

May 22, 2012

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary */RA/*

SUBJECT: STAFF REQUIREMENTS – COMWDM-12-0001 – TRIBAL
CONSULTATION POLICY STATEMENT AND PROTOCOL

The staff should provide to the Commission for review and approval a proposed policy statement and protocol on consultation with Native American Tribal governments. This Commission paper should include an implementation plan and the proposed resources needed to implement such a policy.

The staff should use 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,” as a starting point and the basis for developing the proposed policy statement and protocol.

The staff should seek input from the Tribes and the public on how to improve the existing manual.

The policy statement and protocol should clearly articulate that the NRC’s actions must be in accordance with its governing statutes and regulations.

The policy statement and protocol should respect and reflect sensitivity to the distinction made in executive orders and statutes between Indian Tribes who are Federally-recognized and those who are not.

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.

The staff should make the protocol prominently publicly available on the NRC’s public web site.

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.

cc: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff

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