



OUTREACH AND COMPLIANCE COORDINATION PROGRAM

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

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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

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

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

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



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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