

\$ Food Services Providers
\$ Fitness Center Providers
\$ Emergency Response Entities
\$ Other Assistance

Failure to include a type of Federal assistance in the above list shall not mean, where 10 CFR Part 4 is applicable, that a program, activity, or service is not covered.

A. JUSTIFICATION

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

The Office of Small Business and Civil Rights (SBCR) administers the agency's outreach and compliance program directed towards ensuring equal access to, benefits from, and participation in NRC Conducted and Financially Assisted Programs, Activities and Services; and NRC-wide adherence to, and compliance with mandatory data and information collection, and reporting requirements imposed by various civil rights statutes and regulatory requirements such as those listed. The reporting and recordkeeping requirements are necessary in order for NRC staff to assure that the recipients of NRC Federal finance assistance are also in compliance with applicable civil rights statutes and regulations.

The currently effective information collection requirements of Part 4 are identified and explained below.

Subpart A

Any program or activity which receives Federal financial assistance from the NRC must meet the requirements of Title VI of the Civil Rights Act of 1964, Pub. L. 88-352; (78 Stat. 241; 42 U.S.C. 2000a note) and Title IV of the Energy Reorganization Act of 1974. Pub. L. 93-438, (88 stat. 1233; 42 U.S.C. 5801 note). The Acts address nondiscrimination with respect to race, color, national origin or sex in any program or activity receiving Federal financial assistance.

Current information collection requirements of 10 CFR Part 4, Subpart A, "Regulations Implementing Title VI of the Civil Rights Act of 1964 and the Energy Reorganization Act of 1974" are as follows:

Section 4.21 requires that every grant, loan or contract under a program to which this subpart applies, except a program to which Sec. 4.22 applies, shall, as a condition to its approval by NRC, or by the appropriate NRC contractor or subcontractor, and the extension of any Federal financial assistance pursuant thereto, contain or be accompanied by an assurance that the program will be conducted in compliance with all requirements imposed by or pursuant to Subpart A.

ADAMS Accession Numbers

Package: ML072000481
Document: ML072000496

Section 4.22 requires that every application by a State or a State agency for continuing Federal financial assistance shall require the submission of and every grant, loan, or contract to or with a State or a State agency to carry out a program

ADAMS Accession Numbers

Package: ML072000481
Document: ML072000496

involving continuing Federal financial assistance to which this subpart applies, shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the grant, loan or contract, contain or be accompanied by, a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to Subpart A, and shall provide or be accompanied by provisions for such methods of administration for the program as are found by the responsible NRC official to give reasonable assurance that the recipient and all other recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to Subpart A.

Section 4.24 requires that assurances from institutions apply to the entire institution unless the institution establishes to the satisfaction of the responsible NRC official, that the institution's practices in designated parts or programs of the institution will in no way affect its practices in the program of the institution for which Federal financial assistance is sought. The assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

Section 4.32 requires recipients to keep and submit timely, complete, and accurate Federal financial assistance records for three years and submit these records when requested to the NRC official for determining if recipients complied or are complying with Subpart A. If for any reason a primary recipient extends Federal financial assistance to another recipient, the other recipient has to submit records to the primary recipient to carry out its obligations under this subpart. NRC maintains a copy in the program office files and the Public Document Room.

Section 4.34 requires recipients to make available to beneficiaries or other interested persons, information regarding Subpart A and how it applies to the program under which the recipient receives Federal financial assistance.

Subpart B

Any program or activity which receives Federal financial assistance from the NRC must also meet the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, Pub. L. 93-112 (87 Stat. 355; 29 U.S.C. 701 note), Pub. L. 95-602 (92 Stat. 2955; 29 U.S.C. 701 note). The Act prohibits nondiscrimination with respect to the disability in any program or activity receiving Federal financial assistance.

Current information collection requirements of 10 CFR Part 4, Subpart B, "Regulations Implementing Section 504 of the Rehabilitation Act of 1973, as Amended" are as follows:

Section 4.125(d) references collection of medical histories of applicants and requires that information obtained by a recipient employer as to the medical condition or history of an applicant for employment will be collected and maintained for three years for review by U.S. government officials investigating compliance with the Rehabilitation Act of 1973, as amended.

Section 4.127(d) requires that where structural changes to facilities are necessary to render a program receiving Federal financial assistance accessible to

and useable by disabled persons, a transition plan is to be developed, approved by NRC, and maintained until structural changes have been completed.

