

## **POLICY ISSUE INFORMATION**

April 4, 2007

SECY-07-0065

FOR: The Commissioners

FROM: Luis A. Reyes  
Executive Director for Operations

SUBJECT: OUTREACH AND COMPLIANCE COORDINATION PROGRAM

### PURPOSE:

To provide the Commission information about the U.S. Nuclear Regulatory Commission's (NRC) Outreach and Compliance Coordination Program (OCCP), which is being implemented in accordance with NRC's responsibilities under a variety of civil rights statutes, Executive Orders, and NRC's implementing regulations (10 CFR Parts 4, 5, 2, and 19) and Management Directives. The essence of these legal requirements is to ensure that individuals are not discriminated against on the basis of sex, color, national origin, disability, religion, age, sexual orientation, status as a parent, or as related to minority and low-income populations in programs and activities conducted by federal agencies or federal financial assistance provided by agencies.<sup>1</sup> This paper does not address any new commitments.

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<sup>1</sup> Some of these authorities are as follows: (1) Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination in programs receiving federal financial assistance); (2) Title IX of the Education Amendments of 1972, as amended (prohibiting sex discrimination in education); (3) Section 504 and 508 of the Rehabilitation Act of 1973, as amended (prohibiting disability discrimination in federal programs); (4) the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local governments and the private sector); (5) the Age Discrimination Act of 1975, as amended; (6) Executive Order 12898, February 11, 1994 (promoting Environmental Justice in Federal actions); (7) Executive Order 13160, June 2000 (prohibiting discrimination in federally conducted training and education programs); and (8) Executive Order 13166, August 11, 2000 (directing federally conducted and assisted programs to be accessible to limited English proficient (LEP) individuals).

BACKGROUND:

As a federal agency, NRC is required to regulate, enforce, and ensure compliance with NRC regulations and applicable civil rights statutes. NRC is obligated to ensure that no person is excluded from participation in, denied benefits of, or otherwise subjected to discrimination under NRC conducted and financially assisted programs and activities.

Civil rights laws and related Executive Orders have been enacted to ensure nondiscrimination in federally conducted and financially assisted programs and activities. "Federally conducted" programs encompasses virtually everything an agency does. There are two major categories of federally conducted programs or activities. The first category involves general public contact (communication with the public and use of facilities). The second category involves programs for beneficiaries and participants. NRC's federally conducted programs include, for example, licensing activities, hearings, public meetings, Commission meetings, civil rights investigations, the Agency-wide Documents and Management System (ADAMS), and the NRC's web-site.

Federal financial assistance encompasses, for example, money provided through grants; cooperative agreements; grants or donations of surplus property and interests in property; the sale, use, or rent of property below market value (e.g. fitness and health centers, day care, credit union); training at no cost or below cost to the recipient (does not include NRC employees); and loan of personnel, etc. Other examples include technical assistance related to radiation protection for state employees, emergency response planning, and financial assistance to support academic and research institutions.

In recent years, particular emphasis has been placed on one part of Title VI because Executive Order 13166 directed federal agencies to improve access to programs and activities for persons with Limited English Proficiency (LEP). Under this Executive Order, NRC must take reasonable steps to ensure meaningful access to its programs and activities for individuals whose proficiency in English is limited.

DISCUSSION:

The fundamental regulatory structure and commitment of NRC to its civil rights obligations is well established and reflected in its regulations, policies, and activities. NRC published all of the required regulations, and policies, including those related to LEP. Staff attended many inter-agency meetings to identify and consider best practices that worked most efficiently and effectively for other agencies in meeting their civil rights requirements. For example, NRC participated in the Interagency Work Group created by Executive Order 12898 and drafted a comprehensive Environmental Justice strategy, which recognizes the potential impact of NRC's decisions on minority and low-income communities. In addition, the staff coordinated with the U.S. Department of Justice regarding NRC's programmatic requirements. Further, NRC's commitment is evidenced through its delegation of authority to the Office of Small Business and Civil Rights (SBCR) to administer the Agency's civil rights programs.

After reviewing and considering NRC's accomplishments and obligations, SBCR determined that a more detailed and coordinated approach is necessary for NRC to meet both its internal and external obligations. A comprehensive program, such as OCCP, will result in implementation of adequate protections and will fulfill NRC's obligations to regulate, ensure

compliance, and enforce applicable civil rights laws. Establishment of an OCCP allows the Commission to carry out its outreach and compliance responsibilities in the area of civil rights.

In order to establish a consistent and effective OCCP, the Agency will need to identify coordinators in NRC offices who will keep SBCR updated and informed about their federally conducted and financially assisted programs and activities. SBCR, in turn, will develop additional OCCP guidance and standards and educate NRC staff regarding their civil rights obligations. SBCR will also develop guidance to ensure that requirements are met in a practical and cost efficient manner that ensures NRC compliance, but does not interfere with Agency activities or result in unnecessary cost.

