2:93 CV 225 JM, was lodged on April 25, 1996 with the United States District Court for the Northern District of Indiana. The proposed consent decree resolves claims against American Chemical Service, Inc. for penalties and injunctive relief pursuant to Section 309 of the Clean Water Act, 33 U.S.C. § 1319, in connection with wastewater discharges from the American Chemical Service facility in Griffith, Indiana to publicly owned sewers. The proposed consent decree requires American Chemical Service to pay a civil penalty of $59,500 to the United States and $25,500 to the State. In addition, the decree requires American Chemical Service to undertake actions that will bring it into compliance with the effluent limit for toluene prescribed in the industrial discharge permit issued to it by the Hammond Sanitary District.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Sanitary District of Hammond, et al.,* Civil Action No. 2:93 CV 225 JM, and the Department of Justice Reference No. 90–5–1–1–3308A.

The proposed consent decree may be examined at the Office of the United States Attorney, Northern District of Indiana, 1001 Main Street, Suite A, Dyer, Indiana, 46311; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590; and at the Consent Decree Library, 1120 G Street, NE., 4th Floor, Washington, DC 20005, 202–624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $4.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–12774 Filed 5–21–96; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Emergency Review; Comment Request

May 17, 1996.

The Department of Labor has submitted the following (see below) information collection request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (P.L. 104–13, 44 U.S.C. Chapter 35). OMB approval has been requested by May 24, 1996. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa M. O'Malley ((202) 219–5095).

Comments and questions about ICR listed below should be forwarded to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Occupational Safety and Health Administration, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316).

The Office of Management and Budget is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarify of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Agency: Occupational Safety and Health Administration.

Title: Collection of Information from Stakeholders, Pre-proposal, in Safety and Health Program Standard Rulemaking.

OMB Number: None.

Frequency: One-time.

Affected Public: Stakeholders who wish to respond.

Number of Respondents: 150.

Estimated Time Per Respondent: 45 to 90 minutes.

Total Burden Hours: 150.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintaining): None.

Description: This collection of information has been sent to approximately 200 stakeholders attached to a document summarizing the provisions under consideration for OSHA's proposed Safety and Health Program Standard. The collection of information basically seeks to elicit individual stakeholders general comments on whether the document and OSHA's performance to date are reasonable and responsive to stakeholder's concerns and more specific comments on scope and recordkeeping provisions. The purpose of the collection of information is to make OSHA better informed regarding its performance in the pre-proposal stage of this rulemaking and regarding remaining major concerns of stakeholders, in order for OSHA to set an appropriate agenda for upcoming stakeholder meetings.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 96–12845 Filed 5–21–96; 8:45 am]

BILLING CODE 4510–26–M

Office of the Secretary

Senior Executive Service; Appointment of a Member to the Performance Review Board

Title 5 U.S.C. 4314(c)(4) provides that Notice of the appointment of an individual to serve as a member of the Performance Review Board of the Senior Executive Service shall be published in the Federal Register.

The following individual is hereby appointed to a three-year term on the Department's Performance Review Board:

Cynthia A. Metzler

For Further Information Contact: Mr. Larry K. Goodwin, Director of Human Resources, Room C5526, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone: (202) 219–6551.

Signed at Washington, D.C., this 17th day of May, 1996.

Robert B. Reich,

Secretary of Labor.

[FR Doc. 96–12862 Filed 5–21–96; 8:45 am]

BILLING CODE 4510–23–M

Employment and Training Administration

Federal-State Unemployment Compensation Program: Unemployment Insurance Program Letters Interpreting Federal Unemployment Insurance Law

The Employment and Training Administration interprets Federal law requirements pertaining to unemployment compensation as part of its role in the administration of the Federal-State unemployment compensation program. These interpretations are issued in Unemployment Insurance Program Letters (UIPLs) to the State Employment Security Agencies (SESAs). The UIPL described below is published in the Federal Register in order to inform the public.

