

NRC Tribal Liaison Annual Report
Fiscal Year 2015

October 29, 2015

EXECUTIVE SUMMARY

In May 2015, the Director of the Office of Nuclear Material Safety and Safeguards (NMSS) provided to the Executive Director for Operations the Tribal Policy Implementation Plan (Agencywide Documents Access and Management System Accession No. ML15099A667). The Tribal Policy Implementation Plan identifies planned activities consistent with the principles in the proposed Tribal Policy Statement. One of those activities is to prepare an Annual Report of the agency's tribal interactions and lessons learned by the tribal liaison staff from which to improve future tribal interactions.

This Tribal Liaison Annual Report for fiscal year (FY) 2015 has the following objectives: to document agency-wide tribal interactions that occurred in FY2015; to provide lessons learned from the Federal, State, and Tribal Liaison Branch's (FSTB) FY2015 tribal outreach activities; and present the FSTB's primary tribal-related objectives for FY2016.

As detailed in this report, FY2015 tribal interactions were for specific regulatory activities and for general liaison with tribes. These interactions included consultation with participating tribes on the implementation of a Programmatic Agreement at a uranium recovery site, communication with tribes on the content of 22 draft Environmental Impact Statements, awarding a \$20 million contract to a Native American owned business, cooperative efforts with other Federal agencies including participation as an "observer" in the White House Council of Native American Affairs, and outreach to tribes by the U.S. Nuclear Regulatory Commission (NRC) tribal liaison staff at 15 conferences and invited meetings to solicit tribal comments on the proposed NRC Tribal Policy Statement. Staff from NMSS, Nuclear Reactor Regulation, Office of New Reactors, Region II, Region III, and the Office of Small Business and Civil Rights interacted with tribes in FY2015 and contributed to this Annual Report.

Lessons learned from FSTB's FY2015 tribal outreach activities include considering flexibility in terms of scheduling and attending tribal meetings; tailoring outreach messages to the needs of the various tribal audiences; and utilizing numerous forms of marketing media when advertising agency actions, activities, or events to the tribes.

FSTB's primary tribal-related objectives for FY2016 are to continue to carry out activities as outlined in the Tribal Policy Statement Implementation Plan including providing the final Tribal Policy Statement to the Commission for approval, creating a publicly available NRC tribal web portal with information of interest to Indian Country, initiating agency-wide tribal policy and protocol training using a module in iLearn, and conducting tribal outreach and supporting NRC staff to undertake tribal consultations consistent with the Tribal Policy Statement.

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1. Introduction

The U.S. Nuclear Regulatory Commission's (NRC) tribal liaison staff is organized within the Office of Nuclear Material Safety and Safeguards (NMSS), Division of Material Safety, State, Tribal, and Rulemaking Programs (MSTR), Federal, State, and Tribal Liaison Branch (FSTB). The tribal liaison staff advance the NRC's mission by fostering effective consultation, cooperation, and communication between the NRC and tribal governments, typically in an independent role representing the agency rather than a specific project.

In December 2014, the tribal liaison staff published the NRC's proposed Tribal Policy Statement (79 FR 71136) for public comment. The proposed Tribal Policy Statement establishes principles to be followed by the NRC to help ensure effective government-to-government interactions with American Indian and Alaska Native Tribes, and to encourage and facilitate tribal involvement in the areas over which the Commission has jurisdiction. In May 2015, the Director of NMSS provided to the Executive Director for Operations the Tribal Policy Implementation Plan (Agencywide Documents Access and Management System (ADAMS) Accession No. ML15099A667). The Tribal Policy Implementation Plan identifies planned activities consistent with the principles in the proposed Tribal Policy Statement.

One of the planned activities identified in the Tribal Policy Implementation Plan is to prepare an Annual Report of the agency's tribal interactions and lessons learned by the tribal liaison staff from which to improve future tribal interactions. As a result, the following Tribal Liaison Annual Report for FY2015 has been prepared to meet the following objectives: to document agency-wide tribal interactions that occurred in FY2015, to provide lessons learned from the FSTB's FY2015 tribal outreach activities, and present the FSTB's primary tribal-related goals for FY2016.