Section 4.231(a) requires that recipients submit an assurance statement that their programs and activities will be operated in compliance with Section 504 of the Rehabilitation Act of 1973 or Subpart B.

Section 4.231(e) requires that recipients perform self-evaluations of policies and practices that are covered by Section 504 of the Rehabilitation Act of 1973, as amended, to assure that their programs are in compliance with the law. This self-evaluation is to be done with the assistance of interested persons, including disabled persons and/or their representatives. Should this self-evaluation reveal practices or policies that do not comply with NRC regulations, they must be modified and remedial steps must be taken to eliminate the effect of past discrimination. The records of self-evaluation shall be maintained on file for public and/or NRC inspection for a period of three years.

Section 4.232 requires recipients to take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and sub-recipients of its non-discrimination policies.

Subpart C

Any program or activity which receives Federal financial assistance from the NRC must also meet the requirements of the Age Discrimination Act of 1975, as amended Pub. L. 94-135 (89 Stat. 713; 42 U.S.C. 3001 note), Pub. L. 95-478 (92 Stat. 1513; 42 U.S.C. 3001 note). The Act also prohibits nondiscrimination on the basis of age in any program or activity receiving Federal financial assistance.

Current information collection requirements of 10 CFR Part 4, Subpart C, "Regulations Implementing The Age Discrimination Act of 1975, as " are as follows:

Section 4.321 requires each recipient signing an assurance statement that its primary responsibility is to ensure that its programs and activities will be conducted in compliance with all the requirements imposed by the Act and these regulations. A recipient also has responsibility to maintain records, provide information, and to afford NRC access to its records to the extent required, to determine whether it is in compliance with the Act and these regulations.

Section 4.322(b) requires that when a recipient makes available Federal financial assistance from NRC to a sub-recipient, the recipient shall provide the sub-recipient written notice of the sub-recipient's obligations under the Act and these regulations.

Section 4.324 requires recipients to make available to NRC, upon request, information necessary to determine whether the recipient is in compliance with the Act and these regulations, and permit NRC reasonable access to its records and sources of information.

2. Agency Use of Information.

The information is used to incorporate the basic standards for determining age discrimination, and are designed to provide guidance to recipients of money paid, property transferred, or other Federal financial assistance extended under any program or activity, by way of grant, entitlement, cooperative agreement, loan, contract, or other agreement by NRC, or an authorized contractor or subcontractor of NRC.

3. Reduction of Burden Through Information Technology.

There are no legal obstacles to reducing the burden associated with this information collection. The NRC encourages respondents to use new automated information technology when it would be beneficial to them. NRC issued a regulation on October 10, 2003 (68 FR 58791), consistent with the Government Paperwork Elimination Act, which allows its licensees, vendors, applicants, and members of the public the option to make submissions electronically via CD-ROM, e-mail, special Web-based interface, or other means. Requests which are not for personal records that require verification of identity of the requester are being accepted by electronic mail and facsimile transmission in addition to mail and in-person written request. Currently, electronic submissions are being received on a more frequent basis as licensees are utilizing e-mail to respond to the NRC. Approximately 50% of the submissions are received in electronic form.

4. Efforts to Identify Duplication and Use of Similar Information.

The collection of the information required is not a duplication of other information. No sources of similar information are available and there is no duplication of requirements. Each response is for an individual recipient of Federal financial assistance.

5. Efforts to Reduce Small Business Burden.

The information collection does not involve small businesses or other small entities, and will have a minimal, if any impact on Small Businesses.

6. Consequences to Federal Program or Policy Activities if the Collection is not Conducted or is Conducted Less Frequently.

There is no specific time frame for collection. The required information is submitted upon initiation or modification of a program, during the pre-award and post-award stage, periodic monitoring, and, if a complaint is being processed.

7. Circumstances which Justify Variation from OMB Guidelines.

There are no circumstances that would justify variation from OMB guidelines.

8. Consultations Outside the NRC.

An opportunity for public comment on the Information Collection Requirements for this clearance was published in the Federal Register on May 18, 2007 (72 FR 28083). No comments were received.

9. Payment or Gift to Respondents.

Not Applicable.

10. Confidentiality of Information.

NRC provides no pledge of confidentiality for the collection of this information. However, records maintained per §4.125(d) are considered confidential medical records and are maintained as such. To the extent information is business confidential, procedures are in place to protect the information from improper disclosure.

11. Justification for Sensitive Questions.

In every case, information pertaining to handicapping conditions is required in order to assure compliance with Section 504 of the Rehabilitation Act of 1973, as amended. There are no sensitive questions pertaining to nondiscrimination on the basis of age.

