



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

March 18, 2015

SECRETARY

COMMISSION VOTING RECORD

DECISION ITEM: SECY-14-0146

TITLE: TRIBAL POLICY IMPLEMENTATION PLAN

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of March 18, 2015.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

A handwritten signature in black ink, appearing to read "Annette L. Vietti-Cook", written over a horizontal line.

Annette L. Vietti-Cook  
Secretary of the Commission

Enclosures:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Burns  
Commissioner Svinicki  
Commissioner Ostendorff  
Commissioner Baran  
OGC  
EDO  
PDR

VOTING SUMMARY - SECY-14-0146

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. BURNS	X				X	2/27/15
COMR. SVINICKI	X				X	2/25/15
COMR. OSTENDORFF	X				X	1/15/15
COMR. BARAN	X				X	2/20/15

**NOTATION VOTE**

**RESPONSE SHEET**

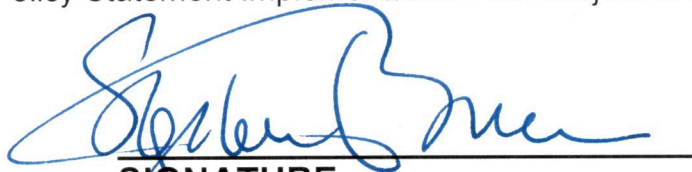
TO: Annette Vietti-Cook, Secretary  
FROM: Commissioner Burns  
SUBJECT: SECY-14-0146: Tribal Policy Implementation Plan

Approved XX Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

COMMENTS: Below \_\_\_\_\_ Attached XX None \_\_\_\_\_

I approve the staff's draft Tribal Policy Statement Implementation Plan subject to the attached edits.



SIGNATURE

27 February 2015

DATE

Entered on "STARS" Yes  No \_\_\_\_\_

Per Management Directive 5.1 ([ML14240A083ML041770442](#)), NMSS Federal, State, and Tribal Liaison Branch staff will facilitate informal consultations between NRC staff and Tribal representatives and outreach by the following actions:

- (1) Directing Tribal officials<sup>3</sup> and members to the appropriate NRC office or staff regarding programmatic inquiries;
- (2) Assisting with the exchange of information between Tribal officials and NRC staff;
- (3) Improving Tribal knowledge of NRC's regulatory jurisdiction and Commission processes; and
- (4) Working with NRC staff to implement the principles in the NRC draft Tribal Policy Statement.

This plan identifies the budgeted resources for NRC's implementation of the draft Tribal Policy Statement through FY16. In Staff Requirements Memorandum (SRM)-SECY-14-0006 the Commission directed the staff to consider the following activities:

- a) Development of an Annual Report to capture lessons learned;
- b) Training of all necessary NRC staff and Tribal liaisons on Tribal protocols;
- c) Approaches to assure consistency in communication with Tribal governments through appropriate use of NRC staff (potential models include the Regional State Liaison Officers);
- d) Developing and maintaining a Web portal (public page) to capture upcoming Tribal meetings and planned schedules;
- e) Developing and supporting 2-day training sessions on basic radiation to be offered at community colleges for Tribes. This effort will be conducted in coordination with the Office of Small Business and Civil Rights (SBCR) to identify the appropriate means of selecting host Tribes and funding this initiative; and
- f) Developing methods to conduct cultural surveys in a more efficient manner (based on the outcome of the project launched by the Commission in the FY15 budget<sup>4</sup>) and developing methods to enhance improvements by Tribal officials in cultural surveys performed by license applicants.

The above activities are incorporated into the Implementation Plan.

The Commission, in SRM-SECY-14-0006, directed the NRC staff to: advance communication between the agency and Tribal governments; allow focused, consistent and enhanced consultation activities with the Tribes; and identify resources needed to implement a policy through FY16. Information on each of these activities is provided below.

<sup>3</sup> Tribal Official means an elected, appointed, or designated official or employee of an Indian Tribe or authorized intertribal organization.

<sup>4</sup> Commission provided \$500K in the FY15 budget (COMAMM-13-0002 – FISCAL YEAR 2015 BUDGET PROPOSAL) to enhance cultural resource surveys. Subsequent review of appropriations law and licensing actions redirected the funds to other tribal outreach activities.

