

Dated: December 19, 1996.

Paul J. Campanella,
*Chief, New Chemicals Branch, Office of
 Pollution Prevention and Toxics.*
 [FR Doc. 96-32794 Filed 12-24-96; 8:45 am]
 BILLING CODE 6560-50-F

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

RIN 3046-AA45

Agency Information Collection Activities: Proposed Collection; Comments Request

AGENCY: Equal Employment
 Opportunity Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 5, the Commission announces that it intends to submit to the Office of Management and Budget (OMB) a request for an extension without change the existing collection requirements under 29 CFR Part 1602 *et seq.*, Recordkeeping and Reporting Requirement under Title VII and the ADA. The Commission is seeking public comments on the proposed extension.

DATES: Written comments on this notice must be submitted on or before February 24, 1997.

ADDRESSES: Comments should be submitted to Frances M. Hart, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 10th Floor, 1801 L Street, N.W., Washington, D.C. 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) 7663-4114. (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 for review at the Commission's library, Room 6502, 1801 L Street, N.W., Washington, D.C. 20507 between the hours of 9:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:
 Nicholas M. Inzeo, Deputy Legal
 Counsel, Thomas J. Schlageter, Assistant

Legal Counsel or Stephanie D. Garner, Senior Attorney, at (202) 663-4670 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: The Equal Employment Opportunity Commission (EEOC) enforces Title VII of the Civil Rights Act of 1964 and Title I of the Americans with Disabilities Act, which prohibit discrimination on the basis of race, color, religion, sex, national origin or disability. Sections 709(c) of Title VII and section 107(a) of the ADA authorize the EEOC to issue recordkeeping and reporting regulations that are deemed reasonable, necessary or appropriate. EEOC has promulgated recordkeeping regulations under those authorities that are contained in 29 CFR 1602. Those regulations do not require the creation of any particular records but generally require employers to preserve any personnel and employment records it makes or keeps for a period of one year. The EEOC seeks extension of these regulations without change.

Collection Title: Recordkeeping and Reporting under Title VII and the ADA.

OMB Control Number: 3046-0040.

Description of Affected Public:

Employers with 15 or more employees are subject to Title VII and the ADA.

Responses: 627,000

Reporting Hours: One

Federal Cost: None

Number of Forms: None

Abstract: Section 709(c) of Title VII, 42 U.S.C. 2000e-8(c) and section 107(a) of the ADA, 42 U.S.C. 12117(a) require the Commission to establish regulations pursuant to which employers subject to those Acts shall make and preserve certain records to assist the EEOC in assuring compliance with the Acts' nondiscrimination requirements in employment.

This is a recordkeeping requirement. Any of the records maintained which are subsequently disclosed to the EEOC during an investigation are protected from public disclosure by the confidentiality provisions of section 706(b) and 709(e) of Title VII because they are incorporated by reference into the ADA at section 107(a).

Burden Statement: The EEOC estimates that there will be no increased burden on employers. All employers subject to Title VII are subject to the ADA, and the same EEOC records retention requirements are applicable to both. As all employers with 15 or more employees are already required by the

EEOC's Title VII regulations on recordkeeping to maintain the same records, and the extension does not require reports or the creation or maintenance of new documents, there is no increased burden.

Pursuant to the Paperwork Reduction Act of 1995, and OMB regulation 5 CFR 1320.8(d)(1), 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.

Dated: December 19, 1996.

For the Commission.

Maria Borrero,

Executive Director.

[FR Doc. 96-32743 Filed 12-24-96; 8:45 am]

BILLING CODE 6750-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 96-469]

Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act

AGENCY: Federal Communications
 Commission.

ACTION: Notice.

SUMMARY: The Commission has released a Public Notice which establishes various procedural requirements and policies relating to the Commission's processing of Bell operating company applications to provide in-region, interLATA services pursuant to new section 271 of the Communications Act of 1934, as amended, 47 U.S.C. § 271 (Act). Section 271 provides for applications on a State-by-State basis.

