



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

February 14, 2022

Juan Garza, Jr., Chairman  
Kickapoo Traditional Tribe of Texas  
2212 Rosita Valley Road  
Eagle Pass, TX 78852

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

Dear Chairman Garza:

The purpose of this letter is to offer the opportunity for the Kickapoo Traditional Tribe of Texas 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.<sup>1</sup> The State of Indiana submitted a letter of intent on June 11, 2021,<sup>2</sup> 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,<sup>3</sup> the NRC informed the Kickapoo Traditional Tribe of Texas 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 Kickapoo Traditional Tribe of Texas 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.

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

<sup>2</sup> ADAMS Accession No. ML21166A134.

<sup>3</sup> 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](mailto: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: 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 ML22046A324**

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			

**OFFICIAL RECORD COPY**