

Dated: July 15, 1999.

Melissa P. Marshall,

*Director, Multimedia Enforcement Division,
Office of Enforcement and Compliance
Assurance.*

[FR Doc. 99-18605 Filed 7-20-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6400-8]

Draft Modification of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges From Construction Activities

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice of draft modification of
the NPDES general permit reissuance for
storm water discharges from
construction activities.

SUMMARY: The EPA, Region 4, general
permit for the discharge of storm water
from construction activities, issued on
March 31, 1998, is being modified. This
modification will include monitoring
and reporting requirements for facilities
discharging storm water from
construction activities to waters of the
U.S. that are on the 303(d) list for
impairment due to sediment and/or silt.
In addition, several typographical errors
will be corrected, and, the eligibility
requirements of part I.B.3. will be
renumbered to be consistent with the
National general permit for the
discharge of storm water from
construction activities, which was
issued on February 17, 1998, and the
Notice of Intent (NOI, form 3510-9).

The following provides notice for a
draft modification of the NPDES general
permit and fact sheets for storm water
discharges from construction activities
in the following areas of, EPA, Region
4:

Indian Country Lands within the State
of Alabama

The State of Florida

Indian Country Lands within the State
of Florida

Indian Country Lands within the State
of Mississippi

Indian Country Lands within the State
of North Carolina

DATES: This general permit became
effective on April 3, 1998. Deadlines for
submittal of NOIs which are provided in
Part II.A. of the permit are not changed.
Comments on the proposed
modifications must be received or
postmarked by midnight no later than
February 28, 1999. This modification

will be effective 60 days from its final
publication in the **Federal Register**.

ADDRESSES: Notices of Intent (NOIs)
submitted in accordance with this
permit to receive coverage under this
permit must be sent to Storm Water
Notice of Intent (4203), 401 M Street,
SW, Washington, DC 20460. The
complete administrative record is
available from the U.S. Environmental
Protection Agency, Region 4, Freedom
of Information Officer, 61 Forsyth St.
S.W., Atlanta, GA 30303. A reasonable
fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr.
Floyd Wellborn, telephone number
(404) 562-9296, or Mr. Mike Mitchell,
telephone number (404) 562-9303, or at
the following address: United States
Environmental Protection Agency,
Region 4, Water Management Division,
Surface Water Permits Section, Atlanta
Federal Center, 61 Forsyth Street S.W.,
Atlanta, GA 30303.

PUBLIC COMMENT PERIOD: Public
comments are being invited only for
those specific modifications discussed
within the proposal for the general
permit for storm water discharges from
construction activities issued by EPA,
Region 4, on March 31, 1998. The public
should send their comments to the
Surface Water Permits Section, Water
Management Division, U.S. EPA, 61
Forsyth Street, SW, Atlanta, GA 30303.
To ensure that EPA can read,
understand, and therefore properly
respond to comments, the Agency
requests commenters to type or print in
ink any comments. Each comment
should cite the page number and, where
possible, the section(s) and/or
paragraph(s) in the proposed permitting
actions to which the comment relates.
Commenters should use a separate
paragraph for each issue discussed.

State Certification

EPA is providing copies of the
proposed permit modification to the
State of Florida and Indian Tribes where
the proposed actions would be effective.
The State of Florida and Tribes will
review the proposed actions to ensure
that they will not result in violations of
water quality criteria. EPA will work
with The State and Tribes to obtain their
certification in accordance with section
401 of the Clean Water Act. EPA will
prepare certifications for Indian lands
where there is no approved Tribe or any
Tribes which have not established water
quality standards.

The Coastal Zone Management Act
(CZMA) requires that all Federal
licensing and permitting actions be
reviewed for consistency with each
approved State coastal zone

management plan. The Federal
Consistency Act requires that all NPDES
permit be reviewed for consistency with
the Endangered Species Act and the
National Historic Preservation Act. EPA
has also initiated these reviews.

