

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

EXTENSION 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 provide, 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 directs 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. NRC is anticipating requesting that respondents submit quarterly reports providing the information required by Sections 4.21, 4.22, 4.24, 4.32, 4.34, 4.125(d), 4.231(a), 4.321, and 4.324(a).

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 1973, 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 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.

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 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 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 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 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 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 OMB Guidelines.

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

8. Consultations Outside the NRC.

The opportunity for public comment on the information collection requirements has been published in the Federal Register.

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 Burden and Burden Hour Cost:

Each of the 32 respondents will be required to submit a report each quarter to provide NRC the information required by 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 128 (32 respondents X 4 reports). The overall estimated number of responses is 160 (128 responses + 32 recordkeepers). The total annual reporting burden is 256 hours (32 respondents X 4 reports X 2 hours per response) with an estimated cost of \$39,936.

Each of the 32 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). The burden for third party collections for Sections 4.32, 4.34, 4.231(e), 4.232, and 4.322(b) are included in the estimated recordkeeping burden. The estimated number of recordkeepers is 32. The total annual recordkeeping burden is 96 hours (3 hours X 32 respondents) with an estimated cost of \$14,976.

The overall estimated burden is 352 hours (256 hours for reporting + 96 hours for recordkeeping) for an estimated total cost of \$54,912 (352 hours X \$156). The total estimated cost for each respondent is \$1,716 ($\$54,912 \div 32$ 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 \$156/hr) = \$1,872

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	=	\$2,269

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

15. Reasons for Change in Burden.

There is no change in burden; however, the cost for professional staff-hours has increased from \$143/hr to \$156/hr in accordance with Part 170.

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._