UIPL 14–96

Several States have requested guidance concerning the Federal requirements for experience rating as they relate to Indian tribes. In order to assure consistent treatment of Indian tribes by the States, this UIPL sets forth the applicable Federal law and the Department of Labor's interpretation of the law. This UIPL was developed with the assistance and advice of the Internal Revenue Service.

Dated: May 16, 1996.

Timothy M. Barnicle,

Assistant Secretary of Labor.

Classification: UI
Correspondence Symbol: TEURL

Date: April 12, 1996.

Directive: Unemployment Insurance Program Letter No. 14–96.

To: All State Employment Security Agencies.

From: Mary Ann Wyrsch, Director, Unemployment Insurance Service.

Subject: Experience Rating of Indian Tribes.

1. *Purpose.* To advise States of the application of the experience rating requirements of Federal law to Indian tribes.

2. *References.* Sections 501, 1402(a)(15), 3301–3310 (the Federal Unemployment Tax Act (FUTA)), 7701(a), 7871, and 7873(a)(2) of the Internal Revenue Code (IRC); 25 U.S.C. Sections 450b and 479; Revenue Rulings 56–110, 59–354, 68–493 and 85–194; and Unemployment Insurance Program Letters (UIPLs) 29–83, 29–83, Change 1, 12–87 and 24–89.

3. *Background.* It is the Department's position that the granting of reimbursement status to Indian tribes liable for the Federal unemployment tax is consistent with the experience rating requirements of Section 3303(a)(1), FUTA. However, some States have nevertheless granted such Indian tribes reimbursement status. Although congressional action has been anticipated on this matter for a considerable time, it does not appear to be forthcoming. Therefore, the Department is issuing this UIPL to assure consistent treatment of tribes for experience rating purposes. This UIPL also contains a discussion concerning State jurisdiction over the tribes.

Rescissions: None.
Expiration Date: April 30, 1997.

Unless greater specificity is required, this UIPL will use the term ''tribe'' to describe the Indian tribe, its tribal government as well as other tribal governmental entities and tribal business enterprises. Section 7701(a)(40)(A) of the IRC defines the term ''Indian tribal government'' to mean ''the governing body of any tribe, band, community, village, or group of Indians, or (if applicable) Alaska natives, which is determined by the Secretary [of the Treasury], after consultation with the Secretary of the Interior, to exercise governmental functions.'' Tribal governments, usually called ''tribal councils,'' frequently operate business enterprises. ''Tribe'' is not defined in the IRC. For purposes of the Indian Self-Determination and Education Assistance Act, a tribe is defined as ''any Indian tribe, band, nation or other organized group or community * * * which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.'' 25 U.S.C. § 450b(e). For purposes of the Indian Reorganization Act, a ''tribe'' refers to ''any Indian tribe, organized band, pueblo, or Indians residing on one reservation.'' 25 U.S.C. § 479.

4. *Federal Law Requirements.* Section 3301, FUTA, imposes an excise tax on every employer (as defined in Section 3306(a)(1), FUTA) with ''respect to having individuals in his employ * * *'' To encourage States to cover these services, Section 3302, FUTA, provides for a ''normal'' and an ''additional'' credit against this tax. Also, as described below, FUTA requires States to cover services performed for certain entities which are not subject to the FUTA tax and to offer such entities a reimbursement option.

As a condition of receiving the additional credit, Section 3303(a)(1), FUTA, requires that State law provide that ''no reduced rate of contributions * * * is permitted to a *person* (or group of persons) * * * except on the basis of his (or their) experience with respect to unemployment or other factors bearing a direct relation to unemployment risk.'' (Emphasis added.) Therefore, except as explained below, if an entity is a ''person,'' that entity may be assigned a reduced rate only on the basis of its experience or other factors bearing a direct relation to unemployment risk (hereafter ''experience''). If a ''person'' is assigned a rate that is not based on experience, the State's assignment of rates will conflict with Federal law requirements and all employers in the State will lose the additional credit against the FUTA tax.

