

amount of waste managed at the facility, not waste generated. EPA would like comments on ways to change Section 8 of the Form R which would continue to allow the user to assess wastes managed by the facility but would minimize the perception that the wastes reported in section 8 were generated by the reporting facility.

On any of the above issues, EPA would like to receive specific comments from interested parties for changes, modifications, deletions, and/or additions of data elements to the Form R and the Form A. These issues are outlined in greater detail in an issue paper available on the TRI Home Page at <http://www.epa.gov/opptintr/tri> under the heading "TRI Stakeholder Dialogue" and the subheading "TRI Public Meetings."

Individuals wishing to attend these meetings or participate via conference call must sign-up in advance in order to assure that all participants have an opportunity to speak. Depending on the number of individuals registered, oral presentations or statements will be limited to approximately 5 to 15 minutes. To register, contact Debra Jones (TASCON) at (301) 907-3844. For those who cannot travel to the public meeting location, there will be 10 conference call lines available on a first come, first serve basis for individuals to provide comment. When registering, give your name, organization, postal (and electronic, if any) mailing address, telephone and fax numbers. If there is insufficient interest in any of the meetings, that meeting may be canceled. Individuals registered will be notified in the event a meeting is canceled. The Agency bears no responsibility for attendees' decision to purchase nonrefundable transportation tickets or accommodation reservations.

II. Public Record and Electronic Submissions

The official record for this action, as well as the public version, has been established for this action under docket control number "OPPTS-400123" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from noon to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

oppt.ncic@epamail.epa.gov
Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number "OPPTS-400123." Electronic comments on this action may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection,
Community right-to-know.

Dated: January 26, 1998.

Susan B. Hazen,

*Director, Environmental Assistance Division,
Office of Pollution Prevention and Toxics.*

[FR Doc. 98-2495 Filed 2-2-98; 8:45 am]

BILLING CODE 6560-50-F

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DEPARTMENT OF JUSTICE

Office of Special Counsel for Immigration Related Unfair Employment Practices; Coordination of Functions; Memorandum of Understanding

AGENCIES: Equal Employment Opportunity Commission and Office of Special Counsel for Immigration Related Unfair Employment Practices, Department of Justice.

ACTION: Notice.

SUMMARY: The Equal Employment Opportunity Commission ("EEOC") and the Office of Special Counsel for Immigration Related Unfair Employment Practices, Department of Justice ("Office of Special Counsel"), have adopted as final a Memorandum of Understanding which replaces an earlier 1989 Memorandum between the two agencies, published at 54 FR 32499, Aug. 8, 1989. Among other changes, the new Memorandum has been updated to reflect amendments to the Immigration and Nationality Act. As with the earlier Memorandum, the Agreement makes each agency the agent of the other for the sole purpose of receiving discrimination charges under Title VII of the Civil Rights Act of 1964 and section 102 of the Immigration Reform and Control Act of 1986. The Agreement also provides for interagency coordination of charge processing activities to promote efficiency and avoid duplication in the administration and enforcement of these statutes.

EFFECTIVE DATE: February 3, 1998.

FOR FURTHER INFORMATION CONTACT:

Anita Stephens, Office of Special Counsel for Immigration Related Unfair Employment Practice, U.S. Department of Justice, P.O. Box 27728, Washington, D.C. 20038-7728; (800) 255-7688 (toll free) or (202) 616-5594; or (800) 237-2515 (toll free TDD) or (202) 616,5525 (TDD). At the Equal Employment Opportunity Commission, contact Carol R. Miaskoff, Assistant Legal Counsel for Coordination, Office of Legal Counsel, EEOC, 1801 "L" Street, N.W., Washington, D.C. 20507; (202) 663-4689 (Voice) or 663-7026 (TDD).

SUPPLEMENTARY INFORMATION: The Memorandum of Understanding was modified in response to amendments to the Immigration and Nationality Act that added document abuse and intimidation or retaliation as unfair immigration related practices. Other changes have been made based on a reexamination of the 1989

Memorandum and consideration of the agencies' experience under it. Among the changes included in the new Memorandum of Understanding are:

1. The Memorandum's "Guidelines for EEOC Staff" and "Guidelines for Attorneys in the Office of Special Counsel" ("Guidelines") now include referral procedures for charges alleging unfair document practices. These changes reflect 1990 amendments to the Immigration and Nationality Act that added document abuse as an unfair immigration related practice.

2. The Guidelines' referral procedures for charges alleging retaliation have been broadened and consolidated. These changes enhance the clarity of the agreement and reflect 1990 amendments to the Immigration and Nationality Act that added intimidation or retaliation as an unfair immigration related practice.

