

- 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 submission of responses.

*Agency:* Employee Benefits Security Administration.

*Type of Review:* Extension without change of currently approved collection.

*Title:* PTE 88-59—Residential Mortgage Financing Arrangements Involving Employee Benefit Plans.

*OMB Number:* 1210-0095.

*Type of Response:* Recordkeeping and Third party disclosure.

*Affected Public:* Private Sector: Business or other for-profits.

*Estimated Number of Respondents:* 1,785.

*Estimated Number of Annual Responses:* 8,925.

*Estimated Total Burden Hours:* 744.

*Estimated Total Annualized capital/startup costs:* \$0.

*Estimated Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* Prohibited Transaction Exemption (PTE) 88-59 provides an exemption from certain prohibited transaction provisions of the Employment Retirement Income Security Act of 1974 and from certain taxes imposed by the Internal Revenue Code of 1986 for transactions in which an employee benefit plan provides mortgage financing to purchasers of residential dwelling units, provided specified conditions are met. Among other conditions, PTE 88-59 requires that adequate records pertaining to exempted transactions be maintained for the duration of the pertinent loan.

**Darrin A. King,**

*Acting Departmental Clearance Officer.*

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review: Comment Request

February 15, 2007.

The Department of Labor (DOL) has submitted the following public information collection requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). A copy of each ICR, with applicable supporting documentation, may be obtained from RegInfo.gov at <http://www.reginfo.gov/public/do/PRAMain> or by contacting Darrin King on 202-693-4129 (this is not a toll-free number)/e-mail: [king.darrin@dol.gov](mailto:king.darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment Standards Administration (ESA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202-395-7316/Fax: 202-395-6974 (these are not a toll-free numbers), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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 submission of responses.

*Agency:* Employment Standards Administration.

*Type of Review:* Extension without change of currently approved collection.

*Title:* Certification By School Official.

*OMB Number:* 1215-0061.

*Form Number:* CM-981.

*Frequency:* Annually.

*Type of Response:* Reporting.

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 400.

*Estimated Number of Annual Responses:* 400.

*Estimated Average Response Time:* 10 minutes.

*Estimated Total Annual Burden Hours:* 67.

*Total Estimated Annualized capital/startup costs:* \$0.

*Total Estimated Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* CM-981 is completed by a school official to verify whether a Black Lung beneficiary's dependent, aged 18 to 23, qualifies as a full-time student.

*Agency:* Employment Standards Administration.

*Type of Review:* Extension without change of currently approved collection.

*Title:* Davis-Bacon and Related Acts/Contract Work Hours and Safety Standards Act Reporting Requirements—Regulations, 29 CFR part 5.

*OMB Number:* 1215-0140.

*Frequency:* On occasion.

*Type of Response:* Reporting.

*Affected Public:* Business and other for-profit and Federal Government.

*Estimated Number of Respondents:* 3,006.

*Estimated Number of Annual Responses:* 3,006.

*Estimated Average Response Time:* 15 minutes for conformance reports and 1 hour for requests to approve unfunded fringe benefit plans.

*Estimated Total Annual Burden Hours:* 756.

*Total Annualized capital/startup costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$1,263.

*Description:* Regulations 29 CFR Part 5 prescribe labor standards for federally financed and assisted construction contracts subject to the Davis-Bacon Act (DBA), 40 U.S.C. 3141 *et seq.*, the Davis-Bacon Related Acts (DBRA), and labor standards for all contracts subject to the Contract Work Hours and Safety Standards Act (CWHSSA), 40 U.S.C. 3701 *et seq.* The DBA and DBRA require payment of locally prevailing wages and fringe benefits, as determined by the Department of Labor (DOL), to laborers and mechanics on most federally financed or assisted construction projects. See 40 U.S.C. 3142(a) and 29 CFR 5.5(a)(1). The CWHSSA requires the payment of one and one-half times the basic rate of pay for hours worked over forty in a week on most federal contracts involving the employment of

laborers or mechanics. See 40 U.S.C. 3702(c) and 29 CFR 5.5(b)(1). The requirements of this information collection consist of: (A) reports of conformed classifications and wage rates, and (B) requests for approval of unfunded fringe benefit plans.