To determine if an entity is a ''person,'' States may rely on the entity's FUTA tax status. Section 3306(a)(12), FUTA, defines the term ''employer'' as, in part, ''any person * * *.'' Only ''employers'' are liable for the FUTA tax (Section 3301, FUTA). Thus, any entity determined by the IRS to be an employer subject to and liable for the FUTA tax is a ''person'' which must be experience rated.

However, since the term ''person'' is broader than the term ''employer,'' it is possible for an entity to be a ''person'' even though it is not liable for the FUTA tax. One way this will happen is if all the services performed for a ''person'' are excluded from the definition of ''employment'' in Section 3306, FUTA. Two of these exclusions are described in paragraphs (7) and (8) of Section 3306(c):

(7) service performed in the employ of a State, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more States or political subdivisions; and any service performed in the employ of any instrumentality of one or more States or political subdivisions to the extent that the instrumentality is, with respect to such service, immune under the Constitution of the United States from the tax imposed by section 3301;

(8) service performed in the employ of a religious, charitable, educational or other organization described in section 501(c)(3) which is exempt from income tax under section 501(a).

Since these State and local governmental entities and nonprofit organizations are not subject to the FUTA tax, the principal incentive for requiring State unemployment compensation (UC) coverage—the receipt of the tax credits against the FUTA tax for the individual employer—is absent. Sections 3304(a)(6) and 3309, FUTA, therefore, require, as a condition for all employers in a State to receive credit against the FUTA tax, that the State cover these services. These sections further require that States extend the option to make ''payments (in lieu of contributions),'' commonly called reimbursements, based on these services. The only way a ''person'' can qualify for reimbursing status under a State law without conflicting with Federal law is by meeting one of these two exclusions.

Providing reimbursement status is viewed by the Department as assigning a zero rate to the ''person'' because no prospective liability is created. (Similarly, assigning no rate is viewed as assigning a zero rate.) Unless the ''person'' qualified for reimbursement status as discussed in the preceding paragraph, a conflict with Section 3303(a)(1), FUTA, would exist since the zero rate would not be based on experience. In addition, such a zero rate would not be based on the three years of experience immediately preceding the computation date and ''persons'' would not receive rates based on the same factors over the same period of time. (A discussion of these experience rating requirements is found in UIPL 29–83 and its Change 1.)

5. *Status of Tribes under Federal Law.* It is well established that the IRS and the courts consider tribes to be ''persons'' for Federal tax purposes. The term ''person'' is define in Section 7701(a)(1), IRC, ''to mean and include an individual, a trust, estate, partnership, association, company or corporation.'' IRS Revenue Ruling 85–194 addressed whether an Indian tribal

government was a ''person.'' That ruling held that the definition of ''person'' in Section 7701(a)(1), IRC, ''is sufficiently broad to include a governmental body.'' *See Ohio* v. *Helvering,* 292 U.S. 360 (1934). Therefore, the tribal government was a ''person.'' The fact that tribes may perform governmental functions does not, therefore, form a basis for excepting them from the definition of ''person.'' In fact, in cases where they are subject to the FUTA tax, they are plainly ''persons'' under Federal law since only ''persons'' are subject to this tax.

In Revenue Ruling 56–110, the IRS determined that a business enterprise operated by a tribe is not an instrumentality wholly-owned by the United States and, therefore, is liable for the FUTA tax. Revenue Ruling 59–354 held that a tribal council is liable for FUTA taxes for employees of the council and employees of tribal council business enterprises. Revenue Ruling 68–493 held that services performed by an Indian employee are not excepted from the FUTA definition of employment merely because the Indian is a ward of the United States.

Courts have upheld the IRS position that tribes are subject to FUTA. *See Matter of Cabazon Indian Casino,* 57 B.R. 398 (Bankr. 9th Cir. 1986), and *Washoe Tribes* v. *United States,* 79–2 U.S. Tax Cas. (CCH) P97189. Also, *Confederated Tribes of Warm Springs Reservation* v. *Kurtz,* 691 F.2d 878 (9th Cir. 1982), established that tribes are liable for Federal excise taxes. Under Section 3301, FUTA, the FUTA tax is specifically defined as an excise tax.

