



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

**OFFICE OF THE
INSPECTOR GENERAL**

February 5, 2019

MEMORANDUM TO: Margaret M. Doane
Executive Director for Operations

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

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

REFERENCE: DIRECTOR, OFFICE OF NUCLEAR MATERIAL SAFETY
AND SAFEGUARDS, MEMORANDUM DATED JANUARY
17, 2019

Attached is the Office of the Inspector General's (OIG) analysis and status of recommendations as discussed in the agency's response dated January 17, 2019. Based on this response, recommendations 1 and 2 remain resolved. Recommendations 3 and 4 are now closed. Recommendation 5 was closed previously. Please provide an updated status of the resolved recommendations by September 13, 2019.

If you have any questions or concerns, please call me at (301) 415-5915, or Paul Rades, Team Leader, at (301) 415-6228.

Attachment: As stated

cc: R. Lewis, 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
January 17, 2019:

The staff updated MD 5.1, "Coordination and Consultation with States and Indian Tribes," to include the responsibilities of the FSTB Tribal liaisons. The EDO provided MD 5.1 to the NRC Chairman on August 29, 2018.

The Office of Nuclear Material Safety and Safeguards (NMSS) staff developed a new procedure, TR-100 "Tribal Liaison Roles and Responsibilities," which provides detailed, specific information on the roles and responsibilities of the Tribal liaisons. TR-100 was approved on December 19, 2018.

OIG Analysis: The proposed actions meet the intent of the recommendation. OIG will close the recommendation after verifying the Chairman has approved the revisions to MD 5.1 to include FSTB roles and responsibilities with regard to Tribal outreach and consultation for FSTB and the FSTB Tribal liaisons.

Status: Resolved.

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 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
January 17, 2019:

The staff developed a new procedure, NMSS TR-100 "Tribal Liaison Roles and Responsibilities," which provides detailed, specific information on the roles and responsibilities of the Tribal liaisons and how the NRC program staff can coordinate with the Tribal liaison staff. TR-100 was approved on December 19, 2018.

The staff provided two training sessions for NRC project managers and other NRC staff who interact with Tribes ("Interactions with Tribal Governments: Staff Support & Other Resources"). This training occurred on September 25, 2018, and September 27, 2018. The training included how to coordinate with the FSTB Tribal liaisons and discussed available resources. An announcement for the training and the iLearn course description are enclosed.

The updates to office procedures and guidance are in progress. The target date for completing these updates remains March 2020.

OIG Analysis: The proposed actions meet the intent of the recommendation. OIG will close the recommendation after verifying that NRC has finished updating office-specific procedures/guidance documents that coincide with TR-100, and include more specific direction on how to coordinate with FSTB and how to work with Tribes.

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
January 17, 2019:

On June 21, 2018, the staff obtained approval from the Human Capital Council to require staff and management who interact with Tribes to complete cultural sensitivity training. The Human Capital Council approved assigning the training to NRC staff and managers that were identified in consultation with the offices and regions. The Tribal Cultural Sensitivity Training was assigned to 310 managers and staff. As of January 7, 2019, 98.4 percent of the staff and managers who were assigned the training had completed it.

OIG Analysis:

OIG has reviewed documentation referenced in the agency's response and verified (1) NRC has obtained approval to require employees to complete the cultural sensitivity training, and (2) the identified pool of NRC employees who have completed the training. This recommendation is therefore considered closed.

Status:

Closed.

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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
January 17, 2019:

The NRC staff informed the OIG that it would take the following actions:

1. Define and document the minimum level of knowledge and skills necessary to fulfill FSTB's roles and responsibilities for Tribal outreach and consultation.
2. Identify skill gaps of existing FSTB Tribal liaison staff.
3. Current staff will complete the identified training that is necessary to close any gaps in knowledge or skills.

On July 31, 2018, the set of minimum knowledge and skills that would enable the Tribal liaisons to fulfill their roles and responsibilities for Tribal outreach and consultation was defined, documented, and conveyed to the Director of the Division of Materials Safety, Security, State, and Tribal Programs, NMSS. The FSTB Branch Chief also identified skill gaps for the existing FSTB Tribal liaison staff. The two Tribal liaisons that were onboard during the audit have completed the training necessary to acquire the minimum knowledge, skills, and experience using the available guidance, and hence, the gaps identified in the FSTB Branch Chief's analysis for these two Tribal liaisons have been addressed. There is one new Tribal liaison staff member that has joined FSTB subsequent to the completion of the OIG audit. The required minimum level of knowledge, skills, and experience is being acquired by this new Tribal liaison member using the available guidance.

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Status of Recommendations

Recommendation 4 (cont.):

The staff plans to develop additional guidance as part of the infrastructure for the Tribal liaison program to ensure the consistent and effective implementation of the advance notification program. This forthcoming guidance would formally document the staff's current practices for allowing Federally recognized Indian Tribes to participate in the advance notification program. The Tribal liaisons who were onboard during the audit have the required knowledge of the advance notification program requirements for Tribes to participate in the advance notification program. Once the guidance is developed, the Tribal liaisons will be required to read it to ensure their understanding. The absence of the approved guidance is not considered to adversely affect the ability of the current Tribal liaisons to fulfill their responsibilities for Tribal outreach and consultation.

OIG Analysis:

OIG has reviewed documentation referenced in the staff's response and verified that 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 ensured current staff have completed the necessary training. This recommendation is therefore considered closed.

Status:

Closed.