

Nuclear Regulatory Commission

§4.570

demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the agency has the burden of proving that compliance with §4.560 would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the agency head or his or her designee after considering all agency resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or such burdens, the agency shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, handicapped persons receive the benefits and services of the program or activity.

§§ 4.561–4.569 [Reserved]

§4.570 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in programs or activities conducted by the agency.

(b) The agency shall process complaints alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) The Civil Rights Program Manager, Office of Small and Disadvantaged Business Utilization/Civil Rights, shall be responsible for coordinating implementation of this section. Complaints may be sent to Nuclear Regulatory Commission, Washington, DC 20555.

(d) The agency shall accept and investigate all complete complaints for which it has jurisdiction. All complete

complaints must be filed within 180 days of the alleged act of discrimination. The agency may extend this time period for good cause.

(e) If the agency receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate government entity.

(f) The agency shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), or section 502 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 792), is not readily accessible to and usable by handicapped persons.

(g) Within 180 days of the receipt of a complete complaint for which it has jurisdiction, the agency shall notify the complainant of the results of the investigation in a letter containing—

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and

(3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 90 days of receipt from the agency of the letter required by §4.570(g). The agency may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the head of the agency.

(j) The head of the agency shall notify the complainant of the results of the appeal within 60 days of the receipt of the request. If the head of the agency determines that additional information is needed from the complainant, he or she shall have 60 days from the date of receipt of the additional information to make his or her determination on the appeal.

(k) The time limits cited in paragraphs (g) and (j) of this section may be extended with the permission of the Assistant Attorney General.

(l) The agency may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making

§§ 4.571–4.999

the final determination may not be delegated to another agency.

[51 FR 22888, 22896, June 23, 1986]

§§ 4.571–4.999 [Reserved]

APPENDIX A TO PART 4—FEDERAL FINANCIAL ASSISTANCE TO WHICH THIS PART APPLIES¹

(a) *Conferences on regulatory programs.* Agreements for financial assistance to State officials, without full-cost recovery, for visits to NRC facilities and offices or to other locations to confer on regulatory programs and related matters.

(b) *Orientation and instruction.* Agreements for assistance to State and local officials, without full-cost recovery, to receive orientation and on-the-job instruction at NRC facilities and offices.

(c) *Courses in fundamentals of radiation.* Agreements for the conduct of courses for State and local employees, without full-cost recovery, in fundamentals of radiation and radiation protection.

(d) *Participation in meetings and conferences.* Agreements for participation, without full-cost recovery, in meetings, conferences, workshops, and symposia to assist scientific, professional or educational institutions or groups.

(e) *Research Support.* Agreements for the financial support of basic and applied scientific research and for the exchange of scientific information.

[29 FR 19277, Dec. 31, 1964, as amended at 38 FR 17929, July 5, 1973; 40 FR 8778, Mar. 3, 1975; 45 FR 14539, Mar. 6, 1980; 52 FR 25361, July 7, 1987]

PART 5—NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart A—Introduction

- Sec.
- 5.100 Purpose and effective date.
- 5.105 Definitions.
- 5.110 Remedial and affirmative action and self-evaluation.
- 5.115 Assurance required.

¹Categories of assistance may be added to appendix A from time to time by notice published in the FEDERAL REGISTER. This part shall be deemed to apply to all grants, loans or contracts entered into under any such category of assistance on or after the effective date of the inclusion of the category of assistance in appendix A.

10 CFR Ch. I (1–1–03 Edition)

- 5.120 Transfers of property.
- 5.125 Effect of other requirements.
- 5.130 Effect of employment opportunities.
- 5.135 Designation of responsible employee and adoption of grievance procedures.
- 5.140 Dissemination of policy.

Subpart B—Coverage

- 5.200 Application.
- 5.205 Educational institutions and other entities controlled by religious organizations.
- 5.210 Military and merchant marine educational institutions.
- 5.215 Membership practices of certain organizations.
- 5.220 Admissions.
- 5.225 Educational institutions eligible to submit transition plans.
- 5.230 Transition plans.
- 5.235 Statutory amendments.

Subpart C—Discrimination on the Basis of Sex in Admission and Recruitment Prohibited

- 5.300 Admission.
- 5.305 Preference in admission.
- 5.310 Recruitment.

Subpart D—Discrimination on the Basis of Sex in Education Programs or Activities Prohibited

- 5.400 Education programs or activities.
- 5.405 Housing.
- 5.410 Comparable facilities.
- 5.415 Access to course offerings.
- 5.420 Access to schools operated by LEAs.
- 5.425 Counseling and use of appraisal and counseling materials.
- 5.430 Financial assistance.
- 5.435 Employment assistance to students.
- 5.440 Health and insurance benefits and services.
- 5.445 Marital or parental status.
- 5.450 Athletics.
- 5.455 Textbooks and curricular material.

Subpart E—Discrimination on the Basis of Sex in Employment in Education Programs or Activities Prohibited

- 5.500 Employment.
- 5.505 Employment criteria.
- 5.510 Recruitment.
- 5.515 Compensation.
- 5.520 Job classification and structure.
- 5.525 Fringe benefits.
- 5.530 Marital or parental status.
- 5.535 Effect of state or local law or other requirements.
- 5.540 Advertising.
- 5.545 Pre-employment inquiries.
- 5.550 Sex as a bona fide occupational qualification.