to speak and outlines of oral comments should be received by Tuesday, June 21, 1994

The location of the public hearing has changed. The hearing is being held in room 2615 on Thursday, January 4, 1996, beginning at 10:00 a.m. The requests to speak and outlines of oral comments should be received by Thursday, December 14, 1995. Because of controlled access restrictions, attenders cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

Copies of the agenda are available free of charge at the hearing.

Michael L. Slaughter,

Acting Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

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## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## 29 CFR Part 1602

## Elementary-Secondary Staff Information Report EEO-5

**AGENCY:** Equal Employment Opportunity Commission. **ACTION:** Proposed rule.

**SUMMARY:** The Equal Employment Opportunity Commission (EEOC) has voted to discontinue the requirement for filing he Elementary-Secondary Staff Information Report EEO-5 for individual schools and annexes within school systems or districts. This proposed rule amends the school filing requirement in subpart M of 29 CFR Part 1602. The recordkeeping requirements for elementary and secondary public school systems and districts, including individual schools and annexes, remain unchanged. This action is being taken in the interest of streamlining the survey process and reducing the burden on respondents, while maintaining sufficient data to meet the EEOC's program needs. The change is planned to become effective beginning with the 1996 EEO-5 survey.

**DATES:** Written comments on this proposed rule must be submitted on or before February 6, 1996.

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) 663-4077 (TDD). (These are not toll-free numbers.) Copies of comments submitted by the public will be available for review at the EEOC's library, Room 6502, 1801 L Street, NW., Washington, DC between the hours of 9:30 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Joachim Neckere, Director, Program Research and Surveys Division, at (202) 663–4958 (voice) or (202) 663–7063 (TDD).

**SUPPLEMENTARY INFORMATION: 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 been 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 requirements for various kinds of employers. Elementary and secondary public school systems and districts have been required to submit EEO-5 reports to the EEOC since 1974 (biennially in even numbered years since 1982). Two types of EEO-5 reports have been used: EEOC Form 168A, covering the entire public school system or district; and EEOC Form 168B, covering each individual school and annex within the system or district.

EEO-5 data are used by the EEOC to investigate charges of employment discrimination against elementary and secondary public school systems and districts. The data are used to support EEOC decisions and conciliations, and in systemic program activities. The data also enhance the Commission's ability to perform research, analysis, technical assistance, and public education. In addition, data are shared with the Department of Education (Office for Civil Rights and the National Center for Education Statistics) and the Department of Justice. EEO-5 data also are shared with approximately 23 state and 56 local Fair Employment Practice Agencies.

On October 5, 1995, the EEOC voted to discontinue the EEO-5 Report 168B for individual schools and annexes. The primary reason for the discontinuance

of the reporting requirement for individual schools is to reduce the reporting burden on respondents and to streamline the collection of information required for enforcement purposes. The recordkeeping requirements of subpart L of 29 CFR 1602, however, remain in effect and unchanged.

## Paperwork Reduction Act

This action will result in a reduced expense and reporting burden for school systems and districts as required under the Paperwork Reduction Act of 1995, 44 U.S.C. 3502(1). The reporting burden for this collection is based upon an average estimate per response and takes into consideration the large number of school systems and districts that submit their reports on diskettes or magnetic tapes. Burden hours for any particular school system or district may differ from this average estimate depending on the accessibility of information and the degree of automation. The burden estimate includes the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data, and completing and reviewing the collection of information. Public comments on the accuracy of the burden estimates as well as suggestions for further reducing the burden are welcome. The EEOC has encouraged and will continue to encourage the use of magnetic media (diskettes, computer tapes, etc.) as a means of submitting information on the EEO-5 report.

- (1) Type of review: Extension (Discontinuance of individual school reports).
- (2) Agency: Equal Employment Opportunity Commission.
- (3) Title: Elementary-Secondary Staff Information (EEO-5).
  - (4) OMB Number: 0346-0003.
  - (5) Frequency: Biennially.
- (6) Affected Public: State and Local Government.
  - (7) Number of Respondents: 5,000.
- (8) Estimated Time Per Respondent: 5 Hours during a survey year.

(9) Total Burden Hours: 25,000 Hours. The Office of Management and Budget (OMB) approval of the current EEO–5 collection of information, OMB Control Number 0346–0003, will expire on January 31, 1996. In order to comply with new information collection clearance procedures that OMB has instituted pursuant to the act, set forth at 29 CFR 1320.8, .9, and .11, the EEOC has obtained a 90 day extension of the current OMB collection approval in which to notice the proposed change in the EEO–5 collection and also to notice the extension.