



**UNITED STATES**  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

**OFFICE OF THE  
INSPECTOR GENERAL**

June 4, 2018

**MEMORANDUM TO:** Victor M. McCree  
Executive Director for Operations

**FROM:** Dr. Brett M. Baker */RA/*  
Assistant Inspector General for Audits

**SUBJECT:** AUDIT OF THE U.S. NUCLEAR REGULATORY  
COMMISSION'S CONSULTATION PRACTICES WITH  
FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBAL  
GOVERNMENTS (OIG-18-A-10)

**REFERENCE:** ACTING DEPUTY EXECUTIVE DIRECTOR FOR  
MATERIALS, WASTE, RESEARCH, STATE, TRIBAL,  
COMPLIANCE, ADMINISTRATION, AND HUMAN CAPITAL  
PROGRAMS, MEMORANDUM DATED MAY 1, 2018

Attached is the Office of the Inspector General's (OIG) analysis and status of recommendations as discussed in the agency's response dated May 1, 2018. Based on this response, recommendations 1, 2, 3, and 4 are resolved. Recommendation 5 is closed. Please provide an updated status of the resolved recommendations by January 14, 2019.

If you have any questions or concerns, please call me at (301) 415-5915, or Sherri Miotla, Team Leader, at (301) 415-5914.

Attachment: As stated

cc: R. Lewis, OEDO  
H. Rasouli, OEDO  
J. Jolicoeur, OEDO  
J. Bowen, OEDO  
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## Audit Report

# AUDIT OF U.S. NUCLEAR REGULATORY COMMISSION'S CONSULTATION PRACTICES WITH FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBAL GOVERNMENTS

(OIG-18-A-10)

### Status of Recommendations

Recommendation 1: Update MD [Management Directive] 5.1 to include FSTB [Federal, State, and Tribal Liaison Branch] when working with Tribes. The guidance should also clearly define FSTB's role and responsibilities with regard to Tribal outreach and consultation.

Agency Response Dated  
May 1, 2018:

The staff agrees with the recommendation to update MD 5.1 to include FSTB when working with Tribes. To complement the changes in MD 5.1, the staff will provide more detail on the roles and responsibilities of FSTB pertaining to outreach and consultation in a new procedure that the staff will develop.

MD 5.1 is currently being revised and will include additional responsibilities for the FSTB Tribal liaisons. The revision will also update the Tribal outreach and consultation responsibilities to reflect the Tribal Policy Statement and three delegations of authority for intergovernmental consultation and coordination that were issued after the Tribal Policy Statement.

In addition to the changes being made to MD 5.1, the staff will develop a new procedure that will further define the roles and responsibilities of the FSTB within the Office of Nuclear Material Safety and Safeguards (NMSS) pertaining to Tribal outreach and consultation. This will be the first Tribal Liaison (TL) series procedure and would be analogous to SL-100, "*Regional State Liaison Officers (RSLOs)*." This procedure would provide greater specificity and detail for the Tribal outreach and consultation roles and responsibilities of FSTB and would provide more detailed information than that which is necessary and appropriate for the MD.

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(OIG-18-A-10)

### Status of Recommendations

#### Recommendation 1 (cont.):

Update MD 5.1.

Target Completion Date: October 2018.

Develop the new TL-series procedure.

Target Completion Date: December 2018.

#### OIG Analysis:

The proposed actions meet the intent of the recommendation. OIG will close the recommendation after verifying that NRC has revised MD 5.1 to include FSTB, and developed a new TL-series procedure to provide additional detail on the roles and responsibilities for FSTB and the FSTB Tribal liaisons.

#### Status:

Resolved.

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(OIG-18-A-10)

### Status of Recommendations

Recommendation 2: Update NRC office procedures to include more specific direction on how to coordinate with FSTB and how to work with Tribes.

Agency Response Dated  
May 1, 2018:

The staff agrees with the recommendation.

As described in the response to Recommendation 1 above, the staff will develop a new TL-series procedure that will include the roles and responsibilities of FSTB and the FSTB Tribal liaisons in Tribal outreach and consultation. While the TL-series procedure is being finalized, FSTB staff will provide interim training to program office staff who interact with Tribes regarding coordination with FSTB Tribal liaisons and available resources. Once finalized, the TL-series procedure will be shared with other offices to incorporate into their procedures, as appropriate.

Develop the new TL-series procedure.

Target Completion Date: December 2018.