The comprehensive OCCP will include the following:

- Establishing accountability for program management and oversight responsibilities
- Ensuring compliance coordination
- Conducting pre-and post-award and periodic compliance reviews
- Issuing educational materials, forms and required instructions
- Providing technical assistance, training, direction, and guidance
- Reaching out to stakeholders in the NRC Civil Rights Program (e.g. recipients of NRC financial assistance, LEP communities)
- Monitoring programs and activities
- Collecting information and data, analyzing information and documentation, and issuing compliance determinations
- Referring individuals for assistance, mediation and investigation of compliance-related matters, as warranted, or required under particular regulations
- Reporting the status, progress, and outcomes of programs and activities to NRC officials, and federal oversight agencies
- Enforcing regulatory requirements

#### CONCLUSION:

The groundwork for NRC's compliance with all applicable civil rights laws already exists in the form of NRC legislation, regulations, management directives, and other policy statements. After studying NRC's obligations in coordination with the U.S. Department of Justice and other agencies, SBCR developed the OCCP as a comprehensive programmatic approach and will continue to refine OCCP to ensure NRC complies with both internal and external civil rights obligations.

#### RESOURCES:

Resources for OCCP are being addressed as part of the Planning, Budgeting, and Performance Measurement process. Resource estimates are \$325K and 0 FTE for FY 2007, \$700K and 1 FTE for FY 2008, and \$700K and 4 FTE for FY 2009. Resources for FY 2007 and FY 2008 have been budgeted. Resources for FY 2009 will be requested as a part of the FY 2009 budget development.

The Commissioners

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COORDINATION:

The OCCP, Communication Plan, and SECY paper have been coordinated with OGC, and there is no legal objection. The Chief Financial Officer reviewed this package for financial implications and has no objections.

***/RA Martin J. Virgilio Acting For/***

Luis A. Reyes  
Executive Director  
for Operations

Enclosures:

1. Outreach and Compliance Coordination Program
2. Communication Plan



# **OUTREACH AND COMPLIANCE COORDINATION PROGRAM**

**Administered by  
The Office of Small Business and Civil Rights**

**Corenthis B. Kelley  
Director**

**OUTREACH AND COMPLIANCE COORDINATION PROGRAM**

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## OUTREACH AND COMPLIANCE COORDINATION PROGRAM

### I. INTRODUCTION

- A. **Background:** The Outreach and Compliance Coordination Program (OCCP) is designed to regulate, ensure compliance, and enforce applicable Civil Rights statutes and NRC regulations directed towards ensuring that no person is excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under NRC conducted and financially assisted programs and activities. OCCP also addresses fair and equitable treatment for those employed in, benefiting from, or affected by NRC conducted and financially assisted programs and activities.

A Federally conducted program or activity is anything a Federal Agency does. There are two major categories of Federally conducted programs or activities. The first category involves general public contact (communication with the public, and use of facilities). The second category involves programs for beneficiaries and participants.

NRC Federally conducted programs involve a wide variety of programs and activities including, for example, licensing activities, hearings, public meetings, Commission meetings, civil rights investigations, NRC's website, and the Agency-wide Documents and Management System (ADAMS).

A Federal financially assisted program or activity is where a Federal Agency provides assistance to recipients such as, money through grants, cooperative agreements and loans; grants or donations of property and interests in property; the sale, use or rent of land or property below market value; agreements, arrangements, or contracts which has, as one of its purposes, the intention of providing assistance; training; and the loan of personnel.

NRC financial assistance includes educational systems, and research institutions; equipment and building loans; use of equipment; donation of surplus property; grants, loans, cooperative agreements and contracts; loan guarantees; training; employee and student recruitment; Day Care, Fitness, and Health Centers; Cafeteria; Emergency Response Entities; and State Health and Radiological Offices.

NRC is committed to ensuring individuals are allowed participation in, and benefits from, NRC conducted and financially assisted programs and activities.

- B. **Regulating NRC Conducted Programs and Activities:** NRC is obligated to regulate, ensure compliance with and enforce Civil Rights statutes, Executive Orders and Federal guidelines regarding NRC conducted programs and activities including:



1. Ensuring against discrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in accordance with Executive Order 13160, Guidance Document: “Ensuring Equal Opportunity in Federally Conducted Education and Training Programs” and “Presidential Memorandum”
  2. Improving access for persons with Limited English Proficiency (LEP) in accordance with Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency”
  3. Prohibiting discrimination on the basis of disabilities in accordance with Sections 504 and 508 of the Rehabilitation Act of 1973 (Section 504 and Section 508), and Section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended Section 504
  4. Conducting programs and activities that substantially affect human health or the environment, in a manner that does not have the effect of excluding persons from participation in, denying the benefits of, or subjecting them to discrimination because of race, color, or national origin in accordance with Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” Section 2-2, “Federal Responsibilities for Federal Programs”
- C. **Regulating Financially Assisted Programs and Activities:** NRC is obligated to regulate, ensure compliance with and enforce Civil Rights statutes, Executive Orders and Federal guidelines directed towards NRC financially assisted programs and activities including:
- Ensuring nondiscrimination on the basis of race, color, national origin, Limited English Proficiency (LEP), disability, age, or sex in accordance with Title VI of the Civil Rights Act of 1964 (Title VI); Section 504 and Section 508; the Americans with Disabilities Act of 1990 (ADA); the Age Discrimination Act of 1975; Title IX of the Educational Amendments Act of 1972, “Increasing Female Participation in Federally Conducted, Funded or Assisted Education Programs, Activities and Services” (Title IX); and Presidential Memorandum for the Heads of all Departments and Agencies, 30 Weekly Comp. Pres. Doc. 279 (February 11, 1994) (Presidential Memorandum)
  - Providing guidance to recipients to improve access to programs and activities for persons with LEP in accordance with Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency”



