

# Rules and Regulations

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## **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

### **5 CFR Part 7201**

**RIN 3209-AA15**

#### **Supplemental Standards of Ethical Conduct for Employees of the Equal Employment Opportunity Commission**

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

**ACTION:** Final rule.

**SUMMARY:** The Equal Employment Opportunity Commission, with the concurrence of the Office of Government Ethics (OGE), amends the Supplemental Standards of Conduct for Employees of the Equal Employment Opportunity Commission by adding a sentence permitting EEOC employees to represent other EEOC employees in administrative equal employment opportunity (EEO) proceedings unless there is a conflict of interest.

**EFFECTIVE DATE:** This rule is effective on September 4, 2003.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Schlageter, Assistant Legal Counsel, at (202) 663-4668, or Kathleen Oram, Senior Attorney, at (202) 663-4681, or TTY (202) 663-7026. This final rule issuance is also available in the following formats: large print, braille, audio tape and electronic file on computer disk. Requests for this rule in an alternative format should be made to EEOC's publications center at 1-800-669-3362.

**SUPPLEMENTARY INFORMATION:** On February 26, 1996, with the concurrence and co-signature of OGE, EEOC published its interim rule establishing supplemental standards of ethical conduct for employees of EEOC (61 FR 7065-7067). The Commission, with OGE concurrence and co-signature, published a final rule adopting the

interim rule on July 8, 1997 (62 FR 36447). EEOC, again with OGE's concurrence and co-signature, is amending the restriction contained in 5 CFR 7201.102(c) of its supplemental standards, prohibiting certain kinds of outside employment, to permit EEOC employees to represent without compensation other EEOC employees in EEO administrative complaint proceedings. Both exceptions to the general prohibition in paragraph (c), including the existing one for behind-the-scenes assistance to family members, will still require prior approval under § 7201.103 of the supplemental regulation to ensure there are no conflicts. The change will make EEOC's supplemental regulation more consistent with the exception contained in 18 U.S.C. § 205(d)(1)(A), which permits Federal employees, if not inconsistent with the faithful performance of their duties, to represent without compensation other employees who are the subject of disciplinary, loyalty, or other personnel administration proceedings. EEOC notes that this amendment as to representation of other EEOC employees is also consistent with 29 CFR 1614.605, which generally allows an EEO complainant to choose a representative, subject to the possibility of disqualification of the representative if representation would conflict with the representative's official or collateral duties. The prohibition will remain, however, on EEOC employees representing employees of other Federal agencies in EEO proceedings, because the Commission is concerned about a possible perception that EEO office personnel or EEOC administrative judges would give EEOC employees deference in the proceedings.

#### **Administrative Procedure Act**

Pursuant to 5 U.S.C. 553(b) and (d), the EEOC has determined that good cause exists for waiving the general notice of proposed rulemaking, opportunity for public comment and 30-day delayed effective date as to these revisions. Notice, comment and delayed effectiveness are being waived because these amendments concern matters of agency organization, practice and procedure. Moreover, it is in the public interest that the revisions take effect promptly.

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## **Regulatory Flexibility Act**

The EEOC has determined under the **Regulatory Flexibility Act**, 5 U.S.C. Chapter 6, that this rule will not have a significant economic impact on a substantial number of small entities because it only affects Commission employees.

## **Paperwork Reduction Act**

The **Paperwork Reduction Act**, 44 U.S.C. chapter 35, does not apply to these final rule amendments because they do not contain any information collection requirements subject to approval by the Office of Management and Budget.

## **Congressional Review Act**

The EEOC has determined that this rulemaking is not a rule as defined in 5 U.S.C. 804, and, thus, does not require review by Congress. This rulemaking is related to EEOC personnel.

## **Executive Order Nos. 12866 and 12988**

Since this rule relates to EEOC personnel, it is exempt from the provisions of Executive Orders Nos. 12866 and 12988.

## **List of Subjects in 5 CFR Part 7201**

Conflict of interests, Ethics, Executive branch standards of conduct, Government employees.

Dated: August 12, 2003.

For the Commission,

**Cari L. Dominguez,**  
*Chair.*

Approved: August 22, 2003.

**Amy L. Comstock,**  
*Director, Office of Government Ethics.*

■ For the reasons set forth in the preamble, the Equal Employment Opportunity Commission, with the concurrence of the Office of Government Ethics, is amending part 7201 of title 5 of the **Code of Federal Regulations** as follows:

## **PART 7201—SUPPLEMENTAL STANDARDS OF CONDUCT FOR EMPLOYEES OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

■ 1. The authority citation for part 7201 continues to read as follows:

**Authority:** 5 U.S.C. 7301; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p.

215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105, 2635.403(a), 2635.802 and 2635.803.

■ 2. Section 7201.102 is amended by revising paragraph (c) to read as follows:

**§ 7201.102 Prohibited outside employment.**

\* \* \* \* \*

(c) No employee of the Equal Employment Opportunity Commission, other than a special Government employee, may engage in outside employment involving a particular matter pending at EEOC or an equal employment opportunity matter in which EEOC or the Federal government is a party. An employee may, however, with prior approval, provide uncompensated behind-the-scenes assistance to immediate family members in matters pending at EEOC or equal employment opportunity matters in which EEOC or the Federal government is a party. An employee may also, with prior approval, represent without compensation another EEOC employee in an administrative equal employment opportunity complaint against EEOC.

