

September 29, 2006

MEMORANDUM TO: Chairman Klein
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons

FROM: Luis Reyes **/RA/**
Executive Director for Operations

SUBJECT: RECOMMENDATION ON ESTABLISHING A SINGLE, VISIBLE,
HIGH-LEVEL POINT OF CONTACT IN THE OFFICE OF THE
EXECUTIVE DIRECTOR FOR OPERATIONS FOR THE TRIBES

This memorandum responds to a June 16, 2006, Staff Requirements Memorandum (SRM), "Staff Requirements-SECY-06-0125-Proposed Reorganization of the Offices of Nuclear Material Safety and Safeguards and State and Tribal Programs," which directed the Executive Director for Operations to provide a recommendation to the Commission on establishing a single, visible high-level point of contact in the Office of the Executive Director for Operations (OEDO) for the tribes.

In 2000, the Office of State Programs was designated as the Office of State and Tribal Programs (OSTP) to provide Native American Tribal Governments with a liaison point of contact at the NRC. On October 1, 2006, OSTP will be integrated with portions of the Office of Nuclear Materials Safety and Safeguards to form the Office of Federal and State Materials and Environmental Management Programs (FSME). This office provides interested Native American Tribal Governments with NRC-related information of general interest, such as press releases, advance information of proposed rulemaking, and meeting notices, via an electronic list server. In the OEDO, the Deputy Executive Director for Materials, Research, State and Compliance Programs (DEDMRS) is responsible for oversight of FSME and making recommendations to the Commission on policy issues associated with the tribes. To date, the liaison activities completed by the staff and OEDO in this area have resulted in positive interactions with the tribes and engagement of the OEDO and Commission on significant or complex tribal issues.

In evaluating establishing a tribal point of contact in OEDO, consideration was given to effectiveness and efficiency. FSME staff have the requisite history and background on interaction with the tribes to successfully complete such liaison duties. As such, any tribal liaison functions completed at the OEDO level would need to be coordinated with the staff, which may hinder effectiveness and efficiency. In addition, communication and coordination with the tribes is unique in that the tribal governments frequently express that they desire consultation in the form of regular contact and attendance at their meetings, which may not be practical at the OEDO level.

In addition to these effectiveness and efficiency considerations, I recognize a potential perception on the part of the tribes that the regular contact with the staff and visibility that they desire could be diminished given the structure of the new organization. Therefore, I recommend that the DEDMRS be designated as the point of contact in OEDO for tribal issues, but that tribal liaison functions remain at the staff level. While the DEDMRS has fulfilled this role in practice to date, I recommend revising the DEDMRS title to "Deputy Executive Director for Materials, Waste, Research, State, Tribal, and Compliance Programs" in order to emphasize this role and the division of responsibilities in the integrated organizations. In addition, the OEDO will look for opportunities to complete outreach activities with the tribes in areas where they may have an interest (e.g., through drop-in meetings or add-ons to regularly scheduled meetings). To further enhance the visibility of the staff's tribal liaison functions, the staff is also planning the following actions:

- Establish a link to tribal activities and contacts on the NRC home page and include on this web site a description of the coordination activities completed by the staff and the OEDO.
- Include in communications regarding the reorganization of OSTP and NMSS that the tribal coordination functions remain in the new organization and that the DEDMRS has been designated as a point of contact in OEDO for the tribes.
- Strengthen coordination on inter-office tribal liaison issues such as Yucca Mountain and new reactor licensing.

Formally establishing an OEDO tribal point of contact and making the above suggested changes to our methods of communication and level of outreach to the tribes should address any potential concerns regarding decreased accessibility of the staff for tribal interactions. Routine interactions with the tribes will permit the staff to monitor whether these changes facilitate continued positive interactions with the tribes. The level and type of interactions with the tribes may be revised as necessary based on these interactions.

SECY, please track.

cc: SECY
OGC
OCA
OPA
CFO