- Promoting nondiscrimination in recipient programs and activities that substantially affect human health and the environment, and providing minority and low-income communities access to public information on, and an opportunity for public participation in, matters relating to human health or the environment in accordance with Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”

D. **Enforcing NRC’s Regulations:** NRC is obligated to regulate, ensure compliance with and enforce NRC’s legislation and regulations directed towards NRC conducted and financially assisted programs and activities including:

- Title IV of the Energy Reorganization Act of 1974, which provides, “[n]o person shall, on the ground of sex, be excluded from participation in, be denied a license under, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving Federal assistance under any Title of this Act. This provision will be enforced through Agency provisions and rules similar to those already established, with respect to racial and other discrimination, under Title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee”
- 10 CFR Part 4, “Nondiscrimination in Federally Assisted Programs or Activities Receiving Federal Financial Assistance from the Commission,” which implements and adopts the provisions of Title VI of the Civil Rights Act of 1964, and Title IV of the Energy Reorganization Act of 1974; Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; and Section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which enforces nondiscrimination on the basis of disabilities in programs or activities conducted by NRC
- 10 CFR Part 5, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” which implements and adopts the provisions of Title IX of the Education Amendments of 1972, as amended, directed towards ensuring participation in, or benefits from NRC conducted and financially assisted programs and activities
- 10 CFR Part 2, “Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders,” Section 2.111, “Prohibition of Sex Discrimination,” which provides that individuals shall not be excluded from participation in, be denied a **license** under, be denied the benefits of, or be subjected to discrimination on the basis of sex under any program or



activity carried on or receiving Federal assistance under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974

- 10 CFR Part 19, "Notices, Instructions and Reports to Workers: Inspection and Investigations," Section 19.32, "Prohibition of Sex Discrimination," which provides that individuals shall not be excluded from participation in, be denied the benefit of, or be subjected to discrimination on the basis of sex under any program or activity **licensed** by NRC

E. **Enforcing NRC Management Directives:** NRC is obligated to carry out the provisions set forth in its Management Directives (MD) directed towards NRC conducted and financially assisted programs and activities including:

- Conducting pre-award compliance reviews to ensure compliance with applicable Civil Rights statutes and NRC regulations. Periodic post-award reviews will be completed for current recipients of Federal Financial Assistance with NRC, in accordance with MD 11.6-03, "Procurement Financial Assistance Program"
- Establishing, implementing and overseeing compliance with policies regarding nondiscrimination on the basis of disability in NRC conducted and financially assisted programs and activities in accordance with MD 10.162-03, "Disability Programs and Reasonable Accommodation Directive"

## II. PROGRAM AUTHORITY AND EXPANSION OF INITIATIVES:

A. **Program Authority:** NRC authority to conduct OCCP is derived from the requirements and responsibilities set forth under Section I B, C, D and E. These legal authorities also authorize NRC to establish programs, and policies and processes, necessary to promote consistent and adequate enforcement of regulatory requirements.

NRC's regulations (10 CFR Part 4 and 5) authorize the Office of Small Business and Civil Rights (SBCR) to regulate, ensure compliance with, and enforce Civil Rights statutes. The OCCP is located in, and administered by SBCR.

B. **Expansion of Initiatives:** OCCP enables SBCR to administer nine statutorily based sub-programs, conduct internal and external outreach, establish Agency wide compliance coordination, develop guidance, standards and procedural processes, educate NRC staff and others regarding their Civil Rights obligations, provide technical assistance, ensure compliance requirements are met in a practical and cost efficient manner, without interference with Agency activities, and carry out the broad range of responsibilities imposed under applicable Civil Rights statutes, and NRC regulations.



### III. GOALS:

NRC's goals are to address fair and equitable treatment for those employed in, benefitting from, or affected by NRC conducted and financially assisted programs and activities; and ensure compliance with regulatory requirements directed towards providing participation in, or benefits from, these programs and activities.

### IV. OBJECTIVES:

NRC's objectives include providing information to internal and external stakeholders that serves as a basis for:

- A. **Increasing Awareness of Regulatory Requirements:** Increasing stakeholders knowledge of requirements, and understanding of rights, responsibilities, and obligations under applicable statutes, regulations, Executive Orders, mandates, and legislation.
- B. **Promoting Compliance Requirements:** Providing internal and external stakeholders with notices, guidance, and technical assistance to aid in voluntary compliance with regulatory requirements.
- C. **Outreaching to Stakeholders, Participants, Beneficiaries, and Interested Parties:** Building viable relationships, creating support systems, making available educational materials, information, and resources related to various compliance regulations that identify the rights, responsibilities and obligations of providers of programs and activities, recipients, complainants, and other interested parties.
- D. **Unifying Program Providers to Achieve Common Goals:** Hosting a semi-annual, or annual "NRC Information Sharing Compliance Conference" for NRC stakeholders.

### V. SBCR RESPONSIBILITIES:

SBCR's responsibilities associated with conducting OCCP vary according to the stated authority referenced under Section II A and B. SBCR's general responsibilities include, but are not limited to:

- A. **Administering OCCP:** Managing and overseeing the day-to-day activities of the OCCP, and its sub-programs, including but not limited to: Title VI, LEP, Environmental Justice, Title IX, Age, Disability and Reasonable Accommodations, Pre and Post Award and Periodic Reviews, Compliance Coordination and Minority Serving Institutions Program.



