



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

September 30, 2020

MEMORANDUM TO: Dr. Brett M. Baker
Assistant Inspector General for Audits
Office of the Inspector General

FROM: John W. Lubinski, Director
Office of Nuclear Material Safety
and Safeguards

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)

In its April 6, 2020, memorandum to the Executive Director for Operations (EDO) (Agencywide Documents Access and Management System) (ADAMS) Accession No. [ML20097E940](#), the Office of the Inspector General (OIG) provided its analysis and status of the staff's response to the recommendations in the OIG's "Audit of NRC's Consultation Practices With Federally Recognized Native American Tribal Governments" (OIG-18-A-10) (ADAMS Accession No. [ML18094A267](#)). In that memorandum, the OIG indicated that Recommendations 1 and 2 remain open and resolved. Recommendations 3, 4, and 5 were previously closed. We are updating the status concerning Recommendation 1 as provided below. We are continuing to work with our internal stakeholder offices to update office-specific procedures and guidance documents to address Recommendation 2.

Recommendation 1:

Update Management Directive (MD) 5.1 to include Federal, State, and Tribal Liaison Branch (FSTB) when working with Tribes. The guidance should also clearly define FSTB's role and responsibilities regarding Tribal outreach and consultation.

Status

In the Office of Nuclear Material Safety and Safeguards' (NMSS) response memorandum to the OIG dated May 1, 2018 (ADAMS Accession No. [ML18100B301](#)), NMSS proposed to address Recommendation 1 by modifying MD 5.1 to provide guidance to include FSTB when working with Tribes and to clearly define FSTB's role and responsibilities with regard to Tribal outreach

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and consultation. FSTB's response also stated that the agency would develop a new "TL-series" procedure to provide additional detail on the FTSB's roles and responsibilities with respect to its Tribal Liaison function.

By memorandum dated June 4, 2018 (ADAMS Accession No. [ML18155A563](#)), OIG agreed to close Recommendation 1 "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."

By memorandum dated January 17, 2019 (ADAMS Accession No. [ML18362A439](#)), NMSS informed OIG that on August 29, 2018, the EDO provided the Nuclear Regulatory Commission (NRC) Chairman a revision to MD 5.1. In this memorandum NMSS also provided a link to TR-100 "Tribal Liaisons Roles and Responsibilities" (ADAMS Accession No. [ML18275A329](#)). The link to TR-100 was provided to fulfill NMSS's commitment to develop a new TL-series procedure.

In the most recent OIG response memorandum of April 6, 2020 (ADAMS Accession No. [ML20097E940](#)), the OIG indicated that the proposed actions meet the intent of Recommendation 1 and the recommendation would be closed "after verifying that the Chairman has approved the revisions to MD 5.1."

On July 6, 2020, the NRC's Chairman approved MD 5.1 "Consultation and Coordination with Governments and Indian Tribes" (2020) (ADAMS Accession No. [ML112351312](#)).

Based on the above information, we request that Recommendation 1 be closed.

Enclosure:
As stated

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ADAMS Accession No.: ML20100J413

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