



OFFICE OF THE  
SECRETARY

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

QSP

November 13, 1996

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Cys: Taylor  
Milhoan  
Thompson  
Blaha  
Paperiello, NMSS  
Miraglia, NRR  
Scroggins, OC  
Droggitis, SP  
Lickus, RIII

MEMORANDUM TO: James M. Taylor  
Executive Director for Operations  
FROM: *William M. Hill*  
William M. Hill, Acting Secretary  
SUBJECT: STAFF REQUIREMENTS - SECY-96-187 - POLICY  
ISSUES RAISED IN MEETING WITH PRAIRIE ISLAND  
INDIAN REPRESENTATIVES

The Commission has approved the staff recommendations that the  
Commission direct the staff to: (SP) 9600174

- (1) inform the Prairie Island Dakota Indian Community (the Community) that the Commission does not desire to negotiate a two-party general Memorandum of Understanding (MOU) with the Community at this time;
- (2) allow the Community, similar to an adjacent State, to observe NRC inspections at the Prairie Island Nuclear Power Plant if the Community meets the same NRC requirements which an adjacent State must meet;
- (3) not develop a formal policy on cooperation with Federally-recognized Native American Tribal Governments at this time and continue to address Native American issues on a case-by-case basis, operating with Tribal Governments on a government-to-government basis;
- (4) inform the Bureau of Indian Affairs of the Commission's decision.

The staff should ascertain the resources that will be required to negotiate and implement a cooperative agreement with the Prairie Island Dakota Indian Community for observation of inspections in a manner similar to adjacent States and report this information to the Commission.

(EDO) (SP)

(SECY Suspense: 12/27/96) 9600175

In the staff's correspondence with the Prairie Island Dakota Indian Community, the staff should inform the Community that the Chairman is available to meet with the Community to discuss the Commission's decision.

(~~EDD~~) (SP)

(SECY Suspense: 12/27/96) 9600174

The staff should readdress the issue of developing a formal policy on cooperation with Federally-recognized Native American Tribal Governments in a report to the Commission in the future, when NRC resources are more available to develop and implement such a policy without impact on other Commission priorities and when the staff identifies a clear need for interactions with a larger number of Native American Tribal Governments.

(SP)

9600176

The staff should continue to implement the spirit and letter of the President's 1994 guidance to ensure that the rights of sovereign Tribal governments are fully respected and to operate within a government-to-government relationship with Federally-recognized Native American Tribes. (SP)

Commissioner Dicus did not approve the staff recommendation to not develop a formal policy regarding relations with Native American Tribal Governments and would have preferred that the staff proceed with development of a formal policy on this issue.

cc: Chairman Jackson  
Commissioner Rogers  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
OGC  
OCA  
OIG  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)