



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

August 16, 2019

MEMORANDUM TO: Dr. Brett M. Baker  
Assistant Inspector General for Audits  
Office of the Inspector General

FROM: John W. Lubinski, Director */RA/*  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: STATUS OF RECOMMENDATIONS: AUDIT OF THE  
U. S. NUCLEAR REGULATORY COMMISSION'S  
CONSULTATION PRACTICES WITH FEDERALLY  
RECOGNIZED NATIVE AMERICAN TRIBAL GOVERNMENTS  
(OIG-18-A-10)

In its February 5, 2019, memorandum to the Executive Director for Operations (Agencywide Document Access and Management System [ADAMS] Accession No. ML19036A411), the Office of the Inspector General (OIG) provided its analysis and status of the staff's response to the recommendations in the OIG's "Audit of NRC's Consultation Practices With Federally Recognized Native American Tribal Governments" (OIG-18-A-10) (ADAMS Accession No. ML18094A267). In that memorandum, the OIG indicated that recommendations 3 and 4 are closed. Subsequent to the staff's January 17, 2019, update to the OIG "Status of Recommendations: Audit of the U.S. Nuclear Regulatory Commission's Consultation Practices with Federally Recognized Native American Tribal Governments (OIG-18-A-10)" (ADAMS Accession No. ML18362A439), the Tribal liaisons and the Tribal liaison functional responsibilities were reassigned from the Federal, State, and Tribal Liaison Branch (FSTB) to the Materials Safety and Tribal Liaison Branch (MSTB). Consistent with your request in that memorandum, a status for the two resolved recommendations are provided as follows:

**Recommendation 1:**

Update Management Directive (MD) 5.1 to include FSTB when working with Tribes. The guidance should also clearly define FSTB's role and responsibilities with regard to Tribal outreach and consultation.

The OIG indicated that the proposed actions meet the intent of the recommendation and the recommendation would be closed after verifying that the Chairman has approved the revisions to MD 5.1 to include FSTB roles and responsibilities with regard to Tribal outreach and consultation for FSTB and the FSTB Tribal liaisons.

CONTACT: James Firth, NMSS/MSST  
301-415-6628

Status

The staff updated MD 5.1, "Coordination and Consultation with States and Indian Tribes," to include the responsibilities of the MSTB Tribal liaisons. MD 5.1 still requires the NRC Chairman's approval before it is published.

**Recommendation 2:**

Update NRC office procedures to include more specific direction on how to coordinate with FSTB and how to work with Tribes.

The OIG indicated that this recommendation would be closed after verifying that the NRC staff has finished updating office-specific procedures/guidance documents that coincide with TR-100 and include more specific direction on how to coordinate with FSTB and how to work with Tribes.

Status

The updates to office procedures and guidance are in progress. The target date for completing these updates remains March 2020.

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(OIG-18-A-10) **DATE August 16, 2019**

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