. Anything else with the membership? Oh, I'm sorry, Donna?

MS. POWAUKEE: Yes, I understand before Hobby left he--those of us that are here are appointed by our tribal councils, if I--maybe I'm speaking out of turn--but I believe that's what's happened. Hobby's suggestion was that the member tribes of STGWW bring in resolutions which are equal to law, to the tribes, supporting STGWW.

And I need to think about that a little bit to think of all the positive reasons why that would be good. I can think of a couple, and that would be for the seven or nine tribes that are represented on STGWW to collectively support the organization. And I think if I have a chance to talk with Hobby I can find out his thinking behind it.

But I guess I would like to make a recommendation not for any language in there, but because it ties in with the composition that we consider asking the member tribes to bring in a resolution supporting the STGWW.

MS. HALLMARK: So that would not be like a requirement of the charter--

MS. POWAUKEE: No.

MS. HALLMARK: --you're not suggesting that, but just--

MS. POWAUKEE: It's kind of off the subject--

MS. HALLMARK: --suggesting that would be a good thing--

MS. POWAUKEE: --Um-hum.

MS. HALLMARK: --for the member tribes to do. Should we put that--I don't know if there are enough member tribes still here.

MALE SPEAKER: I don't think that needs to be in the language here.

MS. HALLMARK: No, and I think that's what Donna is saying, it doesn't need to be in the language here. So do you want to just leave that as a suggested action? Maybe we can even come back to--

MS. POWAUKEE: As an action item.

MS. HALLMARK: --it. Yeah. And then if tribes have any other views on that they can get that in. Steve, go ahead.

MR. TARLTON: Something that was mentioned earlier was the possibility of having DOE sign on to this. And do we want then to have DOE as a participant, I mean an official composition of STGWG? Is there a DOE chair? Is there an EPA chair? That's a question I don't know the answer to.

MS. HALLMARK: There is a section at the end that talks about co-conveners which I can show you real quick. There's one quick paragraph. But I think your question might be well taken, should it be a part of the composition as well, like are they a member.

This is the language, see, see this other language that was drafted anyway. "They will maintain three co-conveners, a state rep, a tribal rep and a DOE rep." And then it talks about still the executive session of tribal and state reps. It's 21.

MALE SPEAKER: My preference -- address it as a co-convener -- stated purpose in this is for the states and tribes to meet with DOE --

MS. HALLMARK: You probably should grab a mike here.

MALE SPEAKER: --defeat the purpose of the group. I mean we're--it seems like it would be awkward for DOE to be a member beyond being co-convener and equal participant.

I don't think there's any intent to exclude DOE, but it seems like when we're talking membership we're talking membership by the states and tribes so that we can then meet with appropriate DOE officials, and it's up to Martha and the assistant secretary to determine what level of participation by DOE that is.

MALE SPEAKER: Agree.

MS. HALLMARK: I see Martha nodding her head. Does that make sense to everyone else? Okay. Okay. So no need to add something there about DOE. Is there anything else about composition that people see that should be added or changed?

Okay. Go on to operation. We might actually get done early here. Operation. "The STGWG provides a forum for all members to express opinions and typically focuses on

issues of common concern to its members. The STGWG frequently reaches consensus on such issues although there are no formal voting procedures.

"The STGWG also helps convene conference calls or meetings of state and tribal technical, legal or regulatory staff to help identify common problems in achieving the group's mission, and to share or develop solutions."

I think that was probably the attempt to put some kind of scope, but take out all the details you were talking about yesterday. So you might just look. Is that enough? Has that got the right balance? Tom?

MR. WINSTON: I think we had decided to kind of take that--the specificity out. There's one aspect though that was in there, in the original one that we have, which the way it said, it says "in an open session which includes high level representation from the Office of Environmental Management, and often other DOE offices."

I guess I would like to see in there the participation of high DOE officials somehow or other. I don't know where it fits in, into that. And I was also going to put on the table, as appropriate, site officials.

I think one of the things that may have been lacking on occasion is the ability to get, when we discuss some issues, the ability to get information back out to the field. I'll certainly leave that up to DOE, but there may be a need to have site officials involved.

In the past we haven't had extensive involvement. It's been more of that in Denver, the Rocky Flats site manager might attend the meetings; but it hasn't, you know, it hasn't been an opportunity, especially for those--when we talked about, you know, continuing education. For those sites that are around tribal lands and have tribal issues it may be very important for site managers on occasion.

So something in there about the level of participation by DOE may--I guess I would ask that something be put in about that.

MS. HALLMARK: I'm just writing to give you something to start with, so I'm not sure how to start the sentence even.

Martha?

MS. CROSLAND: Yeah, and I think I agree with that. I don't think it goes under composition, but I do agree that under operation it needs to be there. And it seems--yes, and I agree with the site.

I think one of the things, and discussing this earlier--and I don't know the history of this--but aside from the situation we may in fact need some of the high level--you know, depending upon what the issues are, you may need the managers--but it seems to me you

always want at least a rep from the various sites that are, you know, going--the major sites.

And we certainly had reps from some of the western sites but none for the eastern sites here. And it seems to me that's very important so that they take it back to their managers. I think using language like this would be very helpful. I endorse it.

MS. HALLMARK: So do you want it to say high level? I mean I picked up a couple things like high level and headquarters and sites. I don't know if those are the particular things you want in there.

Peter? There's still a mike over there? Yeah.

MR. CHESTNUT: I would suggest that we leave in the second sentence under operation from our--the charter that we have already where it says that a typical meeting consists of an executive session for the state and tribal members of the STGWG and an open session which includes high level representatives from the Office of Environmental Management and often other DOE offices.

I think that's helpful. It kind of--it does describe how this group operates, and for new representatives it would give them a sense. I know at least one person didn't understand what executive session meant and thought well, that couldn't be me. And afterwards discovered well, it could have been.

MS. CROSLAND: It was, or might've been.

MS. HALLMARK: So it's that--the language--I don't have the original in front of me--but a typical session sentence, or a typical STGWG meeting instead of session. But I won't try to rewrite the whole thing if everyone has that.

Do you think that fits it well? And maybe you want to say something about sites in addition to just "and often other DOE offices." Or do you want all that back in here? Does everybody have their old one so you could look at that long sentence?

So we leave--it leaves out the number of times a year and subcommittees and all that, but it would retain that core that says "a typical STGWG meeting consists of an executive session for the state and tribal members and an open session which includes high level reps from the Office of Environmental Management and often other DOE offices, and sites"--you may want to add, from what I've heard. Okay?

MALE SPEAKER: Great.

MS. HALLMARK: Okay, so we'll just go with that sentence. I'm just going to mark from original here and we'll know to get the right language. So anything else on operations while I'm--

MALE SPEAKER: I have a question.

MS. HALLMARK: Um-hum. Go ahead.

MALE SPEAKER: Do we need the second sentence? I mean it seems like if the buzz word is whether or not we come up with an organization recommendation and so on, that just doesn't say much to me. We may or may not reach consensus and it may or may not matter whether--

MS. HALLMARK: Right. And you have said what you do in the prior page, in that paragraph we worked on. Tom, go ahead.

MR. WINSTON: As I recall, that was put in by the--suggested by DOE a couple of years ago to address FACA. They went through an evaluation at that point and the thought was to describe it so that it was clearly not FACA covered. I don't know if that's the case or not. I don't have a problem with the language. I'm not sure it adds that much. I think it kind of says, you know, where it happens, we achieve consensus; and where it doesn't, we don't, and we don't vote.

So I think--where I find it helpful is that folks within DOE wouldn't think well we'll come to STGWG and we'll, you know, put it to a vote. I wouldn't want people to think that that's how this group operates, because we would have no intention of doing that.

MS. HALLMARK: Martha, is that your card?

MS. CROSLAND: Following on from that, I mean I kind of think it's an awkward sentence too, but maybe one of the things that it would be, to keep the latter part of that where it really says there are no formal voting procedures, and take out the first part of that "frequently reaches consensus on these issues," because that does clarify it, it seems to me.

And I would think--we discussed this a little last night in terms of institutionalizing. I don't think I like the wording that was in the charter, the draft charter before. But it seems to me you want to say that it meets at least twice a year or at least once a year. I'm not sure what the right number is, but that then gives you the ability, you can meet more often but you at least have a set number.

Three to four times a year on a routine basis probably is too much. This year we may have to meet many more times than that because of extraordinary circumstances. But I would think you would want to institutionalize that you have a certain number of meetings. I mean I would throw out two for discussion.

MS. HALLMARK: Okay, let's look at both parts of that. First of all, Martha's suggesting leaving out the first part of that sentence and just saying "There are no voting procedures." Does that help? Is that okay with people to do that?

