

[FR Doc. E6-1142 Filed 1-27-06; 8:45 am]  
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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-58,301]

#### Xerox Corporation, Xerox Office Group, Wilsonville, OR; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Xerox Corporation, Xerox Office Group, Wilsonville, Oregon. The application did not contain new information supporting a conclusion that the determination was erroneous, and also did not provide a justification for reconsideration of the determination that was based on either mistaken facts or a misinterpretation of facts or of the law. Therefore, dismissal of the application was issued.

TA-W-58,301; Xerox Corporation, Xerox Office Group, Wilsonville, Oregon (January 20, 2006).

Signed at Washington, DC this 20th day of January 2006.

**Erica R. Cantor,**

*Director, Division of Trade Adjustment Assistance.*

[FR Doc. E6-1139 Filed 1-27-06; 8:45 am]  
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## DEPARTMENT OF LABOR

### 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 collection: Application for Certificate to Employ Homeworker (WH-46), Piece Rate Measurements, and Homeworker Handbooks (WH-75). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the addresses section below on or before March 31, 2006.

**ADDRESSES:** Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0418, fax (202) 693-1451, E-mail [bell.hazel@dol.gov](mailto:bell.hazel@dol.gov). Please use only one method of transmission for comments (mail, fax, or E-mail).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Fair Labor Standards Act (FLSA) § 11(d) authorizes the Secretary of Labor to regulate, restrict, or prohibit industrial homework as necessary to prevent evasion of the minimum wage requirements of the Act. Restrictions exist on seven homework industries, (knitted outerwear, women's apparel, jewelry manufacturing, gloves and mittens, button and buckle manufacturing, handkerchief manufacturing, and embroideries). DOL permits individual industrial homework in these restricted industries only if a special homework certificate is in effect or in certain hardship cases. Homework has always been permitted under the FLSA in all other industries; provided, the employer maintains homeworker handbooks for such employees recording their hours of work and other required payroll information. Form WH-46, Application to Employ Homeworkers, provides the Wage Hour Division (WHD) with a means of identifying employers of homeworkers, and individual workers, in the restricted industries who may not be identified otherwise. The Piece Rate Measurement requires that employers record and retain documentation of the method used to establish pieces rates is necessary so that WHD can verify that rates were properly determined and will result in wage payments to homeworkers at a rate at least equal to the FLSA minimum wage for all hours worked in the work week. Form WH-75, Homeworker Handbook is used to insure that employers fulfill their obligation to obtain and record accurate hours worked information whenever

they distribute homework to employees and collect it from them, homeworkers record the information as they perform the work. Individual homeworkers retain their own handbooks until completely filled-in and then return them to the employer. This information collection is currently approved for use through August 31, 2006.

##### II. Review Focus

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.

##### III. Current Actions

The Department of Labor seeks approval for the extension of this information collection in order to insure employees are paid in compliance with the Fair Labor Standards Act (FLSA).

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Title:* Application to Employ Homeworkers Piece Rate Measurements, Homeworker Handbooks.

*OMB Number:* 1215-0013.

*Agency Number:* WH-46 and WH-75.

*Affected Public:* Individuals or households; Business or other for-profit; Not-for-profit institutions.

*Total Respondents (Recordkeeping and Reporting):* 377,606.

*Total Responses (Recordkeeping and Reporting):* 1,208,195.

*Time per Response:* 30 minutes.

*Frequency:* On Occasion.

*Estimated Total Burden Hours (Recordkeeping and Reporting):* 614,241.

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

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

Title	Form No.	No. of respondents	No. of responses	Avg. time per response (minutes)	Burden hours
Reporting Burden:					
Application To Employ Homeworkers .....	WH-46 .....	50	25	30	12.5
Homeworker Handbooks .....	WH-75 .....	302,005	1,208,020	30	604,010
Recordkeeping Burden:					
Piece Rate Measurement .....	.....	50	150	60.5	151.25
Homeworker Handbooks .....	.....	75,501	1,208,020	.5	10,067
Total .....	.....	377,606	1,208,195	.....	614,241

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 will also become a matter of public record.

Dated: January 25, 2006.

**Sue Blumenthal,**

*Acting Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.*

[FR Doc. E6-1133 Filed 1-27-06; 8:45 am]

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. ICR 1218-0200(2006)]

#### Process Safety Management of Highly Hazardous Chemicals Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comment.

**SUMMARY:** OSHA solicits public comment concerning its request for an extension of the information collection requirements specified by its Process Safety Management of Highly Hazardous Chemicals Standard (29 CFR 1910.119).

**DATES:** Comments must be submitted by the following dates:

*Hard copy:* Your comments must be submitted by March 31, 2006.

*Facsimile and electronic transmission:* Your comments must be received by March 31, 2006.

**ADDRESSES:** You may submit comments, identified by OSHA Docket No. ICR-1218-0200(2006), by any of the following methods:

*Regular mail, express delivery, hand delivery, and messenger service:* Submit your comments and attachments to the

OSHA Docket Office, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2350 (OSHA's TTY number is (877) 889-5627). OSHA Docket Office and Department of Labor hours are 8:15 a.m. to 4:45 p.m., e.t.

*Facsimile:* If your comments are 10 pages or fewer in length, including attachments, you may fax them to the OSHA Docket Office at (202) 693-1648.

*Electronic:* You may submit comments through the Internet at <http://ecommments.osha.gov>. Follow instructions on the OSHA Web page for submitting comments.

*Docket:* For access to the docket to read or download comments or background materials, such as the complete Information Collection Request (ICR) (containing the Supporting Statement, OMB-83-I Form, and attachments), go to OSHA's Web page at <http://www.OSHA.gov>. In addition, the ICR, comments and submissions are available for inspection and copying at the OSHA Docket Office at the address above. You may also contact Theda Kenney at the address below to obtain a copy of the ICR. For additional information on submitting comments, please see the "Public Participation" heading in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:**

Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 693-2222.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)). This

program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

The collections of information in the Standard are necessary for implementation of the requirements of the standard. The information is used by employers to assure that processes using highly hazardous chemicals with the potential of a catastrophic release are operated as safely as possible. The employer must thoroughly consider all facets of a process, as well as the involvement of employees in that process. Employers analyze processes so that they identify and control problems that could lead to a major release, fire, or explosion. The following sections describe who uses the information collected under each requirement, as well as how they use it.

(A) *Employee Participation (paragraph (c)).* Employers are required by paragraph (c)(1) to develop a written plan of action regarding the implementation of the employee participation required by this paragraph. Paragraph (c)(2) requires employers to consult with employees and their representatives on the conduct and development of process hazard analyses and on the development of the other elements of process safety management in the Standard. Under paragraph (c)(3) employers must provide access to process hazard analyses to employees and their representatives.

(B) *Process Safety information (paragraph (d)).* Paragraph (d) requires employers to complete a compilation of written process safety information prior to conducting a process hazard analysis. The compilation of written process