- B. **Performing Regulatory Duties and Ensuring Against Discrimination:** Carrying out provisions of applicable Civil Rights statutes, and NRC's regulations to ensure that no individuals on the ground of their sex, race, color, national origin, age, disability, sexual orientation, marital or parental status, and low-income or minority populations are excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program administered by OCCP, or regulations under NRC's purview.
- C. **Enforcing Compliance Requirements:** Enforcing provisions of applicable Civil Rights statutes and NRC's regulations, including but not limited to, withholding funds, disbursing withheld funds directly to an alternate recipient, or in circumstances of refusal to comply, actions being taken up to and including terminating assistance for non-compliance.
- D. **Collecting Information and Data:** Collecting and analyzing applicant/recipient information and data.
- E. **Dispensing Information:** Advising recipients, participants, and beneficiaries of their rights, responsibilities, and obligations.
- F. **Distributing Materials/Forms:** Issuing and promptly making available to interested persons forms and detailed instructions regarding Civil Rights statutes and NRC's regulations, as applied to covered programs and activities.
- G. **Providing Technical Assistance:** Providing assistance and guidance to aid in voluntary compliance with Civil Rights statutes, and NRC regulations. Assisting and developing plans (e.g., LEP Guidance, NRC-wide Language Assistance Plans, and Title IX Plans); providing training, and other types of assistance, as requested.
- H. **Preparing Reports:** Reporting the status, progress and outcomes of NRC conducted and financially assisted programs and activities to oversight agencies.
- I. **Outreaching to Stakeholders:** Serving as liaison to NRC offices, stakeholders, Federal agencies, and others, for the purpose of advising, and where required, and as applicable, providing written notice to recipients/participants/beneficiaries of their rights, responsibilities, and obligations under Civil Rights statutes, NRC's regulations, or other regulatory requirements; establishing and building new relationships and partnerships; sharing resources; maintaining a working knowledge of relevant laws, regulations, guidelines, procedures, and processes; eliminating barriers; facilitating complaint processing and voluntary compliance with regulatory requirements.
- J. **Establishing Compliance Coordination:** Utilizing internal/external designated coordinators to assist with compliance efforts; communicate information; collect information and data; prepare reports; and provide essential information and feedback.



- K. **Referring Individuals for Assistance:** Making referrals for mediation and investigation of compliance related matters, as warranted, or required under a particular regulation.
- L. **Conducting Compliance Reviews:** Conducting pre and post award and periodic compliance reviews, and on-going monitoring of programs and activities to verify receipt of written assurances of compliance with anti-discrimination laws, and that the responsible official has affixed their signature to the assurance form (SF424 form). Ensuring compliance with regulations; documenting compliance findings, and reporting findings to the Division of Contracts, Office of Administration prior to award of a contract, and during the period of assistance.

**VI. RESPONSIBILITIES OF NRC OFFICES THAT CONDUCT PROGRAMS AND ACTIVITIES, AND RECIPIENTS OF NRC FINANCIALLY ASSISTED PROGRAMS AND ACTIVITIES (Hereinafter referred to as “Providers):**

Providers of NRC conducted and financially assisted programs and activities have a variety of responsibilities and duties including:

- A. **Providing Oversight:** Administering and managing the day-to-day operations of programs and activities to ensure persons served, or eligible to be served, by a program or activity, are not denied an opportunity to participate in, or benefit from, services based on their protected status.
- B. **Signing an Assurance of Compliance (Required of recipients and sub-recipients):** Signing an assurance statement agreeing to abide by regulatory requirements as a condition of award.
- C. **Complying with Regulatory Requirements:** Complying with, and abiding by Civil Rights statutes and NRC regulations to ensure fair and equitable treatment in the delivery of NRC conducted and financially assisted programs and activities.
- D. **Designating a Coordinator:** Designating a responsible coordinator to assist SBCR from each office for the purpose of carrying out obligations and responsibilities under applicable Civil Rights statutes and NRC regulations; coordinating efforts to comply with and carry out responsibilities; and referring for investigation any complaint communicated alleging noncompliance, or actions that would be prohibited.
- E. **Communicating with, and Allowing Public Participation in, and Access to Information:** Taking appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public. Also, translating, interpreting, or providing translated summaries (where appropriate) of essential public documents, notices, and hearings for the LEP populations.



- F. **Providing Notice of Nondiscrimination to the Public:** Providing appropriate initial, and continuing public notice to participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with NRC, or recipients.
- G. **Submitting Compliance and Other Required Reports:** Ensuring data is collected, records maintained, and reports are in the proper form, containing the required information and submitted timely to NRC/SBCR.
- H. **Permitting NRC Access to Information:** Allowing NRC officials access to sources of information during normal business hours such as to books, records, accounts, and other sources of information, and facilities, as may be pertinent to ascertain compliance with regulatory requirements.
- I. **Dispensing of Information:** Providing information to beneficiaries, participants, and other interested persons regarding provisions of Civil Rights statutes, or regulatory requirements, and their applicability to the program being administered.
- J. **Avoiding Retaliatory Actions:** Avoiding intimidatory or retaliatory acts against persons engaging in protected activity such as making/filing a complaint, testifying, assisting or participating in any manner, in an investigation, proceeding or hearing.