MALE SPEAKER: Maybe just drop the whole sentence.

MS. HALLMARK: Or drop the whole sentence. There seem to be--Tom was pointing out that there was some validity in letting people know that you don't vote on things. Is it that you don't make formal decisions as a group? I mean is that the point?

MR. WINSTON: Well, I mean--you know, if you have consensus on an issue, that certainly is very, very powerful. But we don't have formal--maybe the sentence could be improved by adding "although" at the very beginning to recognize that, you know, we frequently reach consensus.

MS. HALLMARK: So just maybe move the "although" then to the beginning, so it's "Although STGWG frequently reaches consensus on such issues there are no formal voting procedures."

MALE SPEAKER: That's good.

MS. CROSLAND: I think that's excellent.

MALE SPEAKER: Great.

MS. HALLMARK: Okay, I see lots of nods for that, so we do that one. Then the other question while I'm writing that is Martha raised do you want to say a minimum number of meetings a year, so you have some bottom line?

MALE SPEAKER: Two sounds good.

MS. HALLMARK: Two sounds good? Anybody else? Go ahead and--

MALE SPEAKER: Depending on where they are.

(Laughter)

MS. HALLMARK: What? I missed that.

MALE SPEAKER: Said depending on where they hold them.

MS. HALLMARK: Depending on where, oh, two in Hawaii or where? FEMALE SPEAKER: We did say budget constraints.

MS. HALLMARK: So do you want to just have--I lost my space there--but at the end of this paragraph you'd probably say "STGWG will hold a minimum of two meetings a year"? Something pretty straightforward like that? "A minimum." What if you don't? (Pause) Okay, normally.

MALE SPEAKER: We had "generally" in the original.

MS. HALLMARK: Generally.

MALE SPEAKER: In the original draft. Does that soften it too much?

MS. HALLMARK: Or normally? "Normally, people like "normally" better. Probably should be here anyway, "STGWG normally will hold a minimum of two meetings per year."

MALE SPEAKER: Alexander has--

MS. HALLMARK: Alex, I'm sorry, I'm blinded in the light now.

MR. WHITE TAILFEATHER: That's okay. I'm going back to the second sentence where you say "Although the STGWG frequently reaches consensus on such issues there are no formal voting procedures." That implies that you just haven't established voting procedures. It doesn't necessarily say that you are not going to reach consensus.

I believe that there was a second part of that sentence in yesterday's version where it said "And there is no requirement for consensus to be reached." And that was much more clear than this sentence is.

FEMALE SPEAKER: Maybe if you added the "no requirement" at the end--

MALE SPEAKER: Yeah.

FEMALE SPEAKER: --would that--

MR. WHITE TAILFEATHER: Yeah, just attach the phrase that was there, on the version that I was looking at yesterday.

FEMALE SPEAKER: Yeah, "there are no formal voting procedures--

MR. WHITE TAILFEATHER: "--procedures and no requirement"--

FEMALE SPEAKER: --"and no requirement that consensus--"

MR. WHITE TAILFEATHER: "--to reach consensus."

FEMALE SPEAKER: I like that.

MALE SPEAKER: I think that is clear.

MR. WHITE TAILFEATHER: Um-hum.

MS. HALLMARK: Does anyone object to that, while I'm writing this in here? "To reach consensus."

FEMALE SPEAKER: Peter has a comment.

MS. HALLMARK: Right, I see Peter and J. R. I think both--Peter?

MR. CHESTNUT: I'm up on the minimum of two meetings a year, that it seemed to me our discussions through this session were to have that be a direct statement and not a normally or a generally, so that when we submit this and DOE says "sounds good to us," that we feel like we've got an agreement that there will be two meetings a year.

Because we had "generally three or four," and then we haven't met for the last 18 months. So if we get to "generally" or "normally," I think we've washed away any sense that when DOE says "this is okay with us," that they're making the commitment to actually help that happen.

MS. HALLMARK: Okay. J.R., are you speaking to the same issue?

MR. WILKINSON: So to speak.

MS. HALLMARK: Okay, go ahead.

MR. WILKINSON: I'm just really curious that--in terms of DOE's attorneys taking a look at this, I get this funny feeling that they're going to be Rotweilers on a rabbit. So to a certain extent--

(Laughter--

--you know, we can wordsmith this thing, but, you know, in all honesty until we get some passback from DOE attorneys on what these buzz words and phrases mean, I mean we could sit here and wordsmith and iron this thing out until it looks like pressed Penny jeans. But I mean we could still--

MS. HALLMARK: Might not make any difference.

MR. WILKINSON: --I guess what I'm suggesting is that we try to get some general things in here that we want, give it to DOE and to the attorneys. Let's get a passback, establish a negotiating team to finalize this thing so that we can get somewhere, because frankly I have seen language that has come back from DOE attorneys and it's all mixed up and, you know, it's completely flip-flopped around.

So I mean I'm enjoying this conversation, but on the other hand I think we do need to get on with some other business like looking at some buy-loss structure and getting down to some kind of a work plan. Appoint a team to negotiate this charter. So, so to speak.

MS. HALLMARK: Um-hum. So do you want to take up that suggestion about appointing a team that's going to follow through with whatever comes back? We can--why don't I let

you think about that while we just finish up what it is you actually want to send in. Then we'll come back to that then.

So the suggestion was made to take out the "normally." Is anybody objecting to that? Okay, go for it then, strongly. Okay, anything else in terms of the wording or what needs to be included in this operation? Because then you have one more paragraph that I showed you earlier.

Tom?

MR. WINSTON: Before we lose J.R.'s, maybe what we could do is, you know, Martha will be taking this back, we'll see what comes back from general counsel, and then maybe we could leave up to Donna and I to appoint a team, depending on the issues that are raised. Is that okay?

MALE SPEAKER: Yep. Thank you.

MS. HALLMARK: Okay. So that takes care of that. So Donna and Tom will appoint the negotiators if needed. So here's the last paragraph that was in there, I showed you briefly earlier, about the co-conveners. Is there anything else you need?

MALE SPEAKER: Maybe just something about an annual work plan so that we've got some, you know, the basic structure on things that we are predicting for that year, so that DOE has something, you know, that we all can agree to, as sets of issues or goals or accomplishments.

FEMALE SPEAKER: And it has the further help of allowing us to, you know, have a basis for the budget for the year. Mean if it's done in general terms, I think that helps us all.

MS. HALLMARK: So just something there like "STGWG will develop an annual work plan"?

FEMALE SPEAKER: Right.

MS. HALLMARK: Is that what you're talking about?

Peter?

MR. CHESTNUT: I guess I'd like to add back in, suggest adding back in the sentence in our existing charter that says "The STGWG activities are funded by DOE's Office of Environmental Management.

MS. HALLMARK: Okay, what do people think about that?

J.R., is your card still up, or is that--

MR. WILKINSON: Oh, I'm sorry.

MS. HALLMARK: --from before? Any pros or cons on putting back the sentence of-- what is it--"STGWG activities are funded by DOE"?

MR. CHESTNUT: "DOE's Office of Environmental Management."

MALE SPEAKER: Does DOE have any problem with that?

FEMALE SPEAKER: No, I mean that's certainly the intent.

MS. HALLMARK: So, just add it here, "are funded by DOE's"--I'll just put EM here. Is that right, "funded by DOE's Office of Environmental Management"?

MALE SPEAKER: Could I suggest that it not be STGWG's? Just "STGWG activities are funded."

MS. HALLMARK: Is that--yeah, great. Okay, so we added the two things, developing an annual work plan and then funding. Anything else? So do you think you have everything in the charter that you want in it?

Do you want it to be a signature kind of thing? I thought I heard that yesterday, and I didn't know if you want to add that. So you want all the members to sign once it's finalized, and DOE signing? Tom?

MR. WINSTON: I would like that. I don't know what means in terms of logistics and that kind of thing.

MS. HALLMARK: And people's authority, you mean, like in your state?

MR. WINSTON: Well more, you know, how logistically you get signatures on something. Do we give signature authority or do individual people sign it? And, you know, if we wait until we all get together, that's going to be in February or whenever.

Yeah, Steve?

MR. TARLTON: I wondered if at this point in time what we couldn't do is have something we can take back into our organizations, get concurrence. Once we have that concurrence we ask the co-conveners to sign on behalf of STGWG and someone to sign on behalf of DOE.

MR. WINSTON: It's probably easiest just in terms of--I would rather have actual signatures on it. But I've been involved in getting signatures on letters before, and I think some of them still aren't done.

MR. TARLTON: And this fits into, though, Donna's suggestion for example, that she used for the tribes, which was that they pass a resolution saying yeah. Well I mean it'd pretty easy for me to get, you know, something from the governor's office that says "yes, we agree with this charter." So that's a letter.