The NRC's draft Tribal Policy Statement contains the following six principles to guide staff in its interactions with Tribal officials and members of Tribes:-

**Comment [SGB1]:** State the six principles.

The following Implementation Plan is based on ~~those~~ ~~these~~ six policy principles and identifies activities that implement ~~those~~ ~~these~~ principles. For those activities that require travel (Sections 2.1 through 2.4 and 2.6), the Implementation Plan provides expected travel cost for FY15 and estimates for FY16.

The Implementation Plan's discussion of budgeted FTE for FY15 and estimated FTE for FY 2016 is provided in whole numbers in Section 2.8. The discussion of budgeted and estimated FTE in Section 2.8 includes all the activities (i.e., travel and non-travel) addressed in Sections 2.1 through 2.6.



## 2.1 Policy Principle 1: Federal Trust Recognition

*The NRC recognizes the Federal trust relationship and will uphold its trust relationship with Indian Tribes*

The NRC exercises its trust relationship within the scope of its authorizing statutes, including the Atomic Energy Act of 1954, as amended (AEA) and upholds its fiduciary duties by assuring that Tribal members receive the same protections under the regulations that are available to other persons. In addition, the NRC also complies with the requirements of other statutory provisions, including the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). As an independent agency, the NRC shares the unique trust relationship with, and responsibility to, Indian Tribes. The NRC respects Indian Tribal self-government and sovereignty, will seek to honor Tribal rights, and strive to meet responsibilities that arise from the unique relationship between the Federal Government and Indian Tribal governments.

Table 2.1, "Tribal Liaison FY15-FY16 Travel Cost Estimates for Activities Supporting Policy Principle 1," lists the planned FY15-FY16 activities and associated travel cost estimates, which will enhance the staff implementation of the NRC's responsibilities. These activities include:

- (1) Training sessions for Tribes providing information on issues that may have direct effects on Tribal health and safety;
- (2) External cultural training for NRC staff; and
- (3) Partnership with other agencies, for example the U.S. Department of Homeland Security (DHS), in developing a government-wide core competency training that would be mandatory for all Federal employees that work with Tribes.

**Comment [SGB2]:** Cultural training for NRC staff could include practical guidance on the staff's roles and responsibilities to support the NRC's principle of upholding its trust relationship with Indian Tribes.

### **2.3 Policy Principle 3: Outreach to Indian Tribes**

*The NRC will conduct outreach to Indian Tribes*

NRC staff will continue to conduct general outreach to Indian Tribes through participation in standing meetings sponsored by States, Tribal organizations, and Federal partners by maintaining regular communications with Tribal government offices. NRC staff will initiate sending routine correspondence of Tribal interest to Tribes. These may include relevant press releases, notices of Commission meetings, notices of documents available for public comment periods, notices of [Supplemental Environmental Impact Statement/NEPA document](#) publication, or newsletters. The NRC staff will evaluate the benefits of hosting Webinars on current topics for Tribes by monitoring Tribal participation and engagement, and by reaching out to Federal partners on the effectiveness of this tool.

NRC staff has historically focused its radiological emergency response efforts on Tribes that live within the 10 mile Emergency Preparedness Zone (EPZ) of a reactor. The Liaison Team staff, part of NRC's Incident Response Program, will expand this focus to include Tribes located within the 50 mile EPZ of reactor facilities to enhance communications with Tribes potentially affected by a nuclear or radiological emergency.

Table 2.3, "Tribal Liaison FY15-FY16 General Outreach Activities Travel Cost Estimates," shows planned activities and associated travel cost estimates for FY15-FY16.

## 2.6 Policy Principle 6: State-recognized Tribe Participation

The NRC will encourage participation by State-recognized Tribes

The NRC recognizes the distinction between Federally recognized and State (non-Federally) recognized Tribes. The NRC will encourage State-recognized Tribes to participate, as appropriate in all aspects of its regulatory process. NRC staff will work with States to identify the appropriate State-recognized Tribes to invite to participate in NRC's regulatory activities that have Tribal implications. Travel associated with State-recognized Tribal activities is captured in Table 2.3.

**Comment [SGB3]:** Include a brief statement of this distinction.

### Outcomes

By encouraging State-recognized Tribes' participation in NRC activities, the NRC will create a more inclusive approach to Tribal participation that aligns with the agency's openness policy. State-recognized Tribes will benefit by having greater participation in agency-related licensing and other activities that have the potential to have substantial direct effects on them. (This activity supports task (c) from SRM-SECY-14-0006 which are listed above in Section 2.)

