

effective manner. Questions concerning cancellation of the Draft EIS process should be directed to: David J.

Dorworth, Chief, Site Selection & Environmental Review Branch, Federal Bureau of Prisons, 320 First Street, NW., Washington, DC 20534, Tel: 202-514-6470/Fax: 202-616-6024.

Thank you for your interest.

**David J. Dorworth,**

*Chief, Site Selection and Environmental Review Branch.*

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**BILLING CODE 4410-05-M**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Delegation of Authority and Assignment of Responsibility to the Assistant Secretary for Veterans' Employment and Training Services

On April 22, 2002, the Secretary of Labor issued a memorandum to the Assistant Secretary for Veterans' Employment and Training Services delegating authority and assigning responsibility for carrying out the functions and authority vested in the Secretary of Labor pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994, Pub. L. 103-353, 38 U.S.C. 4301-4333, and Section 3 of the Veterans Employment Opportunities Act of 1998, Pub. L. 105-339, 5 U.S.C. 3330a. A copy of that memorandum is annexed hereto as an Appendix.

**FOR FURTHER INFORMATION CONTACT:** Nick Dawson, Veterans' Employment and Training Services, at (202) 693-4711. This is not a toll-free number.

Signed in Washington, DC, this 3rd day of May 2002.

**Eugene Scalia,**

*Solicitor of Labor.*

April 22, 2002.

Memorandum for Frederico Juarbe, Jr.  
Assistant Secretary for Veterans'  
Employment and Training Services  
From: Elaine Chao

Subject: Specific Delegation of Authority to the Assistant Secretary for Veterans' Employment and Training Services

Effective immediately, the Assistant Secretary for Veterans' Employment and Training Services is hereby delegated authority and assigned responsibilities for carrying out the functions and authority vested in the Secretary of Labor pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), Pub. L. 103-353, 38 U.S.C. 4301-4333, and Section 3 of the Veterans Employment Opportunities Act of 1998 (VEOA), Pub. L. 105-339, 5 U.S.C. 3330a, except with regard

to the preparation of reports and recommendations to the President and the Congress.

In addition, and also effective immediately, the Assistant Secretary for Veterans' Employment and Training Services is hereby delegated authority and assigned responsibility to invoke all appropriate claims of governmental privilege arising from the above functions of the Veterans' Employment and Training Services, following his personal consideration of the matter and in accordance with the following guidelines:

(a) Informant's Privilege (to protect from disclosure the identity of any person who has provided information to the Veterans' Employment and Training Services under USERRA and Section 3 of the VEOA): A claim of privilege may be asserted where the Assistant Secretary has determined that disclosure of the privileged matter may: (1) Interfere with the Veterans' Employment and Training Services' investigation or enforcement of a particular statute for which the Veterans' Employment and Training Services exercises investigative or enforcement authority; (2) adversely affect persons who have provided information to the Veterans' Employment and Training Services; or (3) deter other persons from reporting violations of the statutes.

(b) Deliberative Process Privilege (to withhold information which may disclose pre-decisional intra-agency or inter-agency deliberations, including the analysis and evaluation of fact, written summaries of factual evidence, and recommendations, opinions or advice on legal or policy matters in cases arising under USERRA and Section 3 of the VEOA): A claim of privilege may be asserted where the Assistant Secretary has determined that disclosure of the privileged matter would have an inhibiting effect on the agency's decision-making processes.

(c) Privilege for Investigational Files Compiled for Law Enforcement Purposes (to withhold information which may reveal the Veterans' Employment and Training Services' confidential investigative techniques and procedures): The investigative file privilege may be asserted where the Assistant Secretary has determined the disclosure of the privileged matter may have an adverse impact upon the Veterans' Employment and Training Services' enforcement of USERRA and Section 3 of the VEOA by: (1) Disclosing investigative techniques and methodologies; (2) deterring persons from providing information to the Veterans' Employment and Training Services; (3) prematurely revealing the facts of the Veterans Employment and Training Services' case; or (4) disclosing the identities of persons who have provided information under an express or implied promise of confidentiality.

(d) Prior to filing a formal claim of privilege, the Assistant Secretary shall personally review all documents sought to be withheld (or, in case where the volume is so large that all of them cannot be personally reviewed in a reasonable time, an adequate and representative sample of such documents), together with a description or summary of the litigation with which the disclosures is sought.

