

(31) Reports of alleged unlawful discharge or discrimination under Section 428 of the Black Lung Benefits Act, 30 U.S.C. 938;

(32) Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793; 41 CFR Part 60–741, Subpart B;

(33) Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; 29 CFR Part 32;

(34) Safe Drinking Water Act, 42 U.S.C. 300j–9(i); 29 CFR Part 24;

(35) Single Audit Act of 1984, 31 U.S.C. 7505; OMB Circular Nos. A–128 and A–110; 29 CFR Part 96;

(36) Social Security Act, 42 U.S.C. 503; 20 CFR Part 601;

(37) Solid Waste Disposal Act, 42 U.S.C. 6971; 29 CFR Part 24;

(38) Surface Transportation Assistance Act, 49 U.S.C. 31105; 29 CFR Part 1978;

(39) Toxic Substances Control Act, 15 U.S.C. 2622; 29 CFR Part 24;

(40) Vietnam Era Veterans Readjustment Assistance Act, as amended, 38 U.S.C. 4211, 4212; 41 CFR Part 60–250, Subpart B;

(41) Wagner-Peyser Act, as amended, 29 U.S.C. 49; 20 CFR Part 658;

(42) Walsh-Healey Public Contracts Act, as amended, 41 U.S.C. 38; 41 CFR Part 50–203;

(43) Welfare to Work Act, 20 CFR 645.800(c);

(44) Wendell H. Ford Aviation Investment and Reform Act of the 21st Century, 49 U.S.C. 42121; 29 CFR Part 1979;

(45) Workforce Investment Act, 29 U.S.C. 2936(b), 20 CFR 667.830; 29 CFR Part 37 (see 37.110–112);

(46) Workforce Investment Act of 1998, 29 U.S.C. 2936; 20 CFR Part 627; 20 CFR Part 636; 29 CFR Part 37;

(47) Sarbanes-Oxley Act of 2002, 18 U.S.C. 1514A; and

(48) Any laws or regulations subsequently enacted or promulgated that provide for final decisions by the Secretary of Labor upon appeal or review of decisions, or recommended decisions, issued by ALJs.

The Board shall not have jurisdiction to pass on the validity of any portion of the Code of Federal Regulations that has been duly promulgated by the Department of Labor and shall observe the provisions thereof, where pertinent, in its decisions. The Board also shall not have jurisdiction to review decisions to deny or grant exemptions, variations, and tolerances and does not have the authority independently to take such actions. In issuing its decisions, the Board shall adhere to the rules of decision and precedent applicable under each of the laws enumerated in Sections 5(a), 5(b), and 5(c) of this

Order, until and unless the Board or other authority explicitly reverses such rules of decision or precedent. The Board's authority includes the discretionary authority to review interlocutory rulings in exceptional circumstances, provided such review is not prohibited by statute.

6. *Composition and Panel Configuration.*

a. The Board shall consist of a maximum of five Members, one of whom the Secretary shall designate as Chair, and a second of whom the Secretary shall designate as Vice-Chair. The Members of the Board shall be appointed by the Secretary of Labor, and shall be selected upon the basis of their qualifications and competence in matters within the authority of the Board.

b. Except as provided in Section 6(c), the Board shall sit, hear cases, render decisions, and perform all other related functions in panels of two or three Members, as may be assigned by the Chair, unless the Chair specifically directs that an appeal or review will be decided by the full Board.

c. Except as otherwise provided by law or duly promulgated regulation (see, e.g., 29 CFR Parts 7 and 8), if the petitioner(s) and the respondent(s) (or the appellant(s) and the appellees(s)) consent to disposition by a single Member, the Chair may determine that the decision shall be by a single Member. Upon an affirmative determination, the Chair of the Board shall, in his or her discretion, designate himself, herself, or any other Member of the Board to decide such an appeal under Section 8.

d. The Vice-Chair shall preside at meetings in the absence of the Chair. In the event of the vacancy of the Chair's position, the Vice-Chair shall assume all of the Chair's authority and shall act as Chair.

e. The Vice-Chair shall be responsible for the operational management of the Board and its affairs.

7. *Terms of the Members.*

a. Members of the Board shall be appointed for a term of two years or less.

b. Appointment of a Member of the Board to a term not to exceed a specified time period shall not affect the authority of the Secretary to remove, in his or her sole discretion, any Member at any time.

c. Vacancies in the membership of the Board shall not impair the authority of the remaining Member(s) to exercise all the powers and duties of the Board.

8. *Voting.* A petition for review may be granted upon the affirmative vote of one Member, except where otherwise provided by law or regulation. A

decision in any matter, including the issuance of any procedural rules, shall be by a majority vote, except as provided in Section 6(c).

9. *Location of Board Proceedings.* The Board shall hold its proceedings in Washington, DC, unless for good cause the Board orders that proceedings in a particular matter be held in another location.

10. *Rules of Practice and Procedure.* The Board shall prescribe such rules of practice and procedure, as it deems necessary or appropriate, for the conduct of its proceedings. The rules (1) which are prescribed as of the date of this Order in 29 CFR Part 7 and Part 8 with respect to Sections 5(a) and 5(b), respectively, of this Order and (2) which apply as of the date of this Order to appeals and review described in Section 5(c) of this Order shall, until changed, govern