

August 16, 2004

Merrily Friedlander, Chief,
Coordination and Review Section-NYA,
Civil Rights Division,
U.S. Department of Justice
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In response to correspondence from R. Alexander Acosta, Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, dated May 12, 2004, attached is the U.S. Nuclear Regulatory Commission's FY 2003 Information and Reporting Requirements (Schedules 1 through 8) for Title VI and Title IX Civil Rights Activities for Federally Assisted Programs subject to Executive Order 12250. If you have questions regarding this matter, please contact me at 301-415-7380 (e-mail cbk@nrc.gov) or Marva Gary, Civil Rights Program Manager, at 301-415-7382 (e-mail: mcg@nrc.gov).

Sincerely,

/RA/

Corenthis B. Kelley, Director
Office of Small Business and Civil Rights

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Sincerely,
Original signed by
Corenthis Kelley
Corenthis B. Kelley, Director
Office of Small Business and Civil Rights

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SBCR RF
SBCR SF

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Schedule 1

SUMMARY OF CIVIL RIGHTS ACTIVITIES

FY 2003 Civil Rights Resources and Performance Data for Federally Assisted Programs—Title VI (including Limited English Proficiency (LEP)), Title IX, and agency-specific program statutes addressing discrimination on the basis of race, color, national origin, sex, and religion.

Agency: U.S. Nuclear Regulatory Commission (NRC)

- A. Please provide an updated organizational chart of your agency's civil rights program.
- B. Please provide the name and contact information of the agency staff member who will be preparing this report.
- C. Please provide a narrative of any programs that have been added or deleted since your agency submitted its last Implementation Plan.
- D. Please provide a narrative of any delegation agreement or other arrangement your agency has with another agency.

SUMMARY OF CIVIL RIGHTS ACTIVITIES

Description	Number or Amount
1. Total budget for office(s) that enforce(s) civil rights activities. (Check (U) here _ ____ if the amount includes internal and external activities.)	\$511,000.00
2. Total civil rights budget allocated for external enforcement of Title VI (including LEP), Title IX, and agency-specific program statutes that prohibit discrimination on the basis of race, color, national origin, religion, and sex. ¹	0
3. Total staff (in full time equivalent (FTE)) assigned to civil rights activities. (Check (U) here ____ if the number includes internal and external activities.)	2
4. Total staff (in FTE) allocated to Title VI (including LEP), Title IX, and agency-specific program statutes that prohibit discrimination on the basis of race, color, national origin, religion, and sex (See footnote 1).	.25
5. Number of federally assisted programs covered by Title VI (including LEP), Title IX, and agency-specific program statutes that prohibit discrimination on the basis of race, color, national origin, religion, and sex.	3
6. Total dollar amount of federal financial assistance provided for all federally assisted programs in line 5 above.	\$1,365,077.00
7. Total number of recipients ² of federal financial assistance covered by Title VI (including LEP), Title IX, and agency-specific program statutes that prohibit discrimination on the basis of race, color, national origin, religion, and sex.	54

¹This amount should not include any internal equal employment opportunity information.

²The number of recipients may not necessarily be equal to the number of grants, awards, or assistance.

Attachment to Schedule 1

SUMMARY OF CIVIL RIGHTS ACTIVITIES

Agency: U.S. Nuclear Regulatory Commission (NRC)

- A. Updated organizational chart of the Office of Small Business and Civil Rights (SBCR)

Director, SBCR: Corenthis B. Kelley
Civil Rights Program Manager: Marva C. Gary
Affirmative Employment and Diversity Program Manager: Barbara D. Williams
Small Business Program Manager: Mauricio P. Vera

- B. Name and contact information of the agency staff member who prepared the report

Marva C. Gary, Civil Rights Program Manager
Telephone No.: 301-415-7382 or 301-415-7380
E-mail Address: mccg@nrc.gov
Fax No.: 301-415-5953

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Washington, DC 20555-0001

Personal Delivery/Express Mail U.S. Nuclear Regulatory Commission
 ATTN: Marva C. Gary, Civil Rights Program Manager
 Office of Small Business and Civil Rights
 Mail Stop: T-2F18
 Two White Flint North
 11545 Rockville Pike
 Rockville, Maryland 20852-2738

- C. Programs that have been added or deleted since NRC submitted its last Implementation Plan

No programs have been added or deleted since NRC's submission of its last Implementation Plan on January 31, 2003. NRC's Federal financial assistance remains limited to:

State Agreements Program which provides state and local government personnel training, on a space available basis, to assist them in achieving and maintaining a level of competence necessary to carry out an effective radiation control program. Staff of the Office of State and Tribal Programs coordinates the attendance of Agreement State personnel in NRC training courses.