This Annual Report identifies the FY2015 tribal interactions for both the generic outreach and the specific projects. Section 2 identifies NRC inter-office cooperation to leverage the people and funds available for outreach to tribal communities. Sections 3-8 provide highlights of the agency's interactions with tribes, based on the six policy principles in the proposed Tribal Policy Statement. Sections 9 and 10 identify the FSTB tribal liaison lessons learned and primary objectives for FY2016. Appendix 1 lists the staff from all offices who contributed to this Annual Report.

2. Internal NRC Cooperation

The NRC inter-office cooperation in FY2015 enhanced the quality of communication and engagement with tribes. Each of the NRC organizations that interact with tribes demonstrated internal cooperation during the past year.

Staff roles and responsibilities do not overlap. FSTB tribal liaison staff are responsible for liaison with tribes and for providing internal training for NRC staff who may interact with tribal members. The other NRC offices and organizations with tribal interactions are:

- The Office of Nuclear Reactor Regulation (NRR), Office of New Reactors (NRO) and NMSS Divisions other than MSTR which have docketed project-based activities that involve tribal governments;
- Region II (RII) and Region III (RIII) which perform outreach to tribes, primarily on emergency preparedness

- The Office of Small Business and Civil Rights (SBCR) which awards and administers grants and technical support service contracts to tribal organizations through its Tribal Colleges and Universities program and Small Business program;
- The Office of General Counsel (OGC) which interacts with staff and tribal governments in its legal review and counsel for policy development, licensing, hearings, and adjudication;
- The NRC Native American Advisory Committee (NAAC) which meets regularly and is comprised of 15 staff who are tribal members or who work closely with tribal members.

FY2015 inter-office cooperative efforts are grouped into three categories - Projects, Outreach and Funding:

Projects

- NRR, NRO, RIII, SBCR, and FSTB contributed to a Commission memo (ADAMS Accession No. ML15089A333) to identify office level guidance documents that will need to be revised, and the addition of one new training program, after the Commission approves the final NRC Tribal Policy Statement;
- Office of International Programs, Office of the Chief Human Capital Officer (OCHCO), and FSTB worked to prepare an on-line training program available in iLearn covering tribal policy and protocol topics that will be available to staff in January 2016 and will be required one-time training for staff who interact with tribes;
- FSTB provided tribal leaders' contact information for use in outgoing correspondence supporting licensing activities;
- Office of Public Affairs presented the film "Crying Earth Rise Up;"
- NAAC presented the documentary "Off the Rez" to staff and organized a training seminar, "Overview: Considerations in Tribal Interactions," conducted by FSTB staff for all interested staff with video teleconference broadcast to the NRC regions.

Outreach

- SBCR and FSTB co-sponsored a session at the 2015 National Environmental Justice Conference, hosted a roundtable discussion with tribal members attending conferences hosted by U.S. Environmental Protection Agency Regions 6 and 9, and served as evaluators of tribal submittals for educational grants;
- Office of International Programs and FSTB hosted an International Executive Leadership seminar, attended by about 40 staff, with a presentation by Onondaga Nation leaders Hill and Edwards;
- NAAC hosted a luncheon in November 2014 (Native American Heritage Month), featuring Jody TallBear, U.S. Department of Energy, presenting on "Challenges to Native American Inclusion in the Workplace: Stereotypes, Myths, and Mascots," with Commissioner Baran, senior NRC managers, and staff in attendance.

Funding

- SBCR supplemented FSTB funding of a support service contract for 2-day tribal training sessions addressing health physics fundamentals and uranium recovery processes;
- NMSS contracted the services of an environmental review professional from the Advisory Committee of Historic Preservation and shared with OGC staff a presentation on the topic of National Historic Preservation Act (NHPA) Section 106 consultations.

The staff will continue to leverage their skills, information, and office level funding to improve organizational agility in providing service to tribes consistent with the principles in the Tribal Policy Statement.

3. Coordination with Other Federal Agencies

The NRC staff coordinate tribal consultation jointly with other Federal agencies when an NRC action involves another Federal agency. Staff also observes other Federal agency actions including tribal consultations to learn different techniques and practices for tribal engagement.

