

FINAL OMB SUPPORTING STATEMENT
FOR
10 CFR PART 4
"NONDISCRIMINATION IN FEDERALLY ASSISTED COMMISSION PROGRAMS"
(3150-0053)
EXTENSION

Description of the Information Collection Requirements

The Office of Small Business and Civil Rights (SBCR) administers the U.S. Nuclear Regulatory Commission's (NRC) Outreach and Compliance Coordination Program (OCCP) to ensure adherence to, and compliance with various civil rights statutes and regulations, Executive Orders, White House education initiatives, related provisions of the Energy Policy Act of 2005 (EPAct), and other internal/external regulatory requirements. The Outreach and Compliance Coordination Program also ensures NRC's compliance with mandatory data and information collection, and reporting requirements.

The regulations under 10 CFR Part 4 implement the provisions of Title VI of the Civil Rights Act of 1964, Pub. L. 88-352; (78 Stat. 241; 42 U.S.C. 2000a note), Title IV of the Energy Reorganization Act of 1974, Pub. L. 93-438, (88 stat. 1233; 42 U.S.C. 5801 note), which relate to nondiscrimination with respect to race, color, national origin or sex in any program or activity receiving Federal financial assistance from NRC; 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) which relates to nondiscrimination with respect to disability in any program or activity receiving Federal financial assistance; and 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), which relates to nondiscrimination on the basis of age in any program or activity receiving Federal financial assistance.

All recipients of Federal financial assistance from the NRC are subject to the provisions of 10 CFR Part 4. The types of Federal financial assistance provided by the NRC, to which these statutes and regulations apply, include, but are not limited to, the following:

- Educational Systems, Universities, Colleges, and Research Institutions
- Equipment and Building Loans
- Use of Equipment
- Donation of Surplus Property
- Grants
- Loan Guarantees
- Training
- Employee or Student Recruitment
- State Health and Radiological Offices
- Day Care Center Providers
- Food Services Providers
- Fitness Center Providers
- Emergency Response Entities
- Other Assistance

Failure to include a type of Federal financial 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 administers the agency's OCCP 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 financial assistance are also in compliance with applicable civil rights statutes and regulations.

The current effective information collection requirements of 10 CFR Part 4, Subparts A – C, 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(a) 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.

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

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 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 confidential 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 confidentially 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 amended" 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 discrimination under the applicable civil rights statutes and regulations, and is 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 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. It is estimated that approximately 98% of the potential responses are filed electronically.

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

No sources of similar information are available. There is no duplication of requirements. 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. 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 by the recipient 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.

Opportunity for public comment on the information collection requirements for this clearance package was published in the Federal Register on November 29, 2013 (78 FR 71674). No comments were received.

9. Payment or Gift to Respondents.

Not Applicable.

10. Confidentiality of Information.

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

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, race, color, national origin or sex.

12. Estimate Burden and Burden Hour Cost:

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 estimated burden per response includes time to complete the form in addition to reading the instructions and preparing the necessary documents. 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 \$979,200 (3,600 hours x \$272 per hour).

Detailed Description of Burden Calculation.

The overall estimated burden is 3,600 hours (3,000 hours for reporting + 600 hours for recordkeeping) for an estimated total cost of \$979,200 (3,600 hours X \$272). The total estimated cost for each respondent is \$4,896 (\$979,200 ÷ 200 respondents).

NOTE: The NRC's hourly rate is contained in the NRC's Annual Revision of Fee Schedules; Fee Recovery Final Rule (published June 30, 2014, 79 FR 37123); which is used to determine burden cost associated with the NRC's information

collection activities. The final rule amends the licensing, inspection and annual fees charged to applicants and licensees. These amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), which requires the NRC to recover approximately 90 percent of its budget authority through fees. Over the past 40 years, the NRC has assessed and continues to assess, fees to applicants and licensees to recover the cost of its regulatory program. The NRC's cost recovery principles for fee regulations are governed by two major laws: 1) the Independent Offices Appropriations Act of 1952 (IOAA) (31 U.S.C. 483 (a)); and 2) OBRA-90 (42 U.S.C. 2214), as amended.

The NRC's hourly rate is used in assessing full cost fees for specific services provided, as well as flat fees for certain application reviews. The hourly rate is derived by dividing the sum of recoverable budgeted resources for 1) mission-direct program salaries and benefits; 2) mission-indirect program support; and 3) agency corporate support and the Inspector General, which is all agency indirect costs. The mission-direct FTE hours are the product of the mission-direct FTE multiplied by the hours per direct FTE. The only budgeted resources excluded from the hourly rate are those for contract activities related to mission-direct and fee relief activities.

13. Estimate of Other Additional Costs.

The NRC has determined that the quantity of records to be maintained is roughly proportional to the recordkeeping burden and, therefore, can be used to calculate approximate records storage costs. Based on the number of pages maintained for a typical clearance, the records storage cost has been determined to be equal to 0.0004 times the recordkeeping burden cost. Because the recordkeeping burden is estimated to be 600 hours, the storage cost for this clearance is \$65.28 (600 hours x 0.0004 x \$272/hour).

14. Estimated Annualized Cost to the Federal Government.

The burden cost for professional staff-hour is estimated to be \$272 and \$47 for clerical staff-hours. The estimated annual cost to the Federal Government in administering the program and procedures for data collection 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 \$ 272/hr)	=	\$816,000
Annual cost - clerical effort (600 reports x 1 hr x \$ 47/hr)	=	\$ 28,200
Annual cost - record holding requirement for ongoing program (4 cubic ft. x \$209/cubic ft.)	=	\$ 836
Total annual cost	=	\$ 845,036

NOTE: The NRC's hourly rate is contained in the NRC's Annual Revision of Fee Schedules; Fee Recovery Final Rule (published June 30, 2014, 79 FR 37123); which is used to determine burden cost associated with the NRC's information collection activities. The final rule amends the licensing, inspection and annual fees charged to applicants and licensees. These amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), which requires the NRC to recover approximately 90 percent of its budget authority through fees. Over the past 40 years, the NRC has assessed and continues to assess, fees to applicants and licensees to recover the cost of its regulatory program. The NRC's cost recovery principles for fee regulations are governed by two major laws: 1) the Independent Offices Appropriations Act of 1952 (IOAA) (31 U.S.C. 483 (a)); and 2) OBRA-90 (42 U.S.C. 2214), as amended.

The NRC's hourly rate is used in assessing full cost fees for specific services provided, as well as flat fees for certain application reviews. The hourly rate is derived by dividing the sum of recoverable budgeted resources for 1) mission-direct program salaries and benefits; 2) mission-indirect program support; and 3) agency corporate support and the Inspector General, which is all agency indirect costs. The mission-direct FTE hours are the product of the mission-direct FTE multiplied by the hours per direct FTE. The only budgeted resources excluded from the hourly rate are those for contract activities related to mission-direct and fee relief activities.

15. Reasons for Change in Burden.

There is no change in burden. The cost for professional staff-hours increased from \$257/hr to \$272/hr.

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.