



Annual Age Discrimination Act of 1975 Report

FISCAL YEAR 2022

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Purpose of this Report

In November 1975, Congress enacted the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), hereafter referred to as the “Age Act,” as part of an amendment of the Older Americans Act (P.L. 94-135). The Age Act prohibits discrimination based on age in any program or activity receiving Federal financial assistance. Prohibited discriminatory acts includes the effects of excluding, denying, or limiting services to individuals based on age.

The Age Act does not apply to programs of direct assistance, in which Federal funds flow directly and unconditionally from the Federal government to individual beneficiaries. The Age Act also does not prohibit the use of age as a factor that is necessary to the normal operation of a program, and it does not apply to age distinctions established under the authority of any Federal, state, or local statute, or ordinance adopted by an elected, general purpose legislative body, including distinctions that create special benefits for old or young persons. In addition, the Age Act does not apply to discrimination based on age in employment, which is covered by the Age Discrimination in Employment Act (ADEA) of 1967. The ADEA is enforced by the Equal Employment Opportunity Commission (EEOC).

Age Discrimination Act Activities

Executive Summary

The U.S. Nuclear Regulatory Commission (NRC or Agency), through the Office of Small Business and Civil Rights (SBCR), is responsible for providing regulatory oversight and coordinating compliance with the enforcement of Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments Act of 1972; Sections 504 and 508 of the Rehabilitation Act of 1973, as amended; including the provisions related to Limited English Proficiency (LEP); the Age Discrimination Act of 1975, as amended; and Title IV of the Atomic Energy Act, as amended. These acts are adopted and implemented under NRC’s regulations found in 10 CFR Part 4, “Nondiscrimination in Federally Assisted Programs or Activities Receiving Federal Financial Assistance from the Commission,” and 10 CFR Part 5, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance”.

SBCR administers, manages, and enforces compliance of NRC’s civil rights programs by establishing and maintaining an effective pre- and post-award compliance review program that ensures the awarded recipients comply with Federal mandates and nondiscrimination laws. In addition, the NRC uses several mechanisms (pre- and post-award compliance reviews, complaint processing and investigations) to ensure equal opportunity and fair practices in the programs and activities of NRC financial assisted programs and activities and its award recipients.

This “Age Act” Report summarizes the steps taken by the Agency to ensure compliance with the requirements identified in the Government-wide Age Discrimination Act regulation under 45 CFR 90.34, by covering the following areas:

- **Implementing the Age Act Regulations** – The NRC issued no changes to its existing regulations found at 10 CFR Part 4, “Nondiscrimination in Federally Assisted Programs or Activities Receiving Federal Financial Assistance from the Commission,” Subpart C.

- **Complaints and Compliance Review Activity** – There were no “Age Act” complaints or related matters initiated or investigated by the NRC during this reporting period. In addition, The NRC carried over 56 compliance reviews from FY 2021 and initiated 49 compliance reviews in FY 2022 resulting in a total of 105 Pre and Post Award Compliance Reviews conducted for FY 2022. Of the 105 compliance reviews conducted, there were no evidence of any “Age Act” violations or concerns found during this reporting period.
 - **Significant Cases** – There were no significant cases reported by the NRC and the Federal financial assisted and conducted programs and activities have remained favorable.
- **Mediation Mechanisms** – There were no “Age Act” complaints or related matters referred to Federal Mediation and Conciliation Service (FMCS) for dispute resolution (i.e., mediation) by the NRC.
- **Other Activities Implementing the Age Act** – The NRC, through its Office of Small Business and Civil Rights (SBCR), continues to strive and take proactive steps with advancing the goals of the “Age Act” in prohibiting age discrimination in programs and activities receiving Federal financial assistance.

I. Status of Regulations Implementing the Age Act

Please provide the status of your Agency’s regulation implementing the Age Act. If your regulation has not been published, please provide the anticipated publication date, actions taken in FY 2022 to facilitate publication, and an explanation for any delay in publication. If your regulation has been published, please provide the date of publication.