**Note: The Following Requirement Pertains to Recipients and Sub-recipients Only**

**Establishment of a Complaint Procedure Process:** Recipients and sub-recipients are required to develop a complaint procedure process, and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that is prohibited by applicable Civil Rights statutes and NRC regulations.





## VII. APPLICABLE CIVIL RIGHTS STATUTES/EXECUTIVE ORDERS

Atomic Energy Act of 1954, as amended,

<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0980/>

Energy Reorganization Act of 1974, <http://www.usdoj.gov/crt/cor/byagency/doe.html>

10 CFR Part 4, "Nondiscrimination in Federally Assisted Programs or Activities Receiving Federal Financial Assistance From the Commission,"

[http://www.access.gpo.gov/nara/cfr/waisidx\\_05/10cfr4\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx_05/10cfr4_05.html)

10 CFR Part 5, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,"

[http://www.access.gpo.gov/nara/cfr/waisidx\\_05/10cfr5\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx_05/10cfr5_05.html)

10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," Section 2.111, "Prohibition of sex discrimination,"

<http://www.nrc.gov/reading-rm/doc-collections/cfr/part002>

10 CFR Part 19, "Notices, Instructions and Reports to Workers: "Inspection and Investigations," Section 19.32, "Prohibition of Sex Discrimination"

<http://www.nrc.gov/reading-rm/doc-collections/cfr/part019>

Energy Policy Act of 2005, § 651(c)(4), "Partnership Programs with Institutions of Higher Education," and § 622, "Nuclear Regulatory Commission Scholarship and Fellowship Program"

MD 11.6-03, "Procurement Financial Assistance Program"

MD 10.162-03, "Disability Programs and Reasonable Accommodation Directive"

Title VI of the Civil Rights Act of 1964, <http://www.usdoj.gov/crt/cor/coord/titlevi.html>

Title IX of the Educational Amendments Act of 1972, "Increasing Female Participation in Federally Conducted, Funded or Assisted Educational Programs, Activities and Services," <http://www.usdoj.gov/crt/cor/coord/titleix.html>

Civil Rights Restoration Act of 1988, 4 U.S.C. 2000,

[http://www.fhwa.dot.gov/environmental/ejustice/facts/restoration\\_act.html](http://www.fhwa.dot.gov/environmental/ejustice/facts/restoration_act.html)

Section 504 of the Rehabilitation Act of 1973, <http://www.ericec.org/sect504.html>

Section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, <http://www.hhs.gov/ocr/45CFR85reg.html>

The Age Discrimination Act of 1975,

[http://www.dol.gov/oasam/regs/statutes/age\\_act.html](http://www.dol.gov/oasam/regs/statutes/age_act.html)



Title II of the Americans with Disabilities Act of 1990,  
<http://www.usdoj.gov/crt/ada/reg2.html>

Executive Order 12250, "Leadership and Coordination of Nondiscrimination Laws,"  
<http://www.usdoj.gov/crt/cor/byagency/eo12250.html>

Executive Order 12892, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,"  
<http://www.epa.gov/history/topics/justice/02.html>

Executive Order 13078, "Increasing Employment of Adults with Disabilities,"  
<http://www.archives.gov/federal-register/executive-orders/1998.html>

Executive Order 13160, "Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs,"  
<http://www.archives.gov/federal-register/executive-orders/2000.html>

Executive Order 13163, "Increasing Opportunities for Individuals with Disabilities to be Employed in the Federal Government,"  
<http://www.archives.gov/federal-register/executive-orders/2000.html>

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," <http://www.archives.gov/federal-register/executive-orders/2000.html>



## VIII. SBCR PROGRAM CONTACT INFORMATION

Contact Tuwanda Smith, SBCR, for information regarding the OCCP at:

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**US NUCLEAR REGULATORY COMMISSION  
OUTREACH AND COMPLIANCE COORDINATION PROGRAM  
COMMUNICATION PLAN**

**GOALS**

This Communication Plan is to announce implementation of the Outreach and Compliance Coordination Program (OCCP). The purpose of the OCCP is to ensure non-discrimination and meaningful access, whereby appropriate, access to NRC conducted and financially assisted programs and activities. The Nuclear Regulatory Commission (NRC) is committed to the regulation and enforcement of applicable Civil Rights statutes, Executive Orders, and NRC regulations and Management Directives (MD) including:

- Title IV of the Energy Reorganization Act of 1974, which provides “[n]o person shall on the ground of sex be excluded from participation in, be denied a license under, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving Federal assistance under any Title of this Act. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under Title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee;”
- 10 CFR Part 4, “Nondiscrimination in Federally Assisted Programs or Activities Receiving Federal Financial Assistance From the Commission,” which implements and adopts the provisions of Title VI (including Limited English Proficiency (LEP) and Environmental Justice), and of the Civil Rights Act of 1964 and Title IV of the Energy Reorganization Act of 1974; Section 504 of the Rehabilitation Act of 1973, as amended; The Age Discrimination Act of 1975, as amended; and Section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which enforces nondiscrimination on the basis of disabilities in programs or activities conducted by NRC
- 10 CFR Part 5, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” which implements and adopts the provisions of Title IX of the Education Amendments of 1972, as amended directed towards ensuring meaningful access to NRC conducted and financially assisted programs and activities
- 10 CFR Part 2, “Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders,” Section 2.111, “Prohibition of sex discrimination,” which provides that individuals shall not be excluded from participation in, be denied a license under, be denied the benefits of, or be subjected to discrimination on the basis of sex under any program or activity carried on or receiving Federal assistance under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974.
- 10 CFR Part 19, “Notices, Instructions and Reports to Workers: Inspection and Investigations,” Section 19.32, “Discrimination Prohibited,” which provides that individuals shall not be excluded from participation in, be denied the benefit of, or be subjected to discrimination on the basis of sex under any program or activity licensed by NRC

