

DRAFT OMB SUPPORTING STATEMENT
FOR
10 CFR PART 4
"NONDISCRIMINATION IN FEDERALLY ASSISTED COMMISSION PROGRAMS"
AND NRC FORM 782, "COMPLAINT FORM"
(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). The OCCP leads the agency's efforts to ensure fair and equitable treatment in NRC conducted and Federal financially assisted programs and activities and adherence to, and compliance with, various civil rights statutes and regulations, Executive Orders, White House Initiatives on Educational Excellence, related provisions of the Energy Policy Act of 2005 (EPAAct), and other internal/external regulatory requirements. OCCP also ensures NRC's compliance with mandatory data and information collection and reporting requirements.

All recipients of Federal financial assistance from the NRC are subject to the provisions of 10 CFR Part 4, "Nondiscrimination in Federally Assisted Programs or Activities Receiving Assistance from the Commission." 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.

Under this clearance, the NRC staff uses one form to collect information necessary to fulfill the requirements of 10 CFR Part 4:

- NRC Form 782, "Complaint Form" is submitted by any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by 10 CFR Part 4 subpart A, Subpart A—Regulations Implementing Title VI of the Civil Rights Act of

1964 and Title IV of the Energy Reorganization Act of 1974, on behalf of the primary funding recipient or any other recipient that received NRC Federal financial assistance through the primary funding recipient. This form satisfies the reporting requirements under 10 CFR Part 4, § 4.42 Complaints.

Other information regarding compliance is collected using Standard Form 424B, which is cleared as a common form for use by all Federal agencies. The NRC has accounted for its use of this form in ROCIS.

In addition, recipients of Federal financial assistance from the NRC must keep certain records under Part 4, including Federal financial assistance records, medical histories, transition plans to make a facility accessible to and useable by disabled persons, and records of self-evaluation of policies and practices covered by Section 504 of the Rehabilitation Act of 1973, as amended.

A. JUSTIFICATION

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

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.

The reporting and recordkeeping requirements are necessary for NRC staff to assure that the recipients of NRC Federal financial assistance are complying with applicable civil rights statutes and regulations.

See "Description of Information Collection Requirements Contained in 10 CFR Part 4" for a description of information collection requirements of 10 CFR Part 4, Subparts A – C.

2. Agency Use of Information.

The information provided as part of the post-award compliance review is used to identify the way services are provided by recipients of NRC Federal financial assistance while ensuring that all persons will not be denied such services on the

basis of prohibited discrimination. NRC Federal financial assistance means any grant, entitlement, loan, cooperative agreement, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which NRC provides or otherwise makes available assistance in the form of—

- (1) Funds;
- (2) Services of Federal personnel or other personnel at Federal expense; or
- (3) Real and personal property or any interest in or use of property.

The information provided on NRC Form 782, "Complaint Form" is used as a starting point for an investigation into noncompliance with anti-discrimination laws.

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.

The NRC has issued [Guidance for Electronic Submissions to the NRC](#) which provides direction for the electronic transmission and submittal of documents to the NRC. It is estimated that approximately 98% of the potential responses are filed electronically. The NRC Form 782 can be submitted in the following manner by: a) Electronic submission, using the SUBMIT button; b) Facsimile to: (301) 415-5953 or c) E-mail to: OCCPrograms.Resource@nrc.gov

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

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

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.

The required information for a post-award compliance review is submitted by the recipient at the post-award stage, during periodic monitoring, and, if a complaint is being processed. If an applicant fails or refuses to furnish an assurance required under § 4.21 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of § 4.48. If the information were not collected or were collected less frequently, the NRC would not be in compliance with Federal civil rights statutes and regulations. Similarly, if recipients did not maintain the

required records or notify employees of nondiscrimination practices, the grantees would not be in compliance with Federal civil rights statutes and regulations.

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 has been published in the Federal Register.

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 investigation, 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.