The staff coordinated with the following Federal agencies in FY2015:

Department of Interior

- In April 2015, the MSTR Division Director attended a meeting of the White House Council on Native American Affairs chaired by Secretary Jewell of the U.S. Department of the Interior. The NRC has an “observer” role with the Council. Mr. David Munroe, Director for Tribal Affairs, U.S. Department of Homeland Security, participates on the Council and is partnering with FSTB tribal liaison staff to develop government-wide core competency training for Federal workers who would be individually credentialed as a “Tribal Affairs Specialist;”
- FSTB staff met three times with the Forest Service, in May and June 2015, to view a demonstration of the Forest Service’s “Tribal Connections” mapping tool and to discuss Forest Service work for NHPA Section 106 consultation supporting the Rare Element Resources source material license application for the Bear Lodge project.

Department of Homeland Security

- FSTB staff met with David Munro in December 2014 to discuss the plan for government-wide “Tribal Affairs Specialist” training, and the proposed NRC Tribal Policy Statement and Tribal Protocol Manual;
- FSTB staff participated in Federal Emergency Management Agency (FEMA) training in April 2015 on the topic of Tribal Emergency Management Training.

Department of Energy

- FSTB and other NRC staff met twice with U.S. Department of Energy (DOE) staff to discuss NRC regulations for providing tribes advance notification of spent fuel and certain waste shipments, and in June 2015 to attend a demonstration of the transport cask licensed by NRC and planned for use by DOE in a shipping campaign of liquid high enriched uranium from Chalk River Laboratories, Canada, to the Savanna River Site.

Environmental Protection Agency

- NMSS staff participated in the U.S. Environmental Protection Agency (EPA) managed “Five Year Plan Addressing Uranium Contamination on the Navajo Nation,” providing oversight of DOE (under the Uranium Mill Tailings Radiation Control Act) as the long-term care custodian for the following sites: Shiprock, Monument Valley, Mexican Hat, and Tuba City. The NMSS staff participated in the Navajo/Hopi/DOE/EPA quarterly conference calls in February and June, 2015, observed the Shiprock Working Group meetings in March, April, July and August, 2015, and observed the Church Rock Working Group meeting in September 2015.

Advisory Council on Historic Preservation

- FSTB staff met with Advisory Council on Historic Preservation (ACHP) Office of Federal Programs staff in January, March, and May 2015 to discuss specific NRC actions in response to issues raised at a May 2014 Northern Plains Tribal Summit, noted in a March 2015 final report released by ACHP;
- NMSS and OGC met with ACHP staff in June and July 2015 to discuss the NRC Agreement State program and the ACHP requirements, consistent with NHPA, related to Federal undertakings and in the context of the State of Wyoming Letter of Intent sent to the NRC in February 2015 (ADAMS Accession No. ML15062A637);
- FSTB and ACHP partnered in September 2015 on an outreach trip to the Northern Plains to discuss enhancements to NRC communication and consultation protocols with respect to NHPA section 106.

4. Federal Trust Relationship with Indian Tribes

The NRC and tribal governments share a responsibility to protect public health, safety and the environment on tribal land. To that end, the staff work closely with affected tribes and provide timely response to tribal concerns on topics within NRC's regulatory authority.

The following FY2015 staff actions consistent with the Federal Trust Relationship are grouped into three categories: Cooperating Agency Status, Environmental Concerns, and Opportunity to Comment.

Cooperating Agency Status

- The RIII Regional Government Liaison Officer, NRR, and FSTB staff have a long-standing relationship with the Prairie Island Indian Community (PIIC). In 1997, members of the PIIC first participated in NRC inspections at the Prairie Island Nuclear Generating Plant. In 2008 and 2012, the PIIC signed Memoranda of Understanding with the NRC providing Cooperating Agency status to the PIIC. In March 2015, Mr. Ronald Johnson of PIIC attended the NRC Regulatory Information Conference and met briefly with Chairman Burns, Commissioner Baran, and NMSS Director Catherine Haney.

Environmental Concerns

- More than 20 tribes in the Northern Plains are consulting parties for the Programmatic Agreements for environmental and historic site maintenance at the Dewey-Burdock (ADAMS Accession No. ML14099A143) and Ross uranium recovery sites (ADAMS Accession No. ML14079A478).
- Tribal governments evaluate and contribute to environmental reviews performed by staff to support licensing activities. The NRC staff's Environmental Reports and Environmental Impact Statements (EIS) are done in compliance with requirements in the National Environmental Policy Act (NEPA) and the NHPA, and may require tribal consultation. In FY2015, the NRC staff engaged with tribal members in work related to 22 draft EISs and one Programmatic Agreement, separately identified in Section 6 of this document. In August 2015, the NRC staff was involved in an evidentiary hearing of the Atomic Safety and Licensing Board, following the licensing record of decision, for the Crow Butte In-situ Recovery (ISR) project license renewal. The Oglala Sioux Tribe served as a party to the proceeding and participated as a witness during the evidentiary hearing.

