PAPERWORK REDUCTION ACT SUBMISSION

PDR Designated Original

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: **Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request

U.S. Nuclear Regulatory Commission

2. OMB control number

[√] a. 3150 - 0053
[ ] b. None

3. Type of information collection *(check one)*

[ ] a. New collection
[ ] b. Revision of a currently approved collection
[ ] c. Extension of a currently approved collection
[ ] d. Reinstatement, **without change**, of a previously approved collection for which approval has expired
[ ] e. Reinstatement, **with change**, of a previously approved collection for which approval has expired
[ ] f. Existing collection in use without an OMB control number

4. Type of review requested *(check one)*

[√] a. Regular
[ ] b. Emergency - Approval requested by (date):
[ ] c. Delegated

5. Will this information collection have a significant economic impact on a substantial number of small entities?

[ ] a. Yes
[√] b. No

6. Requested expiration date

[√] a. Three years from approval date
[ ] b. Other (Specify):

7. Title

10 CFR Part 4, "Nondiscrimination in Federally Assisted Commission Programs"

8. Agency form number(s) *(if applicable)*

9. Keywords

Employment discrimination, handicapped persons, age discrimination

10. Abstract

Recipients of NRC financial assistance provide data on procedures to provide assurance to NRC that they are in compliance with nondiscrimination policies.

11. Affected public *(Mark primary with "P" and all others that apply with "X")*

[ ] a. Individuals or households
[P] b. Business or other for-profit
[X] c. Not-for-profit institutions
[ ] d. Farms
[ ] e. Federal Government
[X] f. State, Local or Tribal Government

12. Obligation to respond *(Mark primary with "P" and all others that apply with "X")*

[ ] a. Voluntary
[ ] b. Required to obtain or retain benefits
[X] c. Mandatory

13. Annual reporting and recordkeeping hour burden

a. Number of respondents	32
b. Total annual responses	128
1. Percentage of these responses collected electronically	%
c. Total annual hours requested	352
d. Current OMB inventory	8
e. Difference	344
f. Explanation of difference	
1. Program change	
2. Adjustment	344

14. Annual reporting and recordkeeping cost burden *(in thousands of dollars)*

a. Total annualized capital/startup costs	
b. Total annual costs (O&M)	
c. Total annualized cost requested	
d. Current OMB inventory	
e. Difference	
f. Explanation of difference	
1. Program change	
2. Adjustment	

15. Purpose of information collection *(Mark primary with "P" and all others that apply with "X")*

[ ] a. Application for benefits
[ ] b. Program evaluation
[ ] c. General purpose statistics
[ ] d. Audit
[ ] e. Program planning or management
[ ] f. Research
[P] g. Regulatory or compliance

16. Frequency of recordkeeping or reporting *(check all that apply)*

[√] a. Recordkeeping
[ ] b. Third-party disclosure
[√] c. Reporting
[√] 1. On occasion
[ ] 2. Weekly
[ ] 3. Monthly
[ ] 4. Quarterly
[ ] 5. Semi-annually
[ ] 6. Annually
[ ] 7. Biennially
[ ] 8. Other (describe)

17. Statistical methods

Does this information collection employ statistical methods?

[ ] Yes
[√] No

18. Agency contact *(person who can best answer questions regarding the content of this submission)*

Name: **Joan Higdon**

Phone: **301-415-7384**

D103

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8 (b) (3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

(a) It is necessary for the proper performance of agency functions;

(b) It avoids unnecessary duplication;

(c) It reduces burden on small entities;

(d) It uses plain, coherent, and unambiguous terminology that is understandable to respondents;

(e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;

(f) It indicates the retention periods for recordkeeping requirements;

(g) It informs respondents of the information called for under 5 CFR 1320.8 (b) (3):

- (i) Why the information is being collected;
- (ii) Use of information;
- (iii) Burden estimate;
- (iv) Nature of response (voluntary, required for a benefit, or mandatory);
- (v) Nature of extent of confidentiality; and
- (vi) Need to display currently valid OMB control number;

(h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of the instructions);

(i) It uses effective and efficient statistical survey methodology; and

(j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Authorized Agency Official	Date
Signature of Senior Official or designee Brenda J Shelton Brenda Jo. Shelton, NRC ~~Clearance Officer~~, Office of the Chief Information Officer	Date 4/12/2001

FINAL OMB SUPPORTING STATEMENT FOR REPORTING REQUIREMENTS UNDER 10 CFR PART 4

"NONDISCRIMINATION IN FEDERALLY ASSISTED COMMISSION PROGRAMS"

(3150-0053)

REVISION REQUEST

Description of the Information Collection Requirements

The regulations under 10 CFR Part 4 implement the provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000, et seq.), and Title IV of the Energy Reorganization Act of 1974 (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. On November 2, 1980, in Executive Order 12250, "Leadership and Coordination of Nondiscrimination Laws," the President directed all Federal agencies providing Federal financial assistance to issue regulations or policy guidance, consistent with standards and procedures to be established by the Attorney General, to coordinate the implementation and enforcement of the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000, et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and Section 504 of the Rehabilitation Act of 1973, as amended (42 U.S.C. 794), and any other provisions of Federal statutory laws which provides, in whole or in part, that no person on the basis of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. The provisions of Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination against qualified handicapped individuals in programs or activities receiving Federal financial assistance. Executive Order 12250, the President also directed all Federal agencies providing financial assistance to issue regulations on the enforcement of nondiscrimination under the Rehabilitation Act. The provisions of the Age Discrimination Act (the Act) of 1975, as amended, prohibits persons of all ages in programs or activities receiving Federal financial assistance from being discriminated against based on age. The Act also contains certain exceptions that permit, under limited circumstances, recipients of Federal financial assistance to take actions based on age distinctions or factors other than age, even though they may have a disproportionate effect on individuals of different ages. These amendments incorporate the basic standards for determining age discrimination, and are designed to provide guidance to recipients of financial assistance (Agreement States) from NRC regarding their responsibilities and the investigation, conciliation, and enforcement procedures that the NRC will use to ensure compliance with the Act.

