

Nuclear Regulatory Commission

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(ii) Modify, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, any policies and practices that do not meet the requirements of this subpart; and

(iii) Take, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to those policies and practices.

(2) A recipient shall, for at least three years following completion of the evaluation required under paragraph (e)(1) of this section, maintain on file, make available for public inspection, and provide to the responsible NRC official upon request: (i) A list of the interested persons consulted, (ii) a description of areas examined and any problems identified, and (iii) a description of any modifications made and of any remedial steps taken.

(f) *Designation of responsible employee.* A recipient shall designate at least one person to coordinate its efforts to comply with this subpart.

§ 4.232 Notice.

(a) A recipient shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of section 504 and this subpart. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs and activities. The notification shall also include an identification of the responsible employee designated pursuant to § 4.231(f). A present recipient shall make the initial notification required by this paragraph within 90 days of the effective date of this subpart. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publications, and distribution of memo-

randa or other written communications.

(b) If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

§ 4.233 Enforcement procedures.

The enforcement and hearing procedures set forth in §§ 4.41 through 4.75 of subpart A with respect to discrimination based on sex, race, color or national origin shall be used for the enforcement of the regulations in subpart B with respect to discrimination based on handicap.

Subpart C—Regulations Implementing the Age Discrimination Act of 1975, as Amended

SOURCE: 52 FR 25358, July 7, 1987, unless otherwise noted.

GENERAL

§ 4.301 Purpose and scope.

The purpose of this subpart is to set forth NRC policies and procedures under the Age Discrimination Act of 1975 which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

§ 4.302 Application of this subpart.

(a) The Age Discrimination Act of 1975 and these regulations apply to any program or activity receiving Federal financial assistance from NRC.

(b) The Age Discrimination Act of 1975 and these regulations do not apply to—

(1) An age distinction contained in that part of a Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body that—

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- (i) Provides any benefits or assistance to persons based on age; or
 - (ii) Establishes criteria for participation in age-related terms; or
 - (iii) Describes intended beneficiaries or target groups in age-related terms.
- (2) Any employment practice of any employer, employment agency, labor organization, or any labor-management joint apprenticeship training program, except for any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act of 1974 (CETA) (29 U.S.C. 801 *et seq.*).

§ 4.303 Definitions.

As used in this subpart:

- (a) *Act* means the Age Discrimination Act of 1975, as amended, (title III of Pub. L. 94-135; 89 Stat. 713; 42 U.S.C. 3001 note).
- (b) *Action* means any act, activity, policy, rule, standard, or method of administration; or the use of any policy, rule, standard, or method of administration.
- (c) *Age* means how old a person is, or the number of elapsed years from the date of a person's birth.
- (d) *Age distinction* means any action using age or an age-related term.
- (e) *Age-related term* means a word or words which necessarily imply a particular age or range of ages (for example, "children," "adult," "older persons," but not "student").
- (f) *Subrecipient* means any of the entities in the definition of "recipient" to which a recipient extends or passes on Federal financial assistance. A subrecipient is generally regarded as a recipient of Federal financial assistance and has all the duties of a recipient in these regulations.

STANDARDS FOR DETERMINING AGE DISCRIMINATION

§ 4.311 Rules against age discrimination.

The rules stated in this section are limited by the exceptions contained in §§ 4.313 and 4.314 of this subpart.

- (a) *General rule.* No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected

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to discrimination under, any program or activity receiving Federal financial assistance.

- (b) *Specific rules.* A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect, on the basis of age, of—

- (1) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving Federal financial assistance, or
 - (2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.
- (c) The specific forms of age discrimination listed in paragraph (b) of this section do not necessarily constitute a complete list.

§ 4.312 Definitions of "normal operation" and "statutory objective".

For purposes of §§ 4.313 and 4.314, the terms "normal operation" and "statutory objective" have the following meaning:

- (a) *Normal operation* means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.
- (b) *Statutory objective* means any purposes of a program or activity expressly stated in any Federal statute, State statute, or local statute or ordinance adopted by an elected general purpose legislative body.

§ 4.313 Exceptions to the rules against age discrimination. Normal operation or statutory objective of any program or activity.

A recipient is permitted to take an action, otherwise prohibited by § 4.311, if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program or activity, if—

- (a) Age is used as a measure or approximation of one or more other characteristics; and