- The staff responded to a concern raised by several tribal environmental leaders, following an FSTB presentation at an EPA Regional Operating Committee meeting in Denver (in FY2014), that the tribes lacked training in fundamental health physics and thus did not understand the terminology used for radiation protection standards. A team from FSTB, SBCR, and Office of Administration, Division of Acquisition Management worked to establish a support service contract with S&K Global Solutions, a company owned by the Confederated Salish & Kootenai Tribes. S&K Global Solutions helped to select five Tribal Colleges and Universities willing to host training sessions conducted by the NRC staff and the tribal professors, and to provide marketing, logistical assistance and payment to professors and certain students who completed an evaluation form after the training session. Each of the training sessions was held for 2 days, the first in late September 2014 at Salish Kootenai College in Pablo, Montana. FY2015 training sessions were held at the Wind River Tribal College, in Wyoming; at the Dine Tribal College, in Arizona; at the United Tribal Technical College, in North Dakota; and at the Navajo Technical University, in New Mexico. Training participants included Tribal college students, instructors, environmental and historic preservation Tribal professionals, tribal Environmental Protection Agency staff, and members of the public. A total of about 150 tribal members attended the FY2015 training sessions. Technical staff from NMSS, OCHCO, and the Technical Training Center supported the effort by serving as instructors.
- Staff conducts quarterly webinars on reactor and other technical issues as part of the NRCs State Liaison Officers program. The March (Reactor Effluents), June (Dry Spent Fuel Storage), and August (Environmental Monitoring at Reactor sites) 2015 webinars included tribal attendance (i.e., PIIC and Catawba tribe).

Opportunity to Comment

- From December 2014 through May 2015, the FSTB staff actively sought comments from tribal governments and tribal members on the NRC's proposed Tribal Policy Statement. The staff obtained 12 formal submissions containing approximately 67 separate comments, of which 32 comments were provided by tribal organizations.

5. Government-to-Government Relationship with Indian Tribes

The NRC is committed to a government-to-government relationship with Indian tribes, and staff recognize the right of each Indian tribe to self-governance that is independent from State governments, with separate and distinct authorities.

The NRC staff had the following government-to-government interactions in FY2015:

- In April 2015, in a cooperative effort by Office of International Programs and FSTB, two Onondaga Nation Tribal Council members (Tadodaho Sidney Hill and Jake Edwards) presented a seminar at the NRC about the history of the Onondaga within the Haudenosaunee (Iroquois) Confederacy of Indian Nations, including the Mohawk, Oneida, Tuscarora, Onondaga, Cayuga, and Seneca Nations. Replicas of wampum belts were shown and discussed, including 1) the Hiawatha wampum belt, which is a national belt of the Haudenosaunee; 2) the George Washington wampum belt, signifying the agreements in the 1794 Canandaigua Treaty between the Haudenosaunee and the U.S. government; and 3) the two row wampum belt representing an agreement between the Haudenosaunee and Dutch settlers and how the two were to treat each other and live together. In September 2015, FSTB staff met with Mr. Edwards and Mr. Oren

Lyons, Onondaga Nation Tribal Council, to discuss agenda topics for a potential government-to-government meeting in FY2016 between NRC Senior managers and tribal leaders.

- In May 2015, two letters (ADAMS Accession No. ML15135A503) were sent to Seneca Nation Council members Tina Abrams and Christina Jimerson requesting an informal meeting to discuss topics to be raised at a potential government-to-government meeting between the Seneca Council and the NRC. The topics, first raised by Seneca President Barry Snyder, Sr., in a 2013 letter to the NRC (ADAMS Accession No. ML13092A326), include NRC monitoring of DOE's West Valley Demonstration Project site, and NRC regulations for advance notification to Federally recognized tribes of spent fuel and certain waste shipments. FSTB staff continue periodic communication with the Seneca Nation to explore the potential for a government-to-government meeting.
- In June 2015, NRO staff participated in United States Corps of Engineers led government-to-government meetings with two tribes to discuss the draft EIS supporting the Combined License Review for Turkey Point Nuclear Plant Units 6 and 7 (see Section 6 for more details).
- In September 2015, staff from NMSS, DOE, EPA, and New York State Energy Research and Development Authority met with representatives of the Seneca Nation concerning off-site issues at the West Valley Demonstration Project.

