

Mr. Allan Barker

State and Government Affairs for Region III

Nuclear Regulatory Commission

2443 Warrensville Road

Lisle, Illinois 60605-4351

Dear Mr. Barker:

This letter requests observation of the NRC Inspection scheduled for April 25, 2017, at the Big Rock Site. The Little Traverse Bay Bands of Odawa Indians (LTBB) would like to send a Tribal representative to observe that inspection and asks that you please coordinate this request with the lead NRC inspector. Big Rock Nuclear Facility and nuclear waste cask storage has the potential to affect tribal jurisdictions, sovereignty and treaty rights. This Tribal representative is Traven Michaels, LTBB's Environmental Response Specialist. He requests to observe the inspection as part of his responsibilities of oversight and enforcement under the CERCLA 128a Program.

The Tribal representative has signed the appropriate protocol agreement to observe the inspection which is attached to this letter.

Sincerely,



Traven Michaels

Environmental Response Specialist

Little Traverse Bay Bands of Odawa Indians – Environmental Services

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RECEIVED MAY 31 2017

**PROTOCOL AGREEMENT FOR LITTLE TRAVERSE BAY
BANDS OF ODAWA INDIANS
OBSERVATION OF NRC INSPECTIONS**

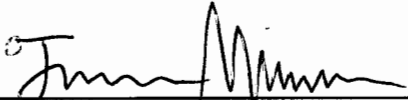
NRC Protocol:

- The Regional State Liaison Officer (RSLO) will normally be the lead individual responsible for tracking requests for Tribal observation, assuring consistency regarding these requests, and for advising the Regional Administrator on the disposition of these requests. The appropriate technical representative or Division Director will communicate with the Little Traverse Bay Bands of Odawa Indians on specific issues concerning the inspection(s).
- Requests for observations of Headquarters-based inspections will also be coordinated through the RSLO. Headquarters-based inspections should be referred through the RSLO to a technical representative designated by the Region.
- Requests should identify the type of inspection activity that the Little Traverse Bay Bands of Odawa Indians wishes to observe.
- Limits on scope and duration of the observation period may be imposed if, in the view of the Regional Administrator, they compromise the efficiency or effectiveness of the inspection. Region III will use discretion as to which, if any, inspections will be excluded from observations.
- The Little Traverse Bay Bands of Odawa Indians will be informed that they must not release information concerning the time and purpose of unannounced inspections.
- Region III will make it clear to the licensee that the Little Traverse Bay Bands of Odawa Indians views are not necessarily endorsed by NRC. Region III will also make it clear that only NRC has regulatory authority for inspection findings and enforcement actions regarding radiological health and safety.

Little Traverse Bay Bands of Odawa Indians Protocol:

- A host State is a State in which an NRC-licensed facility is located. An adjacent State is a State within the plume exposure pathway emergency planning zone (EPZ) (within approximately a 10-mile radius) of an NRC-licensed facility located in another State. An adjacent State may request permission to observe NRC inspections at an NRC-licensed facility in a host State. The Little Traverse Bay Bands of Odawa Indians, similar to an adjacent State, may observe NRC inspections at the Big Rock Site provided that the same requirements as an adjacent State are met.
- The Little Traverse Bay Bands of Odawa Indians Environmental Response Specialist will communicate requests for inspection observations. This Environmental Response Specialist will provide written inspection observation requests, including a signed protocol, to the NRC RSLO.
- The Little Traverse Bay Bands of Odawa Indians will make advance arrangements with the licensee for site access training and badging (subject to fitness for duty requirements), prior to the actual inspection.
- Normally, no more than one individual will be allowed to observe an NRC inspection.

- The Little Traverse Bay Bands of Odawa Indians will be responsible for determining the technical and professional competence of its representatives who accompany NRC inspectors.
- A Tribal observer's communication with the licensee will be through the appropriate NRC team member, usually the senior resident inspector or the team leader.
- When informed of an unannounced inspection, the Little Traverse Bay Bands of Odawa Indians must not release information concerning its time and purpose.
- A Tribal observer will remain in the company of NRC personnel throughout the course of the inspection.
- The Little Traverse Bay Bands of Odawa Indians observation may be terminated by the NRC if the Tribal observer's conduct interferes with a fair and orderly inspection.
- A Tribal observer will not be provided with proprietary or safeguards information. Tribal observers will not remove any material from the site without NRC or licensee approval.
- The Tribal observer, in accompanying the NRC inspectors, does so at his or her own risk. NRC will not be responsible for injuries or exposures to harmful substances which may occur to the accompanying individual during the inspection and will assume no liability for any incidents associated with the accompaniment.
- The Tribal observer will be expected to adhere to the same conduct as NRC inspectors during an inspection accompaniment.
- If the Tribal observer notices any apparent non-conformance with safety or regulatory requirements during the inspection, he/she will make those observations promptly known to the NRC team leader or lead inspector. Likewise, when overall conclusions or views of the Tribal observer are substantially different from those of the NRC inspectors, the Little Traverse Bay Bands of Odawa Indians will advise the team leader or lead inspector and forward those views, in writing, to the NRC Region. This will allow NRC to take any necessary regulatory actions.
- Under no circumstances should the Little Traverse Bay Bands of Odawa Indians communications regarding these inspections be released to the public or the licensee before they are reviewed by the NRC and the inspection report is issued.
- If a host State, an adjacent State or the Little Traverse Bay Bands of Odawa Indians request observation of the same inspection, the Regional Administrator will make the final determination on the number of State or Tribal observers who may attend the inspection. If there is a need to limit the number of observers, the Regional Administrator will routinely give preference to the host State observer.



 Signature of Tribal Observer

04-25-17

 Date