The FUTA liability of tribes is confirmed by the fact that two special provisions were deemed necessary to exempt certain tribal services from the FUTA tax. First, an amnesty provision was created in 1986 to exempt service in the employ of ''a qualified Indian entity'' from the FUTA tax for a specific period during which the entity (that is, the tribe) was not covered by a State UC program. See UIPL 12–87. Second, Section 1402(a)(15) and 7873(a)(2) were added to the IRC in 1988 to exclude from the FUTA tax services ''performed in a fishing rights-related activity of an Indian tribe by a member of such tribe for another member of such tribe or for a qualified Indian entity.'' See UIPL 24–89.

Even though tribes perform governmental functions, this does not mean that a tribe may be treated as a governmental entity for FUTA purposes. In fact, in Section 7871, IRC, Congress has clearly delineated those situations where a tribe may be treated as a State for Federal tax purposes. These purposes do not include the FUTA tax.[1] The FUTA governmental exclusion in Section 3306(c)(7) applies only to State governments or ''political subdividisons thereof.'' In the attached correspondence, the IRS has confirmed that, even where tribes are considered to be political subdivisions or agencies of a State under State law, the tribes remain subject to the FUTA tax in the same way as other private employers. (The IRS further stated that tribes would likely not be allowed a credit against the FUTA tax for any reimbursements made to a State's unemployment fund.) A State may, for UC purposes, treat a tribe as a Section 3306(c)(7), FUTA, entity only if the tribe is in fact such an entity under Federal law. Merely designating a tribe as a governmental entity under State UC law is not sufficient; the tribe must be a Section 3306(c)(7) entity in all respects. The term ''polical subdivision'' is a Federal law term; it is not affected by the State's use of that term.

In sum, if a tribe is subject to the FUTA tax, it is a ''person.'' This tribe is not a governmental entity described in Section 3306(c)(7) since such entities are exempt from the FUTA tax. The State may not give this tribe reimbursable status and may assign it a reduced rate only on the basis of its experience.

6. *Status of Tribes under State Law—Jurisdictional Issues.* The provisions of FUTA relating to taxable services do not require a State to cover these services for UC purposes. Instead, coverage is encouraged by granting employers credit against the FUTA tax for contributions paid on services covered under State law. Since States have limited jurisdictional rights over tribes or activities on reservations, State UC coverage has not always been extended to the tribes. In some States, the continuation of coverage for tribal services is conditioned on the tribe's payment of its UC benefit costs. If tribes are not covered under State law, then they will not be eligible for any credit against the FUTA tax.

A leading State court decision on this jurisdictional matter is *Employment Security Department* v. *the Cheyenne River Sioux Tribe,* 119 N.W.2d 285 (S.D. 1963). In this case, South Dakota sought to collect from a tribe contributions owed to the State's UC fund. The *Cheyenne* Court noted that the tribal authority in certain areas results in the existence of three forms of government within the geographical confines of the State: the United States of America, the State itself and Indian tribes. In concluding that the Cheyenne River Sioux Tribe was immune from suit, the Court decided that ''unless Congress enacts a statute authorizing, or consenting to, actions to enforce the claimed liability, the courts of this state have no jurisdiction of the Tribe in this civil action.''

The United States Supreme Court has confirmed the States' limited jurisdiction over tribes. In *Bryan* v. *Itasca County,* 426 U.S. 373, 96 S.Ct. 2102 (1976), the Court held that States may not impose a tax, in this case a personal property tax, on Indians living on reservations without the consent of Congress. In *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143, 100 S.Ct. 2578, 2583 (1980), the Court held that States could not impose taxes on a non-tribal company operating on a reservation. The *White Mountain* opinion provided a useful summary concerning the status of tribes:

The status of the tribes has been described as '' 'an anomalous one and of complex character,' '' for despite their partial assimilation into American culture, the tribes have retained '' 'a semi-independent position . . . not as States, not as nations, not as possessed of the full attributes of sovereignty, but as a separate people, with the power of regulating their internal and social relations, and thus far not brought under the laws of the Union or the State within whose limits they resided.' '' [Citations omitted.]