6. Outreach to Indian Tribes

The NRC conducts outreach to Indian Tribes to inform them of the NRC regulatory mission and to encourage participation by tribes in NRC's regulatory process. The subsections below summarize NRR, NRO, Office of the Secretary of the Commission, SBCR, RII, RIII, and NMSS outreach activities in FY2015.

NRR

The NRR Division of License Renewal (DLR) conducts outreach with tribal governments having a cultural interest in license renewal applications under NEPA and NHPA review. In FY2015, DLR sent letters to tribal governments informing them of NEPA scoping meetings and requesting scoping comments, seeking comments on draft EISs regarding historic and cultural resources, and providing interested tribes with copies of final EIS documents. This was conducted for the following projects, grouped by the type of license application, with an ADAMS reference number to an outgoing correspondence in FY2015:

License Renewal Application

- Braidwood Nuclear Generating Station, Units 1 and 2 (ADAMS Accession No. ML15223B110)
- Byron Nuclear Generating Station, Units 1 and 2 (ADAMS Accession No. ML15118A933)
- Callaway Nuclear Generating Station, Unit 1 (ADAMS Accession No. ML14304A722)
- Davis Besse Nuclear Power Station, Unit 1 (ADAMS Accession No. ML14325A492)
- Diablo Canyon Nuclear Power Plant, Units 1 and 2 (ADAMS Accession No. ML15159A556)
- LaSalle County Nuclear Generating Station, Units 1 and 2 (ADAMS Accession No. ML15023A139)
- Seabrook Station Nuclear Power Plant, Unit 1 (ADAMS Accession No. ML15191A058)
- Sequoyah Nuclear Plant, Units 1 and 2 (ADAMS Accession No. ML15077A535)

Construction Permit Application

- SHINE Medical Radioisotope Production Facility (ADAMS Accession No. ML15118A820)

In a few instances, tribal governments replied to NRC's requests – usually concerning NHPA Section 106 issues through their Tribal Historic Preservation Officer. Most replies indicated a desire to be informed of inadvertent discoveries of human remains on the site. No formal consultations under NHPA were triggered by these responses.

NRO

The NRO Division of New Reactor Licensing (DNRL) conducts outreach with tribal governments having a cultural interest in the NEPA and NHPA reviews for new power reactor license applications. In FY2015, DNRL sent letters to tribal governments seeking their comments on the draft EISs for the following projects, both Combined License Reviews, providing reference to sections in the draft EISs pertaining to historic and cultural resources:

- Turkey Point Nuclear Plant Units 6 and 7 (ADAMS Accession No. ML14283A141)
- Bell Bend Nuclear Power Plant (ADAMS Accession No. ML15090A380)

For the Turkey Point draft EIS, the Seminole Tribe of Florida replied to NRC's request through the United States Corps of Engineers, the lead agency for the EIS and NHPA Section 106 review, requesting an extension to the comment period and a government to government meeting to discuss the draft EIS. The comment period was reopened and extended until after the meeting could occur. The meeting occurred in June 2015 (see Section 5). No formal NHPA consultations were triggered by the response.

Office of the Secretary of the Commission

As a step in the mandatory hearing process, the Office of the Secretary informs interested tribes of their opportunity to file a statement with the Commission on any issues or questions under Commission consideration. The Commission uses any statements received from tribes, as appropriate, to inform its pre-hearing questions to the staff and applicant, its inquiries at the oral hearing, and its decision following the hearing. In FY2015, the Office of the Secretary contributed to tribal outreach with the following:

- Outgoing correspondence to 17 Federally-recognized tribes and one Canadian First Nation to inform them in advance of the mandatory hearing for a combined license for Fermi Unit 3 (ADAMS Accession No. ML14336A374)

SBCR

The SBCR Small Business, Outreach, and Compliance Coordination Directorate contributed to FY2015 tribal outreach with the following:

- In May 2015, SBCR dispensed \$200,000 in grant funds to Tribal Colleges and Universities, of which the College of Menominee Nations received \$100K and Nebraska Indian Community College received \$100K.
- In April 2015, with assistance from the SBCR Small Business program, the NRC awarded a \$20 million contract to a Native American owned business and funded over \$3.7 in contracts with Native American owned companies in FY2015.