FOR FURTHER INFORMATION CONTACT:
 Florence Grasso, Common Carrier
 Bureau, Policy and Program Planning
 Division. (202) 418-1580.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

OMB Control Number: 3060-0756

Expiration Date: 06/30/97

Title: Procedures for Bell Operating Company Applications under New Section 271 of the Communications Act.

Respondents: Business or other for-profit; federal government; and state, local or tribal government.

Public reporting burden for the collection of information is estimated as follows:

Information collection	No. of respondents (approx.)	Annual hour burden per response	Total annual burden
Submission of applications by the BOCs	7	120 hours per application (7 (companies) × 7 (estimated filings each) × 120 (hours)).	5,880
Submission of written consultations by the State Regulatory Commissions.	49	120	5,880
Submission of written consultations by the Department of Justice.	1	4,900 (49 (states) × 100 (hours per state))	4,900

Total Annual Burden: 16,600.

Frequency of Response: One-time, unless an application must be resubmitted.

Estimated Costs Per Respondent: \$0.

Needs and Uses: The Commission issued a Public Notice (FCC 96-469) on December 6, 1996 which established various procedural requirements and policies relating to the Commission's processing of Bell operating company applications to provide in-region, interLATA services pursuant to new section 271 of the Communications Act of 1934, as amended, 47 U.S.C. § 271 (Act). Section 271 provides for applications on a State-by-State basis.

Synopsis of Public Notice

A. Application Filing Requirements

Applicants must file an original and six copies of each section 271 application. By "application," we mean (1) a stand-alone document entitled Brief in Support of Application by [Bell company name] for Provision of In-Region, InterLATA Services in [State name] and (2) any supporting documentation. The content of both parts of the application is addressed later in this Public Notice.

The Applicant's Brief in Support shall also be submitted on a 3.5 inch computer diskette formatted in WordPerfect 5.1. If electronically available, the supporting documentation must be included on the computer diskette as well. With respect to supporting materials that are not provided on diskette, the applicant should include a note at the end of the electronic version of the Brief in Support indicating that such materials are on file with the Commission. All filings submitted on diskette will be posted on the internet for public inspection at <http://www.fcc.gov>. We also urge the applicant to post its electronic filings on its own internet

home page and to inform us of such posting in the Brief in Support.

If the applicant wants each Commissioner to receive a copy of the section 271 application, the applicant should file an original plus eleven copies. The original, all copies, and the diskette should be sent to the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Applications will be available for public inspection during regular business hours in the Reference Center of the Federal Communications Commission, Room 239, 1919 M Street, N.W., Washington, D.C. 20554. The applicant must also submit a copy of the application simultaneously to (i) the Department of Justice c/o Donald J. Russell, Telecommunications Task Force, Antitrust Division, Room 8205, 555 Fourth Street, NW., Washington, D.C. 20001, (ii) the relevant State regulatory commission, and (iii) the Commission's copy contractor, ITS, Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, tel. (202) 857-3800.

B. Preliminary Matters

Section 271(d)(3) states that "[t]he Commission shall not approve the authorization requested in an application * * * unless it finds" three specified conditions to be met. We expect that a section 271 application, as originally filed, will include all of the factual evidence on which the applicant would have the Commission rely in making its findings thereon. In the event that the applicant submits (in replies or ex parte filings) factual evidence that changes its application in a material respect, the Commission reserves the right to deem such submission a new application and start the 90-day review process anew. All factual assertions made by any applicant (or any commenter) must be supported by

credible evidence or will not be entitled to any weight.

Because the statute affords us only 90 days to review the application, we encourage the applicant to meet with likely objectors in order to attempt to narrow the issues in dispute. As noted in Section C of this Public Notice, we require that either the application itself or a supplemental statement filed within five days after the application contain a signed statement that describes efforts that the applicant has made to narrow the issues in dispute and the results of those efforts.

C. Content of Applications

Applications shall conform to the Commission's general rules relating to applications. As noted above, applications shall have two parts: (1) a Brief in Support of Application by [Bell company name] for Provisions of In-Region, InterLATA Services in [State name] and (2) any supporting documentation, such as records of State proceedings, interconnection agreements, affidavits, etc. The Brief in Support may not exceed 100 pages. There is no page limit, however, on supporting documentation.

