



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

February 14, 2022

John Barrett, Jr., Chairman
Citizen Potawatomi Nation
1601 S. Gordon Cooper Drive
Shawnee, OK 74801

SUBJECT: OFFERING TRIBAL CONSULTATION CONCERNING INDIANA'S REQUEST
FOR AN AGREEMENT UNDER SECTION 274 OF THE ATOMIC ENERGY ACT

Dear Chairman Barrett:

The purpose of this letter is to offer the opportunity for the Citizen Potawatomi Nation to consult with the U.S. Nuclear Regulatory Commission (NRC) concerning Indiana's request for an Agreement under Section 274 of the Atomic Energy Act, in accordance with the NRC's Tribal Policy Statement.¹ The State of Indiana submitted a letter of intent on June 11, 2021,² to notify the NRC that it is interested in pursuing an Agreement with the NRC to assume regulatory authority over specified radioactive materials and activities. By letter dated October 15, 2021,³ the NRC informed Citizen Potawatomi Nation of the State of Indiana's letter and stated that the NRC would keep you informed as the State of Indiana's application moves through the review process.

The NRC offers to consult with the Citizen Potawatomi Nation in accordance with the NRC's Tribal Policy Statement because the proposed Agreement could have a substantial direct effect on the Tribe by changing the relationship between the NRC and the Tribe since the National Environmental Policy Act and National Historic Preservation Act tribal consultation provisions do not apply to Agreement State licensing actions. The NRC's tribal liaisons (TLs) will serve as the primary points of contact during this process, along with the NRC Project Manager for the Indiana Agreement. The NRC will be offering this opportunity to all the Tribes on the enclosed list.

¹ U.S. Nuclear Regulatory Commission, "Tribal Policy Statement," January 9, 2017 (82 FR 2402) (Agencywide Document Access and Management System (ADAMS) Accession No. ML17011A243).

² ADAMS Accession No. ML21166A134.

³ ADAMS Package Accession No. ML21267A058.

The NRC encourages participation by federally -and State recognized Tribes in the regulatory process. Should your Tribe be interested in consultation with the NRC on this matter, please contact Ms. Maria Arribas-Colon, Branch Chief, Materials Safety and Tribal Liaison Branch at (301) 415-6026, or by email at Maria.Arribas-Colon@nrc.gov.

Sincerely,



Signed by Williams, Kevin
on 02/14/22

Kevin Williams, Director
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Enclosure: List of Tribes receiving letter

cc: Kelli Mosteller, THPO
Citizen Potawatomi Nation

Beth McCord, DNR, State of Indiana

List of Tribe's Receiving Offer of Consultation from NRC concerning Indiana's request for an Agreement under Section 274 of the Atomic Energy Act , in accordance with the NRC's Tribal Policy Statement

Absentee Shawnee Tribe
Citizen Potawatomi Nation
Delaware Nation of Oklahoma
Delaware Tribe of Indians
Eastern Shawnee Tribe of Oklahoma
Forest County Potawatomi Community
Hannahville Potawatomi Indian Community
Kickapoo Traditional Tribe of Texas
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
Kickapoo Tribe of Oklahoma
Little River Band of Ottawa Indians
Little Traverse Bay Bands of Odawa Indians
Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan
Menominee Indian Tribe of Wisconsin
Miami Tribe of Oklahoma
Nottawaseppi Huron Band of the Potawatomi
Osage Nation – The Osage Nation has agreed to consult with the NRC
Ottawa Tribe of Oklahoma
Peoria Tribe of Indians of Oklahoma
Pokagon Band of Potawatomi Indians
Prairie Band Potawatomi Nation
Quapaw Tribe of Indians
Sac and Fox Nation
Sac and Fox Nation of Missouri in Kansas and Nebraska
Sac and Fox Tribe of the Mississippi in Iowa
Seneca-Cayuga Nation
Shawnee Tribe
United Keetoowah Band of Cherokee Indians
Wyandotte Nation

Enclosure

(INDIANA) CONSULTATION, IN ACCORDANCE WITH THE U.S. NUCLEAR REGULATORY COMMISSION TRIBAL POLICY STATEMENT, REGARDING THE REVIEW OF THE STATE OF INDIANA AGREEMENT STATE APPLICATION DATE February 14, 2022

DISTRIBUTION:

ADAMS Accession No.: Ltr ML22046A306

OFFICE	NSIR/DPR/OB	NMSS/MSST/MSTB	NMSS/MSST/SALB	OGC/RMR
NAME	JWhited <i>JW</i>	MArribas-Colon <i>MA</i>	BAnderson <i>BA</i>	JOlmstead <i>JO</i>
DATE	Jan 25, 2022	Jan 26, 2022	Feb 11, 2022	Feb 14, 2022
OFFICE	NMSS/MSST			
NAME	KWilliams <i>KW</i>			
DATE	Feb 14, 2022			

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