(e) In asserting a claim of governmental privilege, the Assistant Secretary may ask the Solicitor of Labor, or the Solicitor's representative, to file any necessary legal papers or documents.

[FR Doc. 02-11706 Filed 5-9-02; 8:45 am]

**BILLING CODE 4510-79-M**

## DEPARTMENT OF LABOR

### Employment and Training 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 and Training Administration is soliciting comments concerning the proposed collection extension of the Work Opportunity Tax Credit (WOTC) Program and the Welfare-to-Work (WtW) Tax Credit's reporting and administrative forms, the Third Edition of ETA Handbook No. 408, the proposed Training and Employment Guidance Letter (TEGL), "Planning Guidelines for Employment Service (ES) Fiscal Year 2002 Cost Reimbursable Grants for the Work Opportunity Tax Credit Program and the Welfare-to-Work Tax Credit," and the Technical Assistance (TA) and Review Guide. 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 July 9, 2002.

**ADDRESSES:** Gay M. Gilbert, Division Chief, U.S. Employment Service/ALMIS, Office of Workforce Security, U.S. Department Of Labor, 200 Constitution Ave., NW., Room C-4514, Washington, DC 20210, (202) 693-3428

(this is not a toll-free number) and, at: ggilbert@doleta.gov and/or fax number: 202/693-2874. The proposed program forms and related materials can also be accessed at: <http://www.usworkforce.org>

**SUPPLEMENTARY INFORMATION:**

**I.**

Data collected on the WOTC and the WtW Tax Credits will be collected by the State Workforce Agencies (SWAs) and provided to the U.S. Employment Service/ALMIS Division, Office of Workforce Security, Washington, DC, through the appropriate Department of Labor regional offices. The data will be used, primarily, to supplement IRS Form 8850. This data will help expedite the processing of employer requests for Certifications generated through IRS Form 8850 or issuance of Conditional Certifications (CCs) and employer requests for Certifications as a result of hiring individuals who have received SWAs' or participating agencies' generated CCs. The data will also help streamline SWAs' mandated verification activities, aid and expedite the preparation of the quarterly reports, and provide a significant source of information for the Secretary's Annual Report to Congress on the WOTC program. The data recorded through the use of these forms will also help in the preparation of an annual report to the Committee House of Ways and Means of the U.S. House of Representatives. Also, the plans submitted by the states will tell the regional and national offices how the states plan to administer the WOTC and the WtW tax credits and use the funds allocated to them. Finally, the data obtained through the use of the Technical Assistance and Review Guide will help the Regional Coordinators determine if the states are administering the tax credits in compliance with the reauthorizing legislation, the IRS Code

of 1986, as amended and the Program Handbook. If the findings show any deviation from the plan or deficiencies, the Regional Coordinator will be able to plan, coordinate and deliver remedial assistance with the National and corresponding State Coordinators to affected existing and new staff members.

**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 Work Opportunity and Welfare-to-Work Tax Credits' reporting and administrative forms expire June 30, 2002. Pub. L. 107-147 reauthorized these two tax credits through December 31, 2003. Because the Congress reauthorizes these tax credits regularly for periods that range between one and three years, we are requesting a 3-year expiration date from approval date to

continue the existing collection of information.

- Further, the Government Paperwork Elimination Act (GPEA) of 1998 (Public Law 105-277) requires that, when feasible, Federal agencies design and implement the use of automated systems that facilitate the electronic signature and filing of forms (by participants) to conduct official business with the public by 2003. To comply with this requirement, ETA is currently working with a contractor to develop an electronic reporting system for the tax credits' program. The electronic system will transfer the WOTC and WtW quarterly reports to ETA's Enterprise Information Management System (EIMS). The EIMS is a web-based system that will allow states to meet the reporting responsibilities in a more efficient manner while reducing the reporting burden on the state, regional and national levels. Through this system, states will have the choice of manually entering or electronically uploading the required quarterly data for Reports 1, 2 and 3 (ETA Forms 9057, 9058 and 9059). Implementation of the new system is targeted for the reports due in the regional offices 25 days after the end of the July 1, 2002 to September 30, 2002 period. The new electronic reporting system is expected to reduce burden hours by 25 percent.

*Type of Review:* Extension.

*Agency:* Employment and Training Administration.

*Title:* Work Opportunity Tax Credit (WOTC) and Welfare-to-Work Tax (WtW) Credit.

