

representatives of the Commission or the Department of Justice;

(C) A duplicate of the index is stored at a location separate from the original index; and

(D) Both the original index and the duplicate index are preserved for the time period required for the records included in the index.

(3) In addition to the foregoing conditions, persons using electronic storage media must:

(i) Be ready at all times to provide, and immediately provide at the expense of the person required to keep such records, copies of such records on such approved machine-readable media as defined in § 15.00(1) of this chapter which any representative of the Commission or the Department of Justice may request. Records must use a format and coding structure specified in the request.

(ii) Develop and maintain written operational procedures and controls (an "audit system") designed to provide accountability over both the initial entry of required records to the electronic storage media and the entry of each change made to any original or duplicate record maintained on the electronic storage media such that:

(A) The results of such audit system are available at all times for immediate examination by representatives of the Commission or the Department of Justice;

(B) The results of such audit system are preserved for the time period required for the records maintained on the electronic storage media; and

(C) The written operational procedures and controls are available at all times for immediate examination by representatives of the Commission or the Department of Justice.

(iii) Either

(A) Maintain, keep current, and make available at all times for immediate examination by representatives of the Commission or Department of Justice all information necessary to access records and indexes maintained on the electronic storage media; or

(B) Place in escrow and keep current a copy of the physical and logical format of the electronic storage media, the file format of all different information types maintained on the electronic storage media and the source code, documentation, and information necessary to access the records and indexes maintained on the electronic storage media.

(4) In addition to the foregoing conditions, any person who uses only electronic storage media to preserve some or all of its required records ("Electronic Recordkeeper") shall, prior

to the media's use, enter into an arrangement with at least one third party technical consultant ("Technical Consultant") who has the technical and financial capability to perform the undertakings described in this paragraph (b)(4). The arrangement shall provide that the Technical Consultant will have access to, and the ability to download, information from the Electronic Recordkeeper's electronic storage media to any medium acceptable under this regulation.

(i) The Technical Consultant must file with the Commission an undertaking in a form acceptable to the Commission, signed by the Technical Consultant or a person duly authorized by the Technical Consultant. An acceptable undertaking must include the following provision with respect to the Electronic Recordkeeper:

With respect to any books and records maintained or preserved on behalf of the Electronic Recordkeeper, the undersigned hereby undertakes to furnish promptly to any representative of the United States Commodity Futures Trading Commission or the United States Department of Justice (the "Representative"), upon reasonable request, such information as is deemed necessary by the Representative to download information kept on the Electronic Recordkeeper's electronic storage media to any medium acceptable under 17 CFR 1.31. The undersigned also undertakes to take reasonable steps to provide access to information contained on the Electronic Recordkeeper's electronic storage media, including, as appropriate, arrangements for the downloading of any record required to be maintained under the Commodity Exchange Act or the rules, regulations, or orders of the United States Commodity Futures Trading Commission, in a format acceptable to the Representative. In the event the Electronic Recordkeeper fails to download a record into a readable format and after reasonable notice to the Electronic Recordkeeper, upon being provided with the appropriate electronic storage medium, the undersigned will undertake to do so, at no charge to the United States, as the Representative may request.

(ii) [Reserved]

(c) Persons employing an electronic storage system shall provide a representation to the Commission prior to the initial use of the system. The representation shall be made by the person required to maintain the records, the storage system vendor, or another third party with appropriate expertise and shall state that the selected electronic storage system meets the requirements set forth in paragraph (b)(1)(ii) of this section. Persons employing an electronic storage system using media other than optical disk or CD-ROM technology shall so state. The representation shall be accompanied by

the type of oath or affirmation described in § 1.10(d)(4).

(d) Trading cards, documents on which trade information is originally recorded in writing, and written orders required to be kept pursuant to § 1.35(a), (a-1)(1), (a-1)(2) and (d) must be retained in hard-copy for the required time period.

Issued in Washington, DC on May 21, 1999 by the Commission.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 99-13514 Filed 5-26-99; 8:45 am]

BILLING CODE 6351-01-M

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### 29 CFR Part 1603

RIN 3046-AA45

#### Procedures for Previously Exempt State and Local Government Employee Complaints of Employment Discrimination Under the Government Employee Rights Act of 1991

**AGENCY:** Equal Employment Opportunity Commission (EEOC).

**ACTION:** Final rule.

**SUMMARY:** The Equal Employment Opportunity Commission is adopting as final an interim rule establishing procedures for implementing Title III of the Civil Rights Act of 1991, entitled the Government Employee Rights Act of 1991, which extends the protections against employment discrimination based on race, color, religion, sex, national origin, age and disability to previously exempt state and local government employees.

**DATES:** This rule will become effective on May 27, 1999.

**FOR FURTHER INFORMATION CONTACT:** Nicolas M. Inzeo, Deputy Legal Counsel, Thomas J. Schlageter, Assistant Legal Counsel, or Stephanie D. Garner, Senior Attorney, at (202) 663-4669 or TDD (202) 663-7026. This notice is also available in the following formats: large print, braille, audio tape and electronic file on computer disk. Requests for this notice in an alternative format should be made to the Publications Center at 1-800-669-3362.