MR. WINSTON: Right.

MR. TARLTON: And that can be part of the file or whatever--

MR. WINSTON: Right, right. And then if there's a tribal resolution that goes--that endorses the charter, that's something that you attach to that, the grounds.

MR. CHESTNUT: There's only one particular problem with that, is that in order to get a resolution I have to go through a formal review process which means that it's going to have to go to the attorneys, which means that now we're caught in this review loop again.

And so to a certain extent I would be hesitant--you know, I think it would be easier to get a letter endorsing the activities of this group rather than trying to get a resolution that formally recognizes this group.

So I guess what I'm suggesting in the interest of expediency, given the nature of our activities, is that we really--we have been meeting for a number of years, and so I think that there's enough trust in our activities and direction, where we're going. I would just suggest we go ahead and have the two co-conveners sign on behalf of the existing organization, and get Al Alm to sign it if at all possible.

If in the future we are really starting to get into making formal resolutions with full governmental support and weight behind it, then clearly I could see where we would need to go through some formal adoption process. I've been through this with the intertribal council on Hanford health projects, and it took about a year to go through all nine tribes to get to that position. So, you know, I'm just hesitant, looking at the time constraints.

MR. WINSTON: And I thought Steve's recommendation may have been to do what we're talking about, having the co-conveners sign with the list attached. But then as appropriate or as seen as feasible within the tribal community or the states, to, you know, offer a letter of endorsement if you're passing a resolution or something like that.

But I think we recognize that that may take a very long time, and some offices or, you know, governments, and be done quickly in others.

MALE SPEAKER: Even the act of appointing--

FEMALE SPEAKER: I believe we can do both. Oh, I'm sorry.

MALE SPEAKER: I was just going to say even the act of appointing representatives implies support for the organization.

MR. WINSTON: Actually I'm glad you mentioned that, because I was talking to Martha before, and I talked to several state representatives. And it's probably--it's been, you know, maybe three years since--on the state side of this organization DOE has asked the governors to, you know, appoint someone or reappoint the current person.

And so I think there's general consensus that we would send out a letter to the governors, send a copy to the current STGWG representative, and I've agreed to look at the draft letter that they would draft up, and I've asked Jim to assist me in looking at that, to making sure that it would, you know, be well received in a governor's office, to help DOE in that regard.

There's probably a similar effort that needs to be made with the tribal councils, the tribal governors, and I think there's been some talk--thought about that maybe. I'm not sure.

MS. POWAUKEE: I think that we can do both. I think that a letter would suffice or if you're comfortable, no letter, just a call saying go ahead and sign on on Confederated Umatilla Tribe's behalf, or whatever.

What I'd like to do is to give Hobby a call when I get home and then if we get copies of the sign-in sheet with everybody e-mail and fax number on it, I could contact all the STGWG members with his reasons for suggesting that the tribes resolutions. And that could be later, as a separate issue not connected with the approval of the charter.

MS. HALLMARK: And that was more in regard to showing support and having it there--Judith, do you have your--did you have your card up?

MS. HOLM: It's a separate issue. I think we ought to finish this one.

MS. HALLMARK: Okay. So Elmer has something.

MR. TORRES: On this particular subject I think a letter from the governor's office or a tribal leader's office just making that commitment from that tribe to be part of this organization makes it a little stronger and a little bit more strong to have, I guess, in line would be the tribal resolution. That makes a full commitment of that tribe to be part of this organization.

And the same thing with anyone that's associated or affiliated with a state. If we get a full commitment from the state from the governor's office, that tells us that they are going to be part of this and we are going to be working together. Sort of that reassures us that we'll be working together and also puts those people that will be sitting at this table, gives them that authority to discuss those issues that need to be discussed on behalf of the tribe or the state.

Because I feel that sometimes that we sit here, our people get appointed verbally, sometimes does not necessarily work all the time. Not everybody kicks on.

MS. HALLMARK: So do you agree with Donna? Do you agree with Donna that that can come later, or is that something you're saying you'd like the--like Tom was talking about, sending out a letter asking for that to each tribe and to each state?

Would that be a helpful approach, or do you think members can just take back to the tribes now the request to get such a letter? How do you think it might be accomplished? Maybe I'm interrupting your thinking here.

MR. TORRES: Guess for my own part, I mean I'm here sitting as a tribal leader and governor for my own pueblo, and my role or my job would be to promote this idea back to my tribe and reassure them that this is a tool that we're going to be working with and relay to them and get the concurrence again from them.

And I'm sure the way my council think, the way they do business, is to be part of--or something--or if they commit to something they do it with a tribal resolution right away. And that makes it a little bit more stronger instead of a letter coming from the governor's office.

So that's the way I think--well, that's the way that we operate at our pueblo level. And I have no problem in probably getting a letter and a resolution to the organization.

MS. HALLMARK: Okay. Martha?

MS. CROSLAND: Would it make sense--one of the thoughts that we have had, Tom was suggesting that we would send a letter to the governors of the states and I guess the governors of the tribes, thanking them for your participation here, and asking them, you know, for a reappointment.

And what I'd like to do is--I mean if we could have--I mean I guess Tom volunteered to do it for the states. Would Donna, or would your governor--now maybe the two of you working together help us on the wording? Because I think we really need it on a draft of the letter for the tribes, to make sure that we get the wording down correctly. And if we could do that and then follow through with the letter, it would be the prompt to get the actions. Is that acceptable?

MS. HALLMARK: Okay. So that makes sense, and it sounds like you know how to follow up with that. Okay, Judith, you had a different--

MS. HOLM: I had a different item. I wondered if you wanted to include language that would suggest revisiting the charter at some time frame or as needed. It's just a thought.

MS. HALLMARK: For amending?

MS. HOLM: Amending, yes.

MS. HALLMARK: Um-hum. What do you think? Do you need that in there? Would it be helpful to have something like that?

MALE SPEAKER: -- wouldn't put a date certain requirement -- two years --

MS. HALLMARK: (Laughter)

MS. HOLM: We don't want to do this again, do we.

MS. HALLMARK: Just is it helpful to make some statement like this charter may be revised by the membership?

MALE SPEAKER: Elaine, that's really a by-laws issue, you know. I mean it's obvious if you need to change the charter you don't need to tell yourself that you need to change the charter. You just need to establish the mechanism procedurally how you do that in the by-laws.

MS. HALLMARK: So that's more of a detail kind of operational thing.

MALE SPEAKER: It's a by-laws issue.

MS. HALLMARK: That's okay with people?

MALE SPEAKER: That's okay with me. It seems like we could also say that if we ever quit meeting we should have to meet again to change the charter to say that we--

(Laughter)

MS. HALLMARK: Build in that automatic thing, right. Well are we through with this where it is? I'm not sure I came back to be sure everyone was in accord with having it signed. This is not the exact wording, but the idea of having it signed by the co-conveners on behalf of STGWG and by DOE. And then the separate thing about letters going out and possibly getting letters back is separate from the charter. That's clear? Okay.

Okay, are we through with the charter? Is everything--Susan's already plugging it into the computer, so we'll get drafts out, DOE will look at it, and then get the draft of the version with that FACA type language that people think will work. Steve?

MR. TARLTON: Can I talk schedule on this? Because I think it is important that we get this cleaned up, ready to go, and back to DOE, some kind of official way, you know, like November--like December. Is that what everybody's thinking?

MR. WINSTON: That's a good question or good comment. I think what I'm hearing--and maybe I need to test whether I'm hearing this correctly, though--that we all agree with the language that we have. What this involves is printing it out, certainly sharing it with DOE, sending it out I guess one time so that people can look at it.

But I'd like to have a pretty tight timeline, and I guess I was that yet this month in November we could send it in as a--as something that the participants at this meeting agreed upon as our charter. We may still be waiting on DOE's response at that point. It doesn't trouble me that, you know, DOE may not have gotten back to us. In fact I think us sending it in would prompt, you know, sending it in to I assume Al Alm rather than Secretary Peña. But maybe I could get some advice on that.

MS. CROSLAND: I tend to, you know, regardless, we may--I'll have to go get some discussions going internally, and it may be that it ultimately gets signed by Secretary Peña, but I would think that it's appropriate because EM is the one that has sponsored this, that it go to Al Alm.

To be quite honest, I think first go around it should be signed by Al Alm as acting--or as assistant secretary--excuse me--for Environmental Management. And then with possible follow on, being an endorsement by the Secretary. Just bureaucratically we'd be adding eons to the process.