The Brief in Support should contain the following items:

- (a) a table of contents;
- (b) a concise summary of the substantive arguments presented in the Brief;
- (c) a statement identifying all of the negotiations and/or arbitrations under section 252, including the dates on which the agreements were approved under section 252 and the status of any federal court challenges to the agreements pursuant to section 252(e)(6);
- (d) a statement identifying how the applicant meets the requirements of section 271(c)(1), including a list of the specific agreements on which the applicant bases its application if it

intends to rely on a subset of the list set forth in item (c) above;

(e) a statement summarizing the status and findings of the relevant State proceedings (if any) examining the applicant's compliance with section 271 or portions thereof;

(f) a statement describing the efforts the applicant has made to meet with likely objectors to narrow the issues in dispute and the results of those efforts (as indicated above, this statement may be filed separately from the application; but not later than five days after the filing of the application);

(g) all legal and factual arguments that three requirements of section 271(d)(3) have been met, supported as necessary with selected excerpts from the supporting documentation (with appropriate citations) (Item (g) is obviously the core item of the Brief in Support, and may be quite lengthy. It may help to divide it, therefore, into three subsections, one corresponding to each of three requirements set forth in section 271(d)(3));

(h) an Anti-Drug Abuse Act certification as required by 47 CFR § 1.2002; and

(i) an affidavit signed by an officer or duly authorized employee certifying that all information supplied in the application is true and accurate.

The name of the applicant, the date the application is filed, and the State to which it relates should appear in the upper right-hand corner of each page of the Brief in Support.

As for the supporting documentation, we require that it contain, at a minimum, the complete public record, as it exists on the date of filing, of the relevant State proceedings (if any) examining the applicant's compliance with section 271 or portions thereof. In addition, supporting documentation, including any records of interconnection agreements, affidavits, etc., shall be provided in appendices, separated by tabs and divided into volumes as appropriate.

D. Comments by Interested Third Parties

After an application has been filed, the Common Carrier Bureau will issue a public notice (Initial Public Notice) establishing the specific due dates for the various filings set forth below. Simultaneously with the issuance of the Initial Public Notice, the Bureau will notify the Department of Justice and the affected State of our receipt of the application. Interested third parties will have approximately 20 days from the issuance of the Initial Public Notice to file comments in opposition or support, which may not exceed 50 pages. The specific due date for comments will be

set forth in the Initial Public Notice. The name of the commenter, the name of the applicant, and the State to which the application relates should appear in the upper right-hand corner of each page. Supporting documentation is welcome without page limits. To file comments (or any other filing set forth below) in a section 271 proceeding, commenters need to follow the applicable procedures outlined in section A of this Public Notice.

E. State Commission and Department of Justice Written Consultations

Many State commissions have already commenced proceedings to examine Bell company compliance with section 271 or portions thereof. In light of this fact and in light of the shortness of the 90-day period for deciding a section 271 application, we require that the relevant State commission file any written consultation not later than approximately 20 days after the issuance of the Initial Public Notice. The specific due date for the State's written consultation will be set forth in the Initial Public Notice. The relevant State commission shall also follow the applicable procedures outlined in section A of this Public Notice.

Any written consultation by the Department of Justice (which, by the Act's express terms, must become part of the record) must be filed not later than approximately 35 days after the issuance of the Initial Public Notice. The specific due date for the Department's written consultation will be set forth in the Initial Public Notice. The Department of Justice shall also follow the applicable procedures outlined in section A of this Public Notice.

The State commission and the Department of Justice are also welcome to file a reply pursuant to section F of this Public Notice, as well as written *ex parte* submissions in accordance with section G of this Public Notice.

F. Replies

All participants in the proceeding—the applicant, interested third parties, the relevant State commission, and the Department of Justice—may file a reply to any comment made by any other participant. Such replies are limited to 35 pages and will be due approximately 45 days after the Initial Public Notice is issued. The specific due date for replies will be set forth in the Initial Public Notice. Reply comments may not raise new arguments that are not directly responsive to arguments other participants have raised, nor may the replies be repetitive of arguments made by that party in the application or initial

comments. The name of the submitter, the name of the applicant (if different), and the State to which the application relates should appear in the upper right-hand corner of each page. Supporting documentation is welcome without page limits.

