

Section	Remove	Add
4.336(c)(2), first sentence	Federal	
4.338(c)	program	program or activity
4.339(b)(2)	program or activity	Federal financial assistance
4.341(b)	programs	programs or activities
4.341(c)	programs	programs or activities
4.341(d)	programs	programs or activities

Dated: April 30, 2001.

William D. Travers,

*Executive Director for Operations, Nuclear
Regulatory Commission.*

DEPARTMENT OF ENERGY

10 CFR Chapter X

RIN 1901-AA86

Authority and Issuance

■ For the reasons set forth in the joint preamble, DOE amends 10 CFR chapter X, part 1040 as set forth below:

PART 1040—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES

■ 1. The heading for part 1040 is revised to read as set forth above.

■ 2. The authority citation for part 1040 is revised to read as follows:

Authority: 20 U.S.C. 1681–1686; 29 U.S.C. 794; 42 U.S.C. 2000d to 2000d–7, 3601–3631, 5891, 6101–6107, 7101 *et seq.*

Subpart A—General Provisions

■ 3. Section 1040.3 is amended by revising paragraph (u) to read as follows:

§ 1040.3 Definitions—General.

* * * * *

(u) *Program or activity* and *program* mean all of the operations of any entity

described in paragraphs (u)(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. 7801), system of vocational education, or other school system;

(3)(i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—

(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(ii) The entire plant or other comparable, geographically separate

facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) Any other entity which is established by two or more of the entities described in paragraph (u)(1), (2), or (3) of this section.

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■ 4. Section 1040.4 is amended by revising paragraph (d) and the heading of paragraph (f) to read as follows:

§ 1040.4 Assurances required and preaward review.

* * * * *

(d) *Assurances from government agencies.* In the case of any application from any department, agency or office of any State or local government for Federal financial assistance for any specified purpose, the assurance required by this section is to extend to any other department, agency, or office of the same governmental unit.

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(f) *Continuing Federal financial assistance.* * * *

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■ 5. In the table below, for each section indicated in the left column, remove the text shown in the middle column and add the text shown in the right column:

Section	Remove	Add
1040.1, first sentence	the program or activity	the Federal financial assistance
1040.1, first sentence	program services	services
1040.2(a), second sentence	Programs	Types of Federal financial assistance
1040.2(a), fourth sentence	under any program or activity	
1040.2(a), last sentence	a program	a type of Federal financial assistance
1040.2(a), last sentence	the program	that a program or activity
1040.3(a)	program	aid, benefit, service
1040.3(t)	for the purpose of carrying out a program	
1040.4(a), first sentence	for a program or activity	
1040.4(f), introductory text	administering a program which receives	applying for
1040.4(f)(1)	program	program or activity
1040.5(b), first sentence	or programs	or activity
1040.5(b), second sentence	programs	programs or activities
1040.5(b), last sentence	broadcast program	broadcast
1040.5(b), last sentence	the program	the program or activity
1040.5(b), last sentence	opportunity program	opportunity program or activity
1040.5(c), first sentence	program	program or activity
1040.6(a) second sentence	programs and activities	programs or activities
1040.7(b)	a program that will	to