

§ 5.540

5.550 is not obviated or alleviated by the existence of any State or local law or other requirement that imposes prohibitions or limits upon employment of members of one sex that are not imposed upon members of the other sex.

(b) *Benefits.* A recipient that provides any compensation, service, or benefit to members of one sex pursuant to a State or local law or other requirement shall provide the same compensation, service, or benefit to members of the other sex.

§ 5.540 Advertising.

A recipient shall not in any advertising related to employment indicate preference, limitation, specification, or discrimination based on sex unless sex is a bona fide occupational qualification for the particular job in question.

§ 5.545 Pre-employment inquiries.

(a) *Marital status.* A recipient shall not make pre-employment inquiry as to the marital status of an applicant for employment, including whether such applicant is “Miss” or “Mrs.”

(b) *Sex.* A recipient may make pre-employment inquiry as to the sex of an applicant for employment, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by these Title IX regulations.

§ 5.550 Sex as a bona fide occupational qualification.

A recipient may take action otherwise prohibited by §§ 5.500 through 5.550 provided it is shown that sex is a bona fide occupational qualification for that action, such that consideration of sex with regard to such action is essential to successful operation of the employment function concerned. A recipient shall not take action pursuant to this section that is based upon alleged comparative employment characteristics or stereotyped characterizations of one or the other sex, or upon preference based on sex of the recipient, employees, students, or other persons, but nothing contained in this section shall prevent a recipient from considering an employee’s sex in relation to employment in a locker room or toilet facility used only by members of one sex.

40 CFR Ch. I (7–1–04 Edition)

Subpart F—Procedures

§ 5.600 Notice of covered programs.

Within 60 days of September 29, 2000, each Federal agency that awards Federal financial assistance shall publish in the FEDERAL REGISTER a notice of the programs covered by these Title IX regulations. Each such Federal agency shall periodically republish the notice of covered programs to reflect changes in covered programs. Copies of this notice also shall be made available upon request to the Federal agency’s office that enforces Title IX.

§ 5.605 Enforcement procedures.

The investigative, compliance, and enforcement procedural provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) (“Title VI”) are hereby adopted and applied to these Title IX regulations. These procedures may be found at 40 CFR 7.105 through 7.135.

[65 FR 52890, Aug. 30, 2000]

PART 6—PROCEDURES FOR IMPLEMENTING THE REQUIREMENTS OF THE COUNCIL ON ENVIRONMENTAL QUALITY ON THE NATIONAL ENVIRONMENTAL POLICY ACT

Subpart A—General

Sec.

- 6.100 Purpose and policy.
- 6.101 Definitions.
- 6.102 Applicability.
- 6.103 Responsibilities.
- 6.104 Early involvement of private parties.
- 6.105 Synopsis of environmental review procedures.
- 6.106 Deviations.
- 6.107 Categorical exclusions.
- 6.108 Criteria for initiating an EIS.

Subpart B—Content of EISs

- 6.200 The environmental impact statement.
- 6.201 Format.
- 6.202 Executive summary.
- 6.203 Body of EISs.
- 6.204 Incorporation by reference.
- 6.205 List of preparers.

Subpart C—Coordination With Other Environmental Review and Consultation Requirements

- 6.300 General.

Environmental Protection Agency

§ 6.100

- 6.301 Landmarks, historical, and archeological sites.
- 6.302 Wetlands, floodplains, important farmlands, coastal zones, wild and scenic rivers, fish and wildlife, and endangered species.
- 6.303 Air quality.

Subpart D—Public and Other Federal Agency Involvement

- 6.400 Public involvement.
- 6.401 Official filing requirements.
- 6.402 Availability of documents.
- 6.403 The commenting process.
- 6.404 Supplements.

Subpart E—Environmental Review Procedures for Wastewater Treatment Construction Grants Program

- 6.500 Purpose.
- 6.501 Definitions.
- 6.502 Applicability and limitations.
- 6.503 Overview of the environmental review process.
- 6.504 Consultation during the facilities planning process.
- 6.505 Categorical exclusions.
- 6.506 Environmental review process.
- 6.507 Partitioning the environmental review process.
- 6.508 Findings of No Significant Impact (FNSI) determination.
- 6.509 Criteria for initiating Environmental Impact Statements (EIS).
- 6.510 Environmental Impact Statement (EIS) preparation.
- 6.511 Record of Decision (ROD) for EISs and identification of mitigation measures.
- 6.512 Monitoring for compliance.
- 6.513 Public participation.
- 6.514 Delegation to States.

Subpart F—Environmental Review Procedures for the New Source NPDES Program

- 6.600 Purpose.
- 6.601 Definitions.
- 6.602 Applicability.
- 6.603 Limitations on actions during environmental review process.
- 6.604 Environmental review process.
- 6.605 Criteria for preparing EISs.
- 6.606 Record of decision.
- 6.607 Monitoring.

Subpart G—Environmental Review Procedures for Office of Research and Development Projects

- 6.700 Purpose.
- 6.701 Definition.
- 6.702 Applicability.
- 6.703 General.
- 6.704 Categorical exclusions.