- MD 11.6-03, “Procurement Financial Assistance Program,” which delegates SBCR to conduct pre-award and periodic compliance reviews
- MD 10.162-03, “Disability Programs and Reasonable Accommodation Directive,” which delegates SBCR authority to establish, implement and oversee compliance with policies regarding nondiscrimination on the basis of disability in NRC conducted and financially assisted programs and activities

## **BACKGROUND**

Federal Civil Rights statutes, and NRC regulations address fair and equitable treatment for those employed in, benefitting from, or affected by Federally conducted and assisted programs and activities. Federal agencies are required to ensure that no person, on the basis of a protected ground (e.g. race, national origin), is excluded from participation in, denied the benefits of, or subjected to discrimination in Federally conducted and financially assisted programs and activities. A Federally conducted program or activity is anything a Federal agency does. Federally conducted programs or activities include general public contact (communication with the public, use of facilities), and programs for beneficiaries and participants.

Federally assisted programs provide assistance to recipients such as, money through grants, cooperative agreements, loans; grants or donations of property and interests in property; the sale, use or rent of land or property below market value; agreements, arrangements, or contracts which have, as one of its purposes, the intention of providing assistance; training; and the loan of personnel.

NRC Federal assistance includes educational systems, and research institutions; equipment and building loans; use of equipment; donation of surplus property; grants, loans, cooperative agreements and contracts; loan guarantees; training; employee and student recruitment; Day Care, Fitness, and Health Centers; Cafeteria; Emergency Response Entities; and State Health and Radiological Offices.

The OCCP is located in, and administered by the Office of Small Business and Civil Rights (SBCR). After approval by the EDO, the OCCP will be announced to stakeholders.

## **KEY MESSAGES**

Major activities of the OCCP include:

- Managing and overseeing activities of sub-programs under its purview
- Ensuring compliance with Civil Rights statutes and NRC regulations
- Assisting compliance coordinators fulfill their roles and responsibilities
- Establishing internal/external NRC-wide compliance coordination
- Issuing and promptly making available education materials, forms, and detailed instructions regarding applicable Civil Rights statutes and NRC regulations

- Providing technical assistance, training, direction, and guidance to stakeholders to meet regulatory obligations and compliance requirements
- Outreaching to stakeholders (NRC offices, recipients, participants, beneficiaries, Federal agencies, and others) for the purpose of providing information, educational materials, and written notices to stakeholders of their rights, responsibilities, and obligations under applicable Civil Rights statutes and NRC regulations; establishing and building new relationships and partnerships; sharing resources; maintaining a working knowledge of relevant laws, regulations, guidelines, procedures, and processes; examining best practices and approaches to conducting effective compliance programs; identifying and addressing compliance issues; eliminating barriers; obtaining voluntary compliance with regulatory requirements; and facilitating complaint processing
- Conducting pre and post award, and periodic compliance reviews
- Monitoring NRC conducted and financially assisted programs and activities
- Collecting information and data, analyzing information and documentation, disseminating information, and issuing determinations of findings and reports related to compliance and regulatory functions
- Referring individuals for assistance, mediation and investigation of compliance related matters, as warranted, or required under a particular regulation
- Reporting the status, progress, and outcomes of programs and activities to NRC officials, and Federal oversight agencies
- Enforcing regulatory requirements

## **AUDIENCE**

Stakeholders are defined as individuals or organizations having an interest in NRC.

Internal: Commission, EDO, Management and Staff

External: Department of Justice (DOJ)  
 Department of Health and Human Services (HHS)  
 Department of Education  
 Executive Directors of Offices on White House Education Initiatives  
 Other Federal oversight agencies  
 Providers of NRC conducted programs and activities  
 Providers of NRC financially assisted programs and activities  
 Providers of other programs and activities  
 Federal Civil Rights Offices  
 Department of Energy (DOE) and other Federal labs  
 Educational Institutions  
 Minority Serving Institutions  
 Nonprofit/Profit Organizations  
 Private/Public Sector Organizations  
 Professional Organizations  
 State and Local Governments

## COMMUNICATION TEAM

The primary responsibility of the Communication Team is to ensure a consistent, accurate, and timely message is conveyed to stakeholders. The Team consists of:

COMMUNICATION TEAM MEMBERS	OFFICE(S)
Representatives (Rep) from NRC Program Offices and Regions	EDO and Commission level Offices
Rep NRC Communications Council TBD	

The Team's primary points of contact are Barbara Williams, Senior Leader for Policy and Programs (Back-Up Team Point of contact), SBCR at 301-415-7382, email: [bdw1@nrc.gov](mailto:bdw1@nrc.gov), Tuwanda M. Smith, Esq., Program Coordinator (Team Point of contact), SBCR at 301-415-7394, email: [txs5@nrc.gov](mailto:txs5@nrc.gov) and Bruce Currie, JD, Program Coordinator, SBCR at 301-415-5988, email: [blc3@nrc.gov](mailto:blc3@nrc.gov), or TDD: 301-415-5244, Fax: 301-415-5953, or email: [EEOPrograms@nrc.gov](mailto:EEOPrograms@nrc.gov).