RII

In FY2015, RII contributed to tribal outreach with the following:

- In September 2015, the RII Regional Governmental Liaison Officer participated with members of tribal governments at the “Tribal Nations & FEMA Region IV 2015 Gathering” with an opportunity to present on the NRC mission statement with follow-up questions and concerns raised by members of the tribal nations. Members of the Catawba Nation asked about notification requirements for events at nuclear plants and expressed a desire to establish a more dynamic relationship with the NRC.

RIII

The RIII Regional Government Liaison Officer actively monitors topics of interest for communication to the PIIC, primarily with respect to Prairie Island Nuclear Generating Plant operating performance, emergency response, and related media issues. In FY2015, RIII contributed to tribal outreach with the following:

- In September 2015, the RIII Regional Government Liaison Officer introduced the newly assigned NRC senior resident inspector and the regional health physics inspector to the PIIC’s leadership and environmental staff.

NMSS

The NMSS Division of Fuel Cycle Safety, Safeguards, and Environmental Review (FCSE) conducts outreach with tribal governments having a cultural interest in materials license proceedings that require NEPA review, and when preparing or implementing programmatic agreements under NHPA. Sites include uranium ISR, Independent Spent Fuel Storage Installations, fuel cycle production facilities, and military possession of source material. The development of a new facility or the expansion of an existing facility can adversely affect either known or undiscovered historic properties. In FY2015, FCSE sent letters to tribal governments seeking their comments on draft EISs for the following regulatory actions:

New License Application

- Reno Creek ISR Project (ADAMS Accession No. ML14282A109)

License Amendment Application

- Fort St. Vrain Independent Spent Fuel Storage Installation (ADAMS Accession No. ML15168A792)
- Jane Dough ISR Uranium Recovery Expansion Project (ADAMS Accession No. ML14342A772)
- Kendrick ISR Expansion Project (ADAMS Accession No. ML15154B176)
- Ludeman ISR Satellite Project (ADAMS Accession No. ML15135A047)
- Marsland ISR Expansion Project (ADAMS Accession No. ML15103A121)

License Renewal Application

- Prairie Island Independent Spent Fuel Storage Installation (ADAMS Accession No. ML15028A181)
- Westinghouse Columbia Fuel Fabrication Facility (ADAMS Accession No. ML15104A250)

License Termination Application

- Jefferson Proving Ground (ADAMS Accession No. ML15154B053)

Programmatic Agreement Implementation

- Ross ISR Project (ADAMS Accession No. ML15219A273)

NMSS

The NMSS Division of Decommissioning, Uranium Recovery, and Waste Programs (DUWP) prepared the regulatory basis for proposed changes that would amend Title 10 of the *Code of Federal Regulations* (10 CFR) Part 20 and Part 61 to establish additional licensing requirements for land disposal of low-level radioactive waste. In June 2015, the DUWP Low Level Waste Branch sent eleven letters (ADAMS Accession No. ML15167A439) informing tribal leaders of the public comment period for the proposed rule. The eleven tribes are located between 17 and 180 miles from one of the following low level waste facilities: Hanford, Washington; Barnwell, South Carolina; Clive, Utah; and Andrews County, Texas. The letters notified each tribal leader of information about the proposed rule, the comment period, availability of draft guidance to go with the proposed rule changes, and a point of contact in the NRC to request further information. Low Level Waste Branch staff, with support from FSTB, followed with telephone calls to ensure receipt of the letters. The letters followed publication in the *Federal Register* on March 26, 2015, of the request for public comments on the proposed rule and draft guidance document (80 FR 16081).

