

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.

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

*Agency:* Employment Standards Administration (ESA).

*Title:* Notice of Controversion of Right to Compensation.

*OMB Number:* 1215-0023.

*Affected Public:* Business or other for-profit.

*Frequency:* On Occasion.

*Number of Respondents:* 900.

*Number of Annual Response:* 18,900.

*Estimated Time Per Response:* 15 minutes.

*Total Burden Hours:* 4,725.

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

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$7,418.25.

*Description:* The Office of Workers' Compensation Programs (OWCP) administers the Longshore and Harbor Workers' Compensation Act. This Act provides benefits to workers injured in maritime employment on the navigable waters of the United States or in an adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel. Pursuant to section 14(d) of the Act, and 20 CFR 702.251, if an employer controverts the right to compensation, he shall file with the district director in the affected compensation district on or before the fourteenth day after he has knowledge of the alleged injury or death, a notice, in accordance with a form prescribed by the Secretary, stating that the right to compensation is controverted.

Form LS-207 is used by insurance carriers and self-insured employers to controvert claims under the act. OWCP district offices use this information to determine the basis for not paying benefits in a case. It also informs the injured claimant of the reason(s) for not paying compensation benefits. If the information were not collected, our

district offices and claimants would have no way of knowing the reason(s) for controverting the right to compensation.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 01-31816 Filed 12-26-01; 8:45 am]

**BILLING CODE 4510-CF-M**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

December 17, 2001.

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 this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King on (202) 693-4129 or E-mail: *King-Darrin@dol.gov*.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), 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, 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.

*Type of Review:* New collection.

*Agency:* Employment and Training Administration (ETA).

*Title:* Workforce Flexibility (Work-Flex) Program.

*OMB Number:* 1205-ONEW.

*Affected Public:* State, Local, or Tribal Government.

*Frequency:* Annually and Quarterly.

*Type of Response:* Reporting.

*Number of Respondents:* 5.

*Number of Annual Responses:* 25.

*Estimated Time Per Response:* 160 hours to prepare and submit a Work-Flex Plan and 8 hours to prepare and submit quarterly reports.

*Total Burden Hours:* 960.

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

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

*Description:* In accordance with requirements specified in section 192 of the Workforce Investment Act (the Act) and 20 CFR 661.420 et seq, States may apply for a 5-year Work-Flex waiver authority to implement reforms to their workforce investment systems in exchange for program improvement. The Act provides that the Secretary may only grant Work-Flex waiver authority in consideration of a Work-Flex Plan submitted by a State. States granted Work-Flex authority are also required to submit quarterly reports that summarize waiver activities in the State.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 01-31817 Filed 12-26-01; 8:45 am]

**BILLING CODE 4510-30-M**

## DEPARTMENT OF LABOR

### Employment and Training Administration Apprenticeship Training, Employer and Labor Services; Proposed Collection; Labor Standards for the Registration of Apprenticeship Programs; 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 and Training Administration is soliciting comments concerning the proposed revision of the collection of the registered apprenticeship program under Title 29 CFR part 29 (Labor Standards for the Registration of Apprenticeship Programs).

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee's section below on or before February 25, 2002.

**ADDRESSES:** Anthony Swoope, Administrator, Office of Apprenticeship Training, Employer and Labor Services, 200 Constitution Ave., NW., Room N-4671, Washington, DC 20210; Telephone number: (202) 693-2796 (this is not a toll-free number); E-mail Internet address: *aswoope@doleta.gov*; and Fax number (202) 693-2761.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The National Apprenticeship Act of 1937 authorizes and directs the Secretary of Labor "to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, to cooperate with State agencies engaged in the formulation and promotion of standards of apprenticeship, and to cooperate with the Secretary of Education \*\*\*" (29 U.S.C. 50). Section 50a of the Act authorizes the Secretary of Labor to "publish information relating to existing and proposed labor standards of apprenticeship," and to "appoint national advisory committees \* \* \*" (29 U.S.C. 50a).

Title 29 CFR part 29 sets forth labor standards to safeguard the welfare of apprentices, and to extend the application of such standards by prescribing policies and procedures concerning registration, for certain Federal purposes, of acceptable apprenticeship programs with the U.S. Department of labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services (formerly known as the Bureau of Apprenticeship and Training). These labor standards, policies and procedures cover registration, cancellation, and deregistration of apprenticeship

programs and the apprenticeship agreements; the recognition of a State agency as the appropriate agency for registering local apprenticeship programs for certain Federal purposes; and matters relating thereto.

**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 clarify 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**

Recordkeeping and data collection activities regarding registered apprenticeship are by-products of the registration system. Organizations which apply for apprenticeship sponsorship enter into an agreement with the Federal Government or cognizant State government to operate their proposed programs consistent with 29 CFR part 29. Apprenticeship sponsors are not required to file reports regarding their apprentices other than individual registration and update information as an apprentice moves through their program. This revision request includes revisions to the Apprenticeship Agreement Form (ETA 671) as follows:

1. Current format (Apprenticeship Agreement ETA Form 671) Revised February 2000) of sponsor and apprentice inverted. To facilitate and increase efficiency when the apprentice registers and to align the form with current processes and procedures in our program.
2. Revisions on race and ethnicity. To provide uniformity and comparability in collecting this data as mandated by the Office of Management and Budget (OMB) Notice, Standards for the Classification of Federal Data on Race

and Ethnicity, in the **Federal Register** (October 30, 1997).

3. Career linkage or Direct Entry. To comply with the U.S. Department of Labor/Employment and Training Administration (USDOL/ETA) and the Office of Management and Budget (OMB). The current Item 16., Apprenticeship School Linkage, has been enhanced to facilitate the tracking of participants from additional USDOL/ETA programs who continue with higher-skills occupational training or direct entry participants from technical training programs that have been reviewed and approved by the sponsor.

4. Apprentice entry hourly wage. To track wage progression more accurately and for Government Performance Results Act (GPR) purposes.

5. Additional instructions on reverse side of form. To provide instructions on those data elements that are not self-explanatory as requested previously by OMB.

These proposed changes will pose minimal burden on the respondents. The change in burden is due to an increase in the number of apprentice actions from that of the previous PRA submission.

*Type of Review:* Revision.

*Agency:* Employment and Training Administration.

*Title:* Title 29 CFR part 29, Labor Standards for the Registration of Apprenticeship Programs.

*OMB Number:* 1205-0223 for 29 CFR part 29.

*Agency Number:* ETA Form 671.

*Recordkeeping:* Apprenticeship sponsors are required to keep accurate records on recruitment, selection of the applicant and/or apprentice and the employment and training activities related to the apprentice and the qualifications of each applicant/apprentice pertaining to determination of compliance with the regulation. Records must be retained, where appropriate, regarding affirmative action plans and evidence that qualification standards have been validated. State Apprenticeship Councils are also obligated to keep adequate records pertaining to determination of compliance with these regulations. All of the above records are required to be maintained for five years. If this information was not required, there would be no documentation that the apprenticeship programs were being operated in a nondiscriminatory manner. Many apprenticeship programs are 4 years or more in duration; therefore, it is important to maintain the records for at least 5 years.

*Affected Public:* Apprentices, Sponsors, State Apprenticeship

Councils or Agencies, Tribal Government.

ETA Form 671

Total Respondents: 238,929.  
 Frequency: 1-time basis.  
 Total Responses: 238,929.

Average Time per Response: See Chart.

Estimated Total Burden Hours: 47,556.

SUMMARY OF BURDEN FOR 29 CFR PART 29

Sec.	Total respondents	Frequency	Total responses	Average time per responses	Burden hours
29.3 ...	127,421	1-time basis	127,421	1/4 hr./app.	31,855
29.6 ...	108,124	1-time basis	108,124	1/12 hr./app.	9,010
29.5 ...	1,674	1-time basis	1,674	2 hrs./spon.	3,348
	1,640	1-time basis	1,640	2 hrs./SAC	3,280
29.7 ...	40	1-time basis	40	1/12 hr./spon.	3
29.12	(30)	1-time basis	(30)	0	0
(accomplished in 1977; no new state agency expected in 2002)					
29.12	30	1-time basis	30	2 hrs. SAC	60
29.13	0	0	0	0	0
<b>Totals</b>	<b>238,929</b>		<b>238,929</b>		<b>47,556</b>

Totals Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): 0.

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

Dated: December 20, 2001.

**Anthony Swoope,**

Administrator, Office of Apprenticeship Training, Employer and Labor Services.

[FR Doc. 01-31777 Filed 12-26-01; 8:45 am]

BILLING CODE 4510-30-P

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**Settlement Agreement: Occupational Injury and Illness Recording and Reporting**

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

**ACTION:** Notice of settlement agreement.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) has entered into a settlement agreement with the National Association of Manufacturers (NAM) to resolve NAM's legal challenge to OSHA's revised regulations in 29 CFR part 1904, Recording and Reporting Occupational Injuries and Illnesses. As part of the agreement, OSHA agreed to publish a copy of the OSHA-NAM settlement agreement in the **Federal Register** within 30 days.

**DATES:** The settlement agreement was completed on November 16, 2001.

**FOR FURTHER INFORMATION CONTACT:** Jim Maddux, Occupational Safety and Health Administration, U.S. Department of Labor, Directorate of Safety Standards Programs, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone (202) 693-2222.

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 19, 2001, (66 FR 5916), OSHA published a final rule, revising its Occupational Injury and Illness Recording and Reporting Requirements in 29 CFR Part 1904. The Agency subsequently published an amendment to the final rule on October 12, 2001 (66 FR 35113). After the final rule was published in January, NAM filed a legal challenge to the final rule in the United States District Court for the District of Columbia. On November 16, 2001, OSHA and NAM entered into a settlement agreement to resolve NAM's legal challenge. The parties entered into a revised settlement agreement on November 29, 2001. As part of this revised agreement, OSHA agreed to publish a copy of the revised settlement agreement in the **Federal Register** within 30 days.

Accordingly, the following section of this notice contains the text of the OSHA-NAM revised settlement agreement:

**Settlement Agreement**

*United States District Court for the District of Columbia*

National Association of Manufacturers, Plaintiff, v. Elaine L. Chao, Secretary, U.S. Department of Labor, and John Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, Defendants.

[Case No: 1:01CV00575 (GK)]

**Revised Settlement Agreement**

The Federal Defendants and the National Association of Manufacturers, by and through counsel, hereby agree as follows:

1. On January 19, 2001, the Occupational Safety and Health Administration issued a Final Rule on Occupational Injury and Illness Recording and Reporting Requirements, 29 CFR parts 1904 and 1952 (the Final Rule). 66 FR 5916-6135 (January 19, 2001). On March 23, 2001, the National Association of Manufacturers filed a First Amended Complaint in this Court challenging portions of the Final Rule. The Federal Defendants and the National Association of Manufacturers have settled their differences as provided herein.

2. Secretary of Labor will include the following language in the initial Compliance Directive to be issued on the Final Rule.

A. During the initial period the new recordkeeping rule is in effect, OSHA compliance officers conducting inspections will focus on assisting employers to comply with the new rule rather than on enforcement. OSHA will not issue citations for violations of the recordkeeping rule during the first 120 days after January 1, 2002, provided the employer is attempting in good faith to meet its recordkeeping obligation and agrees to make corrections necessary to bring the records into compliance.

B. Section 1904.5(a) states that "[the employer] must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to resulting condition or significantly aggravated a pre-existing condition. Work-relatedness is presumed for injuries and