



**Office of Nuclear Material Safety and Safeguards (NMSS)  
Procedure Approval**

***Tribal Liaison Roles and Responsibilities***  
**TR-100**

---

Issue Date: December 19, 2018

Review Date: December 19, 2021

---

Andrea Kock  
*Division of Materials Safety, Security, State  
and Tribal Programs* /RA/ Date: 12/19/2018

---

Damaris Marcano, Branch Chief (Acting) /RA/  
*Federal, State, and Tribal Liaison Branch*  
*Division of Materials Safety, Security, State,  
and Tribal Programs* Date: 11/27/2018

---

Sandra T. Talley /RA/  
Procedure Contact  
*Federal, State, and Tribal Liaison Branch*  
*Division of Materials Safety, Security, State,  
and Tribal Programs* Date: 11/27/2018

---

**ML18275A329**

**NOTE**

***Any changes to the procedure will be the responsibility of the NMSS Procedure Contact.  
Copies of the NMSS procedures are available through the NRC Web site.***



**Procedure Title: Tribal Liaison Roles  
and Responsibilities**  
**Procedure Number: TR-100**

**Page: 1 of 15**  
**Issue Date:**  
**12/19/2018**

## **I. INTRODUCTION**

This procedure describes the roles and responsibilities of the Tribal liaisons at the U.S. Nuclear Regulatory Commission's (NRC's) Headquarters. Tribal liaisons at Headquarters and the Regional State Liaison Officers (RSLOs) in the NRC's four regional offices share the responsibilities for the Tribal liaison functions. The Office of Nuclear Material Safety and Safeguards (NMSS) Policy and Procedure SL-100, "Regional State Liaison Officers (RSLOs)," dated December 5, 2005, describes the Tribal outreach and consultation responsibilities of the RSLOs. This procedure supplements Management Directive (MD) 5.1, "Intergovernmental Consultation," dated April 5, 1993, as well as SL-100, "Regional State Liaison Officers (RSLOs)," dated July 14, 2010, and describes the requirements imposed on the staff by the NRC's Tribal Policy Statement.

## **II. OBJECTIVE**

- A. To delineate the roles, responsibilities, and duties that Tribal liaisons in NMSS have in carrying out the NRC's Tribal program;
- B. To provide background and reference materials related to the duties and responsibilities of the Tribal liaison; and
- C. To provide information for the NRC staff to effectively coordinate with the Tribal liaisons

## **III. BACKGROUND**

On January 9, 2017, the NRC issued the agency's Tribal Policy Statement. The purpose of the Tribal Policy Statement is to establish principles to be followed by the NRC to promote effective government-to-government interactions with federally recognized Indian Tribes<sup>1</sup> and to encourage and facilitate Tribal involvement in the areas over which

---

<sup>1</sup> Similar to NUREG-2173, Revision 1, "Tribal Protocol Manual," issued July 2018, this procedure uses various names when describing Native American peoples, because there is no specifically established name that describes Native American peoples. As noted on page ix of the Tribal Protocol Manual, Presidents, Executive orders, and Federal agencies have used terms such as "Native Americans," "First Americans," "Tribal Nations," "Alaska Natives," "American Indians," and "Indian Tribes."

the Commission has jurisdiction. The Tribal Policy Statement's six principles that guide the NRC's interaction with Indian Tribes address: (1) recognition of the NRC's trust responsibility, (2) commitment to a government-to-government relationship, (3) responsibility to conduct outreach, (4) obligation for timely consultation, (5) coordination with other Federal agencies for joint Tribal consultation, and (6) engagement of State-recognized Tribes.

The NRC shares the Federal Government's unique Trust Relationship with, and Trust Responsibility to, Indian Tribes. Under the Federal Trust Doctrine, the United States and the individual agencies of the Federal Government owe a fiduciary duty to Indian Tribes. As an independent regulatory agency that does not hold Tribal lands or assets in trust or provide services to federally recognized Tribes, the NRC fulfills its Trust Responsibility to federally recognized Indian Tribes by implementing the six principles in the NRC Tribal Policy Statement, providing protections under its implementing regulations, and recognizing additional obligations consistent with other applicable treaties and statutory authorities.

