



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

March 26, 2021

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

A handwritten signature in blue ink, appearing to be "J. Lubinski".

Signed by Lubinski, John
on 03/26/21

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 September 10, 2019, memorandum to the Executive Director for Operations (EDO) (Agencywide Documents Access and Management System [ADAMS] Accession No. ML19253D308), 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 [U.S. Nuclear Regulatory Commission'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 are open: resolved. Consistent with your request in that memorandum, a status for the two resolved recommendations are provided as follows:

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 with regard to Tribal outreach and consultation.

The OIG indicated that the proposed actions meet the intent of the recommendation and the recommendation would be closed after verifying that 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.

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Status

MD 5.1, "Consultation and Coordination with Governments and Indian Tribes," was issued July 6, 2020. Among other things, the MD was revised to provide additional details involving the Materials Safety and Tribal Liaison Branch (MSTB) (formerly FSTB) roles and responsibilities with regard to Tribal outreach and consultation for MSTB and the MSTB Tribal liaisons.

The Office of Nuclear Material Safety and Safeguards (NMSS) considers this recommendation to be closed.

Recommendation 2:

Update NRC office procedures to include more specific direction on how to coordinate with FSTB and how to work with Tribes.

The OIG indicated that this recommendation would be closed after verifying that the NRC staff 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

On December 10, 2020, the EDO issued Yellow Announcement [YA-2020-0095](#), "Interim Guidance Implementing the U.S. Government Accountability Office Recommendation for Informing Tribes of Final Agency Decisions and Notice to Update Office Procedures Regarding Coordination with Tribal Input." The announcement provided immediately effective direction to all offices and programs that supplements guidance contained in MD 5.1 and TR-100, "Tribal Liaison Roles and Responsibilities," for Tribal interactions. Consistent with MD 5.1 and TR-100, this guidance immediately established that all programs that need to communicate with Indian Tribes coordinate those communications by contacting FSTB (now MSTB). MSTB has coordinated with all programs known to have interactions with Indian Tribes to ensure that they are aware of the direction contained in the Yellow Announcement.

NMSS considers this recommendation to be closed.

OEDO-20-00394 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)
DATE March 26, 2021

DISTRIBUTION: OEDO-20-00394; OIG-18-A-10

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ADAMS Accession No.: ML20279A833; Ltr ML21070A413

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