MR. WINSTON: So I guess what I'm thinking about is sending it out to folks primarily, I guess, as information. I don't want to, you know, if there's something someone can't live with I guess we need to know that. But, you know, hopefully any wordsmithing we were doing was, you know, done here. Because if somebody has an idea on a better way to phrase a clause, I don't know the mechanism to get back out and have everybody have input on that.

So I think that what we would do is send out the outgrowth of this meeting, the charter that we've just agreed upon, and if there's egregious problems, you know, we need to know that; but beyond that, not asking for, you know, input or wordsmithing, in the interests of time. And my hope is, is that, you know, then towards the end of the month we would be able to get that in to the Department of Energy under Donna's and my co-signature.

I want to find out if that's workable, and timing-wise, Martha, is that, you know, is that okay? Is that --do I not need to move as quickly, or Donna and I not need to move as quickly?

MS. CROSLAND: I think given the uncertainties and the need for this group in the near term, I think we should move quickly. And Catherine has just told me she's called back to the office and has an appointment with the lead FACA person for tomorrow morning at 10:00. So we should have some feedback on that by tomorrow afternoon, that we can feed in to Tom in terms of what the language is that should be circulated, related to advice.

Now I would like to know--because I think we left that, it was not clear to me, which you really preferred of the two language options that were there. If "advice" does not pose a FACA problem, is that your preference to go with that language? Is that--I mean--okay, that's fine. And the other would be as a fallback. Thanks.

MS. HALLMARK: J.R.

MR. WILKINSON: Sometimes things work more expeditiously if on a staff level you try to get the language, everything all finalized. Then I understand that you'll formally submit it to Al Alm under letter? Is that what I'm understanding? From STGWG to Al Alm, or you'll present it, Martha, to Al Alm?

MR. WINSTON: We were going to be sending under, you know, STGWG letterhead, basically with Donna and I as co-conveners. In the meantime they would be addressing the FACA issues and to the extent that they want to let Al know, I'm sure they have an obligation to let him know that this is, you know, one of the things that happened here. But we will in a formal sense send it in.

And I haven't thought about the transmittal letter, but we're looking for DOE concurrence with this charter, since they would be via this charter a co-conveners.

MR. WILKINSON: As well as identifying the need to provide resources, but I guess I'm still mechanistic on this. So you're going to take--Martha, you're going to take this draft to the internal general counsel or whoever, FACA people, to get some idea on how this thing's going to work, work with Donna and Tom to make final language changes, and then there'll be a transmittal letter once that's finished from STGWG, the two co-conveners, to Mr. Alm for concurrence. Is that kind of what I'm envisioning?

MS. CROSLAND: It is, except I think there was a step that Tom was going to send it out to you again as members for a quick reaction, if I'm not mistaken, to--for you to go through it and see if there were any showstoppers that you hadn't thought about here; or people that have left, if there's some major problem, before they sign it as co-conveners in this letter to Al Alm.

MR. WINSTON: And partly there's some participants that weren't at the meeting or, you know, had to leave early, and I feel like that is a minimum courtesy. I think the letter that we send out to STGWG members ought to point out that it has to be a real showstopper, because we'll be really off the timeline if we aren't able to move forward with this. So I'll try, you know, try to package it in a way that moves it forward.

MS. HALLMARK: So Tom, if I could clear up one thing, I was trying to make the list of next steps. When you send that out to members you said generally as information, but, you know, the language you just said as a showstopper, will that be with the correct FACA choice of language in it? I mean that's what I was assuming.

MS. CROSLAND: Yes.

MS. HALLMARK: Okay, so that will be very shortly, like within a week is what you were aiming for.

MR. WINSTON: Just as soon as possible.

MS. HALLMARK: As soon as possible, and then--

MR. WINSTON: I would like to get this out next week with NCSL's assistance.

MS. HALLMARK: And then you would get it to DOE in a formal sense with the STGWG signatures, meaning you and Donna as the STGWG signers, by the end of the month asking for DOE concurrence. So we've got that kind of a two step thing, is that understood? Okay.

Can we move now into next steps for STGWG? You wanted to set a next meeting time. I'm not sure about the question I heard J.R. raise a couple of times, a question about by-laws. That wasn't really given to me as an agenda item, but I don't know if you need to figure out how you're doing by-laws or do you have--is that a next step as well, I guess is my question.

MR. WINSTON: Well I think J.R. raises a good point, and I took that as his, you know, wanting to volunteer to be on a by-

law--

(Laughter)

MR. WILKINSON: Let's see now, how many times have I volunteered?

MR. WINSTON: Just constantly. It's great. You know, my thought when we discussed this a little bit yesterday, that our next meeting in addition to reacting to the proposal that DOE puts out in terms of intersite shipments and disposal, we would also possibly look at a draft work plan which J.R. had kind of described as, you know, a couple pages or something, that looked at what, you know, we might be able to accomplish or what we hope to accomplish in the coming year. That was going to be iffy depending on funding, but still that would be part of our discussion.

We'd probably -- (begin tape 7) -- also that we come to the next meeting with something to discuss on by-laws as well.

MR. WILKINSON: I would see the by-laws and part of that work plan, that would be one of the task orders, if you will, would be to complete that.

MR. WINSTON: Although if that's going to be an annual work plan, I mean it ties into that; you know, in a sense would be standing alone unless we went back and revisited it the next year.

MR. WILKINSON: Right, and our work plans on an annual basis would obviously change based on need.

MR. WINSTON: So I don't know where that leaves us in terms of what we want to discuss today, but we probably do need to have some volunteers to work on the work plan and some volunteers to look at the by-laws whether that's a subset of the work plan or not. Maybe it's an outgrowth of the work plan depending on, you know, how many times we need to meet in the coming year, or something like that, to relate to each other; whether we need subcommittees and that kind of thing.

MS. HALLMARK: Roger?

MR. MULDER: Is there a DOE requirement that we have to have by-laws?

MR. WILKINSON: I don't think so.

MS. CROSLAND: Not that I'm aware of.

MR. MULDER: Have we operated the last six years without them?

MR. WINSTON: Well, although--you know, I agree with that, although we have taken some things out of the charter that we felt a couple of years were useful, and the thought was that maybe we make those into by-laws or--I don't know if by-laws is the right term. It sounds fairly legalistic.

But certainly the way in which we operate, a little more detailed, but didn't really involve--didn't need to be in the charter, you know. But there are several ways. With what J.R. just mentioned, maybe it's just an outgrowth of--maybe it's just part of the work plan for the year, how we're going to operate. We include a section on that, given what we have on our plate for the coming year. Maybe that's where we put it.

MS. HALLMARK: Mike, go ahead.

MR. GRAINEY: Yes, I would suggest we try to do that in the interests of everybody's work load, do one work plan with, you know, a paragraph or whatever on operating procedures. And I think our mission statement referenced by-laws. Maybe we want to take that reference out or make sure it's not in there; just reference a work plan.

MR. WINSTON: Susan, if you could make a note that--check back in what we did earlier, if there's a reference to by-laws, what Mike is suggesting and people are nodding to, we won't have by-laws. But we still have a reference to the annual work plan in there, and that's how we'll cover that.

MS. HALLMARK: I think that's in that last paragraph you just got, so you can fix that. So then for the next meeting you'd like to have some report back on work plan, which actually includes whatever is necessary about operations.

Steve?

MR. TARLTON: I'd like to suggest that in our transmittal letter with the charter to--that we include our expectation for a next meeting, and any activities that are going to occur between now and then that would require, for example, NCSL support or whatever.

And I'm not quite sure what that is, but I've seen two kinds of timelines. One is that we need to meet like in February and the other is that we would meet like in the summer. And maybe before we leave we should have a conversation about when we need to meet and make sure that that expectation gets into our transmittal to Alm, because that then kind of sets a stage for this time period that is not covered by a work plan and is not covered by DOE's acceptance of the charter.

MS. HALLMARK: Good idea on the transmittal. I think you right on the head what we actually wanted to do next, actually on the agenda, was figure out when you want to meet and get that schedule going.

You're looking quizzical, Tom. Is that okay?

MR. WINSTON: I'm just trying to write it down in note form that I'll know what it means tomorrow.

MS. HALLMARK: Oh, okay. So can we move into that--when do you want the next meeting to be, and we can keep adding to, you know, what do you want on that agenda, because they're kind of interrelated. But you had talked about trying to work that into the time frame for those decisions on the intersite transfer issues, and waste disposition plan.

So any thoughts? I don't know if you want to do specific dates or approximate times. Mike?

MR. GRAINEY: I guess to the extent that we were wanting to piggyback on and react to the decisions that you'll be coming out with, Martha, on the intersite transfer, is January firm or could that slip? Should--is February safe or should we look at March perhaps as--have some margin of error?