NMSS administers the NRC's Federal, State, and Tribal Liaison Program. NMSS has the responsibility for: (1) recommending policy and developing programs to support relationships with State, Tribal, and local governments and National, interstate, and Tribal organizations, (2) ensuring effective liaison with State, Tribal, and local jurisdictions, and (3) serving as the primary point of contact with a number of other external nongovernmental Tribal advocacy organizations having an interest in the NRC's policies.

MD 5.1 covers consultation and coordination with States, federally recognized Indian Tribes, other Federal agencies, local governments, and national or regional organizations of States. MD 5.1 addresses general staff and management responsibilities for consultation and coordination with governments and federally recognized Indian Tribes. This procedure provides additional details on these roles and responsibilities.

Tribal liaisons support the staff in complying with the NRC's Tribal Policy Statement and other agency policies and directives on interactions with Tribal governments. Tribal liaisons work with Native American Tribal governments to establish and maintain effective relations and communications and to promote greater awareness and mutual understanding of the policies, activities, and concerns of all parties related to the NRC's regulatory activities. Tribal liaisons also conduct outreach and maintain communications with organizations that focus on the issues and concerns of Native American nations.

The NRC has significant interactions with Tribal governments in carrying out its responsibilities under the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). Although program office staff lead activities to involve the public and Tribes and any required consultation under NEPA and NHPA, Tribal liaisons may assist and support this work. The Tribal liaisons have responsibility for the NRC's Tribal program's implementation activities. They develop agencywide policy and

guidance and lead the NRC's national outreach activities. They serve as the agency's main resource for knowledge and guidance on Tribal outreach and consultation. The Tribal liaisons serve as the primary contact for Tribal governments, Tribal intergovernmental organizations, and national Tribal organizations for general information on the NRC's regulatory work. Tribal liaisons identify staff in offices or regions to address specific issues or concerns raised by Tribal representatives and facilitate communication to address these issues. Tribal liaisons assist staff in NRC's program offices and regions in communications and consultation with tribal representatives. Tribal liaisons work with their counterparts in other Federal agencies, as appropriate, to maintain and enhance efficiency in Tribal interactions and to support strong Federal-Tribal- relations.

The RSLOs serve as the primary points of contact for Tribal nations interested in NRC regulated activities within the NRC regions. RSLOs may work independently with Tribal nations within their region or work collaboratively with the Tribal liaison at NRC Headquarters on outreach and to address issues of interest to Tribes within the regions. Similar to Tribal liaisons, the RSLOs work with their counterparts in the regional offices of other Federal agencies, as appropriate, to ensure effective Tribal interactions and to further support strong Federal-Tribal relations. This procedure does not address detailed RSLO responsibilities for outreach and consultation, as such information is contained in SL-100. Regional offices may, at their discretion, request support from Tribal liaisons for any of their Tribal engagement activities.

#### **IV. ROLES AND RESPONSIBILITIES**

Some NRC managers and executives have responsibilities associated with the Tribal outreach and consultation work carried out by the Tribal liaisons. The Deputy Executive Director for Materials, Waste, Research, State, Tribal, Compliance, Administration, and Human Capital Programs (DEDM) in the Office of the Executive Director for Operations (EDO) serves as the NRC's designated official for Tribal consultations. The Director, NMSS, maintains communication with the DEDM to keep the EDO informed of pertinent Tribal activities and to receive changes in Tribal policies. MD 5.1 contains detailed descriptions of the roles and responsibilities of these positions.

As noted above, Tribal liaisons at NRC Headquarters and the RSLOs share responsibility for Tribal liaison functions. SL-100 describes specific outreach and consultation responsibilities of the RSLOs. The Tribal liaisons at NRC Headquarters have the following roles and responsibilities:

- A. Implement NMSS's responsibilities related to the NRC's program of cooperation and liaison with Indian Tribes.
- B. Implement the NRC's Tribal outreach and consultation work.
- C. Conduct Tribal liaison activities as directed by the DEDM.