## COMMUNICATION TOOLS

The following tools will be used to communicate with stakeholders.

### Internal Stakeholders

#### *-EDO/Meetings*

Upon approval by the EDO, the Director, SBCR will brief attendees at the EDO staff meetings on the key aspects of the OCCP, and provide a copy of the Program.

#### *-Website/Brochure/Frequently Asked Questions and Answers (Q&A)*

SBCR with the assistance of OIS will expand NRC's website to include OCCP. SBCR will develop a OCCP brochure and announcement with assistance from ADM (graphics). OIS will be requested to post the OCCP, brochure, announcement and Q&A on NRC's website.

#### *-Collaboration*

SBCR will work collaboratively with the Communication Team, designated agency Coordinators, and NRC Headquarters and regional offices, to provide direction, guidance, and technical assistance; dispense information; implement strategic and other plans, conduct training; and assist in carrying out regulatory and compliance requirements, or activities to promote fair treatment and voluntary compliance with applicable Civil Rights statutes and NRC regulations.

#### *-Distribution*

Upon approval by the EDO, SBCR will ensure that key OCCP information is mentioned in an EDO update and NR&C publication, and a yellow announcement is posted notifying employees of the Program.



*-Office Directors and Regional Administrators*

SBCR, or the Communication Team members, or designated Coordinators, when requested, will assist Office Directors and Regional Administrators to provide information to their staff, discuss NRC's commitment to the OCCP, and explore ways they may assist in the program, or aid in promoting voluntary compliance with Program efforts.

*-Communications Council/Team*

The OCCP will be announced at a Communications Council meeting. Communications Team members will assist SBCR to ensure that a consistent, accurate, and timely message regarding the OCCP is conveyed to stakeholders.

**External Stakeholders**

*-External Website and ADAMS*

Upon approval by the EDO, the OCCP, policy statement, brochure, Q&A and announcements will be placed on NRC's website.

*-Mailing to Stakeholders*

EDO will be requested to send a copy of the OCCP, Q&A, and brochure to the following stakeholders:

- DOJ
- HHS
- Department of Education
- Executive Directors of Offices on White House Education Initiatives
- Other Federal oversight agencies
- Director, SBCR will send an email to the following stakeholders:
- Providers of NRC conducted programs and activities
- Providers of NRC financially assisted programs and activities
- Other Providers of Programs and Activities
- State and Local Government Offices that Provide Services Consistent with the Purpose of OCCP

*-Dissemination of Information through a Variety of Forums*

NRC will disseminate OCCP information through:

- Education Institutions
- Private/Public Organizations

- Nonprofit/Profit Organizations
- Community and Professional Interest Groups
- NRC Website
- NRC Listings of Providers of Programs and Activities
- Other Sources Identified by OPA, OHR and ADM

*-EEO Commission Briefing*

Information on progress, status, and outcome of OCCP will be provided at the EEO briefings.

### **EVALUATION OF SUCCESS**

The implementation of this plan will be evaluated on a periodic basis to ensure that communication is effective. Success in communicating our messages will be measured by feedback (oral/written) from the Communication Team, Coordinators, and individuals of interest.

## THE LINE OF COMMUNICATION ACTIVITIES

<b>STEP</b>	<b>COMMUNICATION ACTIVITY</b>	<b>RESPONSIBLE ORGANIZATION</b>	<b>DATE</b>
1	SBCR finalized draft of the OCCP, Communication Plan and SECY Paper.	SBCR	March 28, 2007
2	SBCR sent final draft OCCP, Communication Plan and SECY Paper to ADM, HR and OGC for review and comments (due 4/2/07).	SBCR	March 28, 2007 (To OGC) April 2, 2007
3	SBCR submits the final OCCP to EDO for approval. Yellow Announcement and Policy Statement submitted upon program approval.	SBCR	April 3, 2007
4	Develop OCCP implementation strategic plan, including short and long term goals and objectives, and priorities.	SBCR	April 2007
5	Develop Management Directives for OCCP and sub-programs.	SBCR	April 2007
6	Prepare/collect/correlate materials, forms, instructions, procedures, guidelines, requirements, and pertinent documentation related to each sub-program area, or regulatory area.	SBCR	April 2007
7	Director, SBCR distributes copies of OCCP and Communication to senior staff during the EDO staff meetings, and brief attendees on key aspects of the OCCP, and provides copies of the Program.	SBCR	April 2007
8	Identify members for Communication Team.	SBCR	April 2007
9	Provide an overview of OCCP, and regulatory requirements to key NRC Officials —Request they designate a Coordinator(s) in accordance with regulatory provisions to carry out compliance requirements. Also, request their assistance in OCCP efforts to achieve voluntary compliance by recipients of NRC financial assistance.	SBCR	April 2007
10	Upon approval of OCCP, Communication Plan, and Yellow Announcement, announce the OCCP at the next Communication Council meeting.	SBCR	May 2007
11	Issue Yellow Announcement on the OCCP.	SBCR	May 2007