MS. CROSLAND: As we all know, nothing is ever sacrosanct at DOE. I do keep seeing January. That is--they are having--I know that Patty has scheduled a meeting in the early December time frame with people from around the complex to begin to look at this, to try and come out with what would be, you know, really a very tentative first draft of what options might be for this. And she does plan to release it in the January time frame.

With Al's leaving, is that really firm? I would hate to tell you that it is because I know that things can slip. They believe at this stage very definitely that it is, and I think some of the statements I heard today and I heard some yesterday in terms of that we need to begin to move on, there is that pressure and there's that pressure from the hill. So whether it'll be January the 1st or January the 30th, I think it'll be in that time frame sometime.

And I would find it hard to believe it would slip by more than a week or two, or month, so that if we plan something maybe in the February time frame, that's when they're planning the meeting with NGA. It's still unclear to me whether there may be efficiencies of doing some type of cross meeting. I think that's something we have to explore separately.

I don't think we can decide that now, and I would actually ask for your help, Mike, and Tom, and those of you who work with NGA. We'll be working with Patty to see whether that's possible. I don't think a combination is the right solution.

But it may well be that if there are presentations or information packets that need to be in keeping with the discussion earlier about sharing technical information, there may be some cost efficiencies there, in which case we might--it might be better to propose that we meet in the February time frame, but not necessarily set the firm dates; although I'm open to trying to set dates as well.

MALE SPEAKER: Does NGA have firm dates yet?

MS. CROSLAND: Not that I'm aware of, but again I'm not as clued into that process.

MALE SPEAKER: --haven't heard of--

MS. CROSLAND: I don't think they have any. The last I asked, they did not. But, you know, something could've happened overnight. I don't think they do, and I do think that we've got to go back as DOE and reconsider with Al's resignation.

I don't think there has been real thought in terms of what that means and who is going to be appointed and when. Obviously it would be desirable to have whoever the new assistant secretary is participate in the meeting; but I certainly--since I don't even know who that is going to be--we can't commit to that now.

And normally when we schedule these meetings--we ended up with these dates because it was the only time Al could come with us, and that was two months in advance. So I think probably if we set one in February we probably should assume that it would not include the new acting assistant secretary or the new assistant secretary, but it would have people like Patty Bouvar and Mark Frye who are the ones that would be developing this configuration. And I would think we're safe to proceed with trying to do something in February.

MALE SPEAKER: If you look at this thing that they passed out, the February time frame would be consistent with some of the what I'll call interim decisions that are being made, and then--but before some of this stuff is finalized. And February would also work well from a standpoint of us advancing a work plan, you know, getting the housekeeping things nailed down about money, and you know, little things. So it seems to me that there is value in that.

If however we're not going to meet in February and looking back at this timeline, there was a tentative suggestion that we meet, say in May, on this. There's a STGWG TBD meeting. But it's kind of stuck out there in May.

And I'm not sure that it wouldn't be better to meet in maybe even August, because you know by the the 2006 plans are out and so on. And I'm not clear what kind of decision making is taking place between, you know, about February-March and August, but it would be nice to tie our meeting to where we can contribute the most to the decision making.

MS. HALLMARK: You also talked about the iterative process, so I don't know if you're thinking about two meetings, you know, if you had one earlier and one later; or if you're proposing optional meetings. Tom?

MR. WINSTON: I was going to say I think we need to be somewhat flexible. I like to have a schedule set, but I also don't want to waste the time on a meeting or the expense if we have nothing really to comment on.

You know, a similar parallel, there was--DOE had suggested NGA meet this fall, and the members there's, you know, you're not prepared to talk to us on the kinds of issues that we need to talk about, we don't want to waste the time and money on a meeting. And I guess I just feel that we're not going to know--I mean I think we ought to plan for February meeting. I think that that's an appropriate time.

I think then we need to gauge at that point what the rest of the decision making is going to be on the--on DOE's draft, or it's, you know, rough draft, and take a look at maybe the finalization of the 2006 and decide at that point.

The other thing is we will have a good discussion at that meeting about our work plan, and some of the, you know, uncertainty we have right now about where we're focusing on, I think that we'll have better clarity after we have a discussion at that meeting.

MS. HALLMARK: So is that a good enough place to leave that, is with the idea of aiming for a February meeting, waiting to see, you know, what information is really realistically available; and having the two main things for your focus are the work plan, including that operations piece, and this whole waste disposition plan that Patty was talking about?

J.R., did you have something on this? I can't remember when your card went up.

MR. WILKINSON: Maybe just a point of question, clarity. I think if we don't have a meeting of the full STGWG because of the plans not being available or whatever happens, that at a minimum those that are interested in the work plan and potential by-laws, or, you know, scheduling, those kinds of organizational issues should still meet in February just as a way to check and see where we are on target.

So I just offer that.

MR. WINSTON: I think that's actually a good point. I don't know if there's other ways to do it besides a meeting, but I think, you know, if for some reason DOE's schedule slips either because of Al's departure or whatever, and these drafts aren't going to be out until May, I don't think we want to be sitting here kind of just waiting on that. I think there's probably a need, independent of these documents, we have significant work to do in terms of cultural resources that we can work on in terms of training and discussion and all the issues we discussed the other day.

MS. CROSLAND: The other thing I would say is if you look at the timeline, the 2006 plan, and again this may slip too, but the Congress has asked for it. The 2006 plan is proposed to be--the draft of it is scheduled for the February time frame too. So that would be another possibility of discussion and something that we would be asking for your input.

And I view this as asking for your input where we are able to have the dialogue here amongst us, but also as we discussed yesterday with the integration report, where you would take it back individually, it's a means to get it communicated to you for your states or tribes, to get input on them. And 2006 I would certainly view in that category.

And I'm sorry, I interrupted you, Roger.

MR. MULDER: I was just going to argue in favor of being flexible just in case the rods are delayed. I wouldn't want to meet in February if the rods were not yet.

Second of all, I think realistically we do have to take the weather into account, and I'm not sure February is an ideal time to be traveling, especially in light of what's gone on so far this year with Colorado being snowed under in October. And if we do meet in February at a minimum I would hope that we could pick a warmer climate, even though that doesn't guarantee that everyone would be able to get in and out of their home bases. So I think all that has to be taken into account.

MALE SPEAKER: Austin'd be nice.

MS. HALLMARK: Roger, just in following up on what J.R. had said about meeting in February and some way to follow up on the work plan and other issues of STGWG, if the things are not out, are you disagreeing with that, or--

MR. MULDER: Well I'm assuming if there's a delay it's going to be a fairly short delay. I don't envision a six-month delay. I envision a 30-day delay, and I would prefer to have STGWG come in after the rods are released in a fairly timely manner.

But what I'm saying is March, for a lot of reasons, weather--

MS. HALLMARK: Might be better--

MR. MULDER: --delay and other things, it may make more sense.

MS. CROSLAND: Let me just for the record, the rods will not be--there is no planning to issue the rods until at the earliest the May-June time frame, at least for low level waste and mixed low level waste, which is what we're primarily discussing here.

So what they're coming out with would be a draft configuration, not even the preferred alternative yet, just a draft configuration that would be subject to discussion, which presumably ultimately would lead to a preferred alternative that would be published in the Federal Register to be followed by the rods after a 30-day review period.

MS. HALLMARK: So is there more discussion then on the timing and the site? I think that is something Martha had actually asked to get some ideas about a location for the next meeting.

Oh, Judith, did I miss you?

MS. HOLM: I just put my tent up. One question attendant with the intersite waste transfer discussion, do you need more information on transportation? We expect to have some additional ideas and sort of universal approaches to transportation out of this discussion we're having internally on the protocols that we talked about the other day. Do you care to have that also part of that discussion? Is that an issue for you? Just a question.

MALE SPEAKER: Yes.

MS. HOLM: And then I'd offer up my hometown now, Albuquerque as a nice southwestern site, and usually the WIPP folks say "hey, come on down to WIPP if you haven't been," and I would extend that opportunity. I know they'd be happy to set up a tour. If people haven't seen WIPP it might be an opportunity.

MS. CROSLAND: And maybe I'm putting the Governor on the spot here, but what about the possibility of not only of WIPP tour but a tour of one of the pueblos, where in terms of--in your Los Alamos.

MR. TORRES: I was going to say--mention that to maybe if we do have it in Albuquerque is plan something like a tour up to our pueblo and give you a perspective where we're situated, and also look at Los Alamos Laboratory as well.

MS. HALLMARK: Okay, any other ideas? I assume you don't have to actually come to conclusion on this piece, but it's some input about what might--what you might like to do and what might be workable. Is that--

MALE SPEAKER: Do we want to lock dates yet or -- premature?

MS. HALLMARK: Yeah, what about dates? Do you want to--we've got kind of the February time frame with possibly slipping into March because of both weather and document preparation, all of that.