- D. Maintain effective communications with Native American Tribal governments and other interested or affected organizations about NRC policies and programs that are national in scope or programmatic activities that are based at NRC Headquarters.
- E. Maintain an awareness of issues of importance to Native American nations, including issues that arise within the NRC, significant Federal consultations, Federal Government-wide Tribal policy issues, and other matters that may impact Tribes, through ongoing communication with Tribal governments and organizations across the nation.
- F. Maintain liaison with Tribal relations offices of Federal agencies, such as the U.S. Department of Homeland Security, U.S. Environmental Protection Agency, and the U.S. Department of Energy (DOE) to collaborate on Tribal outreach and communication.
- G. Lead efforts to ensure consistency in Tribal outreach and consultation across the NRC through ongoing communication with the staff and management.
- H. Coordinate as appropriate with RSLOs to share outreach and consultation work, when requested by RSLOs.
- I. Assist NRC staff communicating and consulting with Tribal representatives.
- J. Ensure NRC staff is aware of how and when to contact Tribal liaisons through the Tribal working group.
- K. Develop and provide training to NRC staff on Tribal consultation activities.
- L. Maintain internal website containing instructions for how and when to contact NRC's Tribal liaisons.
- M. Develop annual Tribal Activity Plan and implement efforts in accordance with that plan.

**V. GUIDANCE**

The Tribal liaison has responsibility for the implementation of activities for the NRC's Tribal program in the areas discussed below.

**A. Tribal Outreach<sup>2</sup>**

---

<sup>2</sup> Tribal outreach and consultation meetings may result in information collections that require a clearance from the Office of Management and Budget (OMB) if more than nine respondents are involved (see Title 5 of the *Code of Federal Regulations* (5 CFR) 1320.3(c)). The NRC received guidance from OMB in 2014 that indicated that, if the NRC met with Tribes on a topic and individuals responded with their own opinions, each attendee counted as a respondent. However, a Tribal government submitting a comment as a single entity

“Tribal outreach” refers to staff efforts to inform Indian Tribes about the agency’s actions and plans. Outreach includes sharing information and encouraging Tribal governments to communicate their concerns and interests to the NRC staff. A Tribal liaison has the following responsibilities for Tribal outreach:

1. Serve as the primary point of contact for Indian Tribes for outreach and communication of general information on the NRC’s regulatory activities that may have an impact across the nation. Tribal liaisons support RSLOs, if requested, with outreach activities within their regions.
  2. Initiate contact with Tribal government representatives to seek opportunities to share information on the NRC’s regulatory activities, address concerns on the NRC’s regulatory activities, and exchange information for engaging specific Tribal governments in the NRC’s regulatory activities.
  3. Coordinate a timely response to inquiries posed by Tribes.
  4. Establish and maintain communication with Tribal intergovernmental organizations to identify avenues for sharing information on the NRC’s regulatory activities.
  5. Identify other organizations that focus on Tribal nations for sharing information, cooperation, and collaboration.
  6. Conduct or arrange for staff presentations, training, and information exchanges with Tribal nations and organizations.
  7. Coordinate with other Federal agencies on related Tribal outreach work for greater efficiency and effectiveness.
  8. Develop and maintain an external Web site and other tools for communication with Tribes.
  9. Participate in Tribal outreach activities of other agencies, when invited by these agencies. Examples include participation in the meetings of DOE’s National Transportation Stakeholders Forum, Tribal Radioactive Materials Transportation Committee, Nuclear Energy Tribal Working Group, and the U.S. Environmental Protection Agency’s Regional Tribal Operations Committees.
- B. Tribal Consultation

---

would be considered a single respondent. The staff conducting outreach and consultations should ensure compliance with this guidance.