SUPPLEMENTARY INFORMATION:

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The following is an outline of the
organization of the proposed
modification actions:

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- VII. Paperwork Reduction Act
- VIII. Regulatory Flexibility Act
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I. Introduction

In 1972, the Federal Water Pollution
Control Act (also referred to as the Clean
Water Act (CWA)) was amended to
provide that the discharge of any
pollutants to waters of the United States
from any point source is unlawful,
except if the discharge is in compliance
with a National Pollutant Discharge
Elimination System (NPDES) permit. In
1987, section 402(p) was added to the
CWA to establish a comprehensive
framework for addressing storm water
discharges under the NPDES program.
Section 402(p)(4) of the CWA clarifies
the requirements for EPA to issue
NPDES permits for storm water
discharges associated with industrial
activity. On November 16, 1990 (55 FR
47990), EPA published final regulations
which define the term "storm water
discharge associated with industrial
activity."

In 1992, EPA issued a general permit
for discharges of storm water from
construction activities "associated with
industrial activity" to reduce the
administrative burden of issuing an
individual NPDES permit to each
construction activity. On March 31,
1998 EPA, Region 4, issued a renewal of
the 1992 permit.

Section 303(d) of the CWA requires
States to identify waters for which
technology based effluent limitations
are not stringent enough to implement
any applicable water quality standard.
The statute also requires the States to
establish a priority ranking for such
waters, taking into account the severity
of pollution and the uses to be made of
the waters. Title 40 of the Code of
Federal Regulation (CFR) section 130.7
defines the section 303(d) waters to be
those waters in each State which are
water quality limited segments which
still require total maximum daily loads.

40 CFR 122.4(d) and (i) prohibit EPA from authorizing discharges which will cause or contribute to the impaired use of waters of the U.S. Currently, facilities discharging to 303(d) listed waters would most likely be required to apply for individual permit coverage which is resource intensive for both the applicant and the issuing authority. Therefore, EPA Region 4 has concluded that additional permitting measures in the existing storm water general permit are necessary to assure that storm water discharges from construction activities to 303(d) waters, listed for silt or sediment, do not cause or contribute to the impaired designated use of a water body.

II. Coverage of General Permit

Section 402(p) of the Clean Water Act (CWA) clarifies that storm water discharges associated with industrial activity to waters of the United States must be authorized by an NPDES permit. On November 16, 1990, EPA published regulations under the NPDES program which defined the term "storm water discharge associated with industrial activity" to include storm water discharges from construction activities (including clearing, grading, and excavation activities) that result in the disturbance of five or more acres of total land area, including areas that are part of a larger common plan of development or sale (40 CFR 122.26(b)(14)(x)).¹ The term "storm water discharge from construction activities" will be used in this document to refer to storm water discharges from construction sites that meet the definition of a storm water discharge associated with industrial activity.

The proposed permit modification does not change the March 31, 1998, issued permit's coverage area. The modification only adds monitoring requirement in part III of the permit for dischargers to 303(d) listed waters, listed for silt or sediment, and it renumbers the eligibility requirements of part I.B.3.

III. Proposed Modification Summary and Justification

Monthly monitoring only requirements for Settleable Solids (ml/l), Total Suspended Solids (TSS), Turbidity (NTUs) and Volume of Flow will be added to the general permit to

provide data to more reasonably evaluate if the discharge is contributing to the impairment of the water body. The permit language will require monitoring of a qualifying storm event or discharges of a previously collected qualifying storm event(s), by grab sample within the first 30 minutes of the event or the discharge of a previously collected event. EPA defines the discharge of a previously collected event as the discharge from any impoundment which would detain or retain the storm water runoff from a site such that the runoff does not flow directly off the surface of the area under construction to a receiving water. A qualifying event will be 0.5 inch rain event over a 24 hour period. In addition to the effluent monitoring, upstream monitoring, where there is flow, will be required. These monitoring requirements are based on section 308(a) of the Clean Water Act and are intended to demonstrate that the BMPs on site are preventing the discharges of storm water from the construction activities from causing or contributing to the impairment in the receiving water. This demonstration will be accomplished by comparing the upstream data and the downstream data. Also, in accordance with section 308(a) of the CWA, the permittee will be required to report, monthly, the results of the monitoring for Settleable Solids, Turbidity and Volume of Flow. The permittee will be required to report the soil type and average slope of the drainage area of each outfall and the name of the receiving water.

