

January 26, 2001

Rosalyn Rettman, Esq.  
Acting General Counsel  
Office of Management and Budget  
Room 262, OEOB  
Washington, D.C. 20503

Dear Ms. Rettman:

On November 6, 2000, the President signed Executive Order 13175, "Consultation and Coordination With Indian Tribal Governments." Section 5(a) of the Order requires the head of each agency to designate an official who will have the principal responsibility for the agency's implementation of the Order. The Nuclear Regulatory Commission ("NRC") is not designating such an individual because independent regulatory agencies, such as the NRC, are excluded from the mandates of Executive Order 13175. Section 1(c) of the order makes this clear by excluding from the definition of "agency" any agencies considered to be independent regulatory agencies under the definition provided in 44 U.S.C. §3502(5).

However, I can assure you that in exercising its regulatory authority, this agency acts in a manner consistent with the fundamental precepts expressed in the Order. To that end, the Commission has adopted agency practices that ensure consultation and cooperation with Indian tribal governments fully consistent with both President Clinton's 1994 guidance and with Executive Order 13175. In addition, the NRC's Office of State and Tribal Programs, which is responsible for coordination of NRC-related matters with Indian tribes, maintains government-to-government communications with Federally-recognized Indian tribes and tribal organizations and takes affirmative steps to identify tribes that may be impacted by agency actions. The Director of that Office, Paul H. Lohaus, can be reached at 301-415-3340.

Sincerely,

/RA/

Karen D. Cyr  
General Counsel

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 Karen D. Cyr  
 General Counsel

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