## 2.7 Tribal Liaison Activity Summary

The following table summarizes proposed implementation activities and details on how those activities support specific Tribal Policy principles.

Table 2.5. Tribal Liaison Activities and Their Relationship to the Six Tribal Policy Principles

Tribal Liaison Activities and Their Relationship to the Six Tribal Policy Principles.						
ACTIVITIES	POLICY PRINCIPLES					
	P1	P2	P3	P4	P5	P6
Annual report of Tribal interactions/lessons learned		•	•	•	•	
Develop and Maintain Relationships	•	•	•	•	•	•
Develop Internal / External Procedures	•	•	•	•		
Expand interactions with Tribes in proximity to reactor sites	•	•	•	•	•	•
Revise Tribal Protocol Manual		•	•	•		
Improve consistency in communications to Tribes		•	•	•	•	•
Increase Tribal access to information	•	•	•	•		•
Knowledge (Data) Management	•	•	•	•	•	•
Web Portal Development	•	•	•	•		•
Formal Agreements		•	•	•	•	
NRC Staff Training	•	•	•	•		•
Tribal Training	•			•		



**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary

**FROM:** COMMISSIONER SVINICKI

**SUBJECT:** SECY-14-0146: Tribal Policy Implementation Plan

Approved XX Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

**COMMENTS:** Below XX Attached \_\_\_\_\_ None \_\_\_\_\_

I approve the staff's Tribal Policy Statement Implementation Plan based solely on its general adherence to the policy principles enshrined in the Commission-approved proposed Tribal Policy Statement. Consistent with the view provided in my vote on the Tribal Policy Statement in SECY-14-0006, the implementation plan codifies principally staff working processes. As such, on a going forward basis, it should be subject to modification, update, public comment opportunity, and revision as the staff sees necessary.

Of specific note, budgeting and resourcing decisions are determined through the Commission's budget formulation process, followed by Congressional review and enactment. Commission approval of the Tribal Policy Statement Implementation Plan does not, therefore, constitute approval of an "increase in Federal, State, and Tribal Liaison Branch FTE for FY16 to 6.0 FTE" as the staff would have it, and I do not, by my approval of this plan, approve such an increase. When funding levels have been enacted for FY 2016 the staff should propose such an increase, if still appropriate, for the Commission's review and approval as an element of the FY 2016 budget implementation plan.

  
\_\_\_\_\_  
SIGNATURE

2/25/2015  
\_\_\_\_\_  
DATE

Entered on "STARS" Yes  No \_\_\_\_\_

**NOTATION VOTE**

**RESPONSE SHEET**

**TO:** Annette Vietti-Cook, Secretary  
**FROM:** Commissioner Ostendorff  
**SUBJECT:** SECY-14-0146: Tribal Policy Implementation Plan

Approved  X  Disapproved   Abstain

Not Participating

**COMMENTS:** Below  X  Attached   None

I approve the staff's Tribal Policy Implementation Plan. However, the staff should add examples of training sessions under section 2.1 Policy Principal 1: Federal Trust Recognition, subsection (1). Some examples could include health physics, NRC regulations, NEPA, and procedures in environmental sampling.

W Ostendorff  
**SIGNATURE**

1/15/15  
**DATE**

Entered on "STARS" Yes   No

**NOTATION VOTE**

**RESPONSE SHEET**


**TO:** Annette Vietti-Cook, Secretary  
**FROM:** Commissioner Baran  
**SUBJECT:** SECY-14-0146: Tribal Policy Implementation Plan

Approved  X  Disapproved \_\_\_\_\_ Abstain \_\_\_\_\_

Not Participating \_\_\_\_\_

**COMMENTS:** Below  X  Attached \_\_\_\_\_ None \_\_\_\_\_

I approve the staff's Tribal Policy Implementation Plan. The plan will be a valuable tool for continuing to improve communication, understanding, and working relationships between NRC and Tribal governments. I commend the staff for their dedication and ongoing efforts to make progress in an area that is important for NRC and the federal government as a whole.

  
\_\_\_\_\_  
**SIGNATURE**

2/20/15  
\_\_\_\_\_  
**DATE**

Entered on "STARS" Yes  X  No \_\_\_\_\_