The final version of this fact sheet for the General Permit modification will include lists of the 303(d) waters in the coverage areas of the permit that are impaired because of silt/sediment. The fact sheet will include instructions directing the applicant to determine if their facility will be discharging to these waters on the 303(d) lists. The instructions will direct the applicant to make this determination by referencing the lists and contacting the State agency which generated the list, since the lists may change from time to time. An internet site is being considered for accessing these lists for the coverage areas. The permit will reference this list and require the permittee, in addition to the above referenced monitoring and reporting requirements, to notify EPA-Region 4 if they discharge to waters that are on the 303(d) list. The permit will also require a discussion within the pollution prevention plan, by all potential permittees, to explain how the determination was made of whether or

not the facility discharges to 303(d) listed waters.

Finally, a typographical error in appendix C will be corrected to delete the reference to addendum H and replace it with a reference to appendix C. Part I.B.3.e.(1) in the permit is being renumbered to part I.B.3.e.(2); and part I.B.3.g. in the permit is being renumbered to part I.B.3.f. These two changes make the permit consistent with the Notice of Intent (NOI) used to apply for coverage under the general permit and with the national NPDES general permit for discharges of storm water from construction activity, issued on February 17, 1998.

IV. Cost Estimates

The two major costs associated with pollution prevention plans for construction activities include the costs of sediment and erosion controls and the costs of storm water management measures. The proposed modification does not change from the costs described in the permit issued in the **Federal Register** on March 31, 1998 (63 FR 15621). Typically, most construction sites will employ several types of sediment and erosion controls and storm water management controls.

Costs are presented in 1992 dollars and were reviewed by the Office of Management and Budget during the September 25, 1992 issuance of the general permit. Annualized costs are based on a 10 year period and 10 percent discount rate. Estimates include a contingency cost of 25 percent of the construction cost and operation and maintenance costs of 5 percent of the construction cost. Land costs are not included.

V. Economic Impact

Under Executive Order 1286 (58 FR 51735 (October 4, 1993)), the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants user fees, or loan programs or the rights and obligations recipients thereof; or raise novel legal or

¹ On June 4, 1992, the United States Court of Appeals for the Ninth Circuit remanded the exemption for construction sites of less than five acres to the EPA for further rulemaking (*Natural Resources Defense Council v. EPA*, Nos. 90-70671 and 91-70200, slip op. at 6217 (9th Cir. June 4, 1992).

policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

EPA has determined that this modified general permit is not a "significant regulatory action" under the terms Executive Order 12866 and is therefore not subject to formal OMB review prior to proposal.

VI. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under UMRA section 202, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and Tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, UMRA section 205 generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of UMRA section 205 do not apply when they are inconsistent with applicable law. Moreover, UMRA section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes an explanation with the final rule why the alternative was not adopted.

Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including Tribal governments, it must have developed under UMRA section 203 a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating and advising small governments on compliance with the regulatory requirements.

A. UMRA Section 202 and the Construction General Permit

UMRA section 202 requires a written statement containing certain assessments, estimates and analyses

prior to the promulgation of certain general notices of proposed rulemaking (2 U.S.C. 1532). UMRA section 421(10) defines "rule" based on the definition of rule in the Regulatory Flexibility Act. Section 601 of the Regulatory Flexibility Act defines "rule" to mean any rule for which an agency publishes a general notice of proposed rulemaking pursuant to section 553 of the Administrative Procedure Act. EPA does not propose to issue NPDES general permits based on APA section 553. Instead, EPA relies on publication of general permits in the **Federal Register** in order to provide "an opportunity for a hearing" under CWA section 402(a), 33 U.S.C. 1342(a). Nonetheless, EPA has evaluated permitting alternatives for regulation of storm water discharges associated with construction activity. The general permit modification that EPA proposes to issue would be virtually the same NPDES general permit for construction that many construction operators have used over the past five years. Furthermore, general permits provide a more cost and time efficient alternative for the regulated community to obtain NPDES permit coverage than that provided through individually drafted permits.