Information about alleged discrimination based on race, sex, age, disability, age, sexual orientation, national origin, religion, or status as a parent is collected on NRC Form 782, "Complaint Form." This information is necessary to process the complaint.

12. Estimate Burden and Burden Hour Cost

An estimated 200 entities are recipients of Federal financial assistance from the NRC and therefore subject to the requirements contained in 10 CFR Part 4. These entities will spend an estimated:

- 650 hours maintaining records
- 50 hours providing notification of their nondiscrimination practices, such as hanging a poster.
- 2 hours reporting information on NRC Form 782 alleging discrimination based on race, sex, age, disability, age, sexual orientation, national origin, religion, or status as a parent.
- 25 hours providing information for compliance reviews

Total burden

The total overall estimated burden is 727 hours at a cost of \$202,106 (727 hours x \$278 per hour).

Table 1. Total Annual Burden and Responses			
	Responses	Burden	Cost at \$278/hr
Reporting	52	27	\$7,506
Recordkeeping	200	650	\$180,700
Third Party Disclosure	200	50	\$13,900
Total	452	727	\$202,106

The \$278 hourly rate used in the burden estimates is based on the Nuclear Regulatory Commission's fee for hourly rates as noted in 10 CFR 170.20 "Average cost per professional staff-hour." For more information on the basis of this rate, see the Revision of Fee Schedules; Fee Recovery for Fiscal Year 2019 (84 FR 22331, May 17, 2019).

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 650 hours, the storage cost for this clearance is \$72 (650 hours x 0.0004 x \$278/hour).

14. Estimated Annualized Cost to the Federal Government.

The burden cost for professional staff-hour is estimated to be \$278 per hour. 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, disability, and age contained in these requirements is estimated to be 3 hours per award for 200 recipients:

Annual cost - professional effort (200 reports x 3 hrs x \$278/hr)	=	\$166,800
Annual cost - record holding requirement for ongoing program (4 cubic ft. x \$209/cubic ft.)	=	\$ 836
Total annual cost	=	\$ 167,636

15. Reasons for Change in Burden.

The burden has decreased from 3,600 hours to 702 hours, a decrease of 2,898 hours.

Table 2. Change in Burden and Responses						
	2017 renewal		Current submission		Change	
	Responses	Burden	Responses	Burden	Responses	Burden
Reporting	600	3,000	52	27	-548	-2,973
Recordkeeping	200	600	200	650	0	50
Third Party Disclosure	0	0	200	50	200	50
Total	800	3,600	452	727	-348	-2,873

Recordkeeping

In the last renewal, 200 respondents were each assumed to spend 3 hours maintaining records (600 hours). In the current submission, the NRC staff looked at the actual requirements in 10 CFR Part 4 and the amount of time necessary to complete each requirement. Recordkeeping burdens were broken out according to the number of respondents maintaining each type of record (see Table 4). When broken out in this more precise manner, the total burden for 200 respondents was 650 hours, an increase of 50 hours above the previous estimate.

Reporting

In the last renewal, the burden was estimated assuming that each respondent would be subject to 3 reporting requirements at 5 hours per requirement, for a total of 3,000 hours of reporting burden (200 x 3 x 5). These burdens were general, conservative estimates for reporting activities and not specific to the information collections in this Part. In this renewal, the specific reporting requirements were identified and respondents and the burden for each requirement was calculated.

The three primary reporting requirements in 10 CFR Part 4 are an assurance of compliance, a compliance review, and the reporting of complaints:

- The NRC staff previously used NRC Form 781 pre-award as an assurance of compliance. The staff has discontinued use of the NRC Form 781 for the purposes of this information collection. Instead, recipients of Federal financial assistance from the NRC who are subject to 10 CFR Part 4 will use the Standard Form 464B as an assurance of compliance pre-award and post-award. Burden for the use of this common form has been captured under clearance 4040-0007. This change has eliminated most of the reporting burden associated with clearance 3150-0053.
- The process used by NRC staff to conduct compliance reviews has changed. Previously, recipients submitted information on their compliance and answered questions from NRC staff, resulting in a lengthy process. Burden estimates assume this requirement applied to all 200 recipients. Now, NRC staff are conducting compliance reviews by phone, in a 30 minute telephone interview. In addition, compliance reviews are conducted for approximately 50 recipients annually, not the full 200 recipients as indicated in the previous clearance. For

this clearance, the burden for compliance reviews was estimated to be 25 hours (50 respondents x 30 minutes).