At least one State mandates UC coverage of tribes on the basis that, through Section 3305(d), FUTA, Congress has provided States with the authority to cover services on lands held in trust for the tribes by the Federal government. That section provides that ''[n]o person shall be relieved from compliance with a State unemployment compensation law on the ground that services were performed on land or premises owned, held, or possessed by the United States, and any State shall have full jurisdiction and power to enforce the provisions of such law to the same extent and with the same effect as though such place were not owned, held, or possessed by the United States.'' The Department has not, however, taken a position on this.

In short, States have limited jurisdictional authority to impose or collect a State UC tax on tribes. However, unless this tax is imposed by the State and paid by the tribes, the tribes receive no credit against the FUTA tax for which they are liable.

7. *Summary.* Although tribes may perform governmental activities, this does not mean that they are not liable for the FUTA tax. In fact, both the IRS and the courts have concluded that tribes are ''persons'' liable for the tax. For employers in a State to receive the additional credit, the State may assign reduced rates to any ''person'' only on the basis of experience. If a State does not assign a rate based on experience to a FUTA liable employer, this experience requirement is not met. Only entities excluded from the FUTA tax under Sections 3306(c) (7) and (8) qualify for reimbursement status. As FUTA liable tribes are not among those entities qualifying for the reimbursement option, they must be assigned a reduced rate only on the basis of experience.

8. *Action Required.* State agencies should assure that, for experience rating purposes,tribes are treated consistent with the Federal law requirements described herein.

9. *Inquiries.* Please direct inquiries to the appropriate Regional Office.

Attachment

Department of the Treasury

Internal Revenue Service

Washington, D.C. 20224

October 10, 1995.

Ms. Mary Ann Wyrsch,
Director, Unemployment Insurance Service, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210

Dear Ms. Wyrsch: This is in response to your letter of August 29, 1995, to Commissioner Richardson requesting our

[1] Section 7871 lists 17 different provisions/chapters of Federal law, including those addressing charitable contributions, accident and health plans, and bonds. Although Section 7871(a)(2) provides that tribes will be treated as States for purposes of four excise taxes, the FUTA tax is not mentioned. (Section 3301, FUTA, describes the FUTA tax as an excise tax.) The legislative history of Section 7871 is clear that the need for legislation arose because ''Indian tribal governments are not treated as State and local governments.'' S. Rep. No. 646, 97th Cong. 2nd. Sess. 8 (1982). Also, see *Cabazon* at 401.

views on the liability of Indian tribes under the Federal Unemployment Tax Act (FUTA). Your letter was forwarded to this office for reply.

You state that the Colorado Employment Security Act has amended their definition of ''Political Subdivision,'' for purposes of the Employment Security Act, to include an Indian tribe organized pursuant to the Indian Reorganization Act of 1934. This amendment confers on Indian tribes in Colorado the option of either paying contributions to the State unemployment fund or reimbursing the State account for the amount of benefits paid based upon service with the Tribe. You question whether this amendment to Colorado law and the fact that tribes have chosen the reimbursement option changes the status of the tribes for purposes of determining the amount of tax due under FUTA. As explained below, it is the position of the Internal Revenue Service that Indian tribes are treated in the same way as private employers. The amendment to Colorado law does not change our position.

In addition you ask whether Indian tribes being treated as political subdivisions of a State are exempt from FUTA. If tribes are being treated as private employers, you also ask whether the FUTA tax is reduced by any reimbursements made by the tribes. While we are unable to comment directly on the Indian tribes in Colorado, we can provide the following general information.