Grants through Educational and Non-Educational Agreements, and to not-for-profit institutions, professional societies, and state/local governments for the support of basic and applied scientific research, the exchange of scientific information. Grant awards are administered by the NRC Grants Officer, Division of Contracts and Property Management, Office of Administration.

Attachment to Schedule 1 continued.

Grants to Historically Black Colleges and Universities (HBCU) Research Participation Program which enables students and faculty to conduct technical research and development activities on campus and at Department of Energy laboratories where a majority of NRC's technical assistance work is performed. The Program is conducted through a Cooperative Agreement with the Oak Ridge Institute for Science and Technology (ORISE).

D. Delegation agreement or other arrangement NRC has with another agency.

The NRC does not have any delegation agreements with other agencies.

Chart - Summary of Civil Rights Activities

Item 2: Total civil rights budget allocated for external enforcement of Title VI (including LEP), Title IX, and agency-specific program statutes that prohibit discrimination on the basis of race, color, national origin, religion, and sex

There are no resources in the Agency's civil rights budget specifically allocated for the enforcement of Title VI (including LEP), and Title IX activities because NRC has a small number of Federally conducted programs and activities.

Item 7: Number of recipients of the three (3) Federal Financial Assistance Programs

Total of 47 recipients:	17	grants awarded to HBCU student faculty who participated in research and development activities (17 grants awarded - 6 students and 11 faculty)
	21	Research grants to institutions (6 through Educational Cooperative Agreements; 1 through Non-Educational Cooperative Agreements; 11 Not-for-Profit Institutions; 3 Professional Societies)
	9	Agreement States sent a total of 44 state/local personnel to participated in a total of 23 NRC sponsored training courses

Schedule 2
SUMMARY OF COMPLAINTS

FY 2003 Civil Rights Complaint Processing Data for Federally Assisted Programs - covered by Title VI (including LEP), Title IX, and agency-specific program statutes addressing discrimination on the basis of race, color, national origin, sex, and religion.

Agency: U.S. Nuclear Regulatory Commission

Complaint Processing by Federal Civil Rights Office

Description	Number or Amount
1. Total Number of Complaints in inventory at the beginning of FY 2003	0
2. Total Complaints received during the FY 2003	0
3. Complaints received in FY 2003 that were classified as:	
a. Title VI only (race, color, national origin)	<u>0</u>
Of these complaints, the number that involved LEP	<u>0</u>
b. Title VI and Program Statute (race, color, national origin, including LEP)	<u>0</u>
c. Title IX (sex discrimination in education/training programs)	<u>0</u>
d. Program Statute (sex)	<u>0</u>
e. Program Statute (religion)	<u>0</u>
4. Total unresolved complaints in inventory at end of FY 2003 <u>0</u>	0
5. Total unresolved complaints reported in line 4, above, which were unresolved for more than 180 days	0
6. Total complaints closed administratively or for lack of jurisdiction (<u>not</u> including those referred to another agency)	0
7. Total complaints referred to another agency	0
8. Total complaints resolved prior to issuing a Letter of Findings (LOF)	0
9. Total complaints investigated where a compliance LOF that raised concerns or made recommendations is issued	0
10. Total complaints investigated where a compliance LOF that raised no concerns or recommendations is issued	0
11. Total complaint investigations where a noncompliance LOF is issued. (Please provide narrative summary of each such LOF with the basis on which the finding was made, disposition of the complaint, any judicial or administrative enforcement action, and status of such action. If no action was taken, please explain.)	0

12. Total FTEs devoted to complaint processing activities	0
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Schedule 3 PRE-AWARD REVIEWS

FY 2003 Civil Rights Pre-award Reviews for Federally Assisted Programs - covered by Title VI (including LEP), Title IX, and agency-specific program statutes addressing discrimination on the basis of race, color, national origin, sex, and religion.

