



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

July 22, 2020

ALL AGREEMENT AND NON-AGREEMENT STATES
ALL FEDERALLY RECOGNIZED INDIAN TRIBES
STATE LIAISON OFFICERS

ISSUANCE OF MANAGEMENT DIRECTIVE 5.1, "CONSULTATION AND COORDINATION
WITH GOVERNMENTS AND INDIAN TRIBES" (STC-20-055)

Purpose: To inform all Agreement States, non-Agreement States, Federally recognized Indian Tribes, and State Liaison Officers that the U.S. Nuclear Regulatory Commission (NRC) staff has issued the document, [NRC Management Directive \(MD\) 5.1, "Consultation and Coordination with Governments and Indian Tribes"](#) (ADAMS Accession Number ML112351312).

Background: It is the policy of the NRC to ensure appropriate and meaningful consultation and coordination begins as soon as practicable between NRC and other Federal agencies, States, federally recognized tribes and local governments, including interstate governmental agencies, intertribal agencies, Indian Tribal Organizations, and State national and regional associations regarding NRC activities. The former NRC MD and Handbook 5.1, "Intergovernmental Consultation," dated April 5, 1993, documented the NRC's policy for these interactions.

Discussion: The MD was retitled "Consultation and Coordination with Governments and Indian Tribes," to reflect the scope of activities described in the MD. The revised MD 5.1, "Consultation and Coordination with Governments and Indian Tribes," has been updated to:

- Add delegations of authority and responsibilities on Tribal issues for the Deputy Executive Director for Operations for Materials, Waste, Research, State, Tribal, Compliance, Administration, and Human Capital Programs;
- More effectively integrate consultation and coordination with Indian Tribes into the MD;
- Include responsibilities arising from the Tribal Policy Statement; and
- Clarify office directors' and regional administrators' roles to increase the efficiency of the agency's intergovernmental consultation.

The MD addresses the NRC's general responsibilities for consultation and coordination with other governments and federally recognized Indian Tribes. It is not intended to exhaustively capture all consultation responsibilities that may be required under specific Federal statutes or Federal regulations, such as the National Environmental Policy Act (42 U.S.C. 4332) or National Historic Preservation Act (54 U.S.C. 300101).

For States and other Federal agencies, consultation includes, but is not limited to, efforts through which the NRC confers with, seeks the views of, or arranges the opportunity for States and other Federal agencies to provide input to the NRC. For federally recognized Indian Tribes, consultation means the NRC's efforts to conduct meaningful and timely discussions between the NRC and Tribal governments on the NRC's regulatory actions that have substantial direct effects on one or more federally recognized Indian Tribes and those regulatory actions for which Tribal consultation is required under Federal law. The NRC's Tribal consultation allows federally recognized Indian Tribes the opportunity to provide input on regulatory actions with

Tribal implications and in which Tribal consultation is required and is different from the outreach and public comment periods.

Directive Handbook 5.1 has been eliminated. It was determined to be unnecessary because it was limited to excerpts of public laws. The reference section of MD 5.1 includes the Federal laws from which the excerpts were taken and now includes additional references that indicate where consultation and coordination with States, federally recognized Indian Tribes, and Federal agencies are required.

If you have any questions regarding this correspondence, please contact me at (817) 200-1596 or the individual named below:

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