12. Estimate Burden and Burden Hour Cost:

Burden Summary. An estimated 200 respondents will be subject to approximately 3 collection requirements, requiring minimal information and documentation. Each of these 200 respondents will be requested to submit information and documentation for collection and reporting requirements covered under 10 CFR Part 4. The total responses under reporting is 600 (200 x 3 = 600). The total number of responses is 800 (600 reporting responses plus 200 recordkeepers). The total annual estimated reporting burden is 3,000 hours (600 reporting responses x 5 hours). The total annual estimated recordkeeping burden is 600 (200 recordkeepers x 3 hrs.) The total overall estimated burden is 3,600 hours at a cost of \$777,600 (3,600 hours x \$216 per hour).

The burden for third party collections are incorporated in the estimated record keeping burden .

Detailed Description of Burden Calculation. Each of the 200 respondents will be required to submit 3 reports a year for all of the 10 CFR reporting requirements under Sections 4.21, 4.22, 4.24, 4.32, 4.34, 4.125(d), 4.231(a), 4.321, and 4.324(a). The estimated number of responses is 600 (200 respondents X 3 reports). The total annual reporting burden is 3,000 hours (200 respondents X 3 reports X 5 hours per response) with an estimated cost of \$648,000 (3,000 X \$216).

Each of the 200 respondents will maintain the records required under Sections 4.32, 4.125(d), 4.127(d), 4.231(e), 4.321, and 4.324(a). Additionally, the burden for

third party collections for Sections 4.32, 4.232 and 4.322(b) are incorporated in the estimated recordkeeping burden. The estimated number of recordkeepers is 200. The total annual recordkeeping burden is 600 hours (3 hours X 200 recordkeepers) with an estimated cost of \$129,600 (600 X \$216).

The overall estimated burden is 3,600 hours (3,000 hours for reporting + 600 hours for recordkeeping) for an estimated total cost of \$777,600 (3,600 hours X \$216). The total estimated cost for each respondent is \$3,888 (\$777,600 ÷ 200 respondents).

13. Estimate of Other Additional Costs.

NRC has determined that the records storage cost is roughly proportional to the recordkeeping burden cost. Based on a typical clearance, the records storage cost has been determined to be equal to 0.04 percent of the recordkeeping burden cost. Therefore, the records storage cost for this clearance is insignificant, as shown below:

$$600 \text{ recordkeeping hours} \times 0.0004 = 0.24 \text{ record storage cost hours}$$

$$0.24 \text{ record storage cost hours} \times \$216/\text{hour} = \$51.84$$

14. Estimated Annualized Cost to the Federal Government.

The burden cost for professional staff-hour is estimated to be \$216 and \$65 for clerical staff-hours. The estimated annual cost to the Federal Government in administering the program and procedures data pertaining to nondiscrimination on the bases of race, color, national origin, sex, handicap, and age contained in these requirements is:

Annual cost - professional effort (600 reports x 5 hrs x \$ 216/hr)	=	\$648,000
Annual cost - clerical effort (600 reports x 1 hr x \$ 65/hr)	=	\$ 39,000
Annual cost - record holding requirement for ongoing program (4 cubic ft. x \$209/cubic ft.)	=	\$ 836
Total annual cost	=	\$ 687,836

15. Reasons for Change in Burden.

The number of respondents and recordkeepers have increased from 54 to 200, because NRC is providing financial assistance to more respondents, by way of disbursed funds, grants, entitlement, cooperative agreement, loan, contract, or other agreements. The increased number of respondents is based on a best

estimate by staff of the number of compliance reports respondents are required to submit to remain in compliance with the provisions set forth in 10 CFR Part 4.

The increased number of respondents caused an increase in the number of hours attributed to processing reports. The overall burden increased from 432 hours to 3,600 hours, due to an increase in the number of respondents from 54 to 200. In addition, the number of responses per respondent increased because the reporting frequency is expected to increase from once to 3 times annually and the burden was adjusted accordingly. The cost for professional staff-hours also increased from \$156/hr to \$216/hr in accordance with Part 170.

16. Publication for Statistical Use.

There are no plans to publish the information received from recipients pursuant to these reporting requirements.

17. Reason for Not Displaying the Expiration Date.

The requirement will be contained in a regulation. Amending the Code of Federal Regulations to display information that, in an annual publication, could become obsolete would be unduly burdensome and too difficult to keep current.

18. Exceptions to the Certification Statement.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used in the collection of information.