



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, 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)