“Tribal consultation” refers to efforts to conduct meaningful and timely discussions between the NRC and Tribal governments on the NRC’s regulatory actions that have substantial direct effects on one or more Indian Tribes and those regulatory actions for which Tribal consultation is required under Federal statute. The NRC’s Tribal consultation allows Indian Tribes the opportunity to provide input on regulatory actions with Tribal implications and those for which Tribal consultation is required. A Tribal liaison has the following responsibilities for Tribal consultation:

1. Develop general agencywide guidance on consultation with Tribal governments that is consistent with the Tribal Policy Statement. The program offices are responsible for specific procedures and guidance for consultation under NHPA and NEPA; these specific procedures and guidance should be consistent with the NRC’s Tribal Policy Statement.
2. Advise staff, when requested, on consultation activities, including the approach, appropriate staff level, and timing.
3. Coordinate with Tribal government officials, when the staff or a Tribe requests government-to-government consultations.
4. Coordinate the development of follow up communication on government to government consultations.
5. Provide general training and education to the staff on the NRC’s roles and responsibilities in consulting with Tribes.
6. Support staff outreach and consultations with Tribal nations, when requested by program office staff. When requested, Tribal liaisons will assist project managers in identifying Indian Tribes and intertribal agencies that may have an interest in an NRC licensing or regulatory activity. The Tribal liaison will consult with project managers to ensure that the list of Tribes that a project manager uses during the NHPA Section 106 consultation will match the list that is provided to the Commission for a mandatory hearing.

Researching Tribes with historic ties to a region may be complex and require a substantial amount of time<sup>3</sup>. Tribal liaisons generally need at least 30 days to conduct this research. The Tribal liaison may not be able to provide a complete and comprehensive Tribal list for requests received within a shorter time frame. Other assistance that Tribal liaisons may provide includes the following:

---

<sup>3</sup> Project managers should make requests for assistance as early as possible. Project managers may call, email (directly or through the Tribal resource mailbox, [Tribal\\_outreach\\_resource@nrc.gov](mailto:Tribal_outreach_resource@nrc.gov), or meet with a Tribal liaison to make this request. Additional information can be found at: <http://fusion.nrc.gov/nmss/team/MSTR/fstb/TribalToolbox/default.aspx> and <https://tribal.nrc.gov/>.

- gathering data from other Federal resources, such as the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool
- gathering data from State resources, such as the State Historic Preservation Officer for the State where the project is located
- conducting outreach to Tribal Historic Preservation Officers to determine geographic areas of interest or consultation protocols
- supporting the development of webinars
- reviewing correspondence
- participating in meetings

C. Knowledge Development and Training within the NRC

A Tribal liaison has the following responsibilities in the area of knowledge development and training within the NRC:

1. Develop and deliver formal training for the staff, through a variety of formats, on topics that could contribute to improving the Agency's effectiveness in consultation and coordination with federally recognized Indian Tribes, including the Federal Trust Responsibility, the NRC Tribal Policy Statement, known issues of concern for specific federally recognized Indian Tribes, and cultural considerations for working with federally recognized Indian Tribes.
2. Create opportunities for knowledge sharing for the staff through seminars, guest speakers, newsletters, news sharing, and other tools. Maintain the NRC Tribal Toolbox website at <https://tribal.nrc.gov> to provide publicly-available information and resources regarding NRC-regulated activities in proximity to Tribal lands, as well as contact information for Tribal outreach.
3. Participate in Federal meetings, conferences, working groups, and other collaborative efforts to develop and share knowledge and improve Federal-Tribal relations.
4. Engage in continuous learning activities, including formal training, conferences, seminars, and independent study to increase knowledge of Tribal history, culture, socioeconomic status, and other areas that may impact the NRC's interaction with Tribes, and create opportunities to share this knowledge with staff.
5. Develop approaches for keeping NRC staff and management aware of liaison and support services offered by the Tribal staff.



D. Support Management and Staff in Tribal Outreach and Consultation

A Tribal liaison has the following responsibilities in supporting management and staff in Tribal outreach and consultations:

1. Develop and maintain a database of State and Tribal contacts in collaboration with RSLOs to support the staff in written communications with Tribes on the NRC's regulatory activities.
2. Maintain the NRC Tribal Toolbox Web site at <https://tribal.nrc.gov> that contains resources on outreach and consultation for Tribal nations.
3. Develop maps of Tribal geographic areas of interest to support outreach and consultation for the NRC's licensing work using Google Earth or other applications. Train NRC staff on Google Earth and other mapping tools.
4. Maintain an internal Web site for NRC staff at <http://fusion.nrc.gov/nmss/team/MSTR/fstb/TribalToolbox/default.aspx> to support Tribal outreach and consultation by including guidance documents, outreach records, reports, and links to outreach and consultation resources.
5. Maintain an awareness of Tribal outreach and consultation work being conducted by RSLOs and supports these efforts, when requested.
6. Support the Agency's staff in the development of program guidance in their respective offices to ensure alignment with Tribal Policy Statement principles.
7. Lead and coordinate the operation of working groups and committees that address agencywide issues related to Tribal outreach and consultation. For example, the Interoffice Tribal Working Group, an informal group that began with the development of the NRC Tribal Policy Statement in 2012, meets to address the NRC's policies and practices related to Tribal outreach and consultation.
8. Provide authoritative advice and support to the NRC's leadership on Tribal matters, including coordination with the Secretary of the Commission on meetings and other needs of the Commission and briefings for management, as requested. In response to requests from the Commission to provide a list of Tribes for a mandatory hearing associated with a licensing action, Tribal liaisons will coordinate with the project manager for the licensing action to ensure that this list is current and reflects any changes in consulting parties that may have occurred during license review.
9. Coordinate with the Office of the General Counsel (OGC) to obtain "no legal objection" determinations, as needed, for official communication originated by the Tribal liaisons. Any questions about legal interpretations should be directed to regional counsel or OGC at NRC Headquarters.

10. Work with affected offices (e.g., Office of Nuclear Reactor Regulation, Office of Nuclear Material Safety and Safeguards, Office of Nuclear Regulatory Research, Office of New Reactors, Office of Enforcement, and Office of Nuclear Security and Incident Response) to obtain review and concurrence on formal communications with Tribal officials (e.g., letters explaining regulatory matters, NRC statements of position) before issuing them.
11. Maintain communication with the NRC Office of Small Business and Civil Rights and coordinate and collaborate, as appropriate, on outreach and other programmatic activities associated with Tribal governments, businesses, colleges, universities, and communities.
12. Contribute to the emergency response “e-library” as requested and when revised.

**E. State Liaison Desk Duties**

Tribal liaisons may volunteer to staff the State liaison desk in the NRC Operations Center for real and practiced emergencies. A Tribal liaison who volunteers has the following responsibilities:

1. Complete annual training to participate in emergency exercises and to support response in actual emergencies in the NRC Operations Center.
2. Participate in at least one exercise annually as a State Desk Liaison.
3. Contribute to the NRC e-Library for emergency response to support Tribal engagement in emergency planning and exercises.

**F. Program Development and Management.**

Tribal liaisons have the following responsibilities for program development and management:

1. Lead the development of policies and guidance related to implementation of the Tribal program and provide interpretations and support to the staff and managers related to these policies and guidance.
2. Collect and periodically publish data and reports on the NRC’s interactions with Native American governments.

**VI. APPENDICES**

**A. Special Issues of Focus for Tribal Liaisons**

- B. Tribal Liaison Knowledge and Skills
- C. Agency Documents and Resources on the NRC Tribal Program
- D. Tribal Organizations

**VII. REFERENCES**

U.S. Nuclear Regulatory Commission, Management Directive 5.1, "Intergovernmental Consultation," April 5, 1993 (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML041770442](#)).

U.S. Nuclear Regulatory Commission, NUREG-2173, Revision 1, "Tribal Protocol Manual," July 2018 (ADAMS Accession No. [ML18214A663](#)).

U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards Policy and Procedure SL-100, "Regional State Liaison Officers (RSLOs)," July 14, 2010 (ADAMS Accession No. [ML101810472](#)).

U.S. Nuclear Regulatory Commission, "Tribal Policy Statement," January 11, 2017 (ADAMS Accession No. [ML17011A243](#)).

**VIII. ADAMS REFERENCE DOCUMENTS**

For knowledge management purposes, all previous revisions to this procedure, as well as all associated correspondence with stakeholders that have been entered into ADAMS and are listed below.