B. UMRA Section 203 and the Construction General Permit

Agencies are required to prepare small government agency plans under UMRA section 203 prior to establishing any regulatory requirement that might significantly or uniquely affect small governments. "Regulatory requirements" might, for example, include the requirements of these NPDES general permits for discharges associated with construction activity, especially if a municipality sought coverage under one of the general permits. EPA envisions that some municipalities—those with municipal separate storm sewer systems serving a population over 100,000—may elect to seek coverage under these proposed general permits. For many municipalities, however, a permit application is not required until August 7, 2001, for a storm water discharge associated with construction activity where the construction site is owned or operated by a municipality with a population of less than 100,000. (See 40 CFR 122.26(e)(1)(ii) and (g)).

In any event, any such permit requirements would not significantly affect small governments because most State laws already provide for the control of sedimentation and erosion in a similar manner as the general permit.

Permit requirements also would not uniquely affect small governments because compliance with the permit's conditions affects small governments in the same manner as any other entity seeking coverage under the permit. Thus, UMRA section 203 would not apply.

VII. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in these final general permits under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* EPA did not prepare an Information Collection Request (ICR) document for the proposed permit modification because the information collection requirements in this permit have already been approved by the Office of Management and Budget (OMB) in submissions made for the NPDES permit program under the provisions of the Clean Water Act.

VIII. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, U.S.C. 601 *et seq.*, EPA is required to prepare a Regulatory Flexibility Analysis to assess the impact of rules on small entities. No Regulatory Flexibility Analysis is required, however, where the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The proposed permit modification does not nullify the permit condition which provides small entities with an application option that is less burdensome than individual applications or participating in a group application. The other requirements have been designed to minimize significant economic impacts of the rule on small entities and does not have a significant impact on industry. In addition, the permit reduces significant administrative burdens on regulated sources. Accordingly, I hereby certify pursuant to the provisions of the Regulatory Flexibility Act, that this permit will not have a significant impact on a substantial number of small entities.

IX. Official Signatures

Accordingly, I hereby certify pursuant to the provisions of the Regulatory Flexibility Act, that this permit will not have a significant impact on a substantial number of small entities.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: July 7, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Draft NPDES General Permit Modification for Storm Water Discharges From Construction Activities

Proposed Modification of National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges From Construction Activities

For reasons set forth in the preamble, Part III of the NPDES General Permit for Storm Water Discharges From Construction Activities is proposed to be modified as described below. A new appendix D is proposed to be added to the general permit. These proposed modifications and additional requirements will become effective on the date of **Federal Register** publication of the final modifications.

Appendix C

I. Instructions

* * * * *

• Certify pursuant to Section I.B.3.e. of the construction general permit that their storm water discharges, and BMPs constructed to control storm water runoff, are not likely, and will not be likely to adversely affect species identified in Appendix C of this permit.

* * * * *

Appendix D

Discharging to Impaired Waters Guidance

I. Instructions

For facilities in Florida:

In order to get construction general permit coverage, applicants must determine if the facility discharges to waters listed on the 303(d) list for impairment due to either Total Suspended Solids, Turbidity, Silt or Sediment. The 303(d) list is updated periodically; therefore, it is incumbent upon the applicant to contact the Florida Department of Environmental Protection (FDEP) in Tallahassee for the most current list if you are unsure whether or not the facility will be discharging to a 303(d) listed water for either of the above referenced parameters. An current 303(d) list is maintained at the following web site: www2.dep.state.fl.us/water/

Please refer to this site if you have internet access before contacting FDEP.

For facilities in Indian Country Lands:

In order to get construction general permit coverage, applicants must determine if the facility discharges to waters impaired for either Total Suspended Solids, Turbidity, Silt or Sediment. It is incumbent upon the applicant to contact the Environmental Coordinator of the Tribe on whose lands the discharge occurs if you are unsure whether or not the facility will be discharging to impaired waters for either of the above referenced parameters.

What to do next:

For all facilities, if the determination is made that you will be discharging waters impaired because of either Total Suspended Solids, Turbidity, Silt or Sediment; then, the

facility must comply with the terms and conditions of Part III.C. of the permit.

Part I. Coverage Under This Permit

* * * * *

3. *Limitations on Coverage.* The following storm water discharges from construction sites are not authorized by this permit:

* * * * *

e. storm water discharges from construction sites if the discharges may adversely affect a listed or proposed to be listed endangered or threatened species or its critical habitat;

(1) All applicants must follow the procedures provided at Appendix C of this permit when applying for permit coverage.