3. The Memorandum and Guidelines provide that charges shall not be referred from one agency to the other if the charging party has declined referral. Thus, the charging party retains control over the decision whether to file a charge with each agency.

4. The Memorandum and Guidelines specify that charges alleging individual act, pattern or practice, or class discrimination are encompassed by the procedures therein.

5. The Guidelines for EEOC Staff no longer include as a condition for referral of charges to the Office of Special Counsel a requirement that the EEOC ask whether the charging party is a U.S. citizen, U.S. national, or work-authorized alien. Information regarding immigration status is generally not relevant under the statutes enforced by

the EEOC, and Office of Special Counsel staff are better suited to make determinations about a charging party's immigration status.

6. Lastly, the Guidelines add provisions for each agency to consult with the other if a charge raised allegations not directly addressed by the Guidelines and the agency believes referral may be appropriate. The new provision should further promote the elimination of duplication in the agencies' enforcement efforts.

Paul M. Igasaki,
Chairman, Equal Employment Opportunity Commission.

John D. Trasviña,
Special Counsel, Office of Special Counsel for Immigration Related Unfair Employment Practices.

Memorandum of Understanding Between The Equal Employment Opportunity Commission and The Office of Special Counsel for Immigration Related Unfair Employment Practices

The Equal Employment Opportunity Commission ("EEOC"), under Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), has jurisdiction to process charges alleging individual act, pattern or practice, or class employment discrimination on the basis of national origin and retaliation. The Department of Justice, Civil Rights Division, Office of the Special Counsel for Immigration Related Unfair Employment Practices ("Special Counsel"), under section 274B of the Immigration and Nationality Act, has jurisdiction to process charges alleging an individual act or a pattern or practice of employment discrimination on the bases of national origin, citizenship status, unfair document practices, and intimidation or retaliation. The purpose of this Memorandum of Understanding between the EEOC and the Special Counsel is to prevent any overlap in the filing of charges of discrimination under these statutes and to promote efficiency in their administration and enforcement. This Memorandum of Understanding is intended to apply to Title VII and Section 274B of the Immigration and Nationality Act as currently written, as well as to any future amendments of these acts.

The parties to this Memorandum agree as follows:

I. Exchange of Information

The EEOC and the Special Counsel shall make available for inspection and copying to officials from the agency any information in their records pertaining to a charge or complaint being processed by the requesting agency. Such request shall be made by the Chairman of the EEOC or his or her designee, or the Special Counsel or his or her designee.

II. Confidentiality

When the Special Counsel receives information obtained by the EEOC which is subject to the confidentiality requirements of sections 706(b) and 709(e) of Title VII, the Special Counsel shall observe those requirements as would the EEOC, except in

cases where the Special Counsel receives the same information from a source independent of the EEOC.

III. Referral of Charges

When, during the processing of a charge by either agency, it becomes apparent to the agency processing the charge that the charge or any aspect of the charge falls outside its jurisdiction, but may be within the jurisdiction of the other agency, the agency processing the charge will immediately dismiss as much of the charge as may fall within the jurisdiction of the other agency and, if the charging party has not declined referral, refer the dismissed aspects of the charge to the other agency, and notify the charging party and the respondent of the referral. In determining whether to refer such a charge or such aspect of a charge to the other agency, the agency processing the charge shall be guided by the attached Guidelines.

IV. Appointment of Respective Agents

By this Memorandum of Understanding, the agencies hereby appoint each other to act as their respective agents for the sole purpose of allowing charging parties to file charges to satisfy the statutory time limits. To ensure that filing deadlines are satisfied, each agency will accurately record the date of receipt of charges and notify the other agency of the date of receipt when referring a charge.

This Memorandum of Understanding supersedes the 1989 agreement.

Dated: December 18, 1997.

Approved and Accepted for the Equal Employment Opportunity Commission.

Gilbert F. Casellas

Chairman, Equal Employment Opportunity Commission.

Dated: December 18, 1997.

Approved and Accepted for the Office of Special Counsel for Immigration Related Unfair Employment Practices.

John D. Trasviña

Special Counsel, Office of Special Counsel for Immigration Related Unfair Employment Practices.