No.	Date	Document Title/Description	Accession Number
1	xx/xx/xxx	NMSS Procedure TR-100, Tribal Liaison Roles and Responsibilities	ML18275A329

Appendix A—Special Issues of Focus for Tribal Liaisons

The Tribal liaison has the following specific responsibilities associated with the implementation of the U.S. Nuclear Regulatory Commission's (NRC's) program for advance notification for shipment of radioactive materials:

- Conduct outreach to individual Tribal governments, intergovernmental Tribal organizations, and other organizations concerned with transportation safety and security issues to inform Tribes of the opportunity and associated requirements to receive advance notification for shipment of radioactive materials.
- Develop periodic correspondence to Tribal leaders on the availability of the notification program and the identified transportation routes.
- Work with the NRC Office of Nuclear Security and Incident Response to review requests from Tribes to participate in the notification program for the movement of irradiated reactor fuel and to coordinate notification, training, or consultation, as required.
- Maintain the Tribal Advance Notification Web site and contacts database at <https://www.nrc.gov/about-nrc/state-tribal/tribal-advance-notification.html>.

Appendix B—Tribal Liaison Knowledge and Skills

The Tribal liaisons need to have a minimum level of knowledge and skills to effectively interact with Tribes and other NRC staff. Tribal liaisons can acquire this knowledge and these skills through training and on-the-job experience. The Tribal Liaison Knowledge and Skills Checklist, located at ADAMS Accession No. [ML18212A056](#), identifies the minimum knowledge and skills that the Tribal liaisons must have. Tribal liaisons are encouraged to acquire additional knowledge and skills. The “Additional Knowledge/Skills/Resources” portion of the checklist provides recommendations on knowledge, skills, and training. In addition, the Tribal liaisons should maintain an awareness of the NRC’s programmatic activities. Tribal liaisons should use the checklist to record their acquisition of knowledge and skills and to document that they have the minimum level of knowledge and skills. The Branch Chief will approve this checklist and will sign off when completed.

Appendix C—Agency Documents and Resources on the NRC Tribal Program

1. SECY-96-187, “Policy Issues Raised in Meeting with Prairie Island Dakota Indian Representatives,” August 28, 1996 (Agencywide Documents Access and Management System (ADAMS) Accession No [ML040120574](#)).
2. SRM-SECY-96-187, “Staff Requirements—SECY-96-187—Policy Issues Raised in Meeting with Prairie Island Indian Representatives,” November 13, 1996 (ADAMS Accession No. [ML040120150](#)).
3. “Delegations of Authority to Act as the Designated Official for Tribal Consultation and as the Point of Contact for the U.S. Nuclear Regulatory Commission and the Office of the Executive Director for Operations on Tribal Issues,” June 7, 2017 (ADAMS Accession No. [ML15357A341](#)).
4. “Delegations of Authority to Direct the U.S. Nuclear Regulatory Commission’s Liaison Program with States, Tribes, Local Governments, and Other Federal Agencies and to Conduct Intergovernmental Consultation and Coordination,” May 31, 2017 (ADAMS Accession No. [ML15321A170](#)).
5. “Delegations of Authority to Conduct Intergovernmental Consultation and Coordination,” June 6, 2017 (ADAMS Accession No. [ML15321A104](#)).
6. SRM-S14-0006-6, “Commissioners’ Memo re: ‘Guidance Revision and Training Development Required Before the Commission Approves the Final Tribal Policy Statement,’” July 8, 2015 (ADAMS Accession No. [ML15089A333](#)).
7. Tribal Liaison Activity Plan and Annual Report, ADAMS Folder.

Appendix D—Tribal Organizations

1. National Congress of American Indians (NCAI) <http://www.ncai.org/>
2. National Association of Tribal Historical Preservation Officers <http://nathpo.org/wp/>
3. National Tribal Emergency Management Council <http://ntemc.org/>
4. Tribal Emergency Management Association <http://itema.org/>
5. NCAI Listing of Tribal Nations <http://www.ncai.org/tribal-directory>
6. NCAI Listing of Intergovernmental Tribal Organizations <http://www.ncai.org/tribal-directory/tribal-organizations>