- The remaining reporting burden associated with Part 4 is the NRC Form 782, "Complaint Form." NRC staff determined that a maximum of two respondents annually submitted NRC Form 782. The estimated burden to complete this form is one hour; thus, the reporting burden for the collection is 2 hours.

Third party disclosure

10 CFR 4.34, 4.232, and 4.322(b) contain a requirement to notify employees of nondiscrimination practices. Outreach and compliance provides posters for award recipients to display to fulfill this requirement, or they may create their own. Burden per award recipient for this requirement is estimated to be 15 minutes annually, or a total of 50 hours for all 200 respondents. This burden previously would have been captured as a reporting requirement, but now has been identified as a third-party disclosure.

Finally, cost increased from \$265/hr to \$278/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 expiration dates are displayed on NRC Form 782; however, other requirements contained in the 10 CFR Part 4 do not include an expiration date. 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.

Table 3. Annual Reporting Burden

Section	Description	Respondents	Responses per respondent	Responses	Burden hours per response	Burden
4.21(a), 4.22, 4.24, 4.231(a), 4.321	Assurance of compliance with Subpart A, B, or C on SF424B (preaward)	Included in common form clearance 4040-0007				
4.42 and 4.332 (NRC Form 782)	Submission of written complaint on NRC Form 782	2	1	2	1	2
4.127(d)	Transition plan for structural changes to make a facility accessible to and useable by disabled persons	0	1	0	5	0
4.331	Compliance review	50	1	50	0.5	25
Total		2		52		27

Table 4. Annual Recordkeeping Burden

Section	Description	Recordkeepers	Hours per recordkeeper	Burden	Retention period
4.32	Maintenance of Federal financial assistance records	200	1.5	300	3 years
4.125(d)	Maintenance of records of medical histories	100	0.5	50	3 years
4.127(d)	Maintenance of a transition plan to make a facility accessible to and useable by disabled persons	0	0.5	0	Until changes are complete
4.231(e)	Records of self-evaluation of policies and practices covered by Section 504 of the Rehabilitation Act of 1973, as amended	200	1.5	300	3 years
Total		200		650	

Table 5. Annual Third-Party Disclosure Burden

Section	Description	Respondents	Responses per respondent	Responses	Burden hours per response	Burden
4.34, 4.232, and 4.322(b)	Notification of non-discrimination	200	1	200	0.25	50
Total		200		200		50

DESCRIPTION OF INFORMATION COLLECTION REQUIREMENTS
CONTAINED IN
10 CFR PART 4
"NONDISCRIMINATION IN FEDERALLY ASSISTED COMMISSION PROGRAMS"
(3150-0053)

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 4.6 requires that records be legible throughout the retention period specified by each Commission regulation and licensees must licensee maintain adequate safeguards against tampering with and loss of records.

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 4.42. Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this subpart may submit a written, signed complaint to the responsible NRC official within 90 days of the alleged discrimination, unless the time for filing is extended by the responsible NRC official. NRC Form 782, "Complaint Form" may be used for this purpose.

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.

Section 4.332 states that any person, individually or as a member of a class or on behalf of others, may file a complaint with NRC, alleging discrimination prohibited by the Age Discrimination Act within 180 days from the date the complainant first had knowledge of the alleged act of discrimination. However, for good cause shown, NRC may extend this time limit. NRC Form 782, "Complaint Form" may be used for this process.