12	Coordinate Finalizing of the Request for Information Collection 10 CFR Part 5.	SBCR/OIS	May 2007
13	Upon approval, submit to ADM for reproduction copies of OCCP, brochures, manuals, Frequently Asked Questions and Answers, educational materials, forms, instructions, guidelines, and other information for distribution to stakeholders at trainings, presentations, conferences, or other events.	SBCR/ADM	May 2007
14	Post OCCP announcement, brochures, Q & A and related information on NRC's website.	SBCR/OIS	May/June 2007
15	Coordinate and set-up an advance schedule for internal and external training related to OCCP, statutes and regulatory requirements, and roles and responsibilities of Coordinators and stakeholders.	SBCR	May/June 2007
16	Conduct Coordinators orientation - Provide overview of OCCP and discuss the role(s) of Coordinators.	SBCR/HR	May/June 2007
17	Provide formal training for internal Coordinators.	SBCR and other Federal agencies	May/June 2007
18	Meet routinely with Coordinators regarding implementation schedules, time tables for completing tasks, procedural processes, and coordinating compliance efforts.	SBCR	Monthly/Quarterly
19	SBCR, designated Coordinators, or the Communication Team members when requested will assist Office Directors and Regional Administrators to provide information to their staff, discuss NRC's commitment to OCCP, and how they can assist the program.	NRC Program Offices and Regions, SBCR, and Communication Team	July 2007 On-going
20	Send letter from the EDO to the Federal oversight agencies.	OEDO	July 2007
21	Distribute information to external stakeholders.	SBCR/ADM/HR/ NRC offices	August/September 2007

## FREQUENTLY ASKED QUESTIONS & ANSWERS

- Q1. What is the Outreach and Compliance Coordination Program (OCCP)?
- A. The U.S. Nuclear Regulatory Commission (NRC) established the OCCP to regulate and enforce applicable Civil Rights statutes and NRC regulations to ensure meaningful access to NRC conducted and financially assisted programs and activities.
- Q2. What is the function of the OCCP?
- A. The function of OCCP is to manage the activities of sub-programs, provide regulatory oversight, conduct extensive outreach activities, establish and monitor compliance coordination, and provide technical assistance to stakeholders to ensure against discriminatory practices and achieve voluntary compliance with regulatory requirements.
- Q3. What is meant by the term, “meaningful access” to programs and activities?
- A. OCCP administers regulatory programs that address providing meaningful access for those employed in, benefitting from, or affected by Federally conducted and financially assisted programs and activities. Under these regulatory programs, the term “meaningful access” means to allow individuals participation in, access to, and benefits from these programs and activities regardless of protected class status (e.g., sex, race).
- Q4. What is the difference between Federally conducted and financially assisted programs and activities?
- A. A Federally conducted program or activity is anything a Federal agency does. Federally conducted programs or activities include general public contact (communication with the public, use of facilities), and programs for beneficiaries and participants. Federally assisted programs provide assistance to recipients such as, money through grants, cooperative agreements and loans; grants or donations of property and interests in property; the sale, use or rent of land or property below market value; agreements, arrangements, or contracts which has, as one of its purposes, the intention of providing assistance; training; and the loan of personnel.
- Q5. How do providers of programs and activities benefit from OCCP ?
- A. Providers benefit through receiving direction, guidance, technical assistance, information, educational materials, and other aids to comply with regulatory requirements.
- Q6. How does the public, or interested persons benefit from OCCP?
- A. OCCP provides educational materials and information regarding their rights, responsibilities and obligations under different Civil Rights statutes and NRC regulations, and attempts to facilitate the complaint filing process. This enables individuals to understand their rights, responsibilities and obligations.

## FREQUENTLY ASKED QUESTIONS & ANSWERS

Q.7. How does NRC benefit from the OCCP?

A. NRC benefits from OCCP, because the Program regulate and enforce NRC's regulations and applicable Civil Rights statutes. OCCP assists NRC in ensuring that individuals are not discriminated against on the basis of their sex, race, color, national origin, age, disability, sexual orientation, marital or parental status, and low-income or minority populations, or subjected to discrimination in NRC conducted and financially assisted programs. NRC also benefits from having a well informed public to assist in maintaining nondiscrimination.

Q8. What is the role of the Office of Small Business and Civil Rights (SBCR)?

A. The SBCR administers NRC's Civil Rights laws, programs and related activities. SBCR also has oversight responsibility for OCCP, and sub-programs under its purview including Title VI, (including LEP and Environmental Justice), Title IX, Age, Disability, Compliance Reviews, and the Minority Serving Institutions Program.

Q9. What happens, if providers of programs and activities fail to comply with applicable Civil Rights statutes, or NRC regulations?

A. OCCP will provide technical assistance to promote voluntary compliance. If necessary, NRC will withhold funds, disburse withheld funds directly to an alternate recipient, or terminate assistance for noncompliance.

Q10. How are individuals made aware of the OCCP?

A. Information is posted on NRC's external website, literature and program information is also sent to providers of programs and activities, interested parties, and community and professional organizations, or by contacting Barbara Williams, Senior Level Assistant for Policy and Programs, Tuwanda M. Smith, Esq., Program Coordinator, or Bruce Currie, Program Coordinator at SBCR at 301-415-7380, or TDD: 301-415-5244, Fax: 301-415-5953, or email: [EEOPrograms@nrc.gov](mailto:EEOPrograms@nrc.gov).