FEMALE SPEAKER: I'd like to see us set some tentative dates.

MS. HALLMARK: Tentative dates, people have calendars, proposals? You know what are your good dates now?

MR. WINSTON: I think from the discussion anything earlier than mid-February is--

MS. CROSLAND: --I think it's going to be--

MR. WINSTON: --premature.

MS. HALLMARK: So middle or latter February or early March maybe--

MR. WINSTON: Early, the first week of March is the big DOE conference, waste management '98.

MS. CROSLAND: So that's not good, and I think that the second week in March is not good for me personally, and I know that one of the problems with March is that one of the Nevada SSAB is hosting a low level waste forum in Nevada. I don't think they've set the date yet, but they have talked about March. So that would certainly be something we would have to work around.

I do think there's an advantage if NGA is proceeding to meet in February, that we have this meeting in basically the same time frame. Now I don't know how firm that February date is, and I don't know--I think the weather is a problem. I think if we go to Albuquerque it's less of a problem than if we were trying to go to Idaho, for example. Or Denver.

(Laughter)

FEMALE SPEAKER: --we're in the high '70s.

MS. CROSLAND: I just don't know--I find it at least with Washington, D.C. we tend to get more snow in March and it frequently interferes with travel plans, more so than even February. I'm not sure there is a good time from that perspective.

Seems to me the most--looking at the timelines as they are unfolding now, that the most logical time is toward the end of February.

MS. HALLMARK: So the week of the 23rd of February, is what Mike's suggesting. And no one knows what dates NGA is considering, right?

MALE SPEAKER: No.

MS. HALLMARK: Or if they are?

MALE SPEAKER: Would they be in Washington? So we wouldn't dovetail with them if we're going to be elsewhere, going to meet in Albuquerque, example, be independent of NGA, right?

MS. CROSLAND: I'll be honest. I've got to check into the NGA. I don't know where-- and they do generally meet in Washington.

MALE SPEAKER: Yeah, I don't notice they've met outside of Washington very often through NGA.

MR. WINSTON: Yeah, that is true, although part of that was a thought that--I think there was some pressure by DOE to meet in Washington for a while in order to have Al present or whatever. But they've met in South Carolina.

MS. CROSLAND: And it might be--I mean I think we discussed this last night in the small group, and I think there is certain advantage to meeting outside of Washington, if you really want the attention of the DOE folks, because they get pulled out.

MALE SPEAKER: Undivided attention.

MS. CROSLAND: Undivided attention. You may get Al to appear for a five minute speech, but you can't get him to stay with you as we did yesterday. Patty would've been pulled out, you know, 20 different times. I probably would've been here for, you know, an hour or so and then gotten pulled out as well. So I think there's a great deal of advantage to having it at a location outside of Washington from the perspective of undivided attention.

I don't know how you feel, and you know, it makes it easier for us to do it in Washington. But I think there are clearly advantages, and I think being able to actually see some of the sites and see the pueblos is extremely important.

MS. HALLMARK: So would you want to look at kind of a composition of your meeting, like a day prior that could be for tours and then a day and a half session? So you're talking about like Tuesday, Wednesday, Thursday out of the middle of a week? Is that--I mean I'm just trying to figure out where you go in terms of planning this. Does that make some kind of sense? Yeah, that's a lot.

Or, you know, if you have a travel day on one day and then you do a tour--I don't know if these tours could be a half day, and start your meeting in the afternoon and then go through the next day. Or half day at the end.

Are there any other ideas about that? I mean I'm not sure we have to decide that, but that's--so I'm not sure picking one day, you know, is going to work anyway. It looks like you're looking at a block or two or three days. So if you save the last week of February and a block of two to three days and try to figure out what the touring part of it would be, is that enough?

MR. WINSTON: Yeah, maybe--I mean there's tentative talk about the last week of February as being a potentially good week, but I was going to say there's still, you know, we need to find out when DOE's going to be releasing the document, we need to know when NGA's going to meet, we need to know if we're going to have any kind of combining.

And probably what we're going to need to do is get a schedule out to people, you know, where you fill out the calendar when you're free and we kind of are going to have to make that decision on the fly, probably at the end of this month or early December.

But I mean we can target right now that last week of February as a good starting point, and in our minds, you know, we may deviate from that. So I'm just throwing that out as a suggestion.

MS. HALLMARK: So people could try to kind of hang on to that or keep it loose until you can get a schedule. J.R.?

MR. WILKINSON: Well I think Tom basically said it. I just--we need to turn it over to the planning committee and let them track everything, and just target that week.

MR. WINSTON: We don't have quite enough information to do anything more firm right now.

MS. HALLMARK: No. So do you have enough ideas on location? Albuquerque? Any other suggestions you want to throw in the pot before we leave that?

MALE SPEAKER: We've met in Dallas sometimes, too.

MS. HALLMARK: J.R.?

MR. WILKINSON: New Orleans for Mardi Gras.

MS. HALLMARK: Mardi Gras.

(Laughter)

Okay. And I think we've got the focus of the meeting pretty well outlined. Any other ideas on how DOE can work with the various groups? That was the other question that was kind of left on the table. You're talking about checking out--you know, meeting

times. That's a piece of that. Is there anything else that comes to your mind about advising on those interconnections and how do you work together?

MS. POWAUKEE: We still need people to work on the work plan. I know J.R. volunteered, and I thought Steve did.

MR. WILKINSON: I was a willing victim.

MS. POWAUKEE: One of the things that might be helpful to Martha and other DOE people that attend the next meeting is that if we could have the draft work plan to them ahead of the meeting.

MS. HALLMARK: Um-hum. So if we could get a draft out, so we have J.R., Mike, John, and Steve, did you say?

MS. POWAUKEE: It was his idea, so I think he--

MS. HALLMARK: So you think he'll do it.

MR. WINSTON: We'll never get any more ideas.

(Laughter)

MS. HALLMARK: Are there any other tribal reps who'd like--we have just one don't we, out of that group?

MALE SPEAKER: Who's going to be staff support for this group?

MR. WINSTON: That's a good question. We had--and maybe--I don't want to put NCSL on the spot, but there was some talk about I think they had \$75,000 left, you know, and this meeting might take about \$60,000. SO that leaves some amount to--I hate to use the word "limp along," but, you know, is NCSL under the current agreement or grant agreement capable of providing some staff support as we develop a several-page work plan?

FEMALE SPEAKER: -- staff -- look at the budget specifically and figure out all the components and figure out exactly how much money --

MR. WINSTON: Okay. How about if we talk early next week about that, and I think, you know, if there's not anything workable under the current agreement, I think I'll need to have a conversation with Martha about what we can do to correct that if possible. I do think staff support, you know, it's not that it's going to be that extensive on putting together a several-page work plan.

MR. WILKINSON: Well I can envision that there'd be conference calls and reiterations of the draft before we went out to full committee or submit it --

MS. HALLMARK: Um-hum.

MR. WINSTON: Right.

MR. WILKINSON: --co-conveners for review--

MR. WINSTON: Right, and so you need somebody to be able to sort of scintillate that into document form and then go on from there.

MS. HALLMARK: Peter?

MR. CHESTNUT: I wanted to suggest that we ask DOE to make, you know, some--the support available as needed so that this can go ahead; that even though we don't know what the numbers are and, you know, whether it works under the existing contract, I don't think we're talking about a huge amount of money here.

But in terms of our, you know, getting up to the speed and the direction and place we want to be going, I think it's an essential piece. And certainly what I've heard from the assistant secretary and Martha and the other people here is that yeah, we want this to work.

And so I think we should be willing and expect that a reasonable amount of support will be provided, whether it's under the existing contract or whether, you know, through a short term supplement to get us up to the full year's commitment that we're talking about.

But I think it is essential and then it ought to be the sense of this group that we ask and expect that DOE will make something available so that this will happen.

MS. CROSLAND: I think that's a reasonable thing and I'm not sure what our options are with the budget at this stage, but Catherine and I just discussed it and if necessary--because I don't think we're talking about a huge amount of staff support--if we absolutely cannot do anything under the existing cooperative agreement until we get the budget, then we'll limp along with our own staff, you know, providing the staff support.

So we'll make it happen, okay? I can commit to you that. I don't know quite the mechanism and the means yet, but we'll go back, take that back, and we will definitely make sure that there is sufficient to keep it going.

MR. WILKINSON: Could I suggest that then you work with the co-conveners to get all that ironed out, and then once it's ironed out, to go ahead and communicate that to me, and then we'll get rocking and rolling.

MS. HALLMARK: Does that mean you're taking on the subgroup, J.R., taking on the chair of the subgroup?

MR. WILKINSON: Yes.