A. JUSTIFICATION

1. Need for and Practical Utility of the Collection of Information. The reporting and recordkeeping requirements are necessary in order for NRC staff to assure that the recipients of Federal financial assistance (Agreement States) are in compliance with Title VI of the Civil Rights of 1964, as amended, Section 504 of the Rehabilitation Act of l973, as amended and the Age Discrimination Act of 1975, as amended.

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

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 this subpart.

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 this subpart, 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 this subpart.

Section 4.24 requires that the practices of the recipients with respect to the admission or to other treatment of individuals as students, patients, or clients, of the institution or to the opportunity to participate in the provision of services or other benefits to such individuals shall be applicable 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, of the beneficiaries of or participants in any such program.

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 this subpart. 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 this subpart and how it applies to the program under which the recipient receives Federal financial assistance.

Section 4.125(d) references collection of medical history 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 handicapped 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 this subpart.

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 handicapped 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.

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(a) 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. <u>Agency Use of Information</u>.
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 that sometimes is associated with similar types of information collection. However, the annual collection requirements per respondent are so minimal that there is no need for use of information technology.

4. Efforts to Identify Duplication and Use of Similar Information.
There are no alternative sources. Each response is for an individual recipient of Federal financial assistance. The Information Requirements Control Automated System (IRCAS) was searched to identify duplication. None was found.

5. Efforts to Reduce Small Business Burden.
The information collection does not involve small businesses or other small entities.

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.

7. Circumstances which Justify Variation from 0MB Guidelines.
There are no circumstances that would justify variation from 0MB guidelines.

8. Consultations Outside the NRC.
Opportunity for public comment on the Part 4 information collection requirements was published in the Federal Register on February 14, 2001 (66 FR 10331). There were no comments 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.

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 of Burden. Each of the 32 respondents will be requested to submit a report each quarter for all the 10 CFR reporting requirements under Sections 4.21, 4.22, 4.24, 4.32, 4.34, 4.125(d), 4.127(d), 4.231(a), 4.231(e), 4.232, 4.321, 4.322(b), and 4.324(a). The total overall number of responses is 128 (32 respondents times 4 reports). The total overall number of responses and recordkeepers is 160 (128 responses plus 32 recordkeepers). The total annual estimated reporting burden is 256 hours (32 respondents times 4 reports times 2 hours per response). The total annual estimated burden for recordkeeping requirements under Sections 4.32, 4.125(d), 4.127(d), 4.231(e), 4.321, and 4.324(a) is 96 hours (3 hours times 32 respondents). The total reporting and

recordkeeping burden for the 32 respondents is 352 hours (256 hours total reporting burden hours plus 96 total recordkeeping burden hours). The total cost to 32 respondents is $50,336 (352 burden hours times $143 per hour). The total cost to each of the 32 respondents is $1,573 ($50,336 divided by 32 respondents).

13. Estimate of Other Additional Costs.
Not Applicable.

14. Estimated Annualized Cost to the Federal Government.
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:

Quarterly cost - professional effort (3 hrs x 4 qtrs = 12 hrs x $143/hr)	=	$1,716
Quarterly cost - clerical effort (1 hr x 4 qtrs = 4 hrs x $60/hr)	=	$240
Annual cost - recordholding requirement for ongoing program (3/4 cubic ft. x $209/cubic ft.)	=	$157
Total annual cost	=	$2,113

These costs are recovered through fee assessments to recipients pursuant to 10 CFR Parts 170 and/or 171.

15. Reasons for Change in Burden.
The overall reporting and recordkeeping burden for Part 4 has increased because of the increase in the number of respondents from 30 to 32, and because we have reassessed the burden and believe the re-estimate is more realistic.

The burden cost has increased for professional staff-hour rates from $125 to $143 in accordance with Part 170 and for clerical staff-hours rates from $45 to $60.

16. Publication for Statistical Use.
There are no plans to publish the information received from licensees 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.

[7590-01-P]

U. S. NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: U. S. Nuclear Regulatory Commission (NRC)

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Revision

2. The title of the information collection: 10 CFR Part 4, "Nondiscrimination in Federally Assisted Commission Programs"

3. The form number if applicable: None

4. How often the collection is required: Occasionally

6. An estimate of the number of responses: 128

7. The number of annual respondents: Approximately 32

8. An estimate of the total number of hours needed annually to complete the requirement or request: 352 hours (96 hours reporting and 256 hours recordkeeping) or approximately 3 hours per response.

9. An indication of whether Section 3507(d), Pub. L. 104-13 applies: Not applicable

10. Abstract: Recipients of NRC financial assistance provide data to demonstrate assurance to NRC that they are in compliance with nondiscrimination regulations and policies.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: http://www.nrc.gov/NRC/PUBLIC/OMB/index.html. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by (insert date 30 days after publication in the Federal Register). Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Amy Farrell
Office of Information and Regulatory Affairs (3150-0053)
NEOB-10202
Office of Management and Budget
Washington, DC 20503

Comments can also be submitted by telephone at (202) 395-7318.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 12th day of April 2001.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton

Brenda Jo. Shelton, NRC Clearance Officer
Office of the Chief Information Officer

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/RA/

Brenda Jo. Shelton, NRC Clearance Officer
Office of the Chief Information Officer

a:\Part 4 Final SS&FRN

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