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Signed at Washington, DC, this 26th day of July 1996.

Philip J. Gloss,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 96-19415 Filed 8-1-96; 8:45 am]

BILLING CODE 4510-27-M

Bureau of Labor Statistics

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 Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the "Report on Employment, Payroll, and Hours (BLS-790)."

A copy of the proposed information collection request (ICR) can be obtained by contacting the individual 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 October 1, 1996.

BLS is particularly interested in comments which help the agency to:

- 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.

ADDRESSES: Send comments to Karin G. Kurz, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue NE., Washington, DC 20212. Ms. Kurz can be reached on 202-606-7628 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Bureau of Labor Statistics has been charged by Congress (29 U.S.C. 1) with the responsibility of collecting and publishing monthly information on employment, the average wage received,

and the hours worked, by area and by industry. The Current Employment Statistics (CES) program produces monthly estimates, hours, and earnings of U.S. nonagricultural establishment payrolls. Information for these estimates is derived from a sample of 391,800 establishments, who each month report their employment, payroll, and hours on forms identified as BLS-790. The estimates produced from the data are fundamental inputs in economic decision processes at all levels of private enterprise, government, and organized labor. The estimates are vital to the calculation of the Gross Domestic Product, the Federal Reserve Board's Index of Industrial Production and the Composite Index of Leading Economic Indicators among others.

The earnings data provide a proxy measure of the cost of labor for the industry detail not available from the Bureau's Employment Cost Index program. The early availability of employment and hours data provide early signals of economic change.

II. Current Actions

BLS has improved methods of collecting the CES. A portion of the CES sample is now collected (about 210,000 establishments) using two automated methods—Computer Assisted Telephone Interviewing (CATI) and Touchtone Data Entry (TDE). These methods have improved the timelines of data collection as well as reduced costs.

Forms have been developed that make it easier for respondents to report data by facsimile transmission ("fax"). These forms lessen reporting burden on large multi-unit reporters by allowing them to report information for several of their establishments on one form each month.

Electronic Data Interchange (EDI) is also used for some very large multi-unit reporters and research into the use of the World Web for data collection has begun.

Type of Review: Revision.

Agency: Bureau of Labor Statistics.

Title: Report on Employment, Payroll, and Hours (BLS-790).

OMB Number: 1220-0011.

Affected Public: State or local governments; businesses or other for-profit; non-profit institutions; small businesses or organizations.

Form	Number of respondents	Frequency of response	Annual responses	Minutes required to complete report	Annual burden hours
BLS 790 BM	400	12	4,800	15	1,200
BLS 790-G, G-S, J-FD	36,400	12	436,800	5	36,400
BLS 790-CU	10	1	45,000	2	1,500

Form	Number of respondents	Frequency of response	Annual responses	Minutes required to complete report	Annual burden hours
BLS 790—Multi	² 30,000	12	360,000	7	42,000
All other BLS—790	³ 325,000	12	3,900,000	7	455,000
Total	391,800	4,746,600	536,100

¹ A subset of current reporters (45,000) receive this "one-time" supplemental form.

² Assumes 3,000 multi-unit firms report by fax for approximately 30,000 establishments.

³ All other BLS—790 forms collect the same information and differ only by industry definitions.

Total Burden Cost (capital/startup):
\$0.

*Total Burden Cost (operating/
maintenance):* \$0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 29th day of July, 1996.

Peter T. Spolarich,
Chief, Division of Management Systems,
Bureau of Labor Statistics.

[FR Doc. 96-19716 Filed 8-1-96; 8:45 am]

BILLING CODE 4510-24-M

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 96-63;
Application No. D-10218]

Class Exemption to Permit the Restoration of Delinquent Participant Contributions to Plans

AGENCY: Pension and Welfare Benefits Administration (PWBA), Department of Labor.

ACTION: Grant of class exemption.

SUMMARY: This document contains a final exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA) and the Internal Revenue Code of 1986 (the Code). The class exemption provides exemptive relief for certain transactions involving the failure to transmit participant contributions to pension plans where such delinquent amounts are voluntarily restored to such plans with lost earnings. This exemption is being granted as part of the Department's Pension Payback Program (the Program), which is targeted at persons who failed to transfer participant contributions to pension plans, including section 401(k) plans, within the time frames mandated by the Department's participant contribution regulation, and thus violated title I or ERISA. The exemption affects plans, participants and beneficiaries of such

plans and certain other persons engaging in such transactions.

FOR FURTHER INFORMATION CONTACT:

Ms. Lyssa Hall, Office of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor, (202) 219-8971, (this is not a toll-free number.); or William Taylor, Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, (202) 219-9141. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: On March 7, 1996, the Department of Labor (the Department) published a notice in the Federal Register (61 FR 9199) of the pendency of a proposed class exemption from the restrictions of sections 406(a)(1) (A) through (D), 406(b)(1) and 406(b)(2) of ERISA and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code.

The Department proposed the class exemption on its own motion pursuant to section 408(a) of ERISA and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in 29 CFR part 2570, subpart B, (55 FR 32836, August 10, 1990).¹

The notice gave interested persons an opportunity to submit written comments or requests for a hearing on the proposed class exemption to the Department. The Department received one written comment and a number of telephone inquiries regarding the proposed class exemption and the Program. There were no requests for a public hearing. Upon consideration of the comments received, the Department has determined to grant the proposed class exemption, subject to certain modifications. These modifications and the comment are discussed below.

Paperwork Reduction Act Analysis

Pursuant to the Paperwork Reduction Act of 1995 (PRA 95), 44 U.S.C. 3507, and 5 CFR Part 1320, the collection of

¹ Section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978, 5 U.S.C. App. 1 [1995]) generally transferred the authority of the Secretary of the Treasury to issue administrative exemptions under section 4975 of the Code to the Secretary of Labor.

information in this class exemption was published for public comment on March 7, 1996 (61 FR 9199). No comments were received from the public regarding the collection of information. OMB has approved this collection, with the control number 1210-0097, which expires on January 31, 1997. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number.

Discussion of the Comments

Section I(b) of the proposed exemption contained the requirement that the total of all outstanding delinquent participant contributions on March 7, 1996, excluding earnings, does not exceed the aggregate amount of participant contributions that were paid to, or withheld by, the employer for contribution to the plan for calendar year 1995. Pursuant to this condition, an employer who had repaid all delinquent contributions prior to March 7, 1996 would not meet this condition of the exemption and thus would be ineligible for the relief provided under the final class exemption to extend relief to employers who voluntarily restored delinquent participant contributions prior to March 7, 1996 but on or after November 28, 1995, the date the Secretary of Labor announced the Department's "public awareness campaign" on 401(k) plans. The commenter stated that the campaign was widely reported in the press and led many employers to review their current payroll practices and to voluntarily correct any errors they uncovered by restoring delinquent amounts plus interest. The commenter further stated that equity would seem to demand that the Pension Payback Program, and the attendant relief from any civil and criminal penalties and any excise taxes that may result from a finding that the transactions were prohibited should be made available to those employers who responded to the Secretary's call for increased scrutiny of 401(k) plans and moved swiftly to resolve a questionable situation. According to the commenter, companies