Also in June 2015, the DUWP Uranium Recovery Licensing Branch sent 22 letters (ADAMS Accession No. ML15139A188) informing tribal leaders of the opportunity to comment, request a hearing, and petition for leave to intervene in an application filed by Uranerz Energy Corporation seeking approval by the NRC for the indirect transfer (change of control) of the source material license for the Nichols Ranch In Situ Recovery Project from Uranerz to Energy Fuels Inc. The letters followed publication in the *Federal Register* on May 22, 2015, of the opportunity to comment, request a hearing, and petition for leave to intervene on the application (80 FR 29753).

NMSS

The NMSS Yucca Mountain Directorate sent a letter (ADAMS Accession No. ML15233A111) in August 2015 to the Chairman, Timbisha Shoshone Tribe, providing a copy of draft NUREG-2184, "Supplement to the U.S. Department of Energy's Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada" and the link to the document on the NRC's Web site. The letter also informed the Chairman of the public comment period for the draft supplement and the dates and locations of three public meetings and one teleconference when the NRC staff will be accepting comments on the draft supplement. The letter was sent to the tribe on the same day as publication in the Federal Register of the request for public comments and notice of public meetings and teleconference on the draft supplemental EIS (80 FR 50875). Others on the distribution list for the draft supplement EIS are the Native Community Action Council representing the Southern Paiute and Western Shoshone, attorneys representing the PIIC, and the editor of the periodical "Indian Country Today."

NMSS

FSTB tribal liaison staff planned for and met with tribal leaders from December 2014 through May 2015 to seek their comments on the proposed Tribal Policy Statement, published in the *Federal Register* for public comment on December 1, 2014 (79 FR 71136). The staff also sought comments on the proposed policy statement through their participation at external training sessions, and by periodic telephone calls or teleconferences with their tribal contacts. FSTB tribal liaison staff maintain a historical record of significant tribal interactions in a SharePoint-based database. FSTB FY2015 outreach activities to obtain comments on the proposed Tribal Policy Statement are summarized below by type of venue.

Conferences

- January 2015, DOE National Transportation Stakeholders Forum.
- March 2015, The National Environmental Justice Conference and Training Program.
- March 2015, NRC Regulatory Information Conference.
- May 2015, DOE National Transportation Stakeholders Forum.
- May 2015, Affiliated Tribes of Northwest Indians.

Invited Meetings

- February 2015, Inter-Tribal Council of Nevada.
- February 2015, U.S. EPA National Tribal Air Association.
- February 2015, United South and Eastern Tribes.
- March 2015, Inter-Tribal Council of Arizona.
- March 2015, Midwestern Alliance of Sovereign Tribes.
- April 2015, Inter-tribal Council of California.
- April 2015, To Bridge a Gap Meeting in Oklahoma.
- April 2015, U.S. EPA Region 5 Regional Operating Committee.
- May 2015, U.S. EPA Region 9 Tribal Operations Committee.
- May 2015, at NRC with Jon Waterhouse, Yukon River Inter-Tribal Watershed Council.

Training sessions

- April 2015, Tribal Emergency Management Training sponsored by FEMA.
- May 2015, Mitigation for Tribal Governments sponsored by FEMA.

Teleconferences

- December 2014, with the Tribal Alliance of Colonial Era Tribes.

7. Timely Consultations with Indian Tribes

The proposed NRC Tribal Policy Statement commits the NRC to provide timely notice to, and consultation with, tribal governments on NRC's regulatory actions that have substantial direct effects on one or more tribes. This section uses the following definition for consultation: "meaningful and timely *discussion* with tribal governments on NRC regulatory actions that have substantial direct effects on one or more Indian Tribes (emphasis added)."¹ The NRC conducted one consultation with tribal governments in FY2015:

- In September 2015, NMSS staff conducted a teleconference with participating Indian Tribes to discuss the Programmatic Agreement implementation for the Ross ISR Project.

As noted in the NRC Tribal Protocol Manual,² the consultation process should begin early in the NRC's consideration of an action or project and as a result there may be a number of preliminary supporting activities leading to discussions. These activities can also be considered "consultation," and NRR, NRO and NMSS had a number of these preliminary activities that were described in Section 6, Outreach to Indian Tribes.

