

Rules and Regulations

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI-124]

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of part 1914 of subchapter B of chapter X of title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Florida	Martin	Stuart, city of				May 14, 1973.
Louisiana	Rapides Parish	Alexandria, city of				Emergency. May 7, 1973.
Do.	St. Martin Parish	Breaux Bridge, town of				Emergency. May 8, 1973.
Do.	Grant Parish	Unincorporated areas				Emergency. May 7, 1973.
Do.	St. Martin Parish	Parks, village of				Emergency. May 8, 1973.
Do.	do	St. Martinville, city of				Emergency. Do.
Michigan	Wayne	Southgate, city of				May 14, 1973. Emergency.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued May 7, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc. 73-9371 Filed 5-11-73; 8:45 am]

Title 7—Agriculture

CHAPTER IX—CONSUMER AND MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lime Reg. 5, Amdt. 2]

PART 944—FRUITS; IMPORT REGULATIONS

Lime Imports

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a) (2) § 944.204 (Lime Reg. 5) are hereby amended to read as follows:

§ 944.204 Lime Regulation 5.

- (a) * * *
- (2) Such limes of the group known as large fruited or Persian "seedless" limes

(including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet requirements set forth in the U.S. Standards for Persian (Tahiti) limes, shall apply;

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that herein-after specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended

(7 U.S.C. 601-674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under Lime Regulation 34 (§ 911.336) which becomes effective May 14, 1973; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of limes.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated May 8, 1973, to become effective May 14, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 73-9497 Filed 5-11-73; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Doc. No. 73-SO-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 28, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 8066), stating that the Federal Aviation Administration was considering an amendment to part 71 of the Federal Aviation Regulations that would alter the Toccoa, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 19, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the Toccoa, Ga., transition area is amended as follows: " * * * Longitude 83°17'40" W.) * * * is deleted and " * * * Longitude 83°17'40" W.); within a 9-mile radius of Habersham County Airport, Cornelia, Ga. (Lat. 34°30'20" N, Long. 83°33'14" W.) * * * is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in East Point, Ga., on May 4, 1973.

DUANE W. FREER,

Acting Director, Southern Region.

[FR Doc.73-9423 Filed 5-11-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY
SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7270]

PART 53—FOUNDATION EXCISE TAXES

Subpart B—Taxes on Self-Dealing; Correction

On Tuesday, April 17, 1973, Treasury Decision 7270 was published in the FEDERAL REGISTER (38 FR 9493). The following change should be made to T.D. 7270.

In example (6) in § 53.4941(d)-1(b)(8) (page 9497), the last word on line 12 of example (6), "paragraph", should be changed to "example".

JAMES F. DRING,

Director, Legislation and Regulations Division.

[FR Doc.73-9533 Filed 5-11-73;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1602—RECORDS AND REPORTS

Reporting and Recordkeeping by State and Local Governments

By virtue of the authority vested in it by section 713(a) of title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. section 2000e-12(a), 78 Stat. 265, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) hereby amends title 29, chapter XIV, part 1602 of the Code of Federal Regulations.

On March 2, 1973, the Equal Employment Opportunity Commission published in the FEDERAL REGISTER (38 FR 5659) a notice of public hearing on proposed regulations regarding reporting and recording requirements for State and local governments embodied in the proposed regulations and report form EEO-4. The form and instructions were published as an appendix thereto.

Under the proposed regulations all political jurisdictions employing 15 or more employees were to be required to maintain for a 3-year period records which would be necessary for the proper completion of report form EEO-4, whether or not the political jurisdiction was required to file the report; and all political jurisdictions employing 100 or more employees and others with 15 or more employees where requested by the Commission were to be required to submit report EEO-4 annually. All political jurisdictions employing 15 or more employees also were to be required to maintain, for 2 years, all personnel and employment records, such as application forms and promotion, demotion, transfer, layoff, and termination records.

The public hearing was held on March 21, 1973. At the hearing the proposed requirements were explained and all persons who had requested to be heard testified. Thereafter, the record remained open for 5 days and written comments by 16 organizations were received. As a result of the comments, several changes were effected. The EEO-4 form was amended to include narrower salary ranges and more refined job category definitions. In addition, the first sentence of § 1602.30 of the proposed regulations was clarified. A new sentence was added prior to the last sentence of the section requiring copies of records to be maintained onsite which requirement conforms with the instructions to the report form. No other substantive changes were made.