*OMB Number:* 1205-0371.

*Agency Number:* ETA Forms 9057-59; 9061-63 and 9065.

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

*State Burden:*

Cite/reference	Total respondents	Frequency	Total <sup>1</sup> responses	Average time/response	Burden <sup>2</sup>
Form 9057 .....	52	Quarterly .....	208	6 hours .....	1248
Form 9058 .....	52	Quarterly .....	208	6 hours .....	1248
Form 9059 .....	52	Quarterly .....	208	6 hours .....	1248
Form 9062 .....	52	As needed .....	40	6 hours .....	240
Form 9063 .....	52	As needed .....	1000	45 mins .....	750
Form 9065 .....	52	Quarterly .....	208	6 hours .....	1248
Record keeping .....	52	Annually .....	52	931 hours .....	41844
TA & Review Guide .....	52	Annually .....	52	8 hours .....	416
TEGL No. ## Planning Guidance .....	52	One time .....	52	8 hours .....	416
TEGL No. ## Planning Guidance Modification.	52	As needed .....	52	1 hour .....	52
<b>Total .....</b>			<b>2080</b>		<b><sup>3</sup>49910</b>

<sup>1</sup> Numbers of "Total Responses" and "Average Time/Response" are only estimates and were obtained by calling several States and asking for the best possible estimates.

<sup>2</sup> Also, these numbers represent a 25% decrease in burden hours from those submitted for the 2001 OMB Package. The decrease is the direct result of the new Electronic Information Systems (EIMS) to be in place for the Fourth Quarter Reports due 25 days after the end of the July 1, 2001-September 20, 2002 period.

<sup>3</sup>This grand total includes the 1200 burden hours for ETA Form 9061.

## EMPLOYER/CONSULTANTS AND JOB SEEKERS

Cite/ reference	Total respondents	Frequency	Total responses	Burden
Form 9061 .....	200	5 days .....	6 hours .....	1200

*Total Burden Hours:* 49910.  
*Total 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 Budget approval of this information collection request. They will also become a matter of public record.

Dated: April 30, 2002.

**Grace A. Kilbane,**

*Administrator, Office of Workforce Security,  
Labor.*

[FR Doc. 02-11705 Filed 5-9-02; 8:45 am]

**BILLING CODE 4510-30-P**

**DEPARTMENT OF LABOR****Employment Standards Administration****Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions**

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in

accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution

Avenue, NW., Room S-3014, Washington, DC 20210.

**Modification to General Wage Determination Decisions**

The number of the decisions listed to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

*Volume I*

## New Jersey

NJ020001 (Mar. 1, 2002)  
NJ020002 (Mar. 1, 2002)  
NJ020003 (Mar. 1, 2002)  
NJ020004 (Mar. 1, 2002)  
NJ020005 (Mar. 1, 2002)  
NJ020007 (Mar. 1, 2002)

*Volume II*

None

*Volume III*

## Florida

FL020001 (Mar. 1, 2002)  
FL020014 (Mar. 1, 2002)  
FL020015 (Mar. 1, 2002)  
FL020017 (Mar. 1, 2002)  
FL020032 (Mar. 1, 2002)

## Tennessee

TN020001 (Mar. 1, 2002)  
TN020002 (Mar. 1, 2002)  
TN020005 (Mar. 1, 2002)  
TN020045 (Mar. 1, 2002)  
TN020048 (Mar. 1, 2002)  
TN020062 (Mar. 1, 2002)

*Volume IV*

None

*Volume V*

## Kansas

KS020006 (Mar. 1, 2002)  
KS020007 (Mar. 1, 2002)  
KS020009 (Mar. 1, 2002)  
KS020010 (Mar. 1, 2002)  
KS020011 (Mar. 1, 2002)  
KS020013 (Mar. 1, 2002)  
KS020016 (Mar. 1, 2002)  
KS020017 (Mar. 1, 2002)  
KS020025 (Mar. 1, 2002)  
KS020026 (Mar. 1, 2002)  
KS020029 (Mar. 1, 2002)  
KS020035 (Mar. 1, 2002)  
KS020069 (Mar. 1, 2002)  
KS020070 (Mar. 1, 2002)

## Missouri

MO020001 (Mar. 1, 2002)  
MO020010 (Mar. 1, 2002)  
MO020012 (Mar. 1, 2002)