



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

September 25, 2023

Richard Sneed, Principal Chief
Eastern Band of Cherokee Indians
P.O. Box 1927
Cherokee, NC 28719

SUBJECT: NOTIFICATION OF WEST VIRGINIA'S REQUEST FOR AN AGREEMENT
UNDER SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS
AMENDED AND OFFERING TRIBAL CONSULTATION

Dear Principal Chief Sneed:

The purpose of this letter is to notify and to offer consultation to the Eastern Band of Cherokee Indians with the U.S. Nuclear Regulatory Commission (NRC) concerning West Virginia's request for an agreement under Section 274 of the Atomic Energy Act, of 1954, as amended in accordance with the NRC's Tribal Policy Statement.¹ The State of West Virginia submitted a letter of intent on January 9, 2023,² 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.

The NRC offers to consult with the Eastern Band of Cherokee Indians 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's 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 West Virginia Agreement. The NRC will be offering consultation 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. ML23039A192.

The NRC encourages participation by all Federally recognized tribes in the regulatory process. Should the Eastern Band of Cherokee Indians be interested in consultation with the NRC on this matter, please contact Ms. Heather Frey, Tribal Liaison, Tribal Relations Team at (301) 415-5005, or by email at Heather.Frey@nrc.gov.

Sincerely,



Signed by Williams, Kevin
on 09/25/23

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: Russell Townsend, THPO
Tera Patton, DNR, State of West Virginia

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

- Catawba Indian Nation
- Cherokee Nation
- Delaware Nation
- Eastern Band of Cherokee Indians
- Eastern Shawnee Tribe of Oklahoma
- Monacan Indian Nation
- Seneca-Cayuga Nation
- The Osage Nation
- Tuscarora Nation

NOTIFICATION OF WEST VIRGINIA'S REQUEST FOR AN AGREEMENT UNDER SECTION 274 OF THE ATOMIC ENERGY ACT AND OFFERING TRIBAL CONSULTATION DATE September 25, 2023

DISTRIBUTION:

Hakhavannik, NMSS/MSST/SLPB

MFord, R1/DRSS

ADAMS Accession No.: Ltr ML23264A129

OFFICE	NMSS/MSST/SLPB	NMSS/MSST		
NAME	AWhite AW	KWilliams KW		
DATE	Aug 24, 2023	Sep 25, 2023		

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