

1FINAL SUPPORTING STATEMENT  
FOR  
REQUESTS TO INDIAN TRIBES FOR INFORMATION

3150-XXXX

NEW

Description of the Information Collection

U.S. Nuclear Regulatory Commission (NRC) actions and NRC-regulated activities may affect both federally and State recognized Indian Tribes (Indian Tribes) and their current or ancestral Tribal lands. On January 9, 2017, the NRC published a Tribal Policy Statement (82 FR 2402). In its Tribal Policy Statement, the NRC indicated that it recognizes the Federal Trust Relationship with federally recognized Indian Tribes and will uphold its Trust Responsibility to Indian Tribes. Additionally, the Tribal Policy Statement states that the NRC encourages participation by State-recognized Tribes and is committed to a government-to-government relationship with Indian Tribes. The NRC also indicated that it will engage in timely consultations with Indian Tribes.

The NRC is seeking approval for a plan for a generic collection of information. The need and practicality of the collection can be evaluated, but the details of the specific individual collections will not be known until a later time. Requests to Indian Tribes for information will be uncontroversial and low-burden. All surveys and requests for information will be submitted to the Office of Management and Budget for review prior to being sent to Indian Tribes. These requests would help the NRC to understand the concerns and perspectives of Indian Tribes and to consider the effects of NRC's regulatory activities on Indian Tribes. The NRC's policy is to consult with Indian Tribes on NRC regulatory actions with Tribal implications. In its policy statement, the NRC defined "Regulatory Actions with Tribal Implications" as referring to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

The information collection would include providing Indian Tribes with 1) the opportunity to review and provide input on documents related to the NRC's regulatory actions with Tribal implications and 2) the opportunity to review and comment on guidance documents, draft rules, white papers, policy documents, etc. that would affect Indian Tribes or that may be of interest to Indian Tribes. The information collection also includes information about Tribal lands, Tribal resources, and Tribal governance that would enable the NRC to understand the effects that the NRC's regulatory actions with Tribal implications would have on Indian Tribes. The information collected would also include feedback from Indian Tribes related to the effectiveness of the NRC's Tribal outreach and consultation and the NRC's Tribal liaison program.

JUSTIFICATION

1. Need For and Practical Utility of the Collection of Information

The NRC's regulatory actions with Tribal implications will affect Indian Tribes. Other NRC activities may affect Indian Tribes or would be of interest to Indian Tribes. The information collected will help the NRC to know and understand the views of Indian

Tribes, which will enable the NRC to consider the views and concerns of Indian Tribes in the NRC's decision-making and in the implementation of the NRC's Tribal liaison program. The information collected will enable the NRC to better understand the effects of its activities on Indian Tribes. The information collected will assist the NRC in fulfilling its Trust Responsibility to Indian Tribes. The information collected pertaining to the NRC's Tribal liaison program will allow the NRC to make changes and to plan activities that will enable the NRC to more effectively adhere to the principles of the NRC's Tribal Policy Statement.

Most requests would provide Indian Tribes the opportunity to review and provide comments on documents or NRC's activities or a set of topics. The documents provided to Indian Tribes for review would include, but not be limited to, the following: guidance documents, draft rules, white papers, policy documents, regulatory basis documents, draft environmental assessments, and draft international standards. Some requests may seek information responding to a set of standard questions. The information requests pertaining to the NRC's Tribal outreach and consultation efforts and the NRC's Tribal liaison program may include a set of standard questions.

2. Agency Use of Information

The information collected will be used to allow the NRC to consider and address the views and concerns of Indian Tribes for those activities that would affect Indian Tribes, including regulatory actions with Tribal implications, or that are of interest to Indian Tribes. The information collected will enable the NRC to evaluate and consider the effects on Tribes from the NRC's regulatory actions with Tribal implications. The information collected pertaining to the effectiveness of the NRC's Tribal outreach and consultation efforts and the NRC's Tribal liaison program will allow the NRC to make adjustments to its Tribal liaison program and to plan future outreach and consultation efforts involving Indian Tribes.

3. Reduction of Burden Through Information Technology

The NRC has issued *Guidance for Electronic Submissions to the NRC* which provides direction for the electronic transmission and submittal of documents to the NRC. Electronic transmission and submittal of documents can be accomplished via the following avenues: the Electronic Information Exchange (EIE) process, which is available from the NRC's "Electronic Submittals" Web page, by Optical Storage Media (OSM) (e.g. CD-ROM, DVD), by facsimile or by e-mail. It is estimated that approximately 30 percent of the potential responses will be filed electronically.

4. Effort to Identify Duplication and Use Similar Information

No sources of similar information are available. There is no duplication of requirements. The NRC has in place an ongoing program to examine all information collections with the goal of eliminating all duplication and/or unnecessary information collections.

5. Effort to Reduce Small Business Burden

It is estimated that approximately 98 percent of responding Indian Tribes are small entities. In order to minimize burden on the responding Indian Tribes, responses to the requested information will be voluntary. The NRC will seek to identify alternate sources of information and ways to enable Indian Tribes to provide information more efficiently and to accommodate approaches that would reduce the burden on Indian Tribes to provide the requested information. This could include obtaining the information through face-to-face meetings, phone calls, and webinars.

6. Consequences to Federal Program or Policy Activities if the Collection Is Not Conducted or Is Conducted Less Frequently

The information collected will address policies or activities that would affect, or would be of interest to, Indian Tribes. This information will be collected as needed, with each collection being unique. The information collected on the NRC's Tribal liaison program, including the NRC's outreach to and consultation with Indian Tribes may be collected more than once, but would still be only as needed.

