

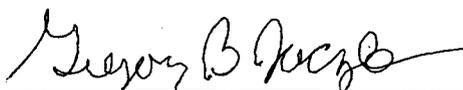
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Chairman Gregory B. Jaczko
SUBJECT: COMWDM-12-0001 – TRIBAL CONSULTATION
POLICY STATEMENT AND PROTOCOL

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached X None



SIGNATURE

5/9/12

DATE

Entered on "STARS" Yes x No

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER SVINICKI
SUBJECT: COMWDM-12-0001 – TRIBAL CONSULTATION
POLICY STATEMENT AND PROTOCOL

Approved XX Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached XX None _____



SIGNATURE

04/16/12

DATE

Entered on "STARS" Yes No _____

**Commissioner Svinicki's Comments on COMWDM-12-0001
Tribal Consultation Policy Statement and Protocol**

I approve Commissioner Magwood's proposal that the Commission direct the staff to develop an agency-wide policy statement and protocol on consultations with Native American Tribal governments and provide it for the Commission's review and approval. The existing document "Tribal Protocol Manual: Guidance for NRC Employees," coupled with the staff's ongoing efforts, as described in SECY-09-0180, "U.S. Nuclear Regulatory Commission Interaction with native American Tribes," provides a solid basis upon which to build.

In recognition of Executive Order 13175 and in accordance with the Federal government's unique relationship with Indian tribes as embodied in the U.S. Constitution, treaties, court decisions, and relevant Federal statutes, the policy statement and protocol should respect the distinction between Indian tribes who are Federally-recognized and those who are not. The Advisory Council on Historic Preservation has advised that "[t]he question of inviting non-Federally recognized tribes to participate in consultation can be both complicated and sensitive... and may raise objections from some Federally-recognized tribes." The policy statement and protocol should reflect sensitivity to this distinction. Finally, I agree with Commissioner Ostendorff that the policy statement and protocol should clearly articulate that the NRC's activities will be carried out in accordance with the agency's governing statutes and regulations.



Kristine L. Svinicki 04/16/12

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: Commissioner Apostolakis
SUBJECT: COMWDM-12-0001 – TRIBAL CONSULTATION
POLICY STATEMENT AND PROTOCOL

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below X Attached _____ None _____

I approve Commissioner Magwood's proposal that staff provide a draft Native American Tribal policy statement, protocol and implementation plan to the Commission for review. I also agree with Commissioner Ostendorff that the policy statement and protocol will need to address NRC's interactions with both the federally recognized tribes and State recognized tribes.



SIGNATURE

4/4/19

DATE

Entered on "STARS" Yes No _____

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER OSTENDORFF
SUBJECT: COMWDM-12-0001 – TRIBAL CONSULTATION
POLICY STATEMENT AND PROTOCOL

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached X None

M. Ostendorff
SIGNATURE

2/13/12
DATE

Entered on "STARS" Yes X No

Commissioner Ostendorff's Comments on COMWDM-12-0001, "Tribal Consultation Policy Statement and Protocol"

I approve Commissioner Magwood's proposal that the staff provide to the Commission for review and approval a proposed Native American Tribal policy statement and protocol. Establishing a policy statement and protocol will further demonstrate the agency's commitment to meaningful tribal consultations.

The agency has extensively studied our obligations under existing presidential memoranda and executive orders related to tribal interactions. We should consider what more can be done to build trust with the tribes as we carry out our statutory mission.

The proposed Tribal policy statement should serve as the high level foundation for the protocol and should echo the language and spirit of the relevant presidential memoranda and executive orders. The policy statement should communicate that the NRC will strive for meaningful tribal consultation, and it should clearly articulate that the NRC's actions must be in accordance with its governing statutes and regulations.

I recognize that the NRC already has an existing Tribal protocol manual that provides guidance to the staff on interacting with the tribes. This existing Tribal protocol manual should serve as the basis for the proposed Tribal protocol. The staff should seek input from the tribes on how to improve the existing manual, use this input to update the existing protocol, and make the protocol prominently publicly available on the NRC's public web site.

Given the distinction made between federally recognized tribes and state-recognized tribes in executive orders and statute, the Tribal policy and protocol should primarily address the agency's interactions with these groups. That being said, State-recognized tribes may have valuable input to the NRC's regulatory decisions. Therefore, the policy statement and protocol should indicate that the agency will outreach to State-recognized tribes on a case-by-case basis. In addition, the staff should explore whether there are additional opportunities within our current regulatory processes for information sharing and outreach to State-recognized tribes that may be impacted or have an interest in NRC regulatory activities.