



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

**OFFICE OF THE
INSPECTOR GENERAL**

October 5, 2020

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
SEPTEMBER 30, 2020

Attached is the Office of the Inspector General's (OIG) analysis and status of recommendations as discussed in the agency's response dated September 30, 2020. Based on this response, recommendation 2 remains open and resolved; however, recommendation 1 is now closed. Recommendations 3, 4, and 5 were previously closed. Please provide an updated status of the open and resolved recommendation by May 1, 2021.

If you have any questions or concerns, please call me at (301) 415-5915, or Mike Blair, Team Leader, at (301) 415-8339.

Attachment: As stated

cc: C. Haney, 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
September 30, 2020: 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 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.

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Status of Recommendations

Recommendation 1 (cont.):

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.

OIG Analysis:

OIG confirmed the Chairman’s approval of the revisions made to MD 5.1 on July 6, 2020. Though FSTB was formally dissolved, the updated MD 5.1 defines the roles and responsibilities of the “NMSS Tribal Liaisons.” It also states that the tribal liaisons are to “implement NMSS’s responsibilities related to the NRC’s program of cooperation and liaison with federally recognized Indian Tribes”; “serve as the primary points-of-contact for federally recognized Indian Tribes”; and “Conduct Tribal liaison activities as directed by the DEDM.” OIG agrees that the updated MD meets the intent of the recommendation; therefore, this recommendation is now closed.

Status:

Closed.

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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 September 30, 2020: We are continuing to work with our internal stakeholder offices to update office-specific procedures and guidance documents to address Recommendation 2.

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, including applicable Management Directives, that coincide with TR-100, and include more specific direction on how to coordinate with FSTB and how to work with Tribes.

Status: Open: Resolved.