- **Response:** There were no new developments to the NRC’s regulation implementing the Age Discrimination Act of 1975, as amended (Age Act), and found in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 4, “Nondiscrimination in Federally Assisted Programs or Activities Receiving Federal Financial Assistance from the Commission,” Subpart C, “Regulations Implementing the Age Discrimination Act of 1975, as amended.” This regulation is made available for public access on the Agency’s website at <http://www.nrc.gov/reading-rm/doc-collections/cfr/part004/>.

II. Complaint and Compliance Review Activity

- A. Complaints (i.e., complaints filed by the public against entities funded by your agency)
 - 1) Please describe the most frequent issues investigated in Age Act complaints;
 - 2) Discuss any pattern or practice of age discrimination evidenced in the complaint investigations; and
 - 3) Provide an analysis of your complaint data that addresses the progress of your agency in reducing age discrimination federally assisted programs.

- **Response:** The NRC reports that there were no “Age Act” complaints or related matters initiated or investigated during this reporting period (i.e., Subsections III, 1, 2, 3 are therefore not applicable).

B. Compliance Reviews (i.e., reviews of entities funded by your agency)

- 1) Please describe the most frequent issues investigated in Age Act compliance reviews;
- 2) Discuss any pattern or practice of age discrimination evidenced in the compliance reviews; and
- 3) Provide an analysis of your compliance review data that addresses the progress of your agency in reducing age discrimination in federally assisted programs.

- **Response:** The NRC reports that there were no issues or related matters to the “Age Act” investigated during this reporting period (i.e., Subsection V, 1). In addition, the Agency, through the Office of Small Business and Civil Rights (SBCR), has not observed any evidence of patterns and/or practices related to the “Age Act” and in association with the pre- or post-award compliance reviews conducted during this reporting period (i.e., Subsection V, 2).

SBCR’s civil rights team members completed forty-nine (49) pre-award compliance reviews during this reporting period by engaging the recipient staff through an interactive process and exchange which included: 1) reviewing the application and proposed documents and standard forms forwarded by the Agency’s Office of Administration, Acquisition Management Division (AMD) and the designated NRC offices, 2) developing a compliance review plan for handling the case and carrying out associated tasks to ensure mandated target dates are met, 3) establishing an initial contact/interview with the potential awardee to determine the appropriate applicant/recipient designee for the purpose of conducting the pre- award compliance review and provide guidance on the applicable nondiscrimination regulations, 4) transmitting the NRC’s standard Federal financial assistance information to the potential awardee by including the “Notice of Funding Opportunity (NOFO)” and SBCR’s authority and purpose in requesting to conduct a pre-award compliance review thus utilizing the collection of information documentation outlined in NRC’s Form 781 (Parts A, B, and C) approved by OMB, 5) conducting a teleconference and follow-up (if warranted) with the authorized official from the institution of higher education on receiving this review and explain the regulatory requirements, compliance obligations, compliance process, and information and documents requested. In addition, SBCR’s civil rights team members make relevant inquiries, address applicant/recipient questions, provide technical assistance, and establish a relationship for outreach purposes, 6) verify the signature of the representatives authorized to ensure execution of the recipients’ equal opportunity program(s) is aligned to the NRC’s Assurance Form 424B and research/apply the appropriate nondiscrimination laws and applicable legal theories to applicant/recipient information and documentation in making other factual findings sufficient to determine the applicant’s/recipient’s compliance with Federal nondiscrimination laws, mandates, and NRC regulatory requirements, and 7) prepare a compliance summary report and monitor its results to ensure compliance for legally sufficiency and quality reviews.

In addition, SBCR's civil rights team members completed fifty-six (56) post-award compliance reviews during this reporting period and continuously maintained interaction with the recipient staff throughout the grants period of performance by: 1) conducting Agency post-award compliance review desk audits including an analytical review of the information/documentation submitted, 2) monitoring recipient compliance with recommendations, 3) coordinating exit interview and summary of findings efforts, (4) training, and (5) requesting and providing technical assistance. There are also discussions focused on the recipient's feedback, notification of complaints and lawsuits, and submittal of the annual EO report. In addition to the above activities, the NRC also includes a "nondiscrimination statement/provision" in all NRC grants awarded to new recipients which has resulted as a "best practice" for the Agency in preventing equal opportunity discrimination and age-related complaints.

C. Significant Cases

Please provide a short narrative of any Age Act case resolutions that your agency considers significant, based on the issues considered, the analysis conducted, or the result obtained.

- **Response:** The NRC reports that there were no significant cases reported during this period and all Federal financial assisted programs and activities were found to be commendable.

D. Inventory Tables

- **Response:** See attached "Inventory of Age Discrimination Act Complaint Tables"

III. Mediation Mechanisms

1. Did your agency refer complaints to the Federal Mediation Conciliation Service (FMCS)?
2. If your agency did not refer complaints to FMCS but attempted mediation through other efforts, please identify the mediation entity used.
3. If your agency did not use mediation in some cases, please explain why for each case.
4. Of those cases mediated by FMCS or other entities, please identify the number of successful and unsuccessful mediations or attempted mediations.
5. Please complete the corresponding Inventory Table III.

- **Response:** The NRC reports that there were no "Age Act" complaints or related matters referred to the Federal Mediation and Conciliation Service (FMCS) for mediation during this reporting period (i.e., Subsections IV, 1, 2, 3, 4, 5 are therefore not applicable).

IV. Other Activities Implementing the Age Act

Please describe the other activities your agency has taken to carry out the requirements of the Age Act during Fiscal Year 2022. Where applicable, please provide the number of individuals who benefited from the activity and the positive outcomes.

A. Technical Assistance and Outreach

- **Response:** The NRC is in the process of developing a new poster (i.e., “Equal Opportunity is the Law”) and brochure to reiterate and provide information regarding NRC’s Federal financial assistance programs and activities to its recipients (i.e., roles and responsibilities, civil rights laws enforced by NRC, specific requirements for NRC recipients, examples of prohibited discrimination, and filing a complaint discrimination as a recipient of financial assistance). In addition, the NRC continues to inform its stakeholders (approximately 89 prospective recipients) of the NRC’s pre- and post-award compliance review programs and processes, and make stakeholders aware of applicable nondiscrimination regulations, regulatory requirements, and how to achieve voluntary compliance.

B. Agency Staff Training

- **Response:** The NRC, through the Office of Small Business and Civil Rights (SBCR), provides technical assistance to the internal offices on the Agency’s pre- and post-award compliance review processes. The training provides a greater understanding of the Agency’s compliance with Federal nondiscrimination laws and regulations, policies, procedures, and practices. The NRC also provides its employees with management directives (MDs) and accompanying handbooks that cover equal opportunity and fair practice laws, including the Age Act. Note: The following documents are made available to the Agency and its public and serves as the internal controls and guidance protocols via NRC’s website:
 - MD 9.24, “Organization and Functions, Office of Small Business and Civil Rights”
 - MD 10.161, “Civil Rights Program and Affirmative Employment and Diversity Management Program”
 - MD 10.164, “Outreach and Compliance Coordination Program”
 - MD 11.6, “Financial Assistance Program”
 - NUREG 2186, “Compliance Review Guide - Procedural Processes for Conducting Pre-award Compliance Reviews and Post-award Compliance Reviews”

C. Other Activities

- **Response:** The NRC conducts periodic compliance reviews (i.e., desk audits) of the awarded grants during the recipient’s period of performance cycle by checking-in and exploring any potential, disproportionate or adverse impacts to the NRC’s financial assistance program or activities protected under the Age Act and implementing the appropriate corrective actions/mitigating strategies for improvements.

V. Conclusion

NRC’s meaningful and measurable accomplishments highlighted in this report are due in part to its strong and clear regulations implementing the Age Discrimination Act of 1975, as amended (Age Act), and found in Title 10 of the Code of Federal Regulations (10 CFR) Part 4,

“Nondiscrimination in Federally Assisted Programs or Activities Receiving Federal Financial Assistance from the Commission,” Subpart C, “Regulations Implementing the Age Discrimination Act of 1975, as amended.” The NRC continues to maintain a robust Federal financial assistance program that ensures the compliance and enforcement of all Federal nondiscrimination laws and regulations to include the “Age Discrimination Act of 1975” and the Agency’s regulation at 10 CFR Part 4, “Nondiscrimination in Federally Assisted Programs or Activities Receiving Federal Financial Assistance from the Commission,” and 10 CFR Part 5, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance”.