panels should send a written summary of their proposed contributions to Robert Olneyse (address above). These descriptions should be received before April 14, 1981. The Agency may limit the participation in the work shop sessions to allow for meaningful interchange in small groups.

Dated March 17, 1981.

Alfred W. Lindsey,
Acting Director, Hazardous and Industrial Waste Division.

BILLS CODE 6900-3909

40 CFR Parts 408
[JW-FSSL 1784-3]
Canned and Preserved Seafood Processing Point; Source Category
AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period and notice of availability of additional supporting information.

SUMMARY: On January 9, 1981, EPA published in the Federal Register a proposed response to a petition for modification and amendment of regulations governing wastewater discharges from certain seafood processors located in Alaska (48 FR 2544). The comment period was scheduled to expire March 10, 1981. The extension of the notice is to extend until May 11, 1981, the period for comment on all aspects of the proposed response to petition for modification and amendment of regulations.

DATE: Comments on the proposed response to petition and amendments to BPT regulations for the "non-remote" Alaskan subcategories of the seafood processing industry must be submitted to EPA by May 11, 1981.


FOR FURTHER INFORMATION CONTACT: Mr. Daniel S. Lent at (202) 426-2707.

SUPPLEMENTARY INFORMATION:

On January 9, 1981, EPA proposed a response to a petition for modification and amendment of regulations for portions of the Canned and Preserved Seafood Processing Industry (48 FR 2544). More specifically, the proposed amendment of effluent limitations based on the best practicable control technology that is currently available (BPT) for the "non-remote" Alaskan subcategories of the seafood industry. Comments on the proposed response were to be submitted on or before March 10, 1981. After a 60 day extension of the comment period, until May 11, 1981, EPA decided to extend the period for comment on all technical and economic aspects of the proposed response to petition and amendment of BPT regulations until May 11, 1981. Interested persons should be aware that subsequent to January 9, 1981, the Agency placed additional supporting information in the Federal Register on the protection of the coastal waters of Alaska.

DATE: Comments due April 22, 1981.

ADDRESS: Legal Services Corporation, 733 Fifteenth Street NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Linda Hanter, 202-272-4010.

SUPPLEMENTARY INFORMATION: While the proposed regulation seeks to guarantee the civil rights of a number of groups distinctions are made among the protected groups in the treatment required. For example, recipients are required to take affirmative action as to the employment of women and minorities and not as to the employment of members of other groups protected by the regulation. The regulation requires such action for women and minorities but not so for men. These groups have been afforded such protection because they, unlike the other groups protected by this part, have historically been unable to remedy discrimination against them through the political process.

An additional distinction made among the protected groups by the regulation is that of "special" services to persons with communication problems, e.g., language, hearing impaired and the blind. These services are provided because without them legal services would not be available to members of these groups. Additionally, Section 1001[b][8] of the Act requires the Corporation to provide that the language of non-English speakers be used in the provision of services where they constitute a significant number of the client population.

As used in this part, minority language groups are defined as: Native Americans, Alaskan Natives and persons of Spanish origin. This is the definition used in the Voting Rights Act, 42 U.S.C. 19732a, which requires elections to be conducted in the appropriate minority language(s) as well as in English in political jurisdictions where members of a minority language group make up five or more percent of the population. This definition is used here, as it was in the Voting Rights Act,
because these groups and their number can be determined from census data. There is presently no nation or region-wide data base which can be used to identify persons who do not speak English or persons from other linguistic groups not listed in this definition. The use of this definition is not intended to preclude programs from offering services to other minority languages when the program has the desire to do so or the ability to make a reasonable determination that more than five percent of the residents of its service area belong to another linguistic group.

The Civil Rights Regulation, in particular the provisions governing antidiscrimination, is not intended to prevent the adoption of priorities which by their nature would have the effect of foreclosing services to one or more of the protected classes. The statute, 42 U.S.C. 2996f, clearly requires that there be priority-setting at the local level. The Civil Rights Regulation merely defines what purpose (discrimination, against one of the protected classes) may not serve as a basis for establishing priorities.

For example, if a program picks Supplemental Security Income but does not Aid to Families with Dependent Children practice as a priority, the fact that a particular age group, young adults, is not represented in connection with AFC claims or that the program serves primarily seniors does not itself create a prima facie case of discrimination. It merely reflects that the program has established priorities which, when compiled with, result in the program serving clients in a particular age group. However, a program may not use the priority-setting process as a justification for failing to serve a particular protected group. The Corporation will monitor those programs having the greatest disparity in the delivery of legal services on any prohibited basis.

It is proposed to revise Part 1824 to read as follows:

PART 1824—COMPREHENSIVE CIVIL RIGHTS REGULATIONS

Subpart A—General

Sec. 1824.1 Purpose.
1824.2 Applicability.
1824.3 Definitions.

Subpart B—Discrimination

1824.4 General.
1824.5 Discrimination prohibited—in the provision of legal services.
1824.6 Discrimination prohibited—employment practices.

Subpart C—Required Recipient Civil Rights Programs

1824.7 Assurance.
1824.8 Data and information requirements.
1824.9 Required recipient civil rights program—delivery of services.
program as constituting such a limitation; (II) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairments; or (C) has none of the impairments defined in paragraph (c)(2)(i) of this section but is treated by a recipient as having such an impairment;

(i) "Qualified handicapped person" means: (1) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question; (2) with respect to other services, a handicapped person who meets the eligibility requirements for the receipt of such services from the recipient;

(j) "Employment test or criteria" means any performance measure used as a basis for an employment decision including all formal, scored, quantified or standardized techniques used to assess the suitability of an applicant for a particular job;

(k) "Minority language group" means persons who are American Indian, Asian American, Alaskan Native or of Spanish heritage;

(l) "Labor force characteristics" means the demographic, racial, ethnic, sex and educational characteristics of the population of an employer’s relevant labor market area or areas; and

(m) "Terms, conditions and privileges of employment" means all aspects of the employment relationship including compensation, fringe benefits, physical environment, work-related rules, work assignments, training and education and opportunities to serve on committees and decision making bodies.

Subpart B—Discrimination

§ 1524.1 General.

No person shall be subjected to discrimination in the provision of services, treatment, or employment practices on the basis of race, religion, color, sex, age, marital status, national origin, handicap, political affiliation or sexual orientation.

§ 1524.5 Discrimination prohibited—in the provision of legal services.

(a) No recipient to which this part applies shall directly or through contractual or other arrangements discriminate against an individual in the provision of services on the basis of race, religion, color, sex, age, marital status, national origin, handicap, political affiliation or sexual orientation.

(b)(1) A recipient, in determining the type of services, aid or benefits which will be provided, or the manner in which such services, aid or benefits shall be offered, may not directly or through contractual or other arrangements, utilize criteria or methods of administration with the purpose of discriminating on the basis of race, religion, color, sex, age, marital status, national origin, handicap, political affiliation or sexual orientation or which have the effect of substantially impairing accomplishment of the objectives of the program with respect to individuals on one of the bases outlined above.

(2)(i) An individual shall not be deemed subjected to discrimination if refused services by a recipient because his/her legal problem does not come within the recipient’s priorities established pursuant to § 1520. Further, an individual shall not be deemed subject to discrimination by reasons of his/her exclusion from the benefits of a program limited by Federal law to individuals with a handicap or race, color, sex, national origin, or age group, not his/her own or from the benefits of a program specifically designed to address legal issues concerning a particular status not shared by the individual.

(ii) A recipient shall not be deemed to have discriminated in determining the site or location of facilities, unless selection was made with the purpose of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program on the grounds of race, color, sex, religion, national origin, political affiliation, sexual orientation, age or handicap or with the purpose of substantially impairing the accomplishment of the objectives of this part.

(c) A recipient shall conduct its programs and activities so that, when viewed in their entirety, they are readily accessible to and usable by handicapped persons. This paragraph does not necessarily require a recipient to make each of its existing facilities or every part of an existing facility accessible to and usable by handicapped persons, or require a recipient to make structural changes in existing facilities when other methods are effective in achieving compliance. In choosing among available methods for meeting the requirements of this paragraph, a recipient shall give priority to those methods that offer legal services to handicapped persons in the most integrated setting appropriate.