8. Encourage Participation by State Recognized Tribes

The proposed NRC Tribal Policy Statement commits the NRC to communicate with States to identify State-recognized tribes to facilitate participation in the NRC regulatory process, including opportunities related to rulemaking, hearings, licensing, decommissioning, and enforcement. In FY2015, FSTB solicited comments on the NRC proposed Tribal Policy Statement from State-recognized tribes at the following venues:

- April 2015 teleconference with Alliance of Colonial Era Tribes.
- April 2015 meeting of the Inter Tribal Council of California.
- May 2015 Tribal Caucus at the National Transportation Stakeholders Forum.
- May 2015 meeting of the EPA Region 9 Tribal Operations Committee.
- May 2015 meeting of the Affiliated Tribes of Northwest Indians.
- May 2015 teleconference with the U.S. Department of Homeland Security Tribal Training and Certification Planning Committee.

9. Lessons Learned

FSTB staff reflected on its FY2015 activities and committed to improve liaison effectiveness based on the following lessons learned:

¹ NRC proposed Tribal Policy Statement (79 FR 71136) published December 1, 2014, page 7.

² NUREG-2173, December 2014, page 14.

- Flexibility in terms of scheduling and attending tribal meetings. During one event in FY2015, a scheduled presentation to a regional group of tribes was cancelled due to a lack of quorum for the group, while NRC supporting staff were traveling to the meeting. The resulting meeting with the regional Director was productive because FSTB staff respectfully accepted the change in plans and made very good use of time by interacting individually with interested tribal members. NRC staff need to be aware that tribal leaders and members may have different priorities than those held by the NRC. Understanding tribal priorities and working respectfully and collaboratively to achieve common goals is necessary for productive interactions.
- Tailor messages to the needs of the audience. Staff should avoid the use of acronyms and NRC jargon and present the message in a straightforward manner using plain language. A good practice is for staff to recognize when someone in the audience needs additional help and to approach that person either during a break or at the end of the session to offer assistance, and follow-up.
- Utilize numerous forms of marketing media. NRC staff should be aware that when informing tribal community members of a scheduled event, such as a training seminar, a request to place a notice on the tribal webpage can be productive, as can be a listing in the Community Events section of freely accessible web sites, such as Craigslist.com.

10. Primary objectives FY2016

For FY2016, the FSTB tribal liaison staff will continue to carry out the activities outlined in the Tribal Policy Statement Implementation Plan. These include:

- In December 2015, roll out publicly available NRC tribal web portal with information of interest to Indian Country. From this site, Tribal members will be able to access specific information on Reactors; Uranium Recovery, Fuel Fabrication and Storage Facilities; Transportation; Policies & Guidance; and Communications;
- In January 2016, initiate training of NRC staff on tribal policy and protocol using a module in iLearn, and supplement that training with presentations to interested Divisions that have staff who interact with tribes;
- In May 2016, at the invitation of the Tribal Caucus associated with the National Transportation Stakeholders Forum, pursue the opportunity to conduct a session during the annual meeting to provide required training to certify tribal designees for advance notification of the transportation of spent fuel and certain waste shipments;
- Provide the final Tribal Policy Statement to the Commission for approval by August 2016;
- After Commission approval of the final Tribal Policy Statement, work with NRC office contacts to manage schedules to complete the revision of existing guidance so they are consistent with the principles in the Tribal Policy Statement, as committed in OEDO memo to the Commission dated July 8, 2015 (ADAMS Accession No. ML15089A333);

Appendix 1 Contributors and their organizations

The following staff provided input and reviewed draft versions of this Annual Report. They are shown below following their NRC organization. Organization acronyms not defined in the body of the report are defined below.

NMSS

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YMD - Christine Pineda

NRO

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NRR

DLR/RERB - Jeff Rikhoff
/RERB - Russ Chazell

RII

RA – Edwin Lea

RIII

RA - Allan Barker

SBCR

Compliance - Tuwanda Smith

Native American Advisory Committee

NRO – Vanice Perin

LLWB: Low Level Waste Branch

MDB: Materials Decommissioning Branch

URLB: Uranium Recovery Licensing Branch

DSFM: Division of Spent Fuel Management

IOB: Inspections and Operations Branch

RMB: Renewals and Materials Branch

ERB: Environmental Review Branch

YMD: Yucca Mountain Directorate

DSEA: Division of Site Safety and Environmental Analysis

RENV: Environmental Technical Support Branch

EPB: Environmental Projects Branch

RERB: Environmental Review and Guidance Update Branch