[FR Doc. 03-22483 Filed 9-3-03; 8:45 am]

**BILLING CODE 6570-01-P**

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**FEDERAL RESERVE SYSTEM**

**12 CFR Part 220**

**[Regulation T]**

**Credit by Brokers and Dealers; List of Foreign Margin Stocks**

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule; determination of applicability of regulations.

**SUMMARY:** The List of Foreign Margin Stocks (Foreign List) is composed of certain foreign equity securities that qualify as *margin securities* under Regulation T. The Foreign List is published twice a year by the Board.

**EFFECTIVE DATE:** September 15, 2003.

**FOR FURTHER INFORMATION CONTACT:** Peggy Wolffrum, Financial Analyst, Division of Banking Supervision and Regulation, (202) 452-2837, or Scott Holz, Senior Counsel, Legal Division, (202) 452-2966, Board of Governors of the Federal Reserve System, Washington, DC 20551.

**SUPPLEMENTARY INFORMATION:** Listed below is a complete edition of the Board's Foreign List. The Foreign List was last published on February 27, 2003 (68 FR 8993), and became effective March 1, 2003.

The Foreign List is composed of foreign equity securities that qualify as margin securities under Regulation T by meeting the requirements of § 220.11(c) and (d). Additional foreign securities qualify as margin securities if they are deemed by the Securities and Exchange Commission (SEC) to have a "ready market" under SEC Rule 15c3-1 (17 CFR 240.15c3-1) or a "no-action" position issued thereunder. This includes all foreign stocks in the FTSE World Index Series.

It is unlawful for any creditor to make, or cause to be made, any representation to the effect that the inclusion of a security on the Foreign List is evidence that the Board or the SEC has in any way passed upon the merits of, or given approval to, such security or any transactions therein. Any statement in an advertisement or other similar communication containing a reference to the Board in connection with the Foreign List or the stocks thereon shall be an unlawful representation.

There are no additions to, or deletions from, the Foreign List.

**Public Comment and Deferred Effective Date**

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the Foreign List specified in § 220.11(c) and (d). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of the Foreign List as soon as possible. The Board has responded to a request by the public and allowed approximately a one-week delay before the Foreign List is effective.

**List of Subjects in 12 CFR Part 220**

Brokers, Credit, Margin, Margin requirements, Investments, Reporting and recordkeeping requirements, Securities.

■ Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 220.2 and 220.11, there is set forth below a complete edition of the Foreign List.

**Japan**

Akita Bank, Ltd., ¥50 par common  
 Aomori Bank, Ltd., ¥50 par common  
 Asatsu-Dk Inc., ¥50 par common  
 Bank of Nagoya, Ltd., ¥50 par common  
 Chudenko Corp., ¥50 par common  
 Chugoku Bank, Ltd., ¥50 par common  
 Daihatsu Motor Co., Ltd., ¥50 par common  
 Dainippon Screen Mfg. Co., Ltd., ¥50 par common  
 Denki Kagaku Kogyo, ¥50 par common  
 Eighteenth Bank, Ltd., ¥50 par common  
 Futaba Corp., ¥50 par common  
 Futaba Industrial Co., Ltd., ¥50 par common  
 Higo Bank, Ltd., ¥50 par common  
 Hitachi Software Engineering Co., Ltd., ¥50 par common  
 Hokkoku Bank, Ltd., ¥50 par common  
 Hokuetu Paper Mills, Ltd., ¥50 par common  
 Iyo Bank, Ltd., ¥50 par common  
 Japan Airport Terminal Co., Ltd., ¥50 par common  
 Juroku Bank, Ltd., ¥50 par common  
 Kagoshima Bank, Ltd., ¥50 par common  
 Kamigumi Co., Ltd., ¥50 par common  
 Katokichi Co., Ltd., ¥50 par common  
 Keisei Electric Railway Co., Ltd., ¥50 par common  
 Keiyo Bank, Ltd., ¥50 par common  
 Komori Corp., ¥50 par common  
 Konami Co., Ltd., ¥50 par common  
 Michinoku Bank, Ltd., ¥50 par common  
 Musashino Bank, Ltd., ¥500 par common  
 Namco, Ltd., ¥50 par common  
 Nichicon Corp., ¥50 par common  
 Nihon Unisys, Ltd., ¥50 par common  
 Nishi-Nippon Bank, Ltd., ¥50 par common  
 Nishi-Nippon Railroad Co., Ltd., ¥50 par common  
 Nissan Chemical Industries, Ltd., ¥50 par common  
 Ogaki Kyoritsu Bank, Ltd., ¥50 par common  
 Q.P. Corp., ¥50 par common  
 Rinnai Corporation, ¥50 par common  
 Sagami Railway Co., Ltd., ¥50 par common  
 Sakata Seed Corp., ¥50 par common  
 Santen Pharmaceutical Co., Ltd., ¥50 par common  
 Shimadzu Corp., ¥50 par common  
 Shimamura Co., Ltd., ¥50 par common  
 Sumitomo Rubber Industries, Ltd., ¥50 par common  
 Taiyo Yuden Co., Ltd., ¥50 par common  
 Takara Standard Co., Ltd., ¥50 par common  
 Toho Bank, Ltd., ¥50 par common  
 Toho Gas Co., Ltd., ¥50 par common  
 Tokyo Ohka Kogyo Co., Ltd., ¥50 par common  
 Uni-Charm Corp., ¥50 par common  
 Ushio, Inc., ¥50 par common