(d) A recipient shall, to the maximum extent feasible, insure that new facilities it rents or purchases are accessible to handicapped persons. Prior to entering into any lease or contract for the purchase of a building, a recipient shall submit a statement to the regional office or other appropriate Corporation official certifying that the facilities covered by the lease or contract will be accessible to handicapped persons, or if the facilities will not be accessible, a detailed description of the efforts the program made to obtain accessible space, the reasons why the inaccessible facility was nevertheless selected, and the specific steps that will be taken by the recipient to insure that its services are accessible to handicapped persons who would otherwise use that facility. After a statement certifying facility accessibility has been submitted, additional statements need not be resubmitted with respect to the same facility, unless substantial changes have been made in the facility that affect its accessibility.

(e) A recipient shall ensure that new facilities designed or constructed for it are readily accessible to and usable by handicapped persons. Alterations to existing facilities shall be made, to the maximum extent feasible, be designed and constructed to make the altered facilities readily accessible to and usable by handicapped persons.

§ 1524.6 Discrimination prohibited—employment practices.

(a) No recipient to which this part applies shall directly or through contractual or other arrangements subject any person to discrimination in employment on the grounds of race, religion, color, sex, age, marital status, national origin, handicap, political affiliation or sexual orientation.

(b) A recipient shall make all decisions concerning employment in a manner ensuring that discrimination on the basis of race, religion, color, sex, age, marital status, national origin, handicap, political affiliation or sexual orientation does not occur in the terms, conditions or privileges of employment.

(c) A recipient may not participate in any contractual or other relationship with persons, agencies, organizations or other entities, such as, but not limited to, employment and referral agencies, labor unions, organizations providing or administering fringe benefits to employees of the recipient, and organizations providing training and apprenticeship programs, if the practices of such person, agency, organization or other entity have the effect of discriminating against qualified applicants or employees to discrimination on any of the bases enumerated in this subpart.

(d) A recipient program shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the
accommodation would impose an undue hardship on the operation of the program. 

(1) For purposes of this paragraph (d), reasonable accommodation may include (i) making facilities used by employees readily accessible to and usable by handicapped persons, and (ii) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions. 

(2) In determining whether an accommodation would impose an undue hardship on the operation of a recipient, factors to be considered include, but are not limited to, the overall size of the recipient's program with respect to number of employees, number and type of facilities, and size of budget, and the nature and costs of the accommodation needed. 

(3) A recipient may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is a need to make reasonable accommodation to the physical or mental limitations of the employee or applicant. 

(4) A recipient may not use employment tests or criteria that discriminate against handicapped persons, and shall insure that employment tests are adapted for use by persons who have handicaps that impair sensory, manual or speaking skills. 

(5) A recipient may not conduct a pre-employment medical examination or make a pre-employment inquiry as to whether an applicant is a handicapped person or as to the nature or severity of a handicap except where the examination or inquiry is related to an essential job function. 

(6) A recipient shall post a notice in a prominent place in each of its offices stating that it does not discriminate on any of the bases enumerated in this subpart. 

(7) Any recruitment materials published or used by a recipient shall include a statement that the recipient does not discriminate. 

Subpart C—Required Recipient Civil Rights Program 

§ 1824.27 Assurance. 

(a) Every application for financial assistance submitted under the Legal Services Corporation Act shall contain the assurance that the program will comply with this part. 

§ 1824.8 Data and information requirements. 

Each recipient shall collect, maintain and, upon request of the Corporation, submit the information set forth in this subpart. All information set forth in this subpart shall be collected unless the Director of the Corporation's Office of Equal Opportunity or his/her designee grants a written exemption to any information requirement for good cause shown by the recipient. 

(b) Each recipient shall collect and maintain the following information: 

(1) All information required by the Corporation in its instructions to recipients entitled Application for Refunding; and 

(2) Data regarding employment including: (i) the number, race, sex and national origin of applicants for employment; (ii) relevant work force availability data by race, sex and national origin; (iii) staff composition by race, sex and national origin; (iv) the use or planned use of bilingual staff to provide equal access to legal services for members of minority language groups and (v) documentation of all recruitment efforts made in filling program vacancies; and 

(3) A log of complaints under this part identifying the nature of the complaint, the date the complaint was filed, the date the recipient's investigation was completed and the disposition and date of the disposition. 