In response to requests by several political jurisdictions for more time in which to comply with the requirements on reporting, the date by which the first EEO-4 report is required to be filed shall be October 31, 1973, instead of July 30,

1973. The payroll reporting period for employment data shall include August 31, 1973 or June 30, 1973, at the option of the political jurisdiction. The filing and report period dates of July 30 and June 30, respectively, shall apply in 1974 and thereafter.

Part 1602 is amended by adding new subparts I, J, and K, and by adding new §§ 1602.30, 1602.31, 1602.32, 1602.33, 1602.34, 1602.35, 1602.36, 1602.37, and 1602.38 thereto to read as follows below. These amendments shall become effective June 13, 1973.

Subpart I—State and Local Governments
Recordkeeping

Sec.

1602.30 Records to be made or kept.

1602.31 Preservation of records made or kept.

AUTHORITY.—Sec. 709(c), 78 Stat. 265, 42 U.S.C. 2000e-8(c); 29 CFR 1602.3.

Subpart I—State and Local Governments
Recordkeeping

1602.30 Records to be made or kept.

On or before July 30, 1973, and annually thereafter, every political jurisdiction with 15 or more employees is required to make or keep records and the information therefrom which are or would be necessary for the completion of report EEO-4 under the circumstances set forth in the instructions thereto, whether or not the political jurisdiction is required to file such report under § 1602.32 of the regulations in this part. The instructions are specifically incorporated herein by reference and have the same force and effect as other sections of this part.¹ Such records and the information therefrom shall be retained at all times for a period of 3 years at the central office of the political jurisdiction and shall be made available if requested by an officer, agent, or employee of the Commission under section 710 of title VII as amended. Although agency data are aggregated by functions for purposes of reporting, separate data for each agency must be maintained either by the agency itself or by the office of the political jurisdiction responsible for preparing the EEO-4 form. It is the responsibility of every political jurisdiction to obtain from the Commission or its delegate necessary instructions in order to comply with the requirements of this section.

1602.31 Preservation of records made or kept.

(a) Any personnel or employment record made or kept by a political jurisdiction (including but not necessarily limited to application forms submitted by applicants and other records having to do with hiring, promotion, demotion,

¹ NOTE.—Instructions were published as an appendix to the proposed regulations on Mar. 2, 1973 (38 FR 5662).

transfer, layoff or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship) shall be preserved by the political jurisdiction for a period of 2 years from the date of the making of the record or the personnel action involved, whichever occurs later. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of 2 years from the date of termination. Where a charge of discrimination has been filed, or an action brought by the Attorney General against a political jurisdiction under title VII, the respondent political jurisdiction shall preserve all personnel records relevant to the charge or action until final disposition of the charge or the action. The term "personnel record relevant to the charge," for example, would include personnel or employment records relating to the person claiming to be aggrieved and to all other employees holding positions similar to that held or sought by the person claiming to be aggrieved; and application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the person claiming to be aggrieved applied and was rejected. The date of final disposition of the charge or the action means the date of expiration of the statutory period within which a person claiming to be aggrieved may bring an action in a U.S. district court or, where an action is brought against a political jurisdiction either by a person claiming to be aggrieved or by the Attorney General, the date on which such litigation is terminated.

(b) The requirements of this section shall not apply to application forms and other preemployment records of applicants for positions known to applicants to be of a temporary or seasonal nature.

NOTE.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Subpart J—State and Local Government Information Report

- Sec.
1602.32 Requirement for filing and preserving copy of report.
1602.33 Penalty for making of willfully false statements on report.
1602.34 Commission's remedy for political jurisdiction's failure to file report.
1602.35 Political jurisdiction's exemption from reporting requirements.
1602.36 Schools exemption.
1602.37 Additional reporting requirements.

AUTHORITY.—Sec. 709(c), 78 Stat. 265, 42 U.S.C. 2000e-8(c); 29 CFR 1602.3.

Subpart J—State and Local Government Information Report

- 1602.32 Requirement for filing and preserving copy of report.