Section 3301 of the Internal Revenue Code imposes on every employer a tax (the FUTA tax) on the total wages (as defined in section 3306(b)) paid by him during the calendar year with respect to employment (as defined in section 3306(c)). Thus, unless the payments are excepted from the term ''wages'' or the services performed by the employee are excepted from the term ''employment'' such payments will be subject to FUTA.

Section 3306(c)(7) provides an exception from the definition of ''employment,'' for purposes of FUTA, for service performed in the employ of a State or political subdivision.

Section 3309 allows States to provide for unemployment coverage for governmental organization under the ''direct reimbursement method.'' Under the direct reimbursement method, a qualifying organization is allowed to obtain state unemployment coverage for its employees by agreeing to reimburse the State for unemployment benefits that are attributable to services performed for the organization. The reimbursement of benefits is in lieu of paying state unemployment tax based on the experience rate of the organization. This provision applies to service which is excluded from the term ''employment'' by reason of section 3306(c)(7), which is service performed in the employ of a State, or political subdivision thereof.

It is the long-standing position of the Service that American Indian tribes are not political subdivisions or agencies of a state for federal employment tax purposes. For purposes of FUTA, Indian tribes and their tribal activities are treated in the same way as private employers. Although section 7871 of the Code provides that an Indian tribal government is a State for certain enumerated Internal Revenue Code purposes, these purposes do not include federal employment taxes. Thus, service for a tribal government does not qualify for the exception from the definition of ''employment'' under section 3306(c)(7). See Rev. Rul. 59–354, 1959–2 C.B. 24 and Rev. Rul. 68–493, 1968–2 C.B. 426 (copies attached).

Section 3302(a)(1) of the Code provides that the taxpayer may, to the extent provided in subsections (a) and (c), credit against the tax imposed by section 3301, the amount of contributions paid by the taxpayer into an unemployment fund maintained during the taxable year under the unemployment compensation law of a State which is certified as provided in section 3304 for the 12-month period ending on October 31 of such year.

As stated above, for purposes of FUTA, Indian tribes and their tribal activities are treated in the same way as private employers. Thus, if a tribe is not contributing to a State unemployment fund, it would be required to pay FUTA at the full rate. Because the reimbursement option under section 3309 is not available to Indian tribes, we have never addressed the question of whether reimbursements made to a State unemployment fund by an Indian tribe would reduce the amount of FUTA tax owed by the tribe. Section 3302(a) allows a credit for *contributions* paid by a taxpayer. Section 3309 allows for reimbursements *in lieu of contributions*. Given this language, it appears that Indian tribes would not be allowed a credit for any reimbursements they made.

We hope this information is helpful. If we can be of further assistance, please contact Jean M. Casey of my staff at (202) 622–6040.

Sincerely yours,

Mary E. Oppenheimer,

Assistant Chief Counsel, Office of the Associate Chief Counsel (Employee Benefits and Exempt Organizations).

[FR Doc. 96–12751 Filed 5–27–96; 8:45 am]

BILLING CODE 4510–30–M

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed revision collection of FECA Medical Report Forms: CA–7, CA–8, CA–16b, CA–20, CA–20a, CA–1090, CA–1303, CA–1305, CA–1306, CA–1314, CA–1316, CA–1331, CA–1332, A–1336, OWCP–5a, OWCP–5b, and OWCP–5c.

A copy of the proposed information collection request can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before July 24, 1996. The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSEE: Mr. Rich Elman, U.S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 219–6375 (this is not a toll-free number), fax 202–219–6592.

SUPPLEMENTARY INFORMATION:

I. Background

Statute 5 USC 8101 et seq. of the Federal Employees' Compensation Act provides for the payment of benefits for wage-loss and/or for permanent payment to a scheduled member, arising out of a work-related injury or disease. The CA–7 and CA–8 request information, allowing the Office of Workers' Compensation Programs to fulfill its statutory requirements for the period of compensation claimed (e.g., the pay rate, dependents, earnings, dual benefits and third party information). The other forms in this proposed revision collection collect medical