**A. Conformance Reports (29 CFR 5.5(a)(1)(ii)):** DBA section 1(a) provides that every contract subject to the DBA must contain a provision (a wage determination) stating the minimum wages and fringe benefits to be paid the various classes of laborers and mechanics employed on the contract. See 40 U.S.C. 3141(c)(1) and 29 CFR 5.5(a)(1)(i). This requirement necessitates a method for establishing minimum rates for classes of employees omitted from wage determinations, primarily due to wage data being unavailable; therefore, regulations 29 CFR 5.5(a)(1)(ii) requires that any class

of laborer or mechanic not listed in the wage determination that is to be employed under the contract shall be classified in conformance with the wage determination. A report of the conformance action (or, where there is disagreement among the parties, the questions and views of all parties) shall be submitted through the contracting officer to DOL for review and approval. 29 CFR 5.5(a)(3)(i).

**B. Unfunded Fringe Benefit Plans (29 CFR 5.5(a)(1)(iv)):** The DBA provides that “wages” may include “costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to laborers or mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program.” 40 U.S.C. 3141(2)(B)(ii). Where a benefit plan is not of the conventional type described in the DBA and/or common in the

construction industry that is established under a customary fund or program, it is necessary to determine from the circumstances whether the benefit is bona fide, as required by the DBA; thus, regulations 29 CFR 5.5(a)(1)(iv) provides for contractors to request approval of unfunded fringe benefit plans.

**Agency:** Employment Standards Administration.

**Type of Review:** Extension without change of currently approved collection.

**Title:** Claim for Compensation by Dependents Information Reports.

**OMB Number:** 1215–0155.

**Frequency:** On occasion and Annually.

**Type of Response:** Reporting.

**Affected Public:** Individuals or households.

**Estimated Number of Respondents:** 1,880.

Form/letter	Estimated number of annual responses	Average response time	Estimated annual burden hours
CA-5 .....	150	90	225
CA-5b .....	20	90	30
CA-1031 .....	150	15	37
CA-1074 .....	10	60	10
Student/Dependency .....	1,050	30	525
Comp Due at Death .....	500	30	250
<b>Total</b> .....	<b>1,880</b>		<b>1,077</b>

**Total Annualized capital/startup costs:** \$0.

**Total Annual Costs (operating/maintaining systems or purchasing services):** \$452.

**Description:** These reports request information from the survivors of deceased Federal employees which verify dependents status when making a claim for benefits and on a periodic basis in accepted claims. Some of the forms are used to obtain information on claimed dependents in disability cases.

**Darrin A. King,**

*Acting Departmental Clearance Officer.*

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**BILLING CODE 4510-CN-P**

**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Request for Certification of Compliance—Rural Industrialization Loan and Grant Program**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration is issuing this notice to announce the receipt of a “Certification of Non-Relocation and Market and Capacity Information Report” (Form 4279-2) for the following:

**Applicant/Location:** Hope Lake Investors, LLC/Cortland, New York.

**Principal Product:** The loan, guarantee, or grant application is to finance the building of a hotel with health spa, water park, and restaurant. The NAICS industry codes for this enterprise are: 721110 Hotels (except Casino Hotels) and Motels; 713110 Amusement and Theme Parks; and, 722110 Full-Service Restaurants.

**DATES:** All interested parties may submit comments in writing no later than March 15, 2007. Copies of adverse comments received will be forwarded to the applicant noted above.

**ADDRESSES:** Address all comments concerning this notice to Anthony D. Dais, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW., Room S-4231, Washington, DC 20210; or e-mail [Dais.Anthony@dol.gov](mailto:Dais.Anthony@dol.gov); or transmit via

fax 202-693-3015 (this is not a toll-free number).

**FOR FURTHER INFORMATION CONTACT:** Anthony D. Dais, at telephone number (202) 693-2784 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Section 188 of the Consolidated Farm and Rural Development Act of 1972, as established under 29 CFR part 75, authorizes the United States Department of Agriculture (USDA) to make or guarantee loans or grants to finance industrial and business activities in rural areas. The Secretary of Labor must review the application for financial assistance for the purpose of certifying to the Secretary of Agriculture that the assistance is not calculated, or likely, to result in: (a) A transfer of any employment or business activity from one area to another by the loan applicant’s business operation; or, (b) An increase in the production of goods, materials, services, or facilities in an area where there is not sufficient demand to employ the efficient capacity of existing competitive enterprises unless the financial assistance will not have an adverse impact on existing competitive enterprises in the area. The Employment and Training