(a) On or before July 30, 1974 and annually thereafter, certain political jurisdictions subject to title VII of the Civil Rights Act of 1964, as amended, shall file with the Commission or its delegate

executed copies of "State and Local Government Information Report EEO-4" in conformity with the directions set forth in the form and accompanying instructions. The political jurisdictions covered by this regulation are (1) those which have 100 or more employees, and (2) those other political jurisdictions which have 15 or more employees from whom the Commission requests the filing of reports. Every such political jurisdiction shall retain at all times a copy of the most recently filed EEO-4 at the central office of the political jurisdiction for a period of 3 years and shall make the same available if requested by an officer, agent, or employee of the Commission under the authority of section 710 of title VII, as amended.

(b) For calendar year 1973, the requirements of paragraph (a) of this section shall be carried out on or before October 31, 1973.

1602.33 Penalty for making of willfully false statements on report.

The making of willfully false statements on report EEO-4, is a violation of the United States Code, title 18, section 1001, and is punishable by fine or imprisonment as set forth therein.

1602.34 Commission's remedy for political jurisdiction's failure to file report.

Any political jurisdiction failing or refusing to file report EEO-4 when required to do so may be compelled to file by order of a U.S. district court, upon application of the Attorney General.

1602.35 Political jurisdiction's exemption from reporting requirements.

If it is claimed the preparation or filing of the report would create undue hardship, the political jurisdiction may apply to the Commission for an exemption from the requirements set forth in this part by submitting to the Commission or its delegate a specific proposal for an alternative reporting system prior to the date on which the report is due.

1602.36 Schools exemption.

The recordkeeping and report-filing requirements of subparts I and J shall not apply to State or local educational institutions or to school districts or school systems or any other educational functions. The previous sentence of this section shall not act to bar jurisdiction which otherwise would attach under § 1602.30.

1602.37 Additional reporting requirements.

The Commission reserves the right to require reports, other than that designated as the "State and Local Government Information Report EEO-4," about the employment practices of individual political jurisdictions or group of political jurisdictions whenever, in its judgment, special or supplemental reports are necessary to accomplish the purposes of title VII. Any system for the requirement of such reports will be established in accordance with the pro-

cedures referred to in section 709(c) of title VII and as otherwise prescribed by law.

Subpart K—Records and Inquiries as to Race, Color, National Origin, or Sex

Sec.

- 1602.38 Applicability of State or local law.

AUTHORITY.—Sec. 709(c), 78 Stat. 265, 42 U.S.C. 2000e-8(c); 29 CFR 1602.3.

Subpart K—Records and Inquiries as to Race, Color, National Origin, or Sex

1602.38 Applicability of State or local law.

The requirements imposed by the Equal Employment Opportunity Commission in these regulations, subparts I and J, supersede any provisions of State or local law which may conflict with them.

Signed at Washington, D.C., this 7th day of May 1973.

WILLIAM H. BROWN III,
Chairman.

[FR Doc. 73-9520 Filed 5-11-73; 8:45 am]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1902—STATE PLANS FOR THE DEVELOPMENT AND ENFORCEMENT OF STATE STANDARDS

Opportunity for Modifications and Clarifications

Pursuant to sections 18 and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 667, 657), part 1902 of title 29, Code of Federal Regulations, is hereby amended by adding thereto a new § 1902.12. The new section, dealing with modifications and clarifications to State occupational safety and health plans, based on public comments addressed to the plan as submitted under § 1902.11 or § 1902.13, codifies a practice that has developed regarding some plans presently approved by the Assistant Secretary for Occupational Safety and Health. As indicated in the notices of approval of these plans, States have submitted modifications and clarifications and added assurances to their plans relating to issues raised in public comments, which have satisfactorily resolved these issues. (See 29 CFR pt. 1952, 37 FR 25929, 28628; 38 FR 1178, 2421, 2423, and 3041.)

The new § 1902.12 reads as follows:

§ 1902.12 Opportunity for modifications and clarifications.

The Assistant Secretary may afford the State an opportunity to modify or clarify its plan on the basis of any comments received under § 1902.11 or § 1902.13, before commencing a proceeding to reject the plan. In this connection, the State may informally discuss any issues raised by such comments with the staff of the Office of Federal and State Operations. The Assistant Secretary may afford an additional opportunity for public comment, particularly when such an opportunity would not unduly delay final