- 6.705 Environmental assessment and finding of no significant impact.
- 6.706 Environmental impact statement.

Subpart H—Environmental Review Procedures for Solid Waste Demonstration Projects

- 6.800 Purpose.
- 6.801 Applicability.
- 6.802 Criteria for preparing EISs.
- 6.803 Environmental review process.
- 6.804 Record of decision.

Subpart I—Environmental Review Procedures for EPA Facility Support Activities

- 6.900 Purpose.
- 6.901 Definitions.
- 6.902 Applicability.
- 6.903 Criteria for preparing EISs.
- 6.904 Environmental review process.
- 6.905 Record of decision.

Subpart J—Assessing the Environmental Effects Abroad of EPA Actions

- 6.1001 Purpose and policy.
- 6.1002 Applicability.
- 6.1003 Definitions.
- 6.1004 Environmental review and assessment requirements.
- 6.1005 Lead or cooperating agency.
- 6.1006 Exemptions and considerations.
- 6.1007 Implementation.

APPENDIX A TO PART 6—STATEMENT OF PROCEDURES ON FLOODPLAIN MANAGEMENT AND WETLANDS PROTECTION

AUTHORITY: 42 U.S.C. 4321 *et seq.*, 7401-7671q; 40 CFR part 1500.

SOURCE: 44 FR 64177, Nov. 6, 1979, unless otherwise noted.

Subpart A—General

§ 6.100 Purpose and policy.

(a) The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, as implemented by Executive Orders 11514 and 11991 and the Council on Environmental Quality (CEQ) Regulations of November 29, 1978 (43 FR 55978) requires that Federal agencies include in their decision-making processes appropriate and careful consideration of all environmental effects of proposed actions, analyze potential environmental effects of proposed actions and their alternatives for public understanding and scrutiny, avoid or minimize adverse effects of proposed actions, and restore and enhance environmental quality as much as possible.

§6.101

The Environmental Protection Agency (EPA) shall integrate these NEPA factors as early in the Agency planning processes as possible. The environmental review process shall be the focal point to assure NEPA considerations are taken into account. To the extent applicable, EPA shall prepare environmental impact statements (EISs) on those major actions determined to have significant impact on the quality of the human environment. This part takes into account the EIS exemptions set forth under section 511(c)(1) of the Clean Water Act (Pub. L. 92-500) and section 7(c)(1) of the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319).

(b) This part establishes EPA policy and procedures for the identification and analysis of the environmental impacts of EPA-related activities and the preparation and processing of EISs.

§6.101 Definitions.

(a) *Terminology.* All terminology used in this part will be consistent with the terms as defined in 40 CFR part 1508 (the CEQ Regulations). Any qualifications will be provided in the definitions set forth in each subpart of this regulation.

(b) The term *CEQ Regulations* means the regulations issued by the Council on Environmental Quality on November 29, 1978 (see 43 FR 55978), which implement Executive Order 11991. The CEQ Regulations will often be referred to throughout this regulation by reference to 40 CFR part 1500 *et al.*

(c) The term *environmental review* means the process whereby an evaluation is undertaken by EPA to determine whether a proposed Agency action may have a significant impact on the environment and therefore require the preparation of the EIS.

(d) The term *environmental information document* means any written analysis prepared by an applicant, grantee or contractor describing the environmental impacts of a proposed action. This document will be of sufficient scope to enable the responsible official to prepare an environmental assessment as described in the remaining subparts of this regulation.

(e) The term *grant* as used in this part means an award of funds or other

40 CFR Ch. I (7-1-04 Edition)

assistance by a written grant agreement or cooperative agreement under 40 CFR chapter I, subpart B.

§6.102 Applicability.

(a) *Administrative actions covered.* This part applies to the activities of EPA in accordance with the outline of the subparts set forth below. Each subpart describes the detailed environmental review procedures required for each action.

(1) Subpart A sets forth an overview of the regulation. Section 6.102(b) describes the requirements for EPA legislative proposals.

(2) Subpart B describes the requirements for the content of an EIS prepared pursuant to subparts E, F, G, H, and I.

(3) Subpart C describes the requirements for coordination of all environmental laws during the environmental review undertaken pursuant to subparts E, F, G, H, and I.

(4) Subpart D describes the public information requirements which must be undertaken in conjunction with the environmental review requirements under subparts E, F, G, H, and I.

(5) Subpart E describes the environmental review requirements for the wastewater treatment construction grants program under Title II of the Clean Water Act.

(6) Subpart F describes the environmental review requirements for new source National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Clean Water Act.

(7) Subpart G describes the environmental review requirements for research and development programs undertaken by the Agency.

(8) Subpart H describes the environmental review requirements for solid waste demonstration projects undertaken by the Agency.

(9) Subpart I describes the environmental review requirements for construction of special purpose facilities and facility renovations by the Agency.

(b) *Legislative proposals.* As required by the CEQ Regulations, legislative EISs are required for any legislative proposal developed by EPA which significantly affects the quality of the human environment. A preliminary