G. Ex Parte Rules—Non-Restricted Proceeding

Because of the broad policy issues involved, section 271 application proceedings initially will be considered non-restricted proceedings. Accordingly, *ex parte* presentations will be permitted, provided they are disclosed in conformance with Commission *ex parte* rules. Because of the statutory timeframe, however, we strongly encourage parties to set forth their views comprehensively in the formal filings specified above (e.g., the Brief in Support, oppositions, supporting comments, etc.) and not to rely on subsequent *ex parte* presentations. In any event, parties may not file more than a total of 20 pages of written *ex parte* submissions. This 20-page limit does not include: (1) Written *ex parte* submissions made solely to disclose an oral *ex parte* contact; (2) written material submitted at the time of an oral presentation to Commission staff that provides a brief outline of the presentation; (3) written material filed in response to direct requests from Commission staff; or (4) written factual exhibits. *Ex parte* submissions in excess of the 20-page limit will not be considered part of the record.

For purposes of these proceedings, and in light of the explicit role the Act give to the Department of Justice and the State commissions under section 271, any oral *ex parte* presentations from the Department of Justice and the relevant State commission will be deemed to be exempt *ex parte* presentations. To the extent that we obtain through such oral *ex parte* presentations new factual information on which we may rely in our decision-making process, the party submitting the information (the Department of Justice or the relevant State commission) shall prepare a summary for inclusion in the record in accordance with Commission rules, unless such a summary is being prepared by Commission staff. We also waive any page limits for written *ex parte* submissions by the Department of Justice or the relevant State commission.

Notwithstanding the above, the Commission may, by subsequent public notice, prohibit all communication with Commission personnel regarding the application during a seven-day period preceding the anticipated release date of the Commission's order regarding the

application. On this last point, we note that the notice and comment and effective date provisions of the Administrative Procedure Act are not applicable to these procedural requirements and policies. See 5 U.S.C. § 553 (b), (d).

This Public Notice contains new information collections subject to the Paperwork Reduction Act of 1995. Accordingly, we are presently requesting emergency approval from the Office of Management and Budget for these collections. When the Commission receives such approval, it will issue a Public Notice to that effect, after which the procedural requirements and policies contained herein will become effective.

Federal Communications Commission.

LaVera F. Marshal,

Acting Secretary.

[FR Doc. 96-32762 Filed 12-24-96; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, D.C. 20573.

MAS & E Company, 350 S. Crenshaw Blvd., Suite A 202, Torrance, CA 90503

Officers: Marie L. Park, President;
James Bong-Ik Park, Vice President

Edward Mittelstaedt, Inc., 55 Margarita Drive, San Rafael, CA 94901

Officer: Edward O. Mittelstaedt,
President

K.A.K. LLC, 1507 South Olive Street,
South Bend, IN 46619

Officers: Kenneth A. Kanczuzewski,
Partner; Thomas E. Kanczuzewski,
Partner.

Dated: December 19, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 96-32628 Filed 12-24-96; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices" (12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 21, 1997.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Fulton Financial Corporation*, Lancaster, Pennsylvania; to acquire 100 percent of the voting shares of The Woodstown National Bank & Trust Company, Woodstown, New Jersey.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *The Colonial BancGroup, Inc.*, Montgomery, Alabama; to merge with Shamrock Holding, Inc., Evergreen, Alabama, and thereby indirectly acquire The Union Bank, Evergreen, Alabama.

C. Federal Reserve Bank of Minneapolis (Karen L. Grandstrand, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *BankWest Financial*, Kalispell, Montana; to become a bank holding company by acquiring 100 percent of the voting shares of BankWest, National Association, Kalispell, Montana.

Board of Governors of the Federal Reserve System, December 19, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-32741 Filed 12-24-96; 8:45 am]

BILLING CODE 6210-01-F

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act, including whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue