

# **TAB B**

**FY 2004**

**Section 504 and Title II**

**Schedule 1**  
**Summary of Civil Rights *Disability* Activities**

**FY 2004 Civil Rights Resources and Performance Data for disability related Federally Assisted and Section 504 Federally Conducted Programs.**

**Agency: U.S. Nuclear Regulatory Commission**

- 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 disability related programs that have been added or deleted since your agency submitted its last Implementation Plan.
- D. Please provide a narrative of any disability related delegation agreement or other arrangement your agency has with another agency.

<b>Disability Related Federally Assisted Programs</b>	<b>Number or Amount</b>
1. Total budget for office(s) that enforce(s) disability related civil rights activities. (Check (T) here T if the amount includes internal and external activities.)	\$679,682.00
2. Total civil rights budget allocated for external enforcement of Section 504, and agency specific program statutes that prohibit discrimination on the basis of disability.	0
3. Total staff (in full time equivalent (FTE)) assigned to civil rights activities. (Check (T) here T if the amount includes internal and external activities.)	3*
4. Total staff (in FTE) allocated to federally assisted Section 504, and agency - specific program statutes that prohibit discrimination on the basis of disability <sup>1</sup>	.5*
5. Number of disability related federally assisted programs covered by Section 504, and agency specific program statutes that prohibit discrimination on the basis of disability.	3
6. Total dollar amount of federal financial assistance provided for all disability related federally assisted programs in line 5 above.	\$2,217,994.00
7. Total number of recipients <sup>2</sup> of federal financial assistance covered by Section 504, and agency-specific program statutes that prohibit discrimination on the basis of disability.	42
<b>Section 504 Federally Conducted Programs</b>	<b>Number or Amount</b>
1 Total civil rights budget allocated for internal enforcement of Section 504, and agency specific program statutes that prohibit discrimination on the basis of disability.	0
2. Total staff (in FTE) allocated to federally conducted Section 504, and agency - specific program statutes that prohibit discrimination on the basis of disability	.5*

\*Additional staff resources were not available until the end of 2<sup>nd</sup> Quarter in FY06.

<sup>1</sup>This amount should not include any internal equal employment opportunity information.

<sup>2</sup>The 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**

**FY 2004 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**

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

Director, SBCR: Corenthis B. Kelley  
Civil Rights Program Manager: Marva Gary (currently Deputy Director)  
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 (currently Deputy Director)  
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Mailing Address: Regular Mail: U.S. Nuclear Regulatory Commission  
ATTN: Marva C. Gary, Deputy Director  
Office of Small Business and Civil Rights  
Mail Stop: T-2C2  
Washington, DC 20555-0001

Personal Delivery/Express Mail: U.S. Nuclear Regulatory Commission  
ATTN: Marva C. Gary, Deputy Director  
Office of Small Business and Civil Rights  
Mail Stop: T-2C2  
Two White Flint North  
11545 Rockville Pike  
Rockville, Maryland 20852-2738

C. Disability Programs that have been added or deleted since NRC submitted its last Implementation Plan in August 2004

No programs were added or deleted in FY 2004.

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 Disability Related Federal Assisted and Federally Conducted Programs**

Total civil rights budget allocated for external enforcement of Section 504, Federally Assisted (Items 2 and 4) and Federally Conducted Programs (Items 1 and 2), and NRC specific program statutes that prohibit discrimination on the basis of disability

There are no resources in the Agency's civil rights budget specifically allocated for the enforcement of Section 504 or other statutes that prohibit discrimination on the basis of disability since all of our buildings are in compliance with

Section 504. A small portion of FTE is allocated for this function since the NRC's activity in this area is limited.

Schedule 2

**Summary of *Disability* Assisted Complaints**

FY 2004 Civil Rights Complaint Processing Data for disability related Federally Assisted Programs covered by - Sections 504, Title II of the ADA, and agency-specific program statutes addressing discrimination on the basis of disability.

Agency: U.S. Nuclear Regulatory Commission

Disability Related Federally Assisted Programs and Title II Complaints	Number or Amount
1. Total number of disability complaints in inventory at the beginning of FY 2004.	0
2. Total number of disability complaints received during FY 2004.	0
3. Disability complaints received in FY 2004 that were classified as:  a. Section 504 only (disability discrimination in federally assisted programs)  b. Title II (disability discrimination in state and local government services)  c. Section 504 and Title II	0  0  0
4. Total unresolved disability complaints in inventory at end of FY 2004.	0
4a. Total unresolved disability complaints reported in line 4 that were processed under Title II.	0
5. Total unresolved disability complaints reported in line 4, above, which were unresolved for more than 180 days.	0
5a. Total disability complaints unresolved for more than 180 days reported in line 5 that were processed under Title II.	0
6. Total disability complaints closed administratively or for lack of jurisdiction ( <u>not</u> including those referred to another agency).	0
6a. Total disability complaints reported in line 6 that were processed under Title II.	0
7. Total disability complaints referred to another agency.	0
7a. Total disability complaints reported in line 7 that were processed under Title II.	0
8. Total disability complaints resolved prior to issuing a Letter of Findings (LOF).	0
8a. Total disability complaints reported in line 8 that were processed under Title II.	0
9. Total disability complaints investigated where a compliance LOF that raised concerns or made recommendations is issued.	0
9a. Total disability complaints reported in line 9 that were processed under Title II.	0
10. Total disability 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
10a. Total disability complaint investigations reported in line 10 that were processed under Title II.	0
11. Total FTEs devoted to disability complaint processing activities	0

**12. Please tell us the nature of most disability complaints received by the Federally Assisted programs by ranking the following categories:**

**a. Most disability complaints allege administrative violations such as failure to complete self evaluation/transition plan.**

**b. Most disability complaints allege substantive violations such as failure to make reasonable policy modifications.**

**c. Most disability complaints allege substantive violations such as failure to provide program accessibility.**

**d. Most disability complaints allege substantive violations such failure to provide effective communications.**

**e. Most disability complaints allege substantive violations such failure to design and construct facilities in compliance with the ADA or Section 504.**

**1 = most  
5 = least  
N/A**

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Schedule 3

**Summary of *Disability* Conducted Complaints**

FY 2004 Civil Rights Complaint Processing Data for disability related Federally Conducted Programs covered by - Sections 504, and agency-specific program statutes addressing discrimination on the basis of disability.

Agency: U.S. Nuclear Regulatory Commission

Disability Related Federally Conducted Programs	Number or Amount
1. Total number of disability complaints in inventory at the beginning of the FY 2004.	0
2. Total disability complaints received during the FY 2004.	0
3. Disability complaints received in the FY 2004 that were classified as:	
a. Section 504 employment issues	0
b. Section 504 non-employment issues	0
c. Both section 504 employment and non-employment issues	0
3a. Disability complaints reported in line 2 that alleged the use of inaccessible electronic or information technology and classified as:	
a. employment issues	0
b. non-employment issues	0
c. both employment and non-employment issues.	0
4. Total unresolved disability complaints in inventory at end of FY 2004.	0
5. Total unresolved disability complaints reported in line 4, that were unresolved for more than 180 days after receipt.	0
6. Total disability complaints closed administratively or for lack of jurisdiction ( <u>not</u> including those referred to another agency).	0
7. Total disability complaints resolved prior to issuing a Letter of Findings (LOF).	0
8. Total disability complaint investigated where a compliance LOF that raised concerns or made recommendations is issued.	0
9. Total disability complaint investigated where a compliance LOF that raised no concerns or recommendations is issued.	0
10. Total disability complaint investigations reported in line 9 in which the agency agreed, in writing, to remedy the identified discrimination or discriminatory practices.	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 federally conducted program complaint processing activities.	0

**13. Please tell us the nature of most disability complaints received by the Federally Conducted programs by ranking the following categories: N/A**

**1 = most  
5 = least  
N/A**

**a. Most disability complaints allege administrative violations such as failure to complete self evaluation/transition plan.**

\_\_\_\_\_

**b. Most disability complaints allege substantive violations such as failure to make reasonable policy modifications.**

\_\_\_\_\_

**c. Most disability complaints allege substantive violations such as failure to provide program accessibility.**

\_\_\_\_\_

**d. Most disability complaints allege substantive violations such failure to provide effective communications.**

\_\_\_\_\_

**e. Most disability complaints allege substantive violations such failure to design and construct facilities in compliance with the ADA or Section 504.**

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\_\_\_\_\_

Schedule 4  
**Pre-Award *Disability* Reviews**

FY 2004 Civil Rights Pre-award Reviews for disability related Federally Assisted Programs - covered by Title 504, and agency-specific program statutes addressing discrimination on the basis of disability.

**Agency: U.S. Nuclear Regulatory Commission**

Disability related Federally Assisted Programs	Number or Amount
1. Total number of disability related grants awarded	0
2. Total number of pre-award reviews.	0
3. Total completed pre-award reviews involving reviews of nondiscrimination assurances only.	0
4. Total completed pre-award reviews involving non discrimination assurances and other written information.	0
5. Total completed pre-award reviews involving both written information and onsite pre-award review.	0
6. Total pre-award reviews resulting in findings of compliance.	0
7. Total pre-award reviews resulting in findings of non-compliance	0
8. Total pre-award reviews where the resolution is pending.	0
9. Total number of findings of noncompliance resulting in award conditioned on corrective action	0
10. Total pre-award reviews where there are signed corrective action agreements.	0
11. Total number of findings of noncompliance in which no action was taken.	0
12. Total 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).	0
13. Total number of findings of noncompliance resulting in denial of award and/or initiation of judicial or administrative enforcement.	0
14. Total FTEs devoted to pre-award review activities.	0

\* See page 8 for definitions

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.

Schedule 5  
**Post Award *Disability* Reviews**

FY 2004 Civil Rights Post Award Reviews for disability related Federally Assisted Programs – covered by Section 504 and agency-specific program statutes addressing discrimination on the basis of disability.

Agency: U.S. Nuclear Regulatory Commission

Please complete the chart below by providing the number of disability related 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 review, 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.

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
<b>TOTAL POST-AWARD REVIEWS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Please indicate the total number of FTEs devoted to post-award reviews. .5

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. A nondiscrimination based on disability clause is included in grants awarded under NRC Federally Assisted and Federally Conducted Programs. All grants awarded contain written procedures for conducting compliance and monitoring reviews. No information-collection 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.

**Schedule 6**  
**Disability Regulatory and Policy Development**

**FY 2004 Civil Rights Regulatory and Policy Development for disability related Federally Assisted Programs and conducted programs covered by Sections 504, title II of the ADA, and agency-specific program statutes addressing discrimination on the basis of disability.**

**Agency: U.S. Nuclear Regulatory Commission**

Please indicate in the chart below the name and date 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 Section 504; Title II; 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.

	<b>504, Title II Program Comprehensive</b>	<b>Date Completed/ Published</b>	<b>Date to be Completed/ Published</b>
<b><u>Regulations</u></b>			
<b><u>Policy/ Guidelines</u></b>			
<b><u>Directives</u></b>			
<b><u>Manuals/Handbooks</u></b>			
<b><u>Other</u></b> <b>Publish information NRC's website</b>	504 * Title II*	8-17-04	

\*Links to U.S. Department of Justice website

Schedule 7  
**Disability Training**

**FY 2004 Civil Rights Training Data for disability related Conducted and Federally Assisted Programs - covered by Section 504, Title II of the ADA, and agency-specific program statutes addressing discrimination on the disability.**

**Agency : U.S. Nuclear Regulatory Commission**

**Schedule 7 - Part A  
Federal Employee Training**

Please provide in the charts below information for each training session/program provided to employees in your office with internal and external civil rights responsibilities relating to Section 504, Title II of the ADA, and agency-specific program statutes that prohibit discrimination based on disability.

In addition, please provide information regarding the training provided by your office to recipients, subrecipients, 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 subrecipient 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 Employees Trained <sup>3</sup>	Dates of Training	Indicate Who Provided the Training (e.g., program staff, civil rights staff, other gov't agency, vendor/contractor)
0	0		

A staff member from SBCR attended the monthly meetings for the Association of Federal External Civil rights to receive guidance and updates on compliance reviews. No training was provided to employees, recipients, sub-recipients, organizations, and others in the development of skills, knowledge, and understanding of their responsibilities relating to Section 504, Title II of the ADA, and agency-specific program statutes that prohibit discrimination based on disability.

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

**Schedule 7 - 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.

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

\*No training requests were received from recipients, sub-recipients, or organizations during FY 04.

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<sup>4</sup>See previous footnote.

**Schedule 8**

***Disability* Technical Assistance Provided to Recipients, Subrecipients,  
Organizations, and Others**

**FY 2003 Civil Rights Technical Assistance in disability related Federally Assisted Programs - covered by Section 504, Title II of the ADA, and agency-specific program statutes addressing discrimination on the basis of disability.**

**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 Section 504, Title II of the ADA, and agency-specific program statutes that prohibit discrimination based disability.

The narrative should include the name of the recipients, subrecipients, 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**

In FY 04, technical assistance was provided through a link to the U.S. Department of Justice website.

**Schedule 9**  
**Disability Data Collection and Reports**

**FY 2004 Civil Rights Data Collection and Reports for disability related Federally Assisted Programs - covered by Section 504, Title II of the ADA, and agency-specific program statutes addressing discrimination on the basis of disability.**

**Agency: U.S. Nuclear Regulatory Commission**

Please indicate in the chart below the type of routinely requested data on beneficiaries of disability related federally assisted programs, based on their disability, 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) 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
Disability						

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.