

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Parts 60-1 and 60-999

RIN 1215-AA01

Government Contractors, Affirmative Action Requirements, Executive Order 11246; Approval of Information Collection Requirements and OMB Control Numbers; Correction**AGENCY:** Office of Federal Contract Compliance Programs (OFCCP), Labor.**ACTION:** Final rule; technical amendments.

SUMMARY: This document informs the public that the Office of Management and Budget (OMB) has approved, under the Paperwork Reduction Act of 1995 (PRA), the collection of information requirements contained in the OFCCP rule published on August 19, 1997, which revised a limited number of regulations implementing Executive Order 11246 (62 FR 44174). OMB has approved of these revisions under existing PRA control numbers and this document makes a ministerial, technical amendment to the OFCCP table displaying all control numbers for collections of information in OFCCP rules. Today's publication also makes other minor typographical and technical corrections to the regulations implementing Executive Order 11246.

EFFECTIVE DATE: This document is effective December 22, 1997. Information collection requirements contained in the final rule published at 62 FR 44174 are effective December 22, 1997.

FOR FURTHER INFORMATION CONTACT: James I. Melvin, Director, Division of Policy, Planning, and Program Development, Office of Federal Contract Compliance Programs, Room N-3424, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Telephone: (202) 219-9430 (voice), 1-800-326-2577 (TDD). Copies of this document in alternate formats may be obtained by calling OFCCP at (202) 219-9368 (voice) or 1-800-326-2577 (TDD). The alternate formats available are large print, electronic file on computer disk and audio-tape. This document also is available on the Internet at <http://www.dol.gov/dol/esa>.

SUPPLEMENTARY INFORMATION:**Paperwork Reduction Act Approval**

On August 19, 1997, OFCCP published a final rule revising its regulations implementing Executive

Order 11246, as amended, which prohibits all nonexempt Government contractors and subcontractors, and federally assisted construction contractors and subcontractors, from discriminating in employment. The Executive Order also requires these contractors to take affirmative action to ensure that employees and applicants are treated without regard to race, color, religion, sex, and national origin.

OFCCP reviewed the collection of information aspects of the rule in accordance with the PRA and OMB implementing regulations published at 5 CFR part 1320 (62 FR 44187-88). OFCCP believes that the rule will not result in an increase in paperwork burdens from what was previously required by the OFCCP regulations. In accordance with the PRA, OFCCP submitted to OMB the information collection requirements contained in the rule. On October 16, 1997, OMB approved the information collection requirements in the rule as revisions to existing PRA control numbers 1215-0072 (Supply and Service) and 1215-0163 (Construction).

In accordance with OMB recommendations, 5 CFR 1320.3(f)(3), OFCCP publishes a single table in 41 CFR part 60-999 that lists the OMB-assigned control numbers for information collection requirements contained in OFCCP rules. This document makes a ministerial, technical amendment to the table published at 41 CFR 60-999.2. The table is updated to reflect the deletion of 41 CFR part 60-60 from the regulations.

Corrections to Part 60-1

This document makes a technical correction to 41 CFR 60-1.7(a)(1) regarding the deadline for filing Standard Form 100 ("EEO-1"), which is published jointly by OFCCP and the Equal Employment Opportunity Commission (EEOC). Certain larger contractors are required to file an EEO-1 annually. Currently, § 60-1.7(a)(1) states that the EEO-1 filing deadline is on or before March 31 of each year. In 1991, however, the EEO-1 filing deadline was changed to September 30 of each year. EEOC amended its regulations to change the EEO-1 filing deadline to September 30. 29 CFR 1602.7; 56 FR 35753, 35754-55 (July 26, 1991). The instructional materials accompanying the forms, which have been approved by OMB under the PRA (control number 3046-0007), state that the filing deadline is September 30. Accordingly, a ministerial correction is made to § 60-1.7(a)(1) to reflect the September 30 EEO-1 annual filing deadline.

This document also makes a ministerial correction to 41 CFR 60-1.12(d) to reflect the appropriate effective date for the record retention requirements in § 60-1.12 that were issued on August 19, 1997, at 62 FR 44189. Section 60-1.12(d) listed September 18, 1997, as the effective date of the § 60-1.12 record retention rules. September 18, 1997, was the general effective date for the rules issued by OFCCP on August 19, 1997. However, as OFCCP stated in the preamble to those rules at 62 FR 44187, the new § 60-1.12 record retention provisions were not to be effective until approved by OMB under the PRA and until OFCCP displayed valid OMB control numbers. Consequently, because today's document announces the OMB approval of the record retention provisions under the PRA and displays the valid control numbers, § 60-1.12(d) is corrected to state that today's date is the effective date of § 60-1.12.

Today's publication also replaces the word "Director" throughout Part 60-1 with the words "Deputy Assistant Secretary" to reflect the current title of the head of OFCCP. The Part 60-1 final rule substituted the title of "Deputy Assistant Secretary" for the title "Director" in the definition section of the rule and in the regulatory sections amended on August 19, 1997. Today's document makes this non-substantive nomenclature change uniform throughout Part 60-1.