(c) Each recipient shall permit access by the Corporation during regular business hours to its books, records, accounts, and other sources of information as may be pertinent to ascertain compliance with this part, except where such information would violate client confidentiality. 

§ 1824.33 Required recipient civil rights program—delivery of services. 

(a) Recipients shall provide equal access to legal services to eligible clients regardless of race, religion, color, sex, age, national origin, handicap, political affiliation or sexual orientation and shall adopt: 

(1) a written policy of equal access to services and equal employment opportunity and 

(2) a written procedure for the uniform handling of complaints of discrimination approved by the Regional Office or Research Institute. 

(b) A recipient shall designate a person to be responsible for monitoring each aspect of its civil rights program and an employee to assist persons alleging discrimination who shall be someone not responsible for the recipient's personnel decisions. 

(i) This employee shall (1) be available to provide aggrieved persons with assistance in processing claims of discrimination, (ii) have the authority to review the underlying facts of such complaints and (iii) when requested by the complainant, shall seek to conciliate the complaint. This employee shall not be deemed to represent the complainant. 

(2) In cases of claims of discrimination in the delivery of services where conciliation is not possible, the complainant shall be afforded all rights under the recipient's grievance procedure adopted pursuant to § 1621. 

(c) To insure that language minority persons have equal access to legal services, in any area where five percent of the eligible population are members of a minority language group, a recipient shall take the following steps: 

(1) Employ persons who are bilingual in English and in the appropriate minority language in public contact positions in numbers sufficient to accommodate the needs of the client community. 

(2) Place bilingual employees in job categories where necessary to promote equal access to legal services including but not limited to clerical positions where it is necessary to translate materials into a minority language, attorney positions, paralegal positions, investigator positions and other positions which involve client contact and the direct provision of services. 

(3) Provide informational literature, forms, notices, letters and other materials available to English-speaking clients in appropriate minority language(s). 

(4) Conspicuously post signs in the appropriate minority language(s) stating that clients may request and receive services in those languages. 

(d) Where a recipient serves an area where members of minority language groups comprise less than five percent of the eligible population, the recipient shall take all steps necessary to develop an appropriate capability for communicating with minority language clients or potential clients and shall make reasonable effort to comply with (c)(1)(i) of this subpart. 

(e)(1) A recipient that employs a total of 15 or more persons, regardless of whether such persons are employed at one or more locations, shall provide, when necessary, appropriate auxiliary aids to persons with impaired sensory, manual or speaking skills, in order to afford such persons an equal opportunity to benefit from the services it renders. A recipient is not required to maintain such aids at all times, provided they can be obtained on reasonable notice. 

(2) The Corporation may require a recipient with fewer than 15 employees to provide auxiliary aids where the provision of such aids would not
significantly impair the ability of the recipient to provide its services.  
(3) Auxiliary aids include, but are not 
limited to, braille and taped material, 
interpreters, telecommunications 
equipment for the deaf, and other aids 
for persons with impaired hearing, 
speech or vision.  
(4) A recipient shall take reasonable 
steps to ensure that communications 
with its applicants, employees, and 
beneficiaries are available to persons 
with impaired vision and hearing.

§ 1624.10 Required recipient civil rights 
program—employment.

(a) Recipients shall use the structure 
set out in § 1624.9(a) (1) and (2) and 
(b)(1) to ensure equal opportunity in 
employment regardless of race, religion, 
color, sex, age, marital status, national 
origin, handicap, political affiliation 
or sexual orientation.

(b) Recipients with 50 or more 
employees must implement an 
affirmative action plan approved by the 
Corporation's Director of Office of Equal 
Opportunity or his/her designee. All 
other recipients must develop an Equal 
Opportunity program in accordance 
with § 1624.9(a) (1) and (2) and (b)(1).

(c) Before developing an affirmative 
action plan or equal opportunity policy 
statement, a recipient shall determine if 
underutilization on the basis of race, 
national origin or sex occurs in any job 
category or unit of its work force by 
using an underutilization formula 
approved by the Corporation's Director 
of Office of Equal Opportunity or his/ 
her designee.

