

## Department of Energy

## § 1039.1

(c) *Consultation.* To the extent practicable prior to taking an action pursuant to paragraphs (a) or (b) of this section (or as soon as possible after taking such an action) the cognizant DOE program or project manager shall consult with the Office of NEPA Policy and Compliance.

### § 1022.17 Follow-up.

For those DOE actions taken in a floodplain or wetland, DOE shall verify that the implementation of the selected alternative, particularly with regard to any adopted mitigation measures, is proceeding as described in the floodplain or wetland assessment and the floodplain statement of findings.

## Subpart C—Other Requirements

### § 1022.21 Property management.

(a) If property in a floodplain or wetland is proposed for license, easement, lease, transfer, or disposal to non-Federal public or private parties, DOE shall:

(1) Identify those uses that are restricted under applicable floodplain or wetland regulations and attach other appropriate restrictions to the uses of the property; or

(2) Withhold the property from conveyance.

(b) Before completing any transaction that DOE guarantees, approves, regulates, or insures that is related to an area located in a floodplain, DOE shall inform any private party participating in the transaction of the hazards associated with locating facilities or structures in the floodplain.

### § 1022.22 Requests for authorizations or appropriations.

It is DOE policy to indicate in any requests for new authorizations or appropriations transmitted to the Office of Management and Budget, if a proposed action is located in a floodplain or wetland and whether the proposed action is in accord with the requirements of E.O. 11988 and E.O. 11990 and this part.

### § 1022.23 Applicant responsibilities.

DOE may require applicants for any use of real property (*e.g.*, license, ease-

ment, lease, transfer, or disposal), permits, certificates, loans, grants, contract awards, allocations, or other forms of assistance or other entitlement related to activities in a floodplain or wetland to provide information necessary for DOE to comply with this part.

### § 1022.24 Interagency cooperation.

If DOE and one or more agencies are directly involved in a proposed floodplain or wetland action, in accordance with DOE's NEPA or CERCLA procedures, DOE shall consult with such other agencies to determine if a floodplain or wetland assessment is required by subpart B of this part, identify the appropriate lead or joint agency responsibilities, identify the applicable regulations, and establish procedures for interagency coordination during the environmental review process.

## PART 1039—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

**AUTHORITY:** Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

### § 1039.1 Uniform relocation assistance and real property acquisition.

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-255, 42 U.S.C. 4601 note) are set forth in 49 CFR part 24.

[52 FR 48017, Dec. 17, 1987; 54 FR 8912, 8913, Mar. 2, 1989]

# **PART 1040—NONDISCRIMINATION IN FEDERALLY ASSISTED PRO- GRAMS OR ACTIVITIES**

## **Subpart A—General Provisions**

- Sec.  
1040.1 Purpose.  
1040.2 Application.  
1040.3 Definitions—General.  
1040.4 Assurances required and preaward re-  
view.  
1040.5 Designation of responsible employee.  
1040.6 Notice.  
1040.7 Remedial and affirmative action and  
self-evaluation.  
1040.8 Effect of employment opportunity.

## **Subpart B—Title VI of the Civil Rights Act of 1964; Section 16 of the Federal Energy Administration Act of 1974, as Amend- ed; and Section 401 of the Energy Re- organization Act of 1974**

- 1040.11 Purpose and application.  
1040.12 Definitions.  
1040.13 Discrimination prohibited.  
1040.14 Covered employment.

## **Subpart C [Reserved]**

## **Subpart D—Nondiscrimination on the Basis of Handicap—Section 504 of the Reha- bilitation Act of 1973, as Amended**

### **GENERAL PROVISIONS**

- 1040.61 Purpose and application.  
1040.62 Definitions.  
1040.63 Discrimination prohibited.  
1040.64 Effect of State or local law or other  
requirements and effect of employment  
opportunities.  
1040.65 Procedures.

### **EMPLOYMENT PRACTICES**

- 1040.66 Discrimination prohibited.  
1040.67 Reasonable accommodation.  
1040.68 Employment criteria.  
1040.69 Preemployment inquiries.

### **ACCESSIBILITY**

- 1040.71 Discrimination prohibited.  
1040.72 Existing facilities.  
1040.73 New construction.  
1040.74 Accessibility in historic properties.

## **Subpart E—Nondiscrimination on the Basis of Age—Age Discrimination Act of 1975, as Amended**

### **GENERAL PROVISIONS**

- 1040.81 Purpose.  
1040.82 Application.  
1040.83 Definitions.

### **STANDARDS FOR DETERMINING AGE DISCRIMINATION**

- 1040.84 Rules against age discrimination.  
1040.85 Definitions of “Normal Operation”  
and “Statutory Objective”.  
1040.86 Exceptions to the rules against age  
discrimination. Normal operation or  
statutory objective of any program or ac-  
tivity.  
1040.87 Exceptions to the rules against age  
discrimination. Reasonable factors other  
than age.  
1040.88 Remedial and affirmative action by  
recipients.  
1040.89 Burden of proof.

### **RESPONSIBILITIES OF DOE RECIPIENTS**

- 1040.89-1 General responsibilities.  
1040.89-2 Notice to subrecipients.  
1040.89-3 Information requirements.

### **INVESTIGATION, CONCILIATION AND ENFORCEMENT PROCEDURES**

- 1040.89-4 Compliance reviews.  
1040.89-5 Complaints.  
1040.89-6 Mediation.  
1040.89-7 Investigation.  
1040.89-8 Prohibition against intimidation  
or retaliation.  
1040.89-9 Compliance procedure.  
1040.89-10 Hearings, decisions, post-termi-  
nation proceedings.  
1040.89-11 Remedial action by recipients.  
1040.89-12 Alternate funds disbursement proce-  
dure.  
1040.89-13 Exhaustion of administrative  
remedies.

### **APPENDIX A TO SUBPART E OF PART 1040— DOE FEDERALLY ASSISTED PROGRAMS CONTAINING AGE DISTINCTIONS**

## **Subpart F—Nondiscrimination Under Title VIII of the Civil Rights Act of 1968, as Amended [Reserved]**

## **Subpart G—Program Monitoring**

- 1040.101 Compliance reviews.  
1040.102 Compliance information.  
1040.103 [Reserved]  
1040.104 Complaint investigation.

## **Subpart H—Enforcement**

### **MEANS OF EFFECTING COMPLIANCE**

- 1040.111 Means available.  
1040.112 Noncompliance with assurances.  
1040.113 Deferral.  
1040.114 Termination of or refusal to grant  
or to continue Federal financial assist-  
ance.  
1040.115 Other means authorized by law.

### **OPPORTUNITY FOR HEARING**

- 1040.121 Notice of opportunity for hearing.