

PART 42—NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND PROCEDURES

Subpart H—Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Financial Assistance

8. The authority citation for Part 42, Subpart H is revised to read as follows:

Authority: E.O. 12250, 45 FR 72995, 3 CFR, 1980 Comp., p. 298; E.O. 12067, 43 FR 28967, 3 CFR, 1978 Comp., p. 206.

§ 42.605 [Corrected]

9. In § 42.605, paragraphs (e)(i) and (e)(ii) are redesignated as paragraphs (e)(1) and (e)(2) respectively.

PART 46—PROTECTION OF HUMAN SUBJECTS

10. The authority citation for Part 46 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509–510; 42 U.S.C. 300v–1(b).

§ 46.120 [Corrected]

11. In § 46.120, the undesignated paragraph is designated as paragraph (a).

Dated: June 24, 1996.

Rosemary Hart,

Federal Register Liaison Officer.

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DEPARTMENT OF LABOR

Office of the Secretary of Labor

29 CFR Part 56

Work Incentive (WIN) Programs for AFDC Recipients; Removal of Obsolete Work Program Regulations

AGENCY: Office of the Secretary of Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor is removing obsolete provisions from the Code of Federal Regulations. These provisions involve work program activities under the Work Incentive (WIN) Programs, which were superseded when State welfare agencies began their Job Opportunities and Basic Skills (JOBS) Programs in 1989–1990.

EFFECTIVE DATE: June 28, 1996.

FOR FURTHER INFORMATION CONTACT:

Terence Finegan, Director, Division of Policy, Legislation, and Dissemination, Employment and Training Administration, 200 Constitution Avenue NW., Room N5637, Washington, D.C. 20210; tel. (202) 219–7669 x126 (this is not a toll-free call).

SUPPLEMENTARY INFORMATION: In September 1993, the President issued Executive Order 12866, which called for Federal regulations which were less burdensome, more effective, and more consistent with Administration priorities. In response, the Department of Labor (DOL or the Department) published a notice in the Federal Register providing a plan for periodic review of existing rules and soliciting ideas. 59 FR 57800 (November 14, 1994).

In March 1995, the President issued a new directive to federal agencies regarding their responsibilities under his Regulatory Reinvention Initiative. This initiative is part of the National Performance Review and calls for more immediate, comprehensive regulatory reform. The President directed all agencies to undertake an exhaustive review of all their regulations with and eye towards eliminating or modifying those that are obsolete or which are otherwise in need of reform. This notice represents a step in the DOL's response to this directive.

Work Programs

Under the Family Support Act of 1988, Pub. L. 100–485, Congress created the Job Opportunities and Basic Skills (JOBS) program to improve the job prospects of welfare recipients and help them become self-sufficient. It required States to begin operating their JOBS programs by October 1, 1990. If a State began operating its JOBS programs sooner, the regulations governing the separate work programs authorized under parts A and C of title IV of the Social Security Act—i.e., the Work Incentive (WIN) program; the Work Incentive Demonstration (WIN Demo) program; the Community Work Experience Program (CWEP); the Work Supplementation Program; and the Employment Search Program—became inapplicable at the start of the JOBS program. Nationwide, these programs were repealed as of October 1, 1990. Thus, the regulations which governed these programs are obsolete.

On May 17, 1995, the Administration for Children and Families of the Department of Health and Human Services (HHS) published in the Federal Register a final rule that removed, among others, the regulations at 45 CFR part 224, addressing HHS's administrative responsibilities for the WIN program. 60 FR 26373 (May 17, 1995). Because the WIN program was jointly administered by HHS and DOL, the HHS provisions at 45 CFR part 224 were identical to those contained at 29 CFR part 56, issued by DOL.

Accordingly, this notice removes part 56, governing the WIN program, from title 29.

Publication in Final

The Department of Labor has determined, pursuant to 5 U.S.C. 553(b)(B), that good cause exists for waiving the public comment on this rule. Publication of a proposed rule and solicitation of comments would be neither necessary nor fruitful, since this final rule affects only obsolete provisions and programs.

Effective Date

The Department has determined, pursuant to 5 U.S.C. 553(d)(3), that good cause exists for waiving the customary requirement to delay the effective date of a final rule for 30 days following its publication. It is unnecessary to postpone the effective date, since none of the provisions being removed are in effect, and no time for implementation is required. Therefore, this final rule is effective immediately upon publication.

Statutory Authority

DOL is publishing these rules under the general authority provided under section 1102 of the Social Security Act, 42 U.S.C. § 1302. This section requires publication of regulations that may be necessary for the efficient administration of the functions under the Social Security Act.