(d) Written affirmative action plans 
required by this subpart must include 
at least the following elements:

1. An Equal Opportunity policy 
statement.

2. Specific data by race, national 
origin and sex concerning the recipient's 
current work force, applicant flow, 
hires, promotions, training attendance, 
terminations and disciplinary actions;

3. Appropriate labor force 
characteristics, including a breakdown 
by race, national origin and sex;

4. A program of remedial or 
preventive action to correct employment 
disparities based on race, sex or 
national origin;

5. Goals and timetables to correct 
underutilization of women and 
majorities;

6. A procedure for publicizing and 
informing the plan to all employees, 
applicants and the general public;

7. A procedure for prompt and 
uniform handling of complaints of 
employment discrimination;

8. The enumeration of specific 
requirements for an affirmative action 
plan does not limit the authority of the 
Corporation to require other elements in 
Recipient's Affirmative Action Plans in 
the presence of a past history of 
noncompliance with this part.

Subpart D—Conduct of Investigation 
and Review

§ 1624.11 Monitoring.

(a) The Corporation shall monitor 
those recipients having the greatest 
disparity in the delivery of legal services 
on any basis prohibited by this part or 
appearing to have the most serious 
 systemic employment problems.

(b) If the monitoring process finds 
noncompliance with this Part, the 
Corporation shall notify the recipient in 
writing of:

1. Preliminary findings;

2. Recommendations for achieving 
voluntary compliance, where 
appropriate, and

3. The opportunity to engage in 
voluntary compliance negotiations, 
where appropriate.

(c) If voluntary compliance has not 
been secured within 30 days of the 
Corporation's recommendations, the 
Corporation shall make a formal written 
determination of noncompliance and the 
Corporation shall undertake the 
imposition of such sanctions as may be 
appropriate.

(d) All agreements to come into 
voluntary compliance shall be in 
writing, shall set forth the specific steps 
the recipient has agreed to take, and 
shall be signed by the Corporation's 
Director of Office of Equal Opportunity 
and an official of the recipient with 
authority to legally bind the recipient.

§ 1624.12 Complaint process.

(a) In addition to or in lieu of using the 
recipient's complaint process, a 
complainant may file a complaint 
directly with the Corporation's Office of 
Equal Opportunity alleging a pattern 
and practice of discrimination by the 
recipient in the delivery of services or 
employment.

(b) If a complainant files an allegation 
of a pattern and practice of 
discrimination with the Corporation 
and simultaneously files a complaint with 
the Corporation, the recipient shall 
be immediately informed of both 
complaints.

(c) No recipient shall discriminate, 
threaten, coerce, retaliate or 
discriminate against a person in order to 
interfere with any right secured by this 
part or applicable Federal or State law, 
or because he/she has made a 
complaint, testified, assisted or 
participated in any manner in any 
investigation, proceeding or hearing 
under this part.

Subpart E—Procedure for Effecting 
Compliance

§ 1624.13 Remedies.

(a) Failure to comply with this part 
shall be regarded by the Corporation 
in the same manner as the Corporation 
regards a recipient's failure to comply 
with any other section of the Act or 
implementing regulations. Accordingly, 
the procedures described in Part 1606 
may be pursued in the presence of 
noncompliance with this part by a recipient.

(b) A recipient found to have 
noncompliance in the delivery of services 
which result in limiting 
motivation or salary of workers, the Regional 
Office of Office of Equal Opportunity 
and an official of the recipient with 
authority to legally bind the recipient.

(c) Where a recipient is found to have 
noncompliance in the delivery of services 
which result in limiting 
motivation or salary of workers, the Regional 
Office of Office of Equal Opportunity 
and an official of the recipient with 
authority to legally bind the recipient.

Mario Lewis, 
General Counsel. Legal Services Corporation.

[FR Doc. 81-14870 Filed 8-1-81; 8:45 am]
BILLING CODE 4360-36-M

DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety 
Administration

49 CFR Part 583
(Docket No. 79-17; Notice 2)

Crashworthiness Ratings; Correction

AGENCY: National Highway Traffic 
Safety Administration.

ACTION: Notice of proposed rulemaking 
and correction.

SUMMARY: This notice corrects 
 inadvertent errors in the text of the 
National Highway Traffic Safety

Federal Register / Vol. 48, No. 55 / Monday; March 23, 1981 / Proposed Rules 18059