Provide training to program staff who interact with Tribes regarding coordination with FSTB Tribal liaisons and available resources.

Target Completion Date: October 2018.

Offices to complete the updates to their procedures/guidance documents.

Target Completion Date: March 2020.

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(OIG-18-A-10)

### Status of Recommendations

#### Recommendation 2 (cont.):

**OIG Analysis:** The proposed actions meet the intent of the recommendation. OIG will close the recommendation after verifying that NRC has developed the new TL-series procedure to include instructions on coordinating with FSTB, working with Tribal liaisons, providing training to staff who interact with Tribes, and finished updating office-specific procedures/guidance documents.

**Status:** Resolved.

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# AUDIT OF U.S. NUCLEAR REGULATORY COMMISSION'S CONSULTATION PRACTICES WITH FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBAL GOVERNMENTS

(OIG-18-A-10)

### Status of Recommendations

Recommendation 3: Require all staff and management that may interact with Tribes to take Tribal relations training, as well as any other relevant training courses related to Tribes.

Agency Response Dated  
May 1, 2018:

The staff agrees with the recommendation.

The Human Capital Council has to approve any mandatory training imposed on the NRC staff. The staff will request that the Human Capital Council make training, i.e., cultural sensitivity training, mandatory for those staff positions most likely to involve substantive interactions with Indian Tribes.

Obtain Human Capital Council approval to require employees to complete the cultural sensitivity training.

Target Completion Date: June 2018.

Implement the Human Capital Council decision and have the identified pool of NRC employees complete the training.

Target Completion Date: September 2018.

OIG Analysis:

The proposed actions meet the intent of the recommendation. OIG will close the recommendation after verifying that NRC has obtained approval to require employees to complete the cultural sensitivity training, and the identified pool of NRC employees have completed the training.

**Status:**

Resolved.

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(OIG-18-A-10)

### Status of Recommendations

Recommendation 4: Develop and implement a qualification program that assures the minimum level of skills and knowledge required for each FSTB staff member to effectively interact with Tribes and other NRC staff.

Agency Response Dated  
May 1, 2018:

The staff agrees with the recommendation that the FSTB Tribal liaison staff have a minimum level of skills and knowledge to effectively interact with Tribes and other NRC staff. The staff has determined that this outcome can be accomplished by assigning and tracking the completion of the appropriate training in lieu of a formal qualification program.

Define and document the minimum level of knowledge and necessary skills.

Target Completion Date: July 2018.

Identify skill gaps of existing FSTB Tribal liaison staff.

Target Completion Date: July 2018.

Current staff will complete the necessary training.

Target Completion Date: December 2018.

OIG Analysis:

The proposed actions meet the intent of the recommendation. OIG will close the recommendation after verifying NRC has defined and documented the minimum level of knowledge and necessary skills for FSTB Tribal Liaison staff, identified skill gaps of existing FSTB Tribal liaison staff, and ensure current staff have completed the necessary training.

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PRACTICES WITH FEDERALLY RECOGNIZED NATIVE AMERICAN TRIBAL  
GOVERNMENTS**

**(OIG-18-A-10)**

**Status of Recommendations**

Recommendation 4 (cont.):

**Status:** Resolved.



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### Status of Recommendations

Recommendation 5: Include sufficient resources to allow for necessary outreach and consultation activities by FSTB staff. This should be done, in part, by tracking FSTB travel expenditures to help better inform future travel budgets.

Agency Response Dated  
May 1, 2018:

The staff agrees with the recommendation.

The staff agrees that sufficient resources should be available for necessary outreach and consultation activities by FSTB staff. In fact, the NRC staff has mechanisms in place to ensure that resources are evaluated and allocated for Tribal activities as part of the budget formulation process. In response to OIG's audit, the Division of Materials, Safety, Security, State, and Tribal programs (MSST) added additional tracking capability to the MSST SharePoint travel site in February 2018. This new capability allows for easier sorting of travel by activity and branch and can be used to help better inform future travel budgets. MSST also confirmed that there are sufficient resources within the budget for FSTB Tribal liaison outreach and consultation activities. No additional actions are necessary to implement the recommendation.

OIG Analysis:

OIG reviewed the MSST SharePoint travel site and determined it has the tracking capability for easier sorting of travel by activity and branch and can be used to help better inform future travel budgets. This recommendation is therefore considered closed.

**Status:**

Closed.