(2) A discharge of storm water associated with construction activity may be covered under this permit only if the applicant certifies that they meet at least one of the following criteria. Failure to continue to meet one of these criteria during the term of the permit will result in the storm water discharges associated with construction ineligible for coverage under this permit.

(a) The storm water discharge(s), and the construction and implementation of Best Management Practices (BMPs) to control storm water runoff, are not likely to adversely affect species identified in Appendix C of this permit or critical habitat for a listed species; or

(b) The applicant's activity has received previous authorization under Section 7 or Section 10 of the Endangered Species Act and that authorization addressed storm water discharges and/or BMPs to control storm water runoff (e.g., developer included impact of entire project in consultation over a wetlands dredge and fill permit under Section 7 of the Endangered Species Act); or

(c) The applicant's activity was considered as part of a larger, more comprehensive assessment of impacts on endangered species under Section 7 or Section 10 of the Endangered Species Act that which accounts for storm water discharges and BMPs to control storm water runoff (e.g., where an area-wide habitat conservation plan and Section 10 permit is issued which addresses impacts from construction activities including those from storm water, or a National Environmental Policy Act (NEPA) review is conducted which incorporates ESA Section 7 procedures); or

(d) Consultation under Section 7 of the Endangered Species Act is conducted for the applicant's activity which results in either a no jeopardy opinion or a written concurrence on a finding of not likely to adversely affect; or

(e) The applicant's activity was considered as part of a larger, more comprehensive site-specific assessment of impacts on endangered species by the owner or other operator of the site and that permittee certified eligibility under item (a), (b), (c), or (d) above (e.g. owner was able to certify no adverse impacts for the project as a whole under item (a), so the contractor can then certify under item (e)).

* * * * *

f. Storm water discharges that would affect a property that is listed or is eligible for listing in the National Historic Register

maintained by the Secretary of Interior may be in violation of the National Historic Preservation Act. A discharge of storm water associated with construction activity may be covered under this permit only if the applicant certifies that either:

(1) The storm water discharge(s), and the construction and implementation of BMPs to control storm water runoff, do not affect a property that is listed or is eligible for listing in the National Historic Register maintained by the Secretary of Interior; or,

(2) The applicant consults with the State Historic Preservation Officer (SHPO) or the Tribal Historic Preservation Officer (THPO) on the potential for adverse effects which results in a no effect finding; or

(3) The applicant has obtained and is in compliance with a written agreement between the applicant and the SHPO or THPO that outlines all measures to be undertaken by the applicant to mitigate or prevent adverse effects to the historic property; or

(4) The applicant agrees to implement and comply with the terms of a written agreement between another owner/operator (e.g., subdivision developer, property owner, etc.) and the SHPO or THPO that outlines all measures to be undertaken by operators on the site to mitigate or prevent adverse effects to the historic property; or

(5) The applicant's activity was considered as part of a larger, more comprehensive site-specific assessment of effects on historic properties by the owner or other operator of the site and that permittee certified eligibility under item (1), (2), (3), or (4) above.

g. discharges of storm water associated with industrial activity from construction sites not specifically identified in the pollution prevention plan in accordance with Part V of this permit. Such discharges not identified in the plan are subject to the upset and bypass rules in Part VII of this permit.

* * * * *

C. Authorization

* * * * *

9. Under which section(s) of Part I.B.3.e.(2) (Endangered Species) and Part I.B.3.f. (Historical Preservation) the applicant is certifying eligibility.

* * * * *

Part III. Special Conditions, Management Practices, and Other Non-Numeric Limitations

* * * * *

C. Discharges to Waters Impaired Due to Sedimentation or Siltation

Facilities that have coverage under this general permit prior to its modification on [insert the effective date of the final modification] shall be in compliance with Parts III.C.1. through 5. within 30 days of the effective date of this modification.

Facilities that apply for coverage under the general permit after [insert the effective date of the final modification] which discharge storm water from construction activities directly to waters of the United States which are listed on the 303(d) list for sedimentation or siltation, see Appendix D, shall comply with the following:

1. The permittee shall monitor, during regular working hours, once per month within the first 30 minutes of a qualifying event or within the first 30 minutes of the beginning of the discharge of a previously collected qualifying event for Settleable Solids (ml/l), Total Suspended Solids (mg/l), Turbidity (NTUs) and Flow (MGD).