MS. HALLMARK: Okay. I just wanted to be sure.

MALE SPEAKER: All in favor say Aye.

(Laughter)

MS. HALLMARK: Seems to be support for that.

Paul.

MR. WILKINSON: What I will do is I'll try to maybe on Monday, and I'll call tomorrow, but I'll to have a conference call with Cheryl and Linda and Susan, and try to assess what the current cooperative agreement is. And I think we need that piece first, to see what can be done under that. And then we'll go back to DOE, and if you're available--

MS. CROSLAND: Yeah, we'll be--

MR. WILKINSON: --sit on that on Monday as well.

MS. CROSLAND: And, you know, I wanted to clarify, we do not--this mechanism runs for another several years. It's just a matter of getting the funds through a FIN plan, to add additional funds. So we have to work on that, and again it relates to this allocation. But we need to clarify what already exists.

MR. WINSTON: As soon as we get that resolved we'll get word to J.R. and the rest of the group, to go for it with, you know, the appropriate support.

MS. HALLMARK: Paul's been waiting to speak, but also we have someone leaving.

MALE SPEAKER: --going to leave. I've got to sharpen my knife to skin some more possums later.

(Laughter)

MS. HALLMARK: Thank you for being here and working. All right, Paul.

MR. MINTHORN: I forget how it was. I think maybe J.R. mentioned the Web page access on NCSL?

MR. WILKINSON: Yeah, NCSL.

MR. MINTHORN: And I think even considering the fact that funds may not be available, there might be a real efficient way to get some work done in the interim period here if we could get that set up on existing support.

FEMALE SPEAKER: I'm just curious as to what happened to the STGWG on the EM homepage.

MS. CROSLAND: I don't know anything about that.

FEMALE SPEAKER: Okay, there was one after we had gotten together the last time, and I don't think there was much ever put on it. But it was there.

MR. WINSTON: It's kind of an archaic system. It's called Stakeholders, and it's a 1-800 number.

FEMALE SPEAKER: No, no, this is on the home page.

MR. WINSTON: Oh.

FEMALE SPEAKER: On EM's home page, and it takes a couple of doings to get to it, but I just happened to find it one day and it's STGWG and there's like nothing in it last time I looked, which was a long time ago.

MR. WINSTON: At least that would be the frame to begin to add some things, if that's possible. We probably need some feedback from DOE on how difficult it would be for us to put information on there, you know, what the mechanism is, who controls the addition of things on the STGWG page, because I assume that that's within your data and systems folks that do that.

FEMALE SPEAKER: Why don't we look into that? I don't know the answer to it.

MS. CROSLAND: Wait, Catherine knows.

MS. VOLK: I've talked to the communication people at DOE, and they will update it for us and help us add information to it as needed, as we get it, so we can share the information with you. And it needs to be updated, and they're willing to help us. So probably within the next two weeks, three weeks we can get something up and running.

MS. CROSLAND: Another thought is if NCSL has a STGWG homepage, just hotlink our homepage to NCSL and don't do it twice. I mean we're in the process of doing that for a lot of transportation information right now, and so I don't know what you guys do.

FEMALE SPEAKER: Do you have one?

FEMALE SPEAKER: We have a homepage. I'm just thinking why create another STGWG homepage?

MS. CROSLAND: Well if you've got--I think Judith's suggestions was if you have one that has the STGWG information, which I would hope that the next entry is going to be the meeting, the summary of this meeting, that we have a link from our--the think that

gets you down in our homepage to your--the NCSL. We wouldn't have separate information put on it.

FEMALE SPEAKER: Well I think the question is who do you want to maintain it, us or DOE?

MR. WINSTON: And I think we need to decide what NCSL's continuing level of operation is going to be with STGWG before they take on owning the homepage. So I think that we need some decisions there. Right now I think we need to sort of sort out what our options are and then see where we're going under the, you know, the budget decisions and that kind of thing.

I would prefer to have the STGWG page controlled by our staff support rather than having to go through some computer guru within DOE. That seems like that would--you know, we'd never have an update real time. But there's obvious costs and manpower costs and those kinds of things that need to be considered.

MS. CROSLAND: And I think we need that information from you, because I don't know--you know, we need to know what we're talking here.

MR. WINSTON: Maybe that's something for the work plan as well.

MS. CROSLAND: That's something we need to have--yes, in the work plan, and further discussions outside of this meeting. But I think we do need to follow through with that.

MR. WINSTON: In the interim, just to put whatever document we put on--I mean, you know, the summary of the meeting having that on the page, that could be done either within DOE or could be done, you know, at NCSL, whatever's easiest.

But I think we need to use the work plan to decide how much we're going to be using the web page as a vehicle and how often we're going to update it and what the, you know, what the manpower cost of that's going to be, and make, you know, an informed decision.

FEMALE SPEAKER: Yeah, any of that's possible. I just--the reason why I'm bringing this up is because I cannot--you know, we can't commit NCSL -- look at the budget and figure out how much money this may cost and all those things. Because it's been a problem in the past and so I'm just trying to cover the bases.

MR. WINSTON: So I would suggest that we--anything we do in the short term probably ought to be just on--if DOE has a homepage and we want to add something to it, we just, you know, add the notes of this meeting, copy of the charter, or whatever; and then down the road pursuant to the work plan discussion decide what level of support the NCSL can give us on an enhanced web page operation.

MS. HALLMARK: Okay, does that--

FEMALE SPEAKER: Reasonable.

MS. HALLMARK: --does that take care of that part? I see we're losing more and more people, so I'm not sure if there's any more we need to accomplish. Now Paul and J.R., are your cards up from before?

MR. WILKINSON: Yeah.

MR. MINTHORN: Mine isn't.

MS. HALLMARK: Oh, all right. You're still talking. Okay. I can't tell when it goes down and up again. Okay, go ahead.

MR. MINTHORN: No, that's fine. I guess just part of the question is--and in the work plan I can take the model from the KEM weapons work that we've been doing relative to how to design the homepage and the length.

The big concern I have is, is that my preference would be to have staff support at NCSL to do it, because if I'm transmitting strategy comments back and forth to my co-workers on STGWG about working with DOE, I would prefer that information was not being transmitted into a DOE homepage; which is my--is a concern that I have--not meaning that people are going to spy, but I do want to make sure that some of this information is controlled.

The other thing is I'm assuming that John, Mike and Steve all have e-mail addresses, so that'll help speed up the communication; and then I can--once we get the budget, and all that works out, I'm done.

MS. HALLMARK: Okay, so J.R.'s got it down, he's going to coordinate getting this work plan together, be chair of that committee. It sounds like you've got it under control.

Is there anything else? I'm thinking that it's about time I know to wrap up, and you've covered the details.

MR. WINSTON: The only thing we haven't covered is we have a lot of action items, and I don't know the best way. Do we want to read off the action items that we've noted so far? Do you want me to take my list back, since it's in my scribbling and probably I'm the only one that would--I can read through these.

I'm more concerned about some that actually Al said he was going to follow up on some things, and those mean--those are ones that obviously are going to fall on Martha's shoulder.

MALE SPEAKER: Give you mine too.

MR. WINSTON: Oh, okay--oh, excellent. There are copies of the charter coming, the one that we just worked on. Susan was able to get it entered into, and we'll have that so that you can take that with you, those of you that need to share it with other parts of your organization will have that.

Let me go ahead and start reading these. The first one was to get some additional information out on the WCS issue. Mike had passed out the court decision, but I think that we probably need some additional documentation or whatever to frame that issue beyond the court decision. And that's for me, and I'm going to work with Catherine Volk and maybe NCSL as appropriate--but to try to get information on that.

Al had said that he would look into the resurveying of lands to get a baseline inventory of tribal resources. So that's one that probably will fall on Martha.

And what I was proposing that we do is put this list together, and anybody that has an action item will fax it to them, so that not only will they hear it here--many of them aren't here.

Let's see, there was a question of a need for a national policy on tribal cultural resources. Martha had said that she would take that back, and I'm not sure if that goes back through EM or the secretary. There was some discussion about that.

Steve had suggested that we needed to have a definition of the bottom end of low level waste as needed. Al said that--you know, "let me follow up on that." I'm not sure what that means, but I wrote it down as an action item that the Department will get back to us on the issue of the bottom end of low level waste from I guess a definitional standpoint.

Patty committed to letting us know when comments on the contractor report are due. We all got copies of that, and they were unclear on the timelines, so we need that.

Judith had said that she would check into accident data for DOE in response to Steve's question of what are the statistics in that regard.

The information that I think Patty had the lead on for NGA on who does what on transportation, once that is prepared that also needs to be shared with the STGWG membership.