Guidelines for EEOC Staff

I. National Origin Charges

Charges or aspects of charges alleging an individual act or a pattern or practice of discrimination on the basis of national origin should be referred to the Special Counsel when all of the following conditions are met:

- (1) The charge alleges discrimination against the complainant with respect to his or her hiring, discharge, or recruitment or referral for a fee;
- (2) The charge is outside the jurisdiction of the EEOC in that the employer (a) does not have 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year or (b) is an employer that is expressly excluded from coverage under Title VII; and
- (3) The employer may have had at least 4 employees, including both full-time and part-time employees, on the date of the alleged discriminatory occurrence as required by the Special Counsel's regulations at 28 CFR Part 44.

II. Citizenship Status Charges

A. Referral to the Special Counsel

Charges or aspects of charges alleging an individual act or pattern or practice of discrimination on the basis of citizenship status should be referred to the Special Counsel when all of the following conditions are met:

- (1) The charge alleges discrimination against the complainant with respect to his or her hiring, discharge, or recruitment or referral for a fee; and
- (2) The employer may have had at least 4 employees, including both full-time and part-time employees, on the date of the alleged discriminatory occurrence as required by the Special Counsel's regulations at 28 CFR Part 44.

B. Special Procedure

(1) A charge or aspect of a charge of citizenship status discrimination that cannot be referred to the Special Counsel should, to the extent possible, be construed as alleging national origin discrimination and processed in accordance with Title VII, if the employer otherwise is covered by Title VII.

(2) A charge or aspect of a charge that alleges that a citizenship requirement or preference has the purpose or effect of discriminating on the basis of national origin and is otherwise within the jurisdiction of the EEOC, should be processed in accordance with Title VII. See 29 CFR Part 1606 and *Espinoza v. Farah Mfg. Co. Inc.*, 414 U.S. 86 (1973). In addition, if any aspect of this charge satisfies the conditions, described in section II A above, for refusal to the Special Counsel, it should be so referred.

III. Unfair Document Practices (Document Abuse)

A. Referral to the Special Counsel

Charges or aspects of charges alleging an individual act or a pattern or practice of document abuse should be referred to the Special Counsel when all of the following conditions are met:

- (1) The charge alleges that the employer requested complainant to produce more or different documents than required to complete the Immigration and Naturalization Service Form I-9 (Employment Eligibility Verification form), or that the complainant's documentation was rejected by the employer during the I-9 process, or that the employer requested the complainant to produce a specific document or documents for purposes of completing the I-9 or establishing employment eligibility; and
- (2) The employer may have had at least 4 employees, including both full-time and part-time employees, on the date of the alleged document abuse as required by the Special Counsel's regulations at 28 CFR Part 44.

B. Special Procedures

(1) A charge or aspect of a charge of document abuse that cannot be referred to the Special Counsel should be construed to the extent possible as alleging national origin discrimination, if the employer otherwise is covered by Title VII.

(2) A charge or aspect of a charge alleging that document abuse has the purpose or effect of discriminating on the basis of

national origin should, to the extent possible, be processed in accordance with Title VII, if the employer otherwise is covered by Title VII. In addition, if any aspect of this charge satisfies the conditions, described in section III A above, for referral to the Special Counsel, it should be so referred.

IV. Intimidation or Retaliation

Charges or aspects of charges alleging an individual act or a pattern or practice of intimidation or retaliation should be referred to the Special Counsel when all of the following conditions are met:

(1) The charge alleges that any person or other entity intimidated, threatened, coerced, or retaliated against any individual for the purpose of interfering with any right or privilege secured under section 274B of the Immigration and Nationality Act, or because the individual intends to file or has filed a charge or complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under section 274B of the INA; and

(2) The person or other entity employs four or more individuals.

V. Unique Situations

If a charge or aspect of a charge raises allegations not directly addressed in these guidelines and EEOC staff believes that referral to the Special Counsel may be appropriate, EEOC staff shall contact EEOC's Office of Legal Counsel, who then shall consult with the Office of Special Counsel.

VI. Procedure for Referral

A. General Provisions

(1) When the charging party has not declined referral, any charge or aspect of a charge alleging discrimination on the basis of national origin, citizenship status, retaliation, or document abuse that satisfies all of the conditions for referral to the Special Counsel should be forwarded by EEOC staff, with the appropriate file, to the Office of Special Counsel for Immigration Related Unfair Employment Practices, P.O. Box 27728, Washington, DC 20038-7728.

(2) When forwarding a charge or aspect of a charge to the Special Counsel, EEOC staff should follow any instructions issued by the Commission regarding this procedure, including instructions relevant to informing the charging party of the possibility of referral and providing notice of the referral to the parties.

