

**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: Payment of Compensation Without Award (LS-206). 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 July 25, 2005.

**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**

The Office of Workers' Compensation Programs (OWCP) administers the Longshore and Harbor Workers' Compensation Act (LHWCA). The 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. Under Sections 914(b) and (c) of the Longshore Act, a self-insured employer or insurance carrier is required to pay compensation within 14 days after the employer has knowledge of the injury or death. Upon making the first payment, the employer or carrier shall

immediately notify the district director of payment. Form LS-206 has been designated as the proper form on which report of first payment is to be made. The LS-206 is also used by OWCP district offices to determine the payment status of a given case. This information collection is currently approved for use through March 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 the approval of the extension of this information collection in order to carry out its responsibility to meet the statutory requirements to provide compensation or death benefits under the Act to workers covered under the Act.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Titles:* Payment of Compensation Without Award.

*OMB Number:* 1215-0022.

*Agency Numbers:* LS-206.

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

*Total Respondents:* 700.

*Total Annual responses:* 24,500.

*Estimated Total Burden Hours:* 6,125.

*Estimated Time Per Response:* 15 minutes.

*Frequency:* On Occasion.

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

*Total Burden Cost (operating/maintenance):* \$10,902.50.

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: May 19, 2005.

**Bruce Bohanon,**

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

[FR Doc. E5-2638 Filed 5-24-05; 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: Certificate of Medical Necessity (CM-893). 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 July 25, 2005.

**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, *Email* [bell.hazel@dol.gov](mailto:bell.hazel@dol.gov). Please use only one method of transmission for comments (mail, fax, or Email).

**SUPPLEMENTARY INFORMATION:****I. Background**

The Office of Workers' Compensation Programs administers the Federal Black Lung Workers' Compensation Program. The enabling regulations of the Black

Lung Benefits Act, at 20 CFR 725.701, establishes miner eligibility for medical services and supplies for the length of time required by the miner's condition and disability. 20 CFR.706 stipulates there must be prior approval before ordering an apparatus where the purchase price exceeds \$300.00. 20 CFR 725.707 provides for the ongoing supervision of the miner's medical care, including the necessity, character and sufficiency of care to be furnished; gives the authority to request medical reports and indicates the right to refuse payment for failing to submit any report required. Because of the above legislation and regulations, it was necessary to devise a form to collect the required information. The CM-893, Certificate of Medical Necessity is completed by the coal miner's doctor and is used by the Division of Coal Mine Worker's Compensation to determine if the miner meets impairment standards to qualify for durable medical equipment, home nursing, and/or pulmonary rehabilitation. This information collection is currently approved for use through November 30, 2005.

## 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 extension of approval to collect this information in order to carry out its responsibility to determine the eligibility for reimbursement of medical benefits to Black Lung recipients.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Title:* Certificate of Medical Necessity.  
*OMB Number:* 1215-0113.  
*Agency Number:* CM-893.  
*Affected Public:* Individuals or households; Business or other for profit, Not-for-profit institutions.

*Total Respondents:* 4,000.

*Total Annual responses:* 4,000.

*Estimated Total Burden Hours:* 1,567.

*Time Per Response:* 20 to 40 minutes.

*Frequency:* On occasion.

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

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

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: May 19, 2005.

### Bruce Bohanon,

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

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-56,536, TA-W-56,536A, and TA-W-56,536B]

### Butler Manufacturing Company, Subsidiary of Bluescope Steel, Ltd, Buildings Division, Wall and Roof Panels Production, Trim and Components Production and Secondaries Production, Galesburg, IL; Negative Determination on Reconsideration

On April 6, 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 was published on April 25, 2005 in the **Federal Register** (70 FR 21247). Workers of the subject firm produce pre-engineered metal building system parts, including wall and roof panels, trim and components, and secondaries (non-structural parts).

The Department initially denied Trade Adjustment Assistance (TAA) to workers of Butler Manufacturing Company, Subsidiary of Bluescope Steel, LTD, Building Division, Wall and Roof Panels Production, Trim and Components Production, and Secondaries Production, Galesburg,

Illinois, because neither the shift of production or the "contributed importantly" group eligibility requirements of the Trade Act of 1974, as amended, were met.

The petitioners requesting reconsideration questioned the Department's determination that criterion (a)(2)(A)(I.B.) was not met. The Department concurs and corrects that finding to read that criterion (a)(2)(A)(I.C.) was not met. Criterion (a)(2)(A)(I.C.) requires that increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision.

In response to the petitioners' allegation that workers are not separately identifiable by product line, the Department contacted company officials and petitioners to address the issue. The determination that the workers are separately identifiable by product line was based on information provided by the subject company during the initial investigation. Based on information provided during the reconsideration investigation, the Department finds that workers are interchangeable and are not separately identifiable by production line.

The initial investigation also revealed that during the investigation period of 2003 through 2004, the subject company did not import products like or directly competitive with wall and roof panels, trim and components, or secondaries, nor did it shift production of these articles abroad.

A survey of the subject company's major declining customers conducted during the initial investigation revealed no imports of products like or directly competitive with those produced by the subject company during the investigatory period.

In the request for reconsideration, the petitioners also allege that the subject company will open foreign manufacturing facilities which would incorporate a Butler manufacturing facility for pre-engineered buildings: three facilities in India by May-June 2005, and two facilities in China by mid-2006.

While the alleged shifts of production fall outside the scope of the investigation, the Department contacted the subject company and the workers to address the petitioners' allegations.

A careful review of the information obtained from the subject company and the workers during the reconsideration investigation confirmed that during 2003 and 2004, the subject firm did not