

exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 18th day of December, 2008.

**Ivan Strasfeld,**

*Director of Exemption Determinations,  
Employee Benefits Security Administration,  
U.S. Department of Labor.*

[FR Doc. E8-30513 Filed 12-23-08; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Employment Standards Administration

#### Proposed Extension of the Approval of Information Collection Requirements

**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 its proposal to extend the Office of Management and Budget (OMB) approval of the Information Collection: Request for Earnings Information (LS-426). 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 February 23, 2009.

**ADDRESSES:** Mr. Steven D. Lawrence, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0292, fax (202) 693-1451, E-mail *Lawrence.Steven@dol.gov*. Please use only one method of transmission for comments (mail, fax, or E-mail).

#### **SUPPLEMENTARY INFORMATION:**

I. *Background:* The Office of Workers' Compensation Programs (OWCP) administers the Longshore and Harbor Workers' Compensation Act (LHWCA) (33 U.S.C. 901 et seq), and its extensions the Nonappropriated Fund Instrumentalities Act, the Outer Continental Shelf Lands Act and the Defense Base Act. These Acts provide compensation benefits to injured workers. The Secretary of Labor is authorized, under the Act, to make rules and regulations to administer the Act and its extensions. Pursuant to the LHWCA, injured employees shall receive compensation in an amount equal to 66-2/3 per centum of their average weekly wage. Form LS-426, Request for Earnings Information is used by district offices to collect wage information from injured workers to assure payment of compensation benefits to injured workers at the proper rate. This information is needed for determination of compensation benefits in accordance with Section 10 of the LHWCA. This information collection is currently approved for use through June 30, 2009.

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 the approval of the extension of this information collection in order to carry out its responsibility to

assure payment of compensation benefits to injured workers at the proper rate.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Titles:* Request for Earnings Information.

*OMB Number:* 1215-0112.

*Agency Numbers:* LS-426.

*Affected Public:* Individuals or households.

*Total Respondents:* 1,600.

*Total Annual Responses:* 1,600.

*Estimated Total Burden Hours:* 400.

*Estimated Time per Response:* 15 minutes.

*Frequency:* On Occasion.

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

*Total Burden Cost (operating/maintenance):* \$720.00.

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: December 18, 2008.

**Hazel Bell,**

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

[FR Doc. E8-30524 Filed 12-23-08; 8:45 am]

**BILLING CODE 4510-CF-P**

## DEPARTMENT OF LABOR

### Employment Standards Administration

#### Proposed Extension to the Approval of Information Collection Requirements

**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 its

proposal to extend OMB approval of the information collection: Statement of Recovery Forms (CA/EN-1108, SOL/EN-1108, and CA/EN-1122). 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 February 23, 2009.

**ADDRESSES:** Mr. Steven D. Lawrence, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0292, fax (202) 693-1451, E-mail [Lawrence.Steven@dol.gov](mailto:Lawrence.Steven@dol.gov). Please use only one method of transmission for comments (mail, fax, or E-mail).

**SUPPLEMENTARY INFORMATION:**

I. *Background:* Under section 8131 a Federal employee can sustain a work-related injury, for which he or she is eligible for compensation under the Federal Employees' Compensation Act (FECA), under circumstance that create a legal liability in some third party to pay damages for the same injury. When this occurs, section 8131 of the FECA (5 U.S.C. 8131) authorizes the Secretary of Labor to either require the employee to assign his or her right of action to the United States or to prosecute the action. When the employee receives a payment for his or her damages, whether from a final court judgment on or a settlement

of the action, section 8132 of the FECA (5 U.S.C. 8132) provides that the employee "shall refund to the United States the amount of compensation paid by the United States \* \* \*." To enforce the United States' statutory right to this refund, the Office of Workers' Compensation Programs (OWCP) has promulgated regulations that require both the reporting of these types of payments (20 CFR 10.710) and the submission of the type of detailed information necessary to calculate the amount of the required refund (20 CFR 10.707(e)). The information collected by Form CA/EN-1122 is requested from the claimant if he or she received a payment for damages without hiring an attorney. Form CA/EN-1108 requests this information from the attorney if one was hired to bring suit against the third party. Form SOL/EN-1108 request the same information as the CA/EN-1108 if the claimant's attorney contacts the Office of the Solicitor (SOL) directly. This information collection is currently approved for use through June 30, 2009.

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 the approval for the extension of this currently approved information collection in order to exercise its responsibility to enforce the United States' right to this refund. These forms will be used to obtain information about amounts received as the result of a final judgment in litigation, or a settlement of the litigation, brought against a third party who is liable for damages due to compensable work-related injury.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Title:* Statement of Recovery Forms.

*OMB Number:* 1215-0200.

*Agency Number:* CA/EN-1108, SOL/EN-1108, and CA/EN-1122.

*Affected Public:* Business or other for-profit, Individuals or households.

Form/Requirement	Responses	Respondents/ response (min.)	Time per bur- den hours
CA/EN-1108 .....	2,550	30	1,275
SOL/EN-1108 .....	150	30	75
CA/EN-1122 .....	300	15	75

*Total Respondents/Responses:* 3,000.

*Frequency:* As needed.

*Estimated Total Burden Hours:* 1,425.

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

*Total Burden Cost (operating/maintenance):* \$1,350.00.

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: December 18, 2008.

**Hazel Bell,**

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

[FR Doc. E8-30525 Filed 12-23-08; 8:45 am]

**BILLING CODE 4510-CK-P**

**DEPARTMENT OF LABOR**

**Mine Safety and Health Administration**

**Fee Adjustment for Testing, Evaluation, and Approval of Mining Products**

**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.

**ACTION:** Notice of fee adjustment.

**SUMMARY:** This notice describes MSHA's revised fee schedule for testing, evaluating, and approving mining products as permitted by 30 CFR 5.50. MSHA charges applicants a fee to cover its costs associated with testing and evaluating equipment and materials manufactured for use in the mining industry. The new fee schedule, effective January 1, 2009, is based on MSHA's direct and indirect costs for providing services during fiscal year (FY) 2008.

**DATES:** This fee schedule is effective January 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** John P. Faini, Chief, Approval and Certification Center, 304-547-2029 or 304-547-0400.

**SUPPLEMENTARY INFORMATION:**