B. Additional Procedures Where the Commission Retains Jurisdiction

(1) Where the Commission retains jurisdiction over any aspect of a charge when another aspect of the charge is being referred to the Special Counsel in accordance with these Guidelines, the EEOC field office, when making the referral, will inform the Special Counsel of the retained jurisdiction. This notice to the Special Counsel will specify the allegation(s) over which the Commission retains jurisdiction. The notice will also state that the processing EEOC field office will consult with the Special Counsel to coordinate, to the extent possible, the investigative activities of both agencies and assure that duplication of effort in processing the charge is minimized.

(2) After confirming that the Special Counsel has received the referred aspect of the charge, the EEOC field office should attempt consultations with the Special Counsel to coordinate, to the extent possible, the investigative activities of both agencies and assure that duplication of effort in processing the charge is minimized.

C. Special Procedures Regarding 706 Agencies

Where preferable and not contrary to an existing work sharing agreement, EEOC staff may choose not to defer to a 706 Agency any charge or portion of a charge, if the charge or any aspect of the charge satisfies all of the conditions for referral to the Special Counsel. Charges or portions of charges not deferred pursuant to this provision should be processed according to the procedures described in these Guidelines.

VII. Procedures Regarding Referrals from the Special Counsel

Upon receipt of a charge or aspect of a charge referred from the Special Counsel, the processing EEOC field office should confirm that the charge or aspect of a charge is within the jurisdiction of the Commission. The field office should then notify the Special Counsel of its receipt of the charge or aspect of a charge.

If the Special Counsel has retained jurisdiction over any aspect of a charge when another aspect of the charge has been referred to the EEOC, the field office should attempt to coordinate with the Special Counsel, to the extent possible, the investigative activities of both agencies. If the Special Counsel has not retained jurisdiction over any aspect of a charge that has been referred to the EEOC, the field office should process the referred charge as it would any other charge of discrimination.

Guidelines for Attorneys in the Office of Special Counsel

I. National Origin Charges

Charges or aspects of charges alleging individual act, pattern or practice, or class discrimination on the basis of national origin should be referred to the EEOC when all of the following conditions are met:

(1) Any aspect of the charge that alleges national origin discrimination is outside the jurisdiction of the Office of Special Counsel or fails to state a claim under 8 U.S.C. 1324b; and

(2) The charge alleges discrimination against the charging party with respect to his or her hiring, discharge, compensation, terms, conditions, or privileges of employment.

II. Citizenship Status and Document Abuse Charges

Charges or aspects of charges alleging individual act, pattern or practice, or class discrimination on the basis of citizenship status or document abuse should be referred to the EEOC when all of the following conditions are met:

(1) Any aspect of the charge that alleges national origin discrimination is outside the jurisdiction of the Office of Special Counsel or fails to state a claim under 8 U.S.C. § 1324b;

(2) The charge alleges discrimination against the charging party with respect to his or her hiring, discharge, compensation, terms, conditions, or privileges of employment; and

(3) The alleged discriminatory practice may have had the purpose or effect of discriminating on the basis of national origin.

III. Retaliation

Charges or aspects of charges alleging retaliation on an individual, pattern or practice, or class basis should be referred to EEOC when the charge alleges retaliation because an individual has opposed an employment practice that he or she believed to be unlawful under Title VII, or because an individual has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under Title VII.

IV. Unique Situations

If a charge or aspects of a charge raises allegations not directly addressed in these guidelines, and the Office of Special Counsel staff believes that referral to the EEOC may be appropriate, Office of Special Counsel staff shall consult with the Special Counsel, who will designate an Office of Special Counsel attorney to consult with the EEOC's Office of Legal Counsel.

V. Procedure for Referral

A. General Provisions

When the charging party has not declined referral, any charge or aspect of a charge alleging individual act, pattern or practice, or class discrimination on the basis of national origin, citizenship status, retaliation, or document abuse that satisfies all of the conditions for referral to the EEOC should be forwarded to the appropriate EEOC field office.

B. Additional Procedures Where the Office of Special Counsel Retains Jurisdiction

(1) Where the Office of Special Counsel retains jurisdiction over any aspect of a charge when another aspect of the charge is being referred to the EEOC in accordance with these Guidelines, the attorney making the referral will inform the EEOC of the retained jurisdiction. This notice to the EEOC will specify the claim(s) over which the Office of Special Counsel retains jurisdiction. The notice will also state that the processing attorney will consult with the EEOC to coordinate, to the extent possible, the investigative activities of both agencies and assure that duplication of effort in processing the charge is minimized.

