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To: [White, Duncan](#)
Cc: [Michalak, Paul](#); [Einberg, Christian](#)
Subject: Feedback from THPOs of topics/questions of interest for the April 2018 webinar on the WY Agreement application
Date: Wednesday, March 14, 2018 8:27:06 AM

Duncan:

Per our discussions. I called all the THPOs that received the original mailing from NRC (28 nations) twice. I left messages for the many that I could not reach. Below is the feedback from those that I could reach. Thanks, Sandy

From Northern Cheyenne

- What happens to consultation with Tribal nations if WY takes over review of uranium recovery applications? Will Tribes be cut out of the process completely?
- What has NRC communicated to the State on WY on a consultation process with Tribes?
- There are 20-30 Tribes that have an interest in activity in WY. How will these Tribes be represented in this process?
- If there is a proposed project on BLM land, would Federal or State review regulations apply?

Northern Arapaho

- The Northern Arapaho Nation is opposed to WY's application to become an NRC agreement state
- The NRC has a legal obligation to consult with Tribal nations for a federal undertaking such as the transfer of authority to WY for project reviews
- The State of WY has legislation (SF101) that states that the Federal government's consultations under NHPA impact private property rights; the Northern Arapaho also oppose this legislation as it undermines Tribal consultation for federal undertakings
- The State of WY wants to exclude Tribes from consultation on projects regulated under the Agreement State
- NRC needs to lead a consultation with tribes that consider the state of WY to be associated with their ancestral migratory routes. A webinar is not sufficient.

Ute Mountain Ute

- If WY becomes the regulator, what happens when uranium milling is proposed for Tribal land?
- What would be the interaction between THPOs and state officials for uranium milling activities
- Who would ensure that Tribal nations have input into the licensing review process

Sisseton-Wapeton

- You have concerns that the regulations developed by the State of Wyoming for regulating nuclear materials will be more lax than federal regulations
- This transfer of authority seems to represent the Federal government shirking its responsibility for a process that should be regulated at the Federal and not the State level
- How will the Federal government continue to uphold its treaty responsibilities if regulatory authority is transferred.

Fort Belknap

- When NRC turns regulatory authority over to the State of WY, what participation by Tribal nations will there be in the regulatory review processes?
- Will there be consultation with Tribes under NHPA Section 106?