Without collecting this information, the NRC would be unable to consider and address the views or concerns of Indian Tribes in a timely manner. This would result in delays in the NRC's activities and decisions. The absence of information pertaining to the potential effects of NRC's activities on Indian Tribes would make the NRC's decisions less responsive and the NRC's decisions may not reflect the effects on Indian Tribes. The views and perspectives of Indian Tribes on matters of interest to the Indian Tribe may not be included. The NRC's Tribal liaison program and the NRC's Tribal outreach and consultation activities serve the interests of both the NRC and the Indian Tribes. The NRC's Tribal liaison program and the NRC's Tribal outreach and consultation activities will be less effective and efficient without the collected information or if the information is collected less frequently.

7. Circumstances Which Justify Variation from OMB Guidelines

There may be exigent circumstances which could affect public health and safety or national security, which would require a response in less than 30 days. The requests for voluntary information may be less than 30 days to allow timely input on an issue and where 30 days may be impracticable.

8. Consultations Outside the NRC

Opportunity for public comment on the information collection requirements for this clearance package was published in the Federal Register on October 7, 2019 (84 FR 53479). No comments were received in response to the published notice. Representatives for four federally recognized Indian Tribes were contacted by phone as part of the consultation process. The feedback from these consultations was consistent with the information collection in this clearance package and with the efforts to minimize the burden of the collection, so the feedback did not result in changes to the burden or to other parts of the clearance package. The feedback from these consultations did include suggestions that are appropriate to consider during the implementation of this clearance package.

One representative expressed the view that the generic collection was overdue and a good approach. Another representative expressed the view that the generic information collection appears to be a good approach, but indicated that, depending on how they are portrayed, generic requests may decrease response rates.

Two representatives expressed the view that the burden estimate is reasonable and expressed support for allowing Indian Tribes 30 days to respond. One representative indicated that it is hard to evaluate the burden estimate without a specific request.

One representative offered the following suggestions to improve the quality, utility, and clarity of the information collected:

- Make the information easier for the recipient to read and understand, highlight important sections of the documents, use pictures, and provide up-front information to provide context for both the request and the information sought.
- Gather information about whom in the Indian Tribe should receive the information and direct the request to this person.
- Use one-pagers and flyers for the requests.

One representative suggested making the requests as clear as possible and describing how the information will be used and applied. One representative suggested that using very specific questions and working with the Indian Tribes to refine the wording of the questions.

Two representatives expressed support for using different approaches to reduce the burden on Indian Tribes when obtaining the information. One representative identified webinars as an effective way to solicit information from Indian Tribes. One representative indicated that using meetings can be helpful to streamline the information collection. One representative indicated that simple surveys with the ability to check off responses could be useful. One representative indicated that having a liaison meet with their counterpart at the Indian Tribe can be helpful to reduce the burden and to improve the quality of the information.

One representative questioned why this clearance would not include "State Recognized Tribes." In its Tribal Policy Statement (ML17011A243, 82 Fed. Reg. 2402; Jan. 9, 2017), the NRC states that it will encourage participation by State-Recognized Tribes and will reach out to States to identify the appropriate State-recognized Tribes to invite to participate. As a result, the NRC is revising the language in the clearance to include information collection from State-Recognized Tribes pursuant to the NRC's Tribal Policy Statement.

9. Payment or Gift to Respondents

Not applicable.

10. Confidentiality of Information

Confidential and proprietary information provided to the NRC is protected in accordance with NRC regulations at 10 CFR 9.17(a) and 10 CFR 2.390(b).

11. Justification for Sensitive Questions

No sensitive information will be requested.

12. Estimated Burden and Burden Hour Cost

The NRC estimates that it will make 20 requests annually. Most requests would go to each of the 574 federally-recognized Indian Tribes as well as 63 state-recognized Indian Tribes (a total of 637 potential respondents). The responses to the requests are voluntary. The NRC anticipates that, on average, 32 Indian Tribes will respond to a given request for information (5 percent response rate); however, because the same Indian Tribes may not respond to each request, the NRC staff assumes that 45 different Tribes will respond to a request over the course of the three-year clearance period. The average burden per requests is estimated to be 8 hours. The estimated burden is 15,360 hours (32 responses per request x 20 requests per year x 8 hours per response x 3 years = 15,360 hours) at a cost of \$4,224,000 (14,400 hours x \$275/hour).

13. Estimate of Other Additional Costs

There are no additional costs.

14. Estimated Annualized Cost to the Federal Government

The NRC professional staff will review and analyze and respond to the responses or comments. The NRC estimates this will require 500 hours of staff time annually at a cost of \$137,500 (500 hours x \$275/hr).

15. Reasons for Change in Burden or Cost

This is a request for a plan for a new generic collection of information. Under this plan, the NRC staff would send voluntary requests for information and comments to Indian Tribes. These requests would impose an estimated 5,120 hours of annual burden at a cost of \$1,408,000 (5,120 hours x \$275/hr) on Indian Tribal governments. Over the course of the 3-year clearance period, this will be 15,360 hours at a cost of \$4,224,000. The information requested is the minimum necessary to provide Indian Tribes 1) the opportunity to review and provide comments on documents pertaining to the NRC's regulatory actions with Tribal implications, 2) the opportunity to provide comments on other NRC activities that may affect Indian Tribes or would be of interest to Indian Tribes, and 3) other information that would allow the NRC to better understand the effects of its activities on Indian Tribes.

16. Publication for Statistical Use

This information will not be published for statistical use.

17. Reason for Not Displaying the Expiration Date

The expiration date will be displayed. If the information is requested in person or verbally, the OMB approval would be provided verbally.

18. Exceptions to the Certification Statement

Not applicable.

B. Collections of Information Employing Statistical Methods

Not applicable.