(2) After confirming that the EEOC has received the referred aspect of the charge, the Office of Special Counsel attorney should attempt consultations with the EEOC to coordinate, to the extent possible, the investigative activities of both agencies and assure that duplication of effort in processing the charge is minimized.

VI. Procedures Regarding Referrals from the EEOC

Upon receipt of a charge or aspect of a charge referred from the EEOC, the Office of Special Counsel should confirm that the

charge or aspect of a charge is within the jurisdiction of the Office of Special Counsel.

If the EEOC has retained jurisdiction over any aspect of a charge when another aspect of the charge has been referred to the Office of Special Counsel, the attorney handling the charge for the Office of Special Counsel should attempt to coordinate, to the extent possible, the investigative activities of both agencies. If the EEOC has not retained jurisdiction over any aspect of a charge that has been referred to the Office of Special Counsel, the attorney should process the charge as he or she would any other charge of discrimination.

[FR Doc. 98-2593 Filed 2-2-98; 8:45 am]

BILLING CODE 6570-01-M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission

January 26, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) The accuracy of the Commission's burden estimate; (c) Ways to enhance the quality, utility, and clarity of the information collected; and (d) Ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments by April 6, 1998.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the

information collections contact Judy Boley at 202-418-0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060-0798.

Form No.: FCC 601.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; Federal Government; State, Local or Tribal Government.

Number of Respondents: 55,669.

Estimated Time Per Response: 2 hours and 5 minutes.

Total Annual Burden: 115,959 hours.

Frequency of Response: On occasion reporting requirement.

Needs and Uses: FCC 601 will be used as the general application for market based licensing and site-by-site licensing in the Wireless Telecommunications Radio Services. The purpose of this revision is to include the Paging and Cellular Radio Services.

Use of FCC Forms 405, 489, 490, 464, and 600 in the Paging and Cellular services will be eliminated. Schedules D, E, F, and J are intended for technical information.

This long form application is a consolidated application form and will be utilized as part of the Universal Licensing System currently under development. The goal of producing a consolidated form is to create a form with a consistent "look and feel" that maximizes the collection of data and minimizes narrative responses, free-form attachment, and free-form letter requests. A consolidated application form will allow common fields, questions, and statements to reside in one place and allow the technical data specific to each service to be captured in its own schedule. FCC 601 consists of a Main Form containing administrative information and a series of Schedules used to file technical information. Auction winning respondents are required to submit FCC 601 electronically.

The data collected on this form includes the applicant's Taxpayer Identification Number. Use of Taxpayer Identification Number in the Universal Licensing System will allow pre-filling of data by searching the database and displaying all pertinent data associated to a given TIN, as well as for Debt Collection purposes. It will also improve and lessen the burden of the volume of data the public would have to enter for later filings.

OMB Control Number: 3060-0560.

Title: Section 76.911, Petition for reconsideration of certification.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; State, Local or Tribal Government.

Number of Respondents: 45.

Estimated Time Per Response: 2-10 hours.

Total Annual Burden: 410 hours, calculated as follows: We estimate that cable operators and other entities will annually initiate no more than 20 petitions for reconsideration of certification. We estimate that the average burden to complete all aspects of each petition process is 10 hours for each petitioning party and responding party. (20 petitions \times 2 parties each \times 10 hours = 400 hours. We also estimate that no more than 5 cable operators may, if evidence establishing effective competition is not otherwise available, need to request from a competitor information regarding the competitor's reach and number of subscribers. The burden associated with supplying this information is estimated to be 2 hours per request. (5 occurrences \times 2 hours = 10 hours).

Cost to Respondent: \$410, calculated as follows: Postage and stationery costs associated with the petitions is estimated to be \$10 per respondent. (20 petitions \times 2 parties \times \$10 = \$400). Postage and stationery costs associated with supplying information regarding the competitor's reach and number of subscribers is estimated to be \$2 per request. (5 \times \$2 = \$10).

Frequency of Response: On occasion reporting requirement.

Needs and Uses: Section 76.911 states that a cable operator, or other interested party, may challenge a franchising authority's certification by filing a petition for reconsideration. The petition may allege either that the cable operator is not subject to rate regulation because effective competition exists, or that the franchising authority does not meet the Commission's certification standards. The burden associated with the petition process was not previously accounted for in this collection; therefore, this collection has been revised. Section 76.911(b)(2) also states that if evidence establishing effective competition is not otherwise available, then cable operators may request from a competitor information regarding the competitor's reach and number of subscribers. A competitor must respond to such request within 15 days and such responses may be limited to numerical totals. Commission staff use the information derived from petitions for reconsideration of certification to resolve disputes concerning the