In addition, today's publication makes a number of other minor, typographical corrections to 41 CFR 60-1.3, 1.12, 1.26, and 1.42. These changes correct spelling, capitalization and punctuation errors.

Regulatory Analyses and Procedures*Administrative Procedure Act (APA)*

This final rule makes minor technical and correcting amendments to 41 CFR parts 60-1 and 60-999. Because the amendments in this document are ministerial and non-substantive, the APA requirements that rule changes be published in proposed form and have a delayed effective date are unnecessary and would serve no useful purpose. Therefore, in accordance with the APA, 5 U.S.C. 553 (b)(3)(B) and (d)(3), good cause exists to waive notice of proposed rulemaking and the delayed effective date.

Executive Order 12866

This final rule is not a significant regulatory action as defined in Executive Order 12866, and therefore a regulatory impact analysis is not required.

Regulatory Flexibility Act (RFA)

This final rule will not change existing obligations for Federal contractors. Consequently, under the RFA, as amended, 5 U.S.C. 605(b), it is certified that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act

This final rule does not include any Federal mandate that may result in the expenditure by state, local and tribal governments in the aggregate, or by the private sector, of \$100,000,000 or more in any one year.

List of Subjects**41 CFR Part 60-1**

Administrative practice and procedure, Civil rights, Employment, Equal employment opportunity, Government contracts, Government procurement, Investigations, Reporting and recordkeeping requirements.

41 CFR Part 60-999

Reporting and recordkeeping requirements, Paperwork Reduction Act, OMB control numbers.

Signed at Washington, D.C. this 15th day of December 1997.

Bernard E. Anderson,

Assistant Secretary for Employment Standards.

Shirley J. Wilcher,

Deputy Assistant Secretary for Federal Contract Compliance.

For the reasons stated above, 41 CFR parts 60-1 and 60-999 are revised to read as follows:

PART 60-1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

1. The authority citation for part 60-1 continues to read as follows:

Authority: Sec. 201, E.O. 11246 (30 FR 12319), as amended by E.O. 11375 (32 FR 14303) and E.O. 12086 (43 FR 46501).

2. In part 60-1 remove the word "Director" and add, in its place, the words "Deputy Assistant Secretary" in the following sections:

- (a) Section 60-1.2 (in two places);
- (b) Section 60-1.4(d);
- (c) Section 60-1.5 (b)(1) (in two places), (b)(2), (c), and (d);
- (d) Section 60-1.7 (a)(2) (in two places), (a)(3) (in two places), (a)(4), (b)(1), and (b)(2) (in two places);
- (e) Section 60-1.9. (a), (b), (c), and (d) (in two places);
- (f) Section 60-1.10;
- (g) Section 60-1.21;
- (h) Section 60-1.23(b);
- (i) Section 60-1.24 (c)(3), (c)(4), (c)(5), (d) heading, (d)(1), and (d)(2);
- (j) Section 60-1.25 heading, and in the text (in four places);
- (k) Section 60-1.28;
- (l) Section 60-1.29(a) (in three places), and (b) (in two places);
- (m) Section 60-1.40(c);
- (n) Section 60-1.41(b); and
- (o) Section 60-1.46 heading, and in the text (in two places).

§ 60-1.3 [Amended]

3. In § 60-1.3, under the definition of the term "Minority group", the word "perspective" is revised to read "prospective"; under the definition of "Subcontract", in paragraph (2), the second "of" is revised to read "or"; and under the definition of "Subcontractor", the work "Firsttier" is revised to read "first-tier".

§ 60-1.7 [Amended]

4. In § 60-1.7(a)(1), the date "the 31st day of March" is revised to read "September 30".

§ 60-1.12 [Amended]

5. In § 60-1.12, in paragraph (a), in the fifth sentence, the word "compliant" is revised to read "complaint"; and in paragraph (d), the date "September 18, 1997" is revised to read "December 22, 1997".

§ 60-1.26 [Amended]

6. In § 60-1.26(a)(1)(vii), (c)(1) and (c)(3), all references to "Chapter" are revised to read "chapter".

§ 60-1.42 [Amended]

7. In § 60-1.42(a), remove the comma after the zip code "20507" and add, in its place, a double-spaced blank line before the remaining text of the paragraph.

PART 60-999—OMB CONTROL NUMBERS FOR OFCCP INFORMATION COLLECTION REQUIREMENTS

8. The authority citation for 41 CFR part 60-999 continues to read as follows:

Authority: 44 U.S.C. Ch. 35.

9. The table in § 60-999.2 is revised to read as follows:

§ 60-999.2 Display.

41 CFR Part where the information collection requirement is located	Current OMB control No.
Part 60-1	1215-0072, 1215-0131, 1215-0163.
Part 60-2	1215-0072.
Part 60-3	3046-0017.
Part 60-4	1215-0163.
Part 60-20	1215-0072, 1215-0163.
Part 60-30	1215-0072, 1215-0163.
Part 60-40	1215-0072, 1215-0163.
Part 60-50	1215-0072, 1215-0163.
Part 60-250	1215-0072, 1215-0131, 1215-0163.
Part 60-741	1215-0072, 1215-0131, 1215-0163.

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