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#### APPENDIX A TO PART 4—FEDERAL FINANCIAL ASSISTANCE TO WHICH THIS PART APPLIES

AUTHORITY: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 274, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

Subpart A also issued under secs. 602–605, Pub. L. 88–352, 78 Stat. 252, 253 (42 U.S.C. 2000d–1–2000d–4); sec. 401, 88 Stat. 1254 (42 U.S.C. 5891).

Subpart B also issued under sec. 504, Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 706); sec. 119, Pub. L. 95–602, 92 Stat. 2984 (29 U.S.C. 794); sec. 122, Pub. L. 95–602, 92 Stat. 2984 (29 U.S.C. 706(6)).

Subpart C also issued under Title III of Pub. L. 94–135, 89 Stat. 728, as amended (42 U.S.C. 6101).

Subpart E also issued under 29 U.S.C. 794.

SOURCE: 29 FR 19277, Dec. 31, 1964, unless otherwise noted.

## 10 CFR Ch. I (1–1–11 Edition)

### GENERAL PROVISIONS

#### § 4.1 Purpose and scope.

The regulations in this part implement:

(a) The provisions of title VI of the Civil Rights Act of 1964, Pub. L. 88–352; (78 Stat. 241; 42 U.S.C. 2000a note), and title IV of the Energy Reorganization Act of 1974, Pub. L. 93–438, (88 Stat. 1233; 42 U.S.C. 5801 note), which relate to nondiscrimination with respect to race, color, national origin or sex in any program or activity receiving Federal financial assistance from NRC;

(b) The provisions of section 504 of the Rehabilitation Act of 1973, as amended, Pub. L. 93–112 (87 Stat. 355; 29 U.S.C. 701 note), Pub. L. 95–602 (92 Stat. 2955; 29 U.S.C. 701 note), which relates to nondiscrimination with respect to the handicapped in any program or activity receiving Federal financial assistance; and

(c) The provisions of the Age Discrimination Act of 1975, as amended Pub. L. 94–135 (89 Stat. 713; 42 U.S.C. 3001 note), Pub. L. 95–478 (92 Stat. 1513; 42 U.S.C. 3001 note), which relates to nondiscrimination on the basis of age in any program or activity receiving Federal financial assistance.

[52 FR 25357, July 7, 1987]

#### § 4.2 Subparts.

Subpart A sets forth rules applicable to title VI of the Civil Rights Act of 1964 and title IV of the Energy Reorganization Act of 1974. (The Acts are collectively referred to in subpart A as “the Act”.) Subpart B sets forth rules applicable specifically to matters pertaining to section 504 of the Rehabilitation Act of 1973, as amended. Subpart C sets forth rules pertaining to the provisions of the Age Discrimination Act of 1975, as amended, Pub. L. 94–135 (89 Stat. 713; 42 U.S.C. 3001 note), Pub. L. 95–478 (92 Stat. 1513; 42 U.S.C. 3001 note), which relates to nondiscrimination on the basis of age in any program or activity receiving Federal financial assistance.

[52 FR 25358, July 7, 1987]

#### § 4.3 Application of this part.

This part applies to any program for which Federal financial assistance is

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authorized under a law administered by NRC. The types of Federal financial assistance to which this part applies are listed in appendix A of this part; appendix A may be revised from time to time by notice published in the FEDERAL REGISTER. This part applies to money paid, property transferred, or other Federal assistance extended, by way of grant, entitlement, cooperative agreement, loan, contract, or other agreement by NRC, or an authorized contractor or subcontractor of NRC, the terms of which require compliance with this part. If any statutes implemented by this part are otherwise applicable, the failure to list a type of Federal financial assistance in appendix A does not mean a program or activity is not covered by this part. This part does not apply to—

- (a) Contracts of insurance or guaranty; or
- (b) Procurement contracts; or
- (c) Employment practices under any program or activity except as provided in §§ 4.13, 4.122 and 4.302.

[52 FR 25358, July 7, 1987, as amended at 68 FR 51344, Aug. 26, 2003]

### § 4.4 Definitions.

(a) *Applicant* means one who submits an application, request, or plan required to be approved by NRC, or by a primary recipient, as a condition to eligibility for Federal financial assistance; “application” means such an application, request, or plan.

(b) *Commission* means the Commission of five members or a quorum thereof sitting as a body; “NRC” means the Nuclear Regulatory Commission and its duly authorized representatives.

(c) *Facility* includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provisions of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(d) *Federal financial assistance* means any grant, entitlement, loan, cooperative agreement, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which NRC provides or otherwise makes available assistance in the form of—

- (1) Funds;

- (2) Services of Federal personnel or other personnel at Federal expense; or

- (3) Real and personal property or any interest in or use of property, including—

- (i) Transfers or leases of property for less than fair market value or for reduced consideration;

- (ii) Proceeds from a subsequent transfer or lease of property if the Federal share of its fair market value is not returned to the Federal Government; and the

- (iii) Sale and lease of, and the permission to use (other than on casual or transient basis) Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient.

(e) *Administrative Law Judge* means an individual appointed pursuant to section 11 of the Administrative Procedure Act to conduct proceedings subject to this part.

(f) *Primary recipient* means any recipient which is authorized or required to extend Federal financial assistance to another recipient.

(g) *Program or activity and program* mean all of the operations of any entity described in paragraphs (g)(1) through (4) of this section, any part of which is extended Federal financial assistance:

- (1)(i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or

- (ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

- (2)(i) A college, university or other postsecondary institution, or a public system of higher education; or

- (ii) A local educational agency (as defined in 20 U.S.C. 8801), system of vocational education, or other school system;