

Immigration Review continues to be <http://www.usdoj.gov/eoir/>.

Dated: August 4, 2005.

**MaryBeth Keller,**

*General Counsel, Executive Office for Immigration Review.*

[FR Doc. 05-15976 Filed 8-11-05; 8:45 am]

**BILLING CODE 4410-30-M**

**DEPARTMENT OF LABOR**

**Office of the Secretary**

**Submission for OMB Review: Comment Request**

August 8, 2005.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) 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 by contacting Darrin King on 202-693-4129 (this is not a toll-free number) or 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, 202-395-7316 (this is not a toll-free number), 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 of currently approved collection.

*Title:* Application of the Employee Polygraph Protection Act.

*OMB Number:* 1215-0170.

*Form Number:* WH-1481.

*Frequency:* On occasion.

*Type of Response:* Recordkeeping, and third party disclosure.

*Affected Public:* Business and other for-profit, not-for-profit institutions, and farms.

*Number of Respondents:* 328,000.

*Annual Responses:* 328,000.

*Average Response Time:* Varies from 1 minute to 30 minutes, depending on the notice.

*Total Annual Burden Hours:* 68,739.

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

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

*Description:* The Wage and Hour Division (WHD) of the Department of Labor (DOL) administers the Employee Polygraph Protection Act of 1988 (EPPA), 29 U.S.C. 2001 *et seq.* The EPPA prohibits most private employers from using any lie detector tests either for pre-employment screening or during the course of employment. The Act contains an exemption applicable to Federal, State and local government employers. The EPPA also contains several limited exemptions authorizing polygraph tests under certain

conditions, including testing: (1) By the Federal Government of experts, consultants or employees of Federal contractors engaged in national security intelligence or counterintelligence functions; (2) of employees the employer reasonably suspects of involvement in a workplace incident resulting in economic loss or injury to the employer's business; (3) of some prospective employees of private armored cars, security alarm and security guard firms; and (4) of some current and prospective employees of certain firms authorized to manufacture, distribute or dispense controlled substances. The WHD may assess civil money penalties of up to \$10,000 against employers who violate any EPPA provision. DOL currently has no printed public use forms associated with this information collection that consists of third-party disclosures and recordkeeping requirements. Appendix A of Regulations, 29 CFR part 801, contains a written statement setting forth both the examinee's and employer's legal rights, for use in satisfying the EPPA section 8(b)(2)(d) disclosure requirement. DOL proposes to make the information in Appendix A available on an optional public use form that will be available through the Departmental Internet website in PDF format.

*Agency:* Employment Standards Administration.

*Type of Review:* Extension of currently approved collection.

*Title:* Representative Payee Report, Representative Payee Report, Short Form, and Physician's Medical Officer's Statement.

*OMB Number:* 1215-0173.

*Form Numbers:* CM-623, CM-623S, and CM-787.

*Frequency:* On occasion.

*Type of Response:* Reporting.

*Affected Public:* Individuals or households, business and other for-profit, and not-for-profit institutions.

*Number of Respondents:* 5,339.

| Form          | Estimated number of annual responses | Average response time (hours) | Estimated annual burden hours |
|---------------|--------------------------------------|-------------------------------|-------------------------------|
| CM-623 .....  | 3,344                                | 1.50                          | 5,016                         |
| CM-623S ..... | 1,015                                | 0.17                          | 169                           |
| CM-787 .....  | 980                                  | 0.25                          | 245                           |
| Total .....   | 5,339                                | .....                         | 5,430                         |

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

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

*Description:* The Office of Workers' Compensation Programs administers the Federal Black Lung Workers' Compensation Program. Under the Federal Mine Safety and Health Act (30

U.S.C. 901) benefits due a DOL black lung beneficiary may be paid to a representative payee on behalf of the beneficiary when the beneficiary is unable to manage his/her benefits due to

incapability, incompetence, or minority. The CM-623, Representative Payee Report is used to collect expenditure data regarding the disbursement of the beneficiary's benefits by the representative payee to assure that the beneficiary's needs are being met. The CM-623S, Representative Payee Report, Short Form is a shortened version of the CM-623 that is used when the representative payee is a family member. The CM-787, Physician's/Medical Officer's Statement is a form used by OWCP to gather information from the beneficiary's physician about the capability of the beneficiary to manage monthly benefits. It is used by OWCP to determine if it is in the beneficiary's best interest to have his/her benefits managed by another party. The regulatory authority for collecting this information is at 20 CFR 725.506, 510, 511, and 513.

**Darrin A. King,**

*Acting Departmental Clearance Officer.*

[FR Doc. 05-16026 Filed 8-11-05; 8:45 am]

**BILLING CODE 4510-27-U**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Proposed Extension of Information Collection Request Submitted for Public Comment; Furnishing Documents to the Secretary of Labor on Request Under ERISA Section 104(a)(6)

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)), the Department of Labor (the Department) conducts a preclearance consultation program so that the general public and other federal agencies can comment on proposed and continuing collections of information. This program helps to ensure that the data the Department gathers arrive in the desired format, that the reporting burden on the public (time and financial resources) is minimized, that the public understands the collection instruments, and that the Department can accurately assess the impact of collection requirements on respondents.

By this notice, the Department is soliciting comments on the information collection provisions of regulations pertaining to section 104(a)(6) of the Employee Retirement Income Security Act of 1974, as amended (ERISA). The statute and the regulatory provisions codified at 29 CFR 2520.104a-8 require

the administrator of an employee benefit plan subject to part 1 of Title I of ERISA to furnish the Secretary of Labor with certain documents relating to the plan upon request. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the addresses section of this notice.

**DATES:** Written comments must be submitted to the office shown in the addresses section on or before October 11, 2005.

**ADDRESSES:** Interested parties are invited to submit written comments regarding the information collection request and burden estimates to: Gerald B. Lindrew, Office of Policy and Research, U.S. Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Room N-5647, Washington, DC 20210. Telephone: (202) 693-8410; Fax: (202) 219-4745. These are not toll-free numbers.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Taxpayer Relief Act of 1997 (TRA 97) eliminated the ERISA requirement that employee benefit plan administrators file with the Department copies of the summary plan descriptions and summaries of material modifications that are required to be furnished to plan participants and beneficiaries. TRA 97 added paragraph (6) to section 104(a) of ERISA which provides that the administrator of any employee benefit plan subject to Part 1 of Title I of ERISA is required to furnish to the Secretary of Labor, on request, any documents related to the employee benefit plan. Prior to the TRA 97 amendments, ERISA provided that certain documents be filed with the Department of Labor to ensure that plan participants and beneficiaries would have a means to obtain the documents without requesting them from the plan administrator. The new section 104(a)(6) authorizes the Department to request these documents on behalf of plan participants and beneficiaries. The Department issued a final implementing guidance on this matter on January 7, 2002 (67 FR 772). The ICR relating document requests was approved following publication of the proposed rule on August 5, 1999 (64 FR 42797). This approval will expire on December 31, 2005.

##### II. Desired Focus of Comments

The Department is particularly interested in comments that:

- 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;
- 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.

##### III. Current Actions

The Employee Benefits Security Administration is requesting an extension of the currently approved ICR for the Furnishing Documents to the Secretary of Labor under ERISA section 104(a)(6). The Department is not proposing or implementing changes to the regulation or to the existing ICR. A summary of the ICR and the current burden estimates follows:

*Type of Review:* Extension of a currently approved collection.

*Agency:* Department of Labor, Employee Benefits Security Administration

*Title:* Furnishing Documents to the Secretary of Labor on Request under ERISA.

*OMB Number:* 1210-0112.

*Frequency:* On occasion.

*Affected Public:* Individuals or households; business or other for-profit institutions; not-for-profit institutions.

*Total Respondents:* 1,000.

*Total Responses:* 1,000.

*Estimated Total Burden Hours:* 95.

*Estimated Annual Burden Cost:* \$4,000.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the ICR. They will also become a matter of public record.

Dated: August 5, 2005.

**Gerald B. Lindrew,**

*Deputy Director, Office of Policy and Research, Employee Benefits Security Administration.*

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**BILLING CODE 4510-29-P**