Regulatory Procedures—Executive Order 12866

This final rule has been reviewed by DOL pursuant to Executive Order 12866. Executive Order 12866 requires that regulations be reviewed for consistency with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles. Specifically, it responds directly to the President's Regulatory Reinvention Initiative by cutting obsolete regulations. It entails no increase in cost or burden on State and local governments or other entities. It is not a significant regulatory action under the Executive Order.

Small Business Regulatory Enforcement Fairness Act

The Department has determined that this final rule is not a "major rule" requiring prior approval by the Congress and the President pursuant to the Small Business Reduction Regulatory Fairness Act of 1996 (5 U.S.C. § 801 *et seq.*), because it is not likely to result in (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for

consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

Further, since DOL has determined, for good cause, that publication of a proposed rule and solicitation of comments on this rule removing the WIN regulations from 29 CFR would be neither necessary nor fruitful, under section 808(2) of title 5 U.S.C., this final rule is effective immediately upon publication as stated in this notice.

Regulatory Flexibility Act

Consistent with the Regulatory Flexibility Act (Pub. L. 96-354), which requires the Federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses and other small entities, the Department certifies that this rule has no significant effect on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

This regulation contains no information collection requirements which are subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. § 3500 *et seq.*).

List of Subjects in 29 CFR Part 56

Administrative practice and procedure, Grant programs—social programs, Reporting and recordkeeping requirements, Work Incentive (WIN) Programs.

Signed at Washington, DC, this 24th day of June.

Robert B. Reich,
Secretary of Labor.

Accordingly, subtitle A of title 29 of the Code of Federal Regulations is amended, under the authority of section 1102 of the Social Security Act, by removing part 56.

PART 56—[REMOVED]

[FR Doc. 96-16514 Filed 6-27-96; 8:45 am]

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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: Final rule.

SUMMARY: This final rule is based on a Notice of Proposed Rulemaking ("NPRM") published on December 8, 1995. It amends the school filing requirement in subpart M of 29 CFR Part 1602, by discontinuing the EEO-5 report (EEOC Form 168B) for individual schools and annexes. The Commission takes this action in order to reduce the reporting burden on respondents and to streamline the collection of information required for enforcement purposes while maintaining sufficient data to meet the Commission's program needs. The recordkeeping requirements in Subpart L of 29 CFR Part 1602 are unchanged.

EFFECTIVE DATE: July 29, 1996.

FOR FURTHER INFORMATION CONTACT: Joachim Neckere, Director, Program Research and Surveys Division, at (202) 663-4958 (voice) or (202) 663-7063 (TDD) (these are not toll free numbers).

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 Commission. Accordingly, the Commission has issued regulations setting 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 Commission 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. On October 5, 1995, the Commission voted to discontinue the EEO-5 report (EEOC Form 168B) for individual schools and annexes. Starting with the 1996 survey year, public school systems and districts will be required to file only EEO-5 reports (EEOC Form 168A) covering the entire school system or district.

The Office of Management and Budget (OMB) approval of the current EEO-5

collection of information, OMB Control Number 3046-0003, expired on January 31, 1996. In order to comply with the new information collection clearance procedures that OMB has instituted pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. 3502(1), and set forth at 29 CFR Parts 1320.8, .9, and .11, the Commission solicited public comment in the Federal Register on December 8, 1995, concerning the proposed change in the EEO-5 collection and the Commission's request for an extension of OMB's approval of the collection. The Commission received three public comments in response to the NPRM. Each comment recommended that the Commission not implement the proposed rule and continue to collect information for individual schools and annexes. We point out that even though the data for individual schools and annexes will not be submitted on survey forms, schools still will be required to keep the same records that they formerly kept at the local level to complete the EEO-5 as a part of the recordkeeping requirements contained in Subpart L of 29 CFR Part 1602. Thus, the information will be available upon request. The Commission has determined that this change not only will substantially reduce reporting burden without reducing overall employment coverage or the number of responding school systems and districts, but that it will be more cost effective for the Commission to request the individual school data when necessary for enforcement purposes than to continue with the current collection.

Regulatory Flexibility Act

This amendment will result in substantially reduced expenses and reporting burdens for public school systems and districts. The Commission also has determined that the elimination of reporting requirements for individual schools and annexes will not adversely affect the utility of the information being collected. Thus, the Commission certifies pursuant to 5 U.S.C. § 605(b), enacted by the Regulatory Flexibility Act, Public Law No. 96-354, that the amendment will not result in significant impact on small employers or other entities because it involves elimination of reporting requirements, and that a regulatory flexibility analysis therefore is not required. The Commission hereby publishes this final rule for public information. The rule appears below.

List of Subjects in 29 CFR Part 1602

Reporting and recordkeeping requirements.