**SUPPLEMENTARY INFORMATION:** On April 10, 1997, at 62 FR 17542-17548, the Equal Employment Opportunity Commission published an interim rule to implement Section 321 of the Civil Rights Act of 1991, 2 U.S.C. 1220. That section provided new equal employment opportunity protections for previously exempt state and local

government employees, and designated the Equal Employment Opportunity Commission as the enforcement authority.

The interim rule sets out the Commission's procedures for handling complaints brought by individuals covered by section 321 of the Act. The filing and investigative procedures for complaints followed established Commission procedures for charges published at 29 CFR Part 1601. The hearing process and the other procedures were different from EEOC's normal charge resolution procedures.

Comments on the interim rule were invited from the public, to be received on or before June 9, 1997. The sole comment received suggested that the time period for filing a complaint under this Part in those jurisdictions which have fair employment practices agencies be extended to 300 days. Unlike section 706(e) of the Civil Rights Act of 1964, section 321 of the Civil Rights Act of 1991 does not provide an extended filing period for cases arising in jurisdictions which have fair employment practices agencies. The Commission is bound by the plain language of the statute which provides a uniform 180-day period for filing a complaint.

After the interim regulation was published in the **Federal Register** on April 10, 1997, the Commission's Office of Program Operations was renamed the Office of Field Programs. Therefore, "Office of Field Programs" is being substituted wherever the name "Office of Program Operations" appeared in the interim regulation. With this exception of this change the interim rule is adopted as final.

In promulgating the final rule implementing section 321 of the Act, the Commission has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. In addition, it has been determined that this regulation is not a significant regulatory action within the meaning of section 3(f) of the Executive Order. As required by the Regulatory Flexibility Act (5 U.S.C. chapter 6), it is hereby certified that this final rule will not have a significant economic impact on a substantial number of small entities because it establishes procedures for complaints of discrimination by formerly exempt state and local government employees.

Finally, this rule does not impose any information collection requirements as defined by the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

## List of Subjects in 29 CFR Part 1603

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations, Investigations, State and local governments.

Accordingly, the interim rule amending 29 CFR part 1603 which was published at 62 FR 17542 on April 10, 1997, is adopted as a final rule with the following change:

### PART 1603—[AMENDED]

1. Authority citation for part 1603 continues to read as follows:

**Authority:** 2 U.S.C. 1220.

#### **§ 1603.107 [Amended]**

2. In part 1603, in § 603.107(d) revise the reference to "Office of Program Operations" to read "Office of Field Programs."

Dated: May 20, 1999.

For the Commission.

**Ida L. Castro,**

*Chairwoman.*

[FR Doc. 99-13341 Filed 5-26-99; 8:45 am]

BILLING CODE 6570-06-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD01-98-173]

RIN 2115-AE47

#### Drawbridge Operation Regulations: Fort Point Channel, MA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is changing the operating rules governing the Northern Avenue Bridge, mile 0.1, across Fort Point Channel in Boston, Massachusetts. This final rule removes the tow time periods Monday through Friday when the Northern Avenue Bridge was not required to open for vessel traffic. Motor vehicles no longer use the Northern Avenue Bridge to cross Fort Point channel. It is expected that this final rule will better meet the needs of navigation.

**DATES:** This final rule is effective June 28, 1999.

**ADDRESSES:** Documents as indicated in this preamble are available for inspection or copying at the First Coast Guard District Office, 408 Atlantic Avenue, Boston, Massachusetts 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223-8364.

**FOR FURTHER INFORMATION CONTACT:** John W. McDonald, Project Officer, First Coast Guard District, (617) 223-8364.

### SUPPLEMENTARY INFORMATION:

#### Regulatory History

The Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations; Fort Point Channel, Massachusetts, in the **Federal Register** (64 FR 12797) on March 15, 1999. The Coast Guard received no letters commenting on the notice of proposed rulemaking. No public hearing was requested and none was held.

#### Background

The Northern Avenue Bridge has a vertical clearance at mean high water (MHW) of 7 feet and at mean low water (MLW) of 17 feet. The Northern Avenue Bridge is presently required to open on signal from 6 a.m. to 8 p.m., except during the two vehicular traffic rush hours, 7 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday. From 8 p.m. to 6 a.m. the draw need not open for vessel traffic.

The present use of the Northern Avenue Bridge is by pedestrians only. Vehicular traffic no longer uses the Northern Avenue Bridge. The roadway, Northern Avenue, has been relocated to align with the new replacement bridge which has been constructed upstream from the old bridge. Bridges normally open on signal for vessels at all times except when there is a demonstrated offsetting benefit to traffic crossing the bridge. In this case the traffic cross the bridge no longer exists. Motor vehicles no longer cross over this bridge to cross Fort Point Channel. Retention of the exception in the regulations to allow the bridge to not open for vessel traffic during the two vehicular traffic rush hours is not longer necessary because it restricts the passage of vessels unnecessarily. The present waterway usage is primarily construction barges working on several projects upstream of the bridge and some recreational vessels docked along the Fort Point Channel waterfront.

The Coast Guard granted a temporary deviation from the operating regulations for a period of 60 days effective until January 6, 1999, to provide for the speedy repair of the bridge protective fender system. Increased barge traffic has made the repair of the fender system essential.

The period the bridge was closed to vessel traffic, 8 p.m. to 6 a.m., will remain unchanged. This final rule will require the bridge to open on signal from 6 a.m. to 8 p.m., daily, and from