

English.<sup>8</sup> Staff therefore projects that approximately 6.5 percent of used car sales will be conducted in Spanish. Dealers will incur the additional burden of completing and displaying a second Buyers Guide in 6.5 percent of sales assuming that dealers choose to comply with the Rule by posting both English and Spanish Buyers Guides. The annual burden hours associated with completing and posting Buyers Guides is 1,737,638 hours (1,022,140 hours for entering data on Buyers Guides plus 715,498 hours for displaying Buyers Guides). Therefore, staff estimates that the additional burden caused by the Rule's requirement that dealers display Spanish language Buyers Guides when conducting sales in Spanish is 112,947 hours (1,737,638 hours × 6.5%). The other components of the annual hours burden, i.e., purchasing Buyers Guides and revising them for changes in warranty coverage, remain unchanged.

*Estimated annual cost burden:*

\$26,301,525 in labor costs and \$4,906,275 in non-labor costs

1. *Labor costs:* Labor costs are derived by applying appropriate hourly cost figures to the burden hours described above. Staff has determined that all of the tasks associated with ordering forms, entering data on Buyers Guides, posting Buyers Guides on vehicles, and revising them as needed, including the corresponding tasks associated with Spanish Buyers Guides, are typically done by clerical or low-level administrative personnel. Using a clerical cost rate of \$13.32 per hour<sup>9</sup> and an estimated burden of 1,974,589 hours for disclosure requirements, the total labor cost burden would be approximately \$26,301,525.

2. *Capital or other non-labor costs:* Although the cost of Buyers Guides can vary considerably, based on industry input staff estimates that the average cost of each Buyers Guide is twenty cents. The estimated cost of Buyers Guides for the 24,531,374 used cars sold by dealers in 2009 is approximately \$4,906,275. In making this estimate, staff conservatively assumes that all

dealers will purchase preprinted forms instead of producing them internally, although dealers may produce them at minimal expense using current office automation technology. Capital and start-up costs associated with the Rule are minimal.

**Christian S. White,**

*Acting General Counsel.*

[FR Doc. 2010-25476 Filed 10-8-10; 8:45 am]

**BILLING CODE 6750-01-P**

## OFFICE OF GOVERNMENT ETHICS

### Updated OGE Senior Executive Service Performance Review Board

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the appointment of members of the updated OGE Senior Executive Service (SES) Performance Review Board.

**DATES:** *Effective Date:* October 12, 2010.

**FOR FURTHER INFORMATION CONTACT:** Don W. Fox, General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917; Telephone: 202-482-9300; TTY: 800-877-8339; FAX: 202-482-9237.

**SUPPLEMENTARY INFORMATION:** 5 U.S.C. 4314(c) requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management at 5 CFR part 430, subpart C and § 430.310 thereof in particular, one or more Senior Executive Service performance review boards. As a small executive branch agency, OGE has just one board. In order to ensure an adequate level of staffing and to avoid a constant series of recusals, the designated members of OGE's SES Performance Review Board are being drawn, as in the past, in large measure from the ranks of other agencies. The board shall review and evaluate the initial appraisal of each OGE senior executive's performance by his or her supervisor, along with any recommendations in each instance to the appointing authority relative to the performance of the senior executive. This notice updates the membership of OGE's SES Performance Review Board as it was most recently published at 73 FR 53250-53251 (September 15, 2008).

Approved: October 5, 2010.

**Robert I. Cusick,**

*Director, Office of Government Ethics.*

The following officials have been appointed as regular members of the

SES Performance Review Board of the Office of Government Ethics:

Don W. Fox [Chair], General Counsel, Office of Government Ethics;  
Daniel L. Koffsky, Special Counsel, Office of Legal Counsel, Department of Justice;

David Maggi, Chief, Ethics Law and Program Division, Office of the Assistant General Counsel for Administration, Department of Commerce; and

Robert A. Shapiro, Associate Solicitor for Legal Counsel, Department of Labor.

[FR Doc. 2010-25580 Filed 10-8-10; 8:45 am]

**BILLING CODE 6345-03-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0135; Docket 2010-0083; Sequence 23]

### Federal Acquisition Regulation; Submission for OMB Review; Prospective Subcontractor Requests for Bonds

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection concerning subcontractor requests for bonds. A notice published in the **Federal Register** at 75 FR 28808 on May 24, 2010 and one comment was received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to

<sup>8</sup> U.S. Census Bureau, Table S1601. Language Spoken at Home. 2008 American Community Survey 1-Year Estimates, available at: [http://factfinder.census.gov/servlet/SSTable?\\_bm=y&-qr\\_name=ACS\\_2008\\_1YR\\_G00\\_S1601&-geo\\_id=01000US&-ds\\_name=ACS\\_2008\\_1YR\\_G00\\_-lang=en&-redoLog=false&-CONTEXT=st](http://factfinder.census.gov/servlet/SSTable?_bm=y&-qr_name=ACS_2008_1YR_G00_S1601&-geo_id=01000US&-ds_name=ACS_2008_1YR_G00_-lang=en&-redoLog=false&-CONTEXT=st). The table indicates that 12.2% of the United States population 5 years or older speaks Spanish or Spanish Creole in the home and 46.7% of these in-home Spanish speakers speak English less than "very well."