Let's see, Martha is going to be checking, I guess as of tomorrow, on the FACA issue, the alternate language of "advice" versus identifying issues and suggesting resolutions. And so she'll be getting back to Donna and I.

DOE will be drafting a letter to the tribes which they will check with Donna and Elmer on the appropriate protocol, asking about appointing members to STGWG. They will also draft a letter to the states and they will coordinate with me and Jim Setser on the wording of that letter. And I imagine some of the portions of that letter will be common between the two.

Let's see, I have an action item to talk to NCSL hopefully Monday with Donna on the grant, what is remaining in the grant or the cooperative agreement, to determine if we can have sufficient level of support to support the work plan. And then I'll get that word back to J.R. and his group.

And then the last one that I had down here was--and I was a little unclear on it--was website, and there was going to be some investigation I thought on the part of DOE as to what the capabilities were. But I was real fuzzy on what that was. I kind of wrote down "Website-DOE," and I didn't write anymore.

MS. CROSLAND: Why don't we--it probably is that DOE will look into whether the website should--and working with NCSL, whether the website is maintained by DOE--or maintained by NCSL with a link to DOE, or whether DOE maintains certain of the information. It may well be that what you have--and given your comment, J.R.--that NCSL does a web page for certain things it wants to just communicate with the STGWG members.

But there are other things growing out of STGWG such as the charter, the summaries of the meetings, that I think we want very widely circulated to the public, and/or recommendations. Your letters that would come out to Al Alm, you may want those public depending upon what is stated.

It may well be that NCSL links into us. I'm not an Internet guru here, but I think that's something we need to work and figure out the most expeditious way to do it. And things do get on our homepage pretty quickly. It is not as slow a process as you might think. That's one thing where we've seen to work pretty well.

MR. WINSTON: So I would ask that you sort of--

MS. CROSLAND: We'll take that back.

MR. WINSTON: --research on the capabilities that you have. And I would also ask that you find out in the very short term, until we make a decision NCSL's potential through the work plan, on how we can get some documents like the revised charter, the minutes from this meeting, on that page, because I think that we ought to get those out. As soon as we have them finalized they ought to be out there. And I would use DOE's--

MS. CROSLAND: We'll do that.

MR. WINSTON: --web page. So those are the ones that I have. I don't know if anybody else had any other action items beyond what I have here.

All right, as I said, we'll--Catherine, do you have any action items--

MS. VOLK: I have -- Al -- responsible -- charter?

MR. WINSTON: Oh, that's--yeah, I didn't have that in there. I'm going to be getting the charter out, hopefully next week, once again, working with NCSL on getting the charter out. I guess we have copies coming today, but I'm going to be sending that out to the STGWG members, and then giving sort of an opportunity for any deal breakers to be brought to our attention; and with a cover letter on that. And then we're going to be sending it in to Al towards the end of the month. And that means drafting of a cover letter for Donna and I to co-sign on behalf of the membership.

MS. VOLK: I also had Steve was going to get a copy of the Rocky Flats communication plan, and DOE was going to provide (inaudible) draft stewardship report?

MS. HALLMARK: Why don't you grab a mike there?

MR. WINSTON: Yeah, here we go.

MS. VOLK: Did you hear those last two?

FEMALE SPEAKER: No.

MS. VOLK: Doe was going to get a copy of the draft stewardship report out to the STGWG members. Steve was going to get a copy of the Rocky Flats communication plan.

MR. TARLTON: I was just going to send that to Martha--

MS. VOLK: Oh, that's fine. You can send it to us and we can, you know, distribute it if anyone wants it.

MS. CROSLAND: It'd be helpful for everyone.

MS. VOLK: Right.

MS. CROSLAND: But send it to us and we'll get it out.

MS. VOLK: And also DOE was going to present options to Al regarding the funding level for STGWG, staff support and such. He wanted a plan.

MALE SPEAKER: Can you repeat that again?

MS. VOLK: Present options to EM-1 regarding funding level for STGWG.

MALE SPEAKER: So are you just going to pick a figure?

MS. CROSLAND: I'm not quite sure. I'm not sure that we want to, you know--I know--I'm not sure that's quite the way the--(side B of tape)--

MS. VOLK: Right.

MS. CROSLAND: Why don't we just take back that we will be looking at funding levels for STGWG?

MR. WINSTON: And you had given us maybe the target of by the end of the year we would expect to get--

MS. CROSLAND: For this year.

MR. WINSTON: --by the end of calendar year '97 we would get feedback on that funding level issue.

MS. CROSLAND: That's right.

MS. VOLK: That's all I have.

MR. WINSTON: Okay. Shows why it's helpful to have more than one people recording action items. Yeah, Peter?

MR. CHESTNUT: I had one more that I noted, to meet with Al Alm on ways to institutionalize STGWG, and there had been a mention of the environmental safety and health, and perhaps other branches within DOE that we might advise. But I think to talk with him while he was here we wanted to follow up on ways to institutionalize.

MR. WINSTON: Who was going to be doing that?

MR. CHESTNUT: Ahhm--

MR. WINSTON: Peter?

MS. CROSLAND: Peter.

MR. CHESTNUT: I'm certainly willing to be part of the group that does that. It seems like we didn't identify a person that would do it. To my mind the co-conveners are--you know, ought to be part of that discussion as well. And I would certainly as part of that want to thank him for, you know, helping to bring us, you know, back up to speed, and appreciate from the group that we are back together again and that we want to follow on to that and see that, you know, we don't go off the screen for a significant period of time in the future.

MS. CROSLAND: Could I make a suggestion, that maybe this flows in with your cover letter that you send in when you send in the charter, and recommend that a follow on meeting with him to discuss the charter or have a joint signing ceremony? Actually that can always be very nice. You can get the DOE photographer in and get your picture taken.

But--

MALE SPEAKER: Wow.

MS. CROSLAND: Little ceremony there, but you know, get in the DOE news. But certainly--because I think that--you know, I remember that too, but I think we evolved with the charter, and I think this would be a way, as I understand it, to institutionalize STGWG. And I think the letter could certainly recommend a meeting.

MR. WINSTON: Yeah, I remember the discussion, and I'm not sure it made it's way quite to an action item. It was certainly a suggestion and it was a way in which we could, you know, as we considered our strategy. I like Martha's idea of putting that in the--and the other thing is I'm not sure, you know, there may be a point if we arrange a meeting, you know, the third week of January just to discuss these options, it's probably going to be a meaningless meeting given that the fact that he has week loan. But that's a good--good suggestion.

MS. HALLMARK: The other thing I would raise in trying to shuffle through papers is just--I think I was making the assumption on that proposal on cultural resources--there were a couple of things you picked off as action items. I'm not sure you included on that the one about inventorying the boxed up, stored artifacts, also the baseline.

So we can put this in notes, but--

MR. WINSTON: Maybe a better way to frame that is if four good suggestions were offered and Al had mentioned he was going to follow up on a couple of them, and those are--and maybe it's rather than saying specifically on those, possibly some formal feedback from the Department on the four suggestions that came up in the meeting is a better way to do that. Because some of them, he said "let me follow up on that, let me check." And other ones he just, you know, commented on but didn't frame it in terms of an action item.

MS. HALLMARK: And then I'm assuming in terms of the rest of that kind of a proposal that that might be something you're working into your own work plan about how you want to follow up; like the idea of developing a management plan, once that inventory and baseline is done, and training--you know, some of those training suggestions.

MR. CHESTNUT: My suggestion is STGWG tribes really haven't sat down to caucus as a group yet on this, so I would hesitate to pin anything down at this stage of the game.

Mr. Alm did say one disturbing thing yesterday, that I'd like to highlight for your attention, Martha, is that he had mentioned taking this to the SSABs as a site issue. At the Hanford advisory board, it touched off a major firestorm when the Hanford advisory board was going to start determining management of cultural resources along the Hanford Reach in concert with the tribes. At that point in time that committee died. That is not the appropriate realm for SSABs to be involved with. That is purely tribal.

MS. CROSLAND: Okay.

MS. HALLMARK: So is there anything else that we need to do in wrapping up? We will--I know that I will be working with Susan and anyone else who has things to feed into pulling together the notes, and Susan will be that point person, I believe, for getting that out.

Is that it? Are there any final words here or anything else that needs to be said. It looks like we may be regrouping sometime after the first of the year, in late February, if all goes per schedule.

MS. CROSLAND: I want to thank you for what I thought was a fabulous meeting. So I appreciate all of you coming and your hard work and thoughtfulness. I appreciate it.

MS. HALLMARK: Good job. So thank you. I think we're through and you can run to your airplane.

(Whereupon the conference was concluded.)

I certify that the foregoing is a correct  
transcript from the record of proceedings in the above-  
entitled matter.

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