

March 10, 2010

The Honorable Peter Orszag
Director, Office of Management and Budget
Washington, D.C. 20503

Dear Dr. Orszag:

On November 5, 2009, President Obama issued an Executive Memorandum for the heads of executive departments and agencies on the subject of tribal consultation. The Memorandum directs executive agency and department heads to take certain actions to implement the requirements of Executive Order 13175, "Consultation and Coordination With Indian Tribal Governments." Independent regulatory agencies such as the U.S. Nuclear Regulatory Commission (NRC) are not subject to the Executive Order 13175. Nonetheless, I can assure you that the NRC has in place a program that complies with the spirit of Executive Order 13175.

Specifically, the Commission has adopted agency practices that ensure consultation and cooperation with tribal governments. The agency interacts with Native American tribal governments regarding nuclear-related regulatory issues that include uranium recovery licensing and long-term strategies for remediation, reactor licensing and inspection activities, reactor license renewal, and nuclear waste transportation and disposal. Additionally, the NRC is currently in the process of implementing an internal protocol for government-to-government interaction with tribal governments in response to Commission direction. The NRC's Office of Federal and State Materials and Environmental Management Programs (FSME), which is responsible for coordination of NRC-related matters with Native American tribes, maintains government-to-government communications with Federally-recognized tribes and tribal organizations and takes affirmative steps to identify tribes that may be impacted by agency actions.

Through all of these actions, the NRC acts in a manner consistent with the principles of Executive Order 13175. We are proud of our efforts to consult and coordinate with Indian tribal governments and will continue to enhance these efforts in the future. If you have any questions or would like to discuss these issues further, please contact me or have your staff contact Dr. Charles Miller, the Director of FSME, at 301-415-7197.

Sincerely,

/RA/

Gregory B. Jaczko