

Commission, 600 E Street, NW., Room 6002, Washington, DC 20579.  
Telephone: (202) 616-6988.

**Mauricio J. Tamargo,**  
*Chairman.*

[FR Doc. 06-875 Filed 1-26-06; 11:10 am]  
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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review: Comment Request

January 24, 2006.

The Department of Labor (DOL) has submitted the following public information collection request (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 this 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.

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:* Optional Use Payroll Form under the Davis-Bacon Act.

*OMB Number:* 1215-0149.

*Form Number:* WH-347.

*Frequency:* Weekly.

*Type of Response:* Reporting and Recordkeeping.

*Affected Public:* Business or other for-profit; Federal Government; and State, Local, or Tribal Government.

*Number of Respondents:* 54,620.

*Annual Responses:* 5,025,040.

*Average Response Time:* 56 minutes.

*Total Annual Burden Hours:*  
4,700,000.

*Total Annualized Capital/startup Costs:* \$0.

*Total Annual Costs (Operating/maintaining Systems or Purchasing Services):* \$211,052.

*Description:* The Copeland Act (40 U.S.C. 3145) requires contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." Regulations 29 CFR 5.5(a)(3)(ii) requires contractors weekly to submit a copy of all payrolls to the Federal agency contracting for or financing the construction project. A signed "Statement of Compliance" indicating the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon Act prevailing wage rate for the work performed must accompany the payroll.

Regulations 29 CFR 3.3(b) requires each contractor to furnish such weekly "Statements of Compliance." Regulations 29 CFR 5.5(a)(3)(i) requires the Social Security Number of each employee on such payrolls.

Regulations 29 CFR 3.4 and 5.5(a)(3)(i) require contractors to maintain these records for three years after completion of the work. Contractors and subcontractors must certify their payrolls by attesting that persons performing work on Davis-Bacon and Related Acts (DBRA) covered contracts have received the proper payment of wages and fringe benefits. Contracting officials and Wage and Hour Division staff use these certified payrolls to verify that contractors pay the required rates and as an aid in determining whether the contractors have properly classified the workers for the work they perform. The DOL has developed the optional use Form WH-347, Payroll Form, which contractors may use to meet the payroll reporting requirements. The form contains the basic payroll information that

contractors must furnish each week they perform any work subject to the DBRA.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. E6-1132 Filed 1-27-06; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-58,500]

#### American Greetings, Lafayette, TN; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 13, 2005 in response to a petition filed by a company official on behalf of workers at American Greetings, Lafayette, Tennessee.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 12th day of January 2006.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-1140 Filed 1-27-06; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-57,978]

#### B.A.G. Corporation; Winzen Film, Inc.; Better Agriculture Goals; A Division of Super Sack Bag, Inc.; Savoy, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on October 18, 2005, applicable to workers of B.A.G. Corporation, a Division of Super Sack Bag, Inc., Savoy, Texas. The notice was published in the **Federal Register** on November 9, 2005 (70 FR 68099).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in support

activities for an affiliated plant engaged in the production of flexible intermediate bulk containers (bulk bags).

New information shows that the B.A.G. Corporation, Winzen Film, Inc. and Better Agriculture Goals are divisions of Super Sack Bag, Inc. Workers separated from employment at the subject firm had their wages reported under two separate unemployment insurance (UI) tax accounts for Winzen Film, Inc. and Better Agriculture Goals.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of B.A.G. Corporation, Savoy, Texas who were adversely affected by a shift of production to Mexico.

The amended notice applicable to TA-W-57,978 is hereby issued as follows:

"All workers of B.A.G. Corporation, Winzen Film, Inc. and Better Agriculture, Goals, A Division of Super Sack Bag, Inc., Savoy, Texas who became totally or partially separated from employment on or after September 15, 2004, through October 18, 2007, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974."

Signed at Washington, DC, this 18th day of January 2006.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-1137 Filed 1-27-06; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-58,576]

#### **Chemical Products Corporation, Cartersville, GA; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 4, 2006 in response to a worker petition filed by a company official on behalf of workers at Chemical Products Corporation, Cartersville, Georgia.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 17th day of January 2006

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E6-1143 Filed 1-27-06; 8:45 am]

**BILLING CODE 4510-30-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-57,700]

#### **Joy Technologies, Inc.; DBA Joy Mining Machinery; Mt. Vernon Plant; Mt. Vernon, IL; Notice of Negative Determination on Reconsideration**

On November 16, 2005, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The Notice of determination regarding Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) was published in the **Federal Register** on December 15, 2005 (70 FR 74373).

The International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Local 483, ("Union") filed a petition on behalf of workers producing underground mining machinery (*i.e.* shuttle cars, electrical motors, gearboxes, and armored face conveyors) at the subject facility. Workers are not separately identifiable by product line.

The initial investigation revealed that sales and employment at the subject facility increased in 2004 from 2003 levels, that sales remained stable in January through July 2005 over the corresponding 2004 period, and that employment increased during January through July 2005 over the corresponding 2004 period. Company-wide sales increased during January through July 2005 from January through July 2005 levels.

The investigation also revealed that the subject firm did not import articles like or directly competitive with those produced at the subject firm or shift production abroad. The Department determined that the worker separations at the subject firm are attributable to the firm's shift in production from the subject facility to another domestic production facility.

In a letter dated November 3, 2005, two workers and the Union requested administrative reconsideration. The request stated that the subject facility is "an upstream supplier to the Joy Mining Machinery facility" located in Franklin,

Pennsylvania and alleged that component production is being shifted to Mexico.

While the Union had filed the petition as primarily-affected (affected by imports or production shift of articles produced at the subject facility), the request for reconsideration is based on a secondarily-affected position (affected by loss of business as a supplier/assembler/finisher of products or components for a TAA certified firm). Although the request for reconsideration is beyond the scope of the petition, the Department conducted an investigation to address the workers' and Union's allegations.

As part of the reconsideration investigation, the Department contacted the petitioning workers, Union representatives, and the subject company for additional information and clarification of previously-submitted information.

Joy Mining Machinery, Franklin, Pennsylvania, was certified for TAA on January 19, 2000 (expired January 19, 2002). Because the investigation revealed that employment, sales and production levels at the Franklin, Pennsylvania facility increased during relevant period and TAA certification for Joy Mining Machinery, Franklin, Pennsylvania had expired prior to the relevant period, the workers cannot be certified for TAA as secondarily-affected.

The reconsideration investigation also revealed that the subject company does not have a Mexico facility which produces articles which are like or directly competitive with those produced at the subject facility, that the work at issue is temporary work which was assigned to several subject company facilities (including the Mt. Vernon, Illinois facility) to help meet peak demand, and that the "overflow" work was for the production of articles not normally produced at the subject facility. The Department also confirmed that work shifted from the subject facility to an affiliated production facility in Kentucky.

### Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.