Agency: U.S. Nuclear Regulatory Commission (NRC)

Please complete the chart below concerning pre-award reviews of applicants for federal financial assistance that your office conducted :

1. List the total number of grants awarded;
2. If the only document reviewed in a pre-award review was the nondiscrimination assurance, please list the number of such pre-award reviews under "Assurances Only."
3. If your office only reviewed the assurance and other written information, such as those listed in 28 C.F.R. § 42.406(d) (e.g., pending lawsuits, outstanding complaints, compliance reviews conducted by other agencies), list the number of such pre-award reviews under "Desk Audit Pre-Award Review" and,
4. If your agency reviewed written information and conducted an onsite pre-award review, list the number of such pre-award reviews under "Onsite Pre-award."

Note: Each pre-award review should only be listed under one category.

Number of Grants	Assurances Only	Desk Audit Pre-award Reviews	Onsite Pre-award Reviews	Total Number of Pre-award Reviews
38	0	0	0	0

For agencies with applications to construct facilities or other permanent structures such as, roads, subway lines, water and sewer lines, please indicate in the chart below the number of grants provided for construction projects, as well as the number of pre-award reviews conducted under each category. The descriptions of the categories are listed above. See 28 C.F.R. § 42.206(b)(4).

Number of Grants for Construction	Assurances Only	Desk Audit Pre-award Reviews	Onsite Pre-award Reviews	Total Pre-award Reviews of Applications for Construction
0	0	0	0	0

Please indicate in the chart below, the number of pre-award reviews that resulted in findings of compliance. If any of the compliance findings included concerns (such as an ongoing complaint investigation, lack of a nondiscrimination poster, or practices that could lead to discrimination) and you placed conditions on the awards, please indicate in the chart under the "Conditioned Awards" category.

Number of Findings of Compliance	Conditioned Awards
0	0

Please indicate in the chart below the following information regarding pre-award reviews.

1. The total number of noncompliance findings;
2. The number of pre-award reviews where the resolution is pending;
3. The number of pre-award reviews where the awards were conditioned as a result of a finding of noncompliance;
4. The number of pre-award reviews where there are signed corrective action agreements;
5. The number of recipients being monitored (please include pre-award reviews from the last fiscal year and monitoring of pre-award reviews conducted before the last fiscal year); and
6. The number of administrative actions initiated.

Findings of Noncompliance	Pending Resolutions	Conditioned Awards	Written Corrective Action Plans	Monitoring Action 2003 Pre- 2003	Administrative Enforcement
0	0	0	0	0	0

For each of the findings of noncompliance, please provide the name of the recipient, the basis of the discrimination, the issues raised, the corrective action taken, and the current status.

Total FTEs devoted to pre-award reviews: 0

Narrative

Grant awards are administered by the NRC Grants Officer, Division of Contracts and Property Management, Office of Administration. No pre or post awards were conducted. A nondiscrimination clause is included in grants awarded under NRC Federal Financial Assistance Program. Allegations regarding violations of the nondiscrimination statutes stated in the clause would be referred to SBCR for appropriate action. No allegations of discrimination involving the Federal Financial Assistance Program were received during FY 03.

Schedule 4
POST- AWARD REVIEWS

FY 2003 Civil Rights Post-award Reviews for Federally Assisted Programs – covered by Title VI (including LEP), Title IX, and agency-specific program statutes addressing discrimination on the basis of race, color, national origin, sex, and religion.

Agency : U.S. Nuclear Regulatory Commission

Please complete the chart below by providing the number of post-award reviews your agency conducted for recipients of federal financial assistance during the last fiscal year. Post-award reviews include compliance reviews and monitoring reviews, but do **not** include investigation of complaints. (See next page for definitions of terms.) For each category, please indicate the number of those reviews that were desk audits/reviews and those that were on-site reviews.

**NUMBER OF POST-AWARD REVIEWS OF RECIPIENTS OF
FINANCIAL FEDERAL ASSISTANCE**

POST-AWARD REVIEWS	Number Initiated	Number Completed	Number Pending Completion After 180 Days	Number in Compliance	Number Not in Compliance
Total Compliance Reviews	0	0	0	0	0
On-site	0	0	0	0	0
Desk audits/reviews	0	0	0	0	0
Total Monitoring Reviews	0	0	0	0	0
On-site	0	0	0	0	0
Desk audits/reviews	0	0	0	0	0
TOTAL POST-AWARD REVIEWS	0	0	0	0	0

Please indicate the total number of FTEs devoted to post-award reviews. 0

Please attach a short narrative on whether the agency has written procedures for conducting compliance and monitoring reviews and specify whether information-collecting instruments, if any, are used. Also, please explain how recipients or issues are selected for review.