<sup>9</sup> The hourly rate is based on Bureau of Labor Statistics estimate of the mean hourly wage for office clerks, general, No. 43-9061. Occupational Employment and Wages, May 2009, available at <http://www.bls.gov/oes/current/oes439061.htm#nat>.

respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Submit comments on or before November 12, 2010.

**ADDRESSES:** Submit comments identified by Information Collection 9000-0135 by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>.

Submit comments via the Federal eRulemaking portal by inputting "Information Collection 9000-0135" under the heading "Enter Keyword or ID" and selecting "Search." Select the link "Submit a Comment" that corresponds with "Information Collection 9000-0135." Follow the instructions provided at the "Submit a Comment" screen. Please include your name, company name (if any), and "Information Collection 9000-0135" on your attached document.

- *Fax:* 202-501-4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, Washington, DC 20405. *Attn:* Hada Flowers/IC 9000-0135.

*Instructions:* Please submit comments only and cite Information Collection 9000-0135, in all correspondence related to this collection. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cecelia L. Davis, Procurement Analyst, Acquisition Policy Division, GSA (202) 219-0202 or e-mail [Cecelia.davis@gsa.gov](mailto:Cecelia.davis@gsa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

Part 28 of the FAR contains guidance related to obtaining financial protection against damages under Government contracts (e.g., use of bonds, bid guarantees, insurance etc.). Part 52 contains the texts of solicitation provisions and contract clauses. These regulations implement a statutory requirement for information to be provided by Federal contractors relating to payment bonds furnished under construction contracts which are subject to the Miller Act (40 U.S.C. 270a-270d). This collection requirement is mandated by Section 806 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Pub. L. 102-190), as amended by Section 2091 of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-335). The clause at 52.228-12, Prospective Subcontractor Requests for Bonds, implements Section 806(a)(3)

of Public Law 102-190, as amended, which specifies that, upon the request of a prospective subcontractor or supplier offering to furnish labor or material for the performance of a construction contract for which a payment bond has been furnished to the United States pursuant to the Miller Act, the contractor shall promptly provide a copy of such payment bond to the requestor.

In conjunction with performance bonds, payment bonds are used in Government construction contracts to secure fulfillment of the contractor's obligations under the contract and to assure that the contractor makes all payments, as required by law, to persons furnishing labor or material in performance of the contract. This regulation provides prospective subcontractors and suppliers a copy of the payment bond furnished by the contractor to the Government for the performance of a Federal construction contract subject to the Miller Act. It is expected that prospective subcontractors and suppliers will use this information to determine whether to contract with that particular prime contractor. This information has been and will continue to be available from the Government. The requirement for contractors to provide a copy of the payment bond upon request to any prospective subcontractor or supplier under the Federal construction contract is contained in Section 806(a)(3) of Public Law 102-190, as amended by Sections 2091 and 8105 of Public Law 103-355.

One comment was received. The commenter expressed support for extending this information collection. The commenter had some concern because subcontractors are not receiving payment bonds from the prime contractor upon request. The Miller Act allows subcontractors to request a copy of the payment bond from the prime contractor. In addition, FAR 28.106-6(d) requires the contracting officer to provide a copy of the payment bond to subcontractors upon request. The commenter recommended that the Government consider creating an online system for prospective subcontractors and suppliers to view and print copies of the payment bond. At this time, the online system is deemed unnecessary because there are other alternatives currently in place to receive this information. As stated earlier, the FAR currently requires the contracting officer to provide to the subcontractor a copy of the payment bond upon request as stated in FAR 28.106(d). The Government is unaware of problems resulting from this option.

**B. Annual Reporting Burden**

*Respondents:* 12,698.

*Responses per Respondent:* 5.

*Total Responses:* 63,490.

*Hours per Response:* .25.

*Total Burden Hours:* 15,872.50.

*Obtaining Copies of Proposals:*

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1800 F Street, NW., Room 4041, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control Number 9000-0135, Prospective Subcontractor Requests for Bonds, in all correspondence.

Dated: October 6, 2010.

**Edward C. Loeb,**

*Director, Acquisition Policy Division.*

[FR Doc. 2010-25649 Filed 10-8-10; 8:45 am]

**BILLING CODE 6820-EP-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**[Document Identifier: OS-0990-New; 30-Day Notice]**

**Agency Information Collection Request. 30-Day Public Comment Request**

**AGENCY:** Office of the Secretary, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to [Shurette.funncoleman@hhs.gov](mailto:Shurette.funncoleman@hhs.gov), or call the Reports Clearance Office on (202) 690-5683. Send written comments and