2. Where the receiving water has flow upstream from the discharge, a background sample for Settleable Solids, Total Suspended Solids and Turbidity shall be taken instream at middepth and immediately upstream from the influence of the discharge of storm water from the site.

3. The soil type and average slope of the drainage area for each outfall shall be reported with the Discharge Monitoring Report submitted in accordance with Part III.C.5. of the permit.

4. A qualifying event for the purpose of this section is a rain event of 0.5 inches or greater in a 24 hour period.

5. Data collected in accordance with Part III.C. of the permit shall be submitted to EPA once per month.

This permit does not authorize the discharge of storm water, from construction activities, which causes or contributes to the impairment of the designated use of waters of the United States.

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BILLING CODE 6560-50-U

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities: Extension of Existing Collection; Comment Request

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of information collection under review; Employer information report (EEO-1).

SUMMARY: In accordance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Equal Employment Opportunity Commission (EEOC) announces that it intends to submit to the Office of Management and Budget (OMB) a request for an extension of the existing information collection listed below.

DATES: Written comments on this notice must be submitted on or before September 20, 1999.

ADDRESSES: Comments should be submitted to Frances M. Hart, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 10th Floor, 1801 L Street, NW, Washington, DC 20507. As a convenience to commentators, the Executive Secretariat will accept comments transmitted by facsimile ("FAX") machine. The telephone

number of the FAX receiver is (202) 663-4114. (This is not a toll-free number.) Only comments of six or fewer pages will be accepted via FAX transmittal. This limitation is necessary to assure access to the equipment. Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663-4078 (voice) or (202) 663-4074 (TDD). (These are not toll-free telephone numbers.) Copies of comments submitted by the public will be available to review at the Commission's library, Room 6502, 1801 L Street, NW, Washington, DC 20507 between the hours of 9:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Joachim Neckere, Director, Program Research and Surveys Division, 1801 L Street, NW, Room 9222, Washington, DC 20507, (202) 663-4958 (voice) or (202) 663-7063 (TTD).

SUPPLEMENTARY INFORMATION: The Commission solicits public comment to enable it to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the Commission's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

Collection Title: Employer Information Report (EEO-1).

OMB Number: 3046-0007.

Frequency of Report: Annual.

Type of Respondent: Private employer with 100 or more employees and some federal government contractors and first-tier subcontractors with 50 or more employees.

Description of Affected Public: Private industry employers and business, private institutions, organizations and farms.

Responses: 126,700.

Reporting Hours: 463,700.

Number of Forms: 1.

Federal Cost: \$813,175.

Abstract: Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), requires employers to make and keep records relevant to a determination of whether unlawful employment practices have or are being committed and to make reports therefrom as required by the EEOC. Accordingly, the EEOC has issued regulations which set forth the reporting requirement for various kinds of employers. Employers in the private sector with 100 or more employees and some federal contractors with 50 or more employees have been required to submit EEO-1 reports annually since 1966. The individual reports are confidential.

EEO-1 data are used by the EEOC to investigate charges of discrimination against employers in private industry. In addition, the data are used to support EEOC decisions and conciliations, and for research. The data are shared with the Office of Federal Contract Compliance Programs (OFCCP) in the U.S. Department of Labor, and several other federal agencies. Pursuant to section 709(d) of Title VII of the Civil Rights Act of 1964, as amended, EEO-1 data are also shared with 86 State and Local Fair Employment Practices Agencies (FEPAs).

Burden Statement: The estimated number of respondents included in the annual EEO-1 survey is 45,000 private employers. The estimated number of responses per respondent averages between 2 and 3 EEO-1 reports. The number of annual responses is approximately 126,700, and the total annual burden is estimated to be 463,700 hours. In order to help reduce burden, respondents are encouraged to report data on electronic media such as magnetic tapes and interactive diskettes.

Dated: July 14, 1999.

For the Commission.

Ida L. Castro,

Chairwoman.

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FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

July 12, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing