

FINAL OMB SUPPORTING STATEMENT  
FOR  
10 CFR PART 5 "NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION  
PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE"

(3150-0209)

EXTENSION

DESCRIPTION OF THE INFORMATION COLLECTION

The regulations, under 10 CFR Part 5, implements the provisions of Title IX of the Education Amendments of 1972, as amended, except sections 904 and 906 of those amendments (20 U.S.C. 1681, 1682, 1683, 1685, 1686, 1687, 1688). The provisions are designed to eliminate, with certain exceptions, discrimination on the basis of sex in any education program or activity receiving Federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution as defined in the Title IX regulations. Except as provided in §§ 5.205 through 5.235(a), the Title IX regulations apply to every recipient and to each education program or activity operated by the recipient that receives FFA from the Nuclear Regulatory Commission (NRC).

10 CFR 5 follows provisions covered in 10 CFR 4, Section 4.331 Compliance Reviews, which indicates NRC may conduct compliance reviews and Pre-Award reviews of recipients or use other similar procedures that will permit it to investigate and correct violations of the act and these regulations. NRC may conduct these reviews even in absence of a complaint against a recipient. The reviews may be as comprehensive as necessary to determine whether a violation of these regulations has occurred. Each recipient is required to submit requirements during the Pre-Award process, the Post-Award process, an Annual EO Report, and other collections, if requested (e.g. investigate and correct violations, complaint filed, etc.,). At a minimum, 3 reports and 3 collections are required unless the NRC determines information is necessary to satisfy a complaint, investigate or correct a violation, or other information as needed. [NRC Form 781](#) (Parts A, B, and C) does not require a Privacy Act statement. This form is completed by applicants (state or local government, colleges, universities, vocational schools, a private organization, corporation, or partnership) submitting a request for Federal financial assistance or plan required to be approved by NRC. [NRC Form 782](#) is used to process Title IX complaints alleging discrimination. It should be noted that these forms are also used to fulfill information collections for NRC's 10 CFR 4.

The purpose for collecting this information is to ensure that recipients of Federal financial assistance operate their programs and activities in a non-discriminatory manner. The form outlines the responsibilities of the recipient under the law to engage in fair practices and provides the NRC with another vehicle to assess recipient programs. Each applicant/recipient is assigned a case file in which this form is filed. Each request is assigned an SBCR compliance review number which reflects the year of the request, month of the request, and the numerical order of receipt of the request. Case files are maintained in paper form in a locked file cabinet.

All recipients of Federal financial assistance from the Nuclear Regulatory Commission (NRC) are subject to Title IX, but Title IX's anti-discrimination prohibitions are limited to the educational

components of the recipient's program or activity, if any. The following is a list of FFA administered by the NRC to which Title IX applies:

- Conferences on regulatory programs and related matters: Agreements for financial assistance to State and local officials, without full-cost recovery, to confer on regulatory programs and related matters at NRC facilities and offices, or other locations.
- Orientations and instruction: Agreements for financial assistance to State and local officials, without full-cost recovery, to receive orientation and on-the-job instruction at NRC facilities and offices, or other locations.
- Technical training courses: Agreements for financial assistance to State and local officials, without full-cost recovery, to attend training on nuclear material licensing, inspection and emergency response regulatory responsibilities to ensure compatibility between NRC and Agreement State regulation.
- Participation in meetings and conferences: Agreements for participation, without full-cost recovery, in meetings, conferences, workshops, and symposia to assist scientific, professional or educational institutions or groups.
- Research support: Agreements for the financial support of basic and applied scientific research and for the exchanges of scientific information.
- Educational Institutions: Agreements for financial assistance to education institutions to include applicants or recipient that is an institution of higher education, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, or an institution of vocational education.

Failure to identify a type of FFA in the above list does not mean, if applicable, that a program or activity is not covered by Title IX regulations.

#### A. JUSTIFICATION

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

The reporting and recordkeeping requirements are necessary in order for NRC's staff to assure that applicants applying for, and recipients of, FFA from the Commission are in compliance with Title IX of the Education Amendments of 1972, as amended. Data analyzing the applicants/recipients behavior is not available through the public record and it is not available from a single private source.

The information collection requirements of Part 5 are set forth in NRC's 10 CFR 5, §5.605 Enforcement Procedures. This section states that the investigative, compliance, and enforcement procedural provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) ("Title VI") found under NRC's 10 CFR 4 regulations (at 10 CFR 4.21 through 4.75) are adopted and applied to the Agency's 10 CFR 5 Title IX regulations, which are identified and explained in the following sections:

- Section 4.21 (a) General Requirements. Every grant, loan or contract covered by the subpart, must contain or be accompanied by an assurance that the program will be conducted in compliance with all imposed requirements.
- Section 4.22 Continuing Federal Financial Assistance. Every application for a grant, loan or contract submitted by a State or a State agency for continuing FFA under this subpart contain or be accompanied by an assurance that the program is/will be conducted in compliance with all imposed requirements, and include methods of administration that give reasonable assurance of compliance with the subpart.
- Section 4.24(a), (b) Assurances from Institutions. In the case of a grant, loan or contract involving Federal financial assistance to an institution of higher education, the assurance required by § 4.21 shall extend to admission practices and to all other practices relating to the treatment of students. The assurance required with respect to an institution of higher education, hospital, or any other institution, insofar as the assurance relates to the institution's practices with respect to admission or 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.
- Section 4.31 Cooperation and Assistance. The responsible NRC official shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this subpart and shall provide assistance and guidance to recipients to help them comply voluntarily with this subpart.
- Section 4.32 (a), (b), (c) Compliance Reports. Recipients are required to keep records and timely submit complete and accurate compliance reports that contain the information NRC needs to determine whether or not the recipient has complied, or is complying with the subpart. Primary recipients are also required to ensure that their sub-recipients provide compliance reports that allow them to carry out their obligations under this subpart. Additionally, the primary recipient is required to retain each record of information needed to complete a compliance report for three years, or as long as the primary recipient retains the status of primary recipient.
- Section 4.33 Access to Sources of Information. Recipients are required to permit NRC access during normal business hours to its books, records, accounts, other sources of information, and pertinent facilities to ascertain compliance with this subpart.
- Section 4.34 Information to Beneficiaries and Participants. Recipients are required to make available to participants, beneficiaries, and other interested persons information regarding this subpart and how it applies to the program receiving FFA, and to make this information available to them in the manner, NRC finds necessary to inform them of the protections against discrimination assured by the Act and this subpart.

- Section 4.41 Periodic Compliance Reviews. NRC is required to periodically review the practices of recipients to determine whether or not they are complying with this subpart.
- Section 4.42 Complaints. Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this subpart may by himself or by a representative file with the responsible NRC official a written complaint. A complaint must be filed not later than ninety (90) days from the date of the alleged discrimination, unless the time for filing is extended by the responsible NRC official. A complaint shall be signed by the complainant or his representative.
- Section 4.43 Investigations. NRC is required to conduct a prompt investigation whenever a compliance review, report, complaint, or other information indicates a possible failure to comply with this subpart. The investigation should include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance occurred, and other factors relevant to a determination regarding whether or not the recipient failed to comply with this subpart.

## 2. Agency Use of Information

The information is used to incorporate the basic standards for determining sex discrimination, 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 100% 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. Effort 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 applying for FFA and continues for the period that such assistance is provided by the Commission. The proposed collection of information is necessary to ensure nondiscrimination and compliance with Federal civil rights regulations in NRC's FFA programs and activities.

7. Circumstances Which Justify Variation from OMB Guidelines

There are no variations 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 December 18, 2015 (80 FR 79102). No comments were received. As part of the Public Consultation process, NRC contacted six potential respondents of Institutions of Higher Education by telephone and no comments or replies were received. NRC contacted the following institutes:

- Colorado School of Mines
- University of Ohio
- University of Texas, Austin
- University of South Carolina
- University of Nevada Las Vegas
- University of Louisiana Tech

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

Not applicable.

12. Estimated 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 5. The total

reporting responses is 600 (200 x 3 = 600). The total number of responses is 800 (600 reporting plus 200 recordkeepers). The total annual estimated reporting burden is 3,000 hours (600 responses x 5 hours per response). The estimated burden per response includes 1.5 hours (30 minutes each for Parts A, B and C) to complete the form in addition to reading the instructions and preparing the necessary documents. The total annual estimated recordkeeping burden is 600 hours (200 recordkeepers x 3 hours per recordkeeper). The total overall estimated annual burden is 3,600 hours at a cost of \$964,800 (3,600 hours x \$268 per hour).

The burden for third party collections for Sections 4.21(a); 4.22; 4.24(a),(b); 4.31; 4.32(a),(b),(c); 4.33; 4.34; 4.41; 4.42; 4.43, and 4.44 are incorporated in the estimated recordkeeping burden.

#### Detailed Description of Burden Calculation:

Each of the 200 respondents will be required to submit the 10 CFR 5 reporting requirements, as applicable, under Sections 4.21(a); 4.22; 4.24(a),(b); 4.31; 4.32(a),(b),(c); 4.33; 4.34; 4.41; 4.42; 4.43, and 4.44. 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 annual cost of \$804,000 (3,000 x \$268).

Each of the 200 respondents will maintain the records required under the applicable sections.

Additionally, the burden for third party collections for Sections 4.21(a); 4.22; 4.24(a),(b); 4.31; 4.32(a),(b),(c); 4.33; 4.34; 4.41; 4.42; 4.43, and 4.44 are incorporated in the estimated recordkeeping burden. The estimated number of recordkeepers is 200. The total annual recordkeeping burden is 600 hours (200 recordkeepers x 3 hours), with an estimated annual cost of \$160,800 (600 hours x \$268).

The overall estimated burden is 3,600 hours (3,000 hours reporting + 600 hours recordkeeping) for an estimated total cost of \$964,800 (3,600 hours x \$268). The estimated cost for each respondent is \$4,824 (\$964,800 ÷ 200 respondents).

NOTE: Each recipient is required to submit requirements during the Pre-Award process, the Post-Award process, Annual EO report no later than December 31<sup>st</sup> each calendar year, and other collections, if requested (e.g. investigate and correct violations, complaint filed, etc.). At a minimum, 3 reports and 3 collections are required unless the NRC determines information is necessary to satisfy a complaint, investigate or correct a violation, or other information as needed.

#### 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 \$64.32 (600 hours x 0.0004 x \$268/hour).

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 Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance contained in these requirements is:

Annual cost - professional effort (600 reports x 5 hrs x \$268/hr)	=	\$804,000
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	=	\$833,036

15. Reasons for Change in Burden or Cost

The overall burden for this renewal remains unchanged. The burden cost for professional staff-hours decreased from \$279 to \$268 and remains \$47 for clerical staff-hours.

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.