

agricultural practices, better training, and other prophylactic measures that will help prevent future discharges. The facility's operation will also be governed by a NPDES permit, which the State of North Carolina issued on March 19, 2001.

The United States entered this litigation as an intervener in a suit initially brought by the American Canoe Association, the Professional Paddlesports Association, and the Conservation Council of North Carolina (collectively, the "Citizen Plaintiffs"). The Citizen Plaintiffs participated in the negotiation of the Consent Decree and agree with its terms. The Citizen Plaintiffs and the defendants negotiated a separate agreement known as the Consent Order and Protocol, which is attached to the Consent Decree. Under this document, the Citizen Plaintiffs are not entitled to participate in the enforcement of the Consent Decree until the defendants' motions to have the Court reconsider its earlier rulings concerning standing and *Gwaltney of Smithfield, Ltd. v. Chesapeake Bay Foundation*, 484 U.S. 49 (1987), are resolved in Citizen Plaintiffs' favor. The Consent Order and Protocol provides that the Citizen Plaintiffs automatically become parties to the Consent Decree in the event that these issues are resolved in their favor. It also establishes a procedure for the resolution of those issues and the Citizen Plaintiffs' claim for attorneys' fees and litigation expenses.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree and Consent Order and Protocol. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice,

Washington, DC 20044-7611, and should refer to *United States v. Murphy Farms, et al.*, D.J. Ref. 90-5-1-1-06326.

The Consent Decree and Consent Order and Protocol may be examined at the Office of the United States Attorney, 310 New Bern Avenue, Suite 800, Federal Building, Raleigh, North Carolina, and at U.S. EPA Region 4, 61 Forsyth Street, Atlanta, Georgia. A copy of the Consent Decree and Consent Order and Protocol may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In requesting a copy, please enclose a check in the amount of \$12.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Ellen Mahan,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

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DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

July 27, 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 contacting the Department of Labor. To obtain documentation contact Darrin

King at (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 BLS, 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, 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: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics (BLS).

Title: Annual Refiling Survey (ARS).

OMB Number: 1220-0032.

Affected Public: Business or other for-profit; not-for-profit institutions; individuals or households; farms; Federal Government; and State, Local, or Tribal Government.

Frequency: Every 3 years.

Number of Respondents: 2,272,998.

Form No. (survey)	Annual responses	Average response time (hours)	Burden hours
BLS 3023-NVS	2,092,708	.083	173,695
BLS 3023-NVM	37,334	.25	9,334
BLS 3023-NCA	142,956	.167	23,874
Total	2,272,998		206,903

Total Annualized Capital/Startup Costs: \$0.

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

Description: To ensure the continued accuracy of published economic statistics, the information supplied by the employers must be periodically

reviewed and updated. For this purpose, the BLS-3023 forms, collectively known as Annual Refiling Survey (ARS) forms, are used in conjunction with the UI tax reporting system in each State Employment Security Agency (SESA). The information collected on the ARS forms is used to review the existing industry code assigned to each

establishment. The industry codes for establishments in which business activity has changed since the last review are updated to reflect this change. As a result of these updates, the industry data that the BLS and SESAs publish accurately reflect changes that occur in the industrial composition of the economy. This survey is authorized

by 29 U.S.C. 2 and Section 15 of the Wagner-Peyser Act.

Ira L. Mills,

Departmental Clearance Officer.

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DEPARTMENT OF LABOR

Bureau of Labor Statistics

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 pre-clearance 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. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the "Report on Employment, Payroll, and Hours (BLS-790)." A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before October 9, 2001.

ADDRESSES: Send comments to Amy A. Hobby, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, NE., Washington, DC 20212, telephone number 202-691-7628 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Amy A. Hobby, BLS Clearance Officer, telephone number 202-691-7628. (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The Current Employment Statistics (CES) Survey is a Federal/State program of the Bureau of Labor Statistics. It produces monthly estimates of employment, hours, and earnings based

on U.S. nonagricultural establishment payrolls. Information for these estimates is derived from a sample of 359,400 reports, as of April 2001. Each month, these firms report their employment, payroll, and hours on forms identified as the BLS-790. An additional 46,400 establishments, (as of April 2001), currently are collected for the Wholesale Trade, Mining, Construction, and Manufacturing industries under the new probability-based sample design. Other industry divisions will be phased in over the next two years. When the phase-in is complete in early 2003, the BLS expects to be collecting data from 172,500 Unemployment Insurance (UI) accounts for the new design, representing about 445,000 work sites. As industries are converted to the new design, there will be a reduction in the number of reports collected for the current design.

The BLS-790 forms are used for both the current and probability-based designs, and are submitted for clearance. A list of all form types currently used is attached. Respondents in the probability design receive variations of the basic collection forms, depending on their mode of reporting. The BLS is requesting approval through December 31, 2004.

Conversion to the North American Industrial Classification System (NAICS)

Forms for the NAICS-based sample are included in this request. The BLS plans to introduce the NAICS forms in January 2003. The NAICS forms incorporate significant improvements in forms design and layout based on cognitive testing and expert review. These forms may undergo further testing and review prior to their introduction. The forms will be resubmitted for clearance if any substantive changes are made. In general, the data elements and data item definitions remain the same under NAICS as they were under the Standard Industrial Classification (SIC) basis. However, the BLS has taken this opportunity to consolidate several forms and streamline others. All Service-producing industries under NAICS will be collected using the Service Producing Industries form E. This form collects all of the data items previously collected on the SIC-based form E. This will provide the BLS with an opportunity to collect commissions in all service producing sectors where such payments are fairly common. This improvement should enhance the quality of CES earnings estimates. The SIC-based form types A, B, and C are retained; however, they have been re-titled to reflect the NAICS sector names. Reporting requirements

for education units have been reduced. All education sectors, public and private, will report only All Employees, Women Workers, and Faculty employment. The Public Administration NAICS reports will continue to be collected using the G form, which only collects all employees and women.

The CES program is a voluntary program under Federal statute. Reporting to the State agencies is voluntary in all but four States (California, Oregon, Washington, North Carolina) and Puerto Rico.

Automated data collection methods are now used for most of the CES sample. Approximately 214,300 reports are collected using Touch-tone Data Entry (TDE), as of April 2001. In comparison, 26,700 reports are collected by mail. The balance of the sample, 164,800 reports, is collected through other automated methods including Computer Assisted Telephone Interviewing (CATI), Electronic Data Interchange (EDI), facsimile collection, and submission of tapes and diskettes.

Research on use of the World Wide Web (WWW) for data collection is continuing. We expect that reporting via the WWW will grow as more respondents gain access to the Web at their workstations. We currently are testing the use of digital certificates for improving the security of reporting.

The probability design currently is collected by using CATI for initial enrollment, and CATI, TDE, Fax, or EDI for ongoing collection. Because of the need to maintain acceptable response rates, the BLS will be switching more ongoing collection to permanent CATI and away from self-reporting via TDE and Fax. This will necessitate a 25% reduction in the sample size to accommodate the increased resource demands of CATI. However, because of higher response, the BLS expects the number of usable responses will remain about the same.

I. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- 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