For compliance reviews that resulted in findings of noncompliance, please attach a short narrative with the following information: the basis on which the findings were made, whether the areas of noncompliance have been corrected, whether any judicial or administrative enforcement action has been taken, and status of such action. If no action was taken, please

explain.

DEFINITIONS:

Post-award review - A review conducted after federal financial assistance is awarded to a recipient. There are two types of post-award reviews:

(1) Compliance review - targeted review based on agency regulations, rules, guidelines, etc., to determine recipient's compliance with nondiscrimination regulations; not initiated as the result of the agency's receipt of a complaint as this would be a "complaint investigation."

(2) Monitoring review - review to determine whether recipient has complied with corrective action agreement or other action to be taken to correct deficiencies uncovered in a previous complaint investigation or compliance review

Post-award reviews can be done in two ways:

(1) Desk audit/review - staff does not visit recipient, but reviews recipient documents and other written information to determine compliance; can include telephone interviews.

(2) On-site review - desk audit/review is done and, in addition, staff visit the site to conduct in-person interviews and gather other information.

Narrative

Grant awards are administered by the NRC Grants Officer, Division of Contracts and Property Management, Office of Administration. All grant awards contain written procedures for conducting compliance and monitoring reviews. No information-collecting instruments are used. Recipients may be selected for review if the quality of performance, timeliness requirements, or other established goals are not met, and/or allegations of discrimination, high costs overruns or financial improprieties are identified. No pre or post awards were conducted in FY 03.

Schedule 5
REGULATORY AND POLICY DEVELOPMENT

**FY 2003 Civil Rights Regulatory and Policy Development for Federally Assisted Programs
- covered by Title VI (including LEP), Title IX, and agency-specific program statutes
addressing discrimination on the basis of race, color, national origin, sex, and religion.**

Agency: U.S. Nuclear Regulatory Commission

Please indicate in the chart below the name of any regulations, policies, guidelines, directives or operating manuals you have published or revised this fiscal year or intend to publish or revise in the next fiscal year.

Specify the applicable statute(s) that the document covers by indicating Title VI ("VI"); Title VI - LEP ("LEP"); Title IX ("IX"); nondiscrimination provision of a program statute ("Program"), e.g., an implementing regulation; or comprehensive ("Comprehensive"), e.g., a complaint investigation manual that covers all statutes. Provide the date of completion or publication, or projected date of completion or publication.

NAME	Statute(s): VI, LEP, IX, Program, Comprehensive	Date Completed / Published	Projected Date to be Completed/ Published
<u>Regulations</u>			
<u>Policy/ Guidelines</u>	*LEP *Title VI *Title IX		3/31/05 3/31/05 3/31/05
<u>Directives</u>			
<u>Manuals/Handbooks</u>			
<u>Other</u> Publish Information on NRC's Website Department of Justice's Guidance on Title VI and Title IX	*LEP *Title VI *Title IX		3/31/05 3/31/05 3/31/05

*Due to shortage of staff resources, this action was not completed during FY 03

Schedule 6

TRAINING

FY 2003 Civil Rights Training Data for Federally Assisted Programs - covered by Title VI (including LEP), Title IX, and agency-specific program statutes addressing discrimination on the basis of race, color, national origin, sex, and religion.

Agency : U.S. Nuclear Regulatory Commission

Schedule 6 - PART A FEDERAL EMPLOYEE TRAINING

Please provide in the charts below information for each training session/program provided to employees in your office with external civil rights responsibilities relating to Title VI (including LEP), Title IX, and agency-specific program statutes that prohibit discrimination based on race, color, national origin, sex, and religion.

In addition, please provide information regarding the training provided by your office to recipients, sub-recipients, organizations, and others to assist them in complying with the statutes above. Also, provide information regarding proposed training planned for the next fiscal year.

Training is defined as a structured program designed to assist federal employees, recipients and sub-recipient employees, organizations, and others in the development of skills, knowledge, and understanding of the statutes above.

Title of Training/ Description of Training/ Type of Training	Number of Employee s Trained³	Dates of Training	Indicate Who Provided the Training (e.g., program staff, civil rights staff, other gov't agency, vendor/contractor)
Title VI, including LEP	0		

Staff of the Office of Small Business and Civil Rights will continue to provide on the job training for enforcing Title VI, including LEP, and Title IX. No external training was provided in FY 03 for staff recipients, sub-recipients, organizations, and others.

³ Attach a list of all attendees and include their affiliation and job titles/positions.

Schedule 6 - Part B

TRAINING FOR RECIPIENTS, SUBRECIPIENTS, ORGANIZATIONS, AND OTHERS

For each recipient, subrecipient, organization, or others, please provide the information in the chart below for the past fiscal year. If no training was provided, please explain why and describe any training planned/scheduled for next the fiscal year.

In addition to the information requested in the chart below, please provide a narrative concerning the number of requests your office received from recipients, subrecipients, organizations, or others in past fiscal year. Also, please provide the name of the entity, type of training requested, job title/position of staff to be trained, how many requests were approved, and how many requests were denied. If requests were denied, please explain why.

Name of Recipient, Subrecipient, Organization Receiving Training ⁴	Dates of Training	Indicate Who Provided the Training (e.g., program staff, civil rights staff, other gov't agency, vendor/contractor)	Indicate Who Initiated the Training (federal agency, recipient, subrecipient, organization, others)
0			

No training was provided in FY 03 for recipients, sub-recipients, organizations, **and** others but information to assist them in complying with the statutes will be provided on the NRC's website.

⁴See previous footnote.

Schedule 7

**TECHNICAL ASSISTANCE PROVIDED TO RECIPIENTS,
SUBRECIPIENTS, ORGANIZATIONS, AND OTHERS**

FY 2003 Civil Rights Technical Assistance in Federally Assisted Programs - covered by Title VI (including LEP), Title IX, and agency-specific program statutes addressing discrimination on the basis of race, color, national origin, sex, and religion.

Agency : U.S. Nuclear Regulatory Commission

Please attach a narrative concerning your office's technical assistance activities that helped recipients, sub-recipients, applicants, organizations, and other entities in understanding and complying with Title VI (including LEP), Title IX, and agency-specific program statutes that prohibit discrimination based race, color, national origin, sex, religion.

The narrative should include the name of the recipients, sub-recipients, potential recipients, organizations, and other entities. It also should include the approximate dates when the technical assistance was provided and the type of technical assistance provided.

If no technical assistance was provided, please explain why. Also, if technical assistance is planned for the next fiscal year, please provide information as to the recipients, subrecipients, organizations, or other entities to receive technical assistance and the type of technical assistance that will be provided.

Technical assistance can include, but is not limited to, providing recipients with nondiscrimination posters, pamphlets, and information posted on the federal agency's internet site (include website name in your narrative). It also can include community meetings, written assistance, and telephone assistance.

Narrative

No technical assistance was provided during FY 03.

Schedule 8 DATA COLLECTION AND REPORTS

FY 2003 Civil Rights Data Collection and Reports for Federally Assisted Programs - covered by Title VI (including LEP), Title IX, and agency-specific program statutes addressing discrimination on the basis of race, color, national origin, sex, and religion.

Agency: U.S. Nuclear Regulatory Commission

Please indicate in the chart below the type of routinely requested data on beneficiaries of federally assisted programs, based on their race, national origin (including LEP status), sex, and religion, which you received from recipients during the last fiscal year. For each category list:

- (1) The format of the data (written or electronic)
- (2) How often you collect data: once a year (1), more than once a year (>1), every 2 or more years (2+), or not routinely
- (3) If the data are used in a report or publication, provide name of publication
- (4) How the data are used: for routine monitoring, to target compliance reviews, or other (if other, please explain use)
- (5) Whether or not the data are being collected according to the Office of Management and Budget's (OMB) Guidance on the collection of data regarding race and ethnicity. (If your agency has not yet implemented OMB's guidance, please explain when and how it will be implemented.)
- (6) The approximate number of recipients that provided this data to your office during the last fiscal year.

*FEDERAL AGENCY COLLECTION AND UTILIZATION OF DATA

Type of Data Received from Recipients	Format Written or Electronic	How Often Data Collected - 1, >1, 2+, not routinely	Name(s) of Publication(s) Using the Data	Are Data Used for: routine monitoring, target compliance reviews, or other? (if other, please explain)	OMB Y or N	Number of Recipients Sending Data
Race						
National Origin						
Sex						
Religion						

If your office will be requesting additional data from recipients or using the collected data for different or additional purposes for the next fiscal year, please attach a short narrative describing these activities.

***Procedures for implementing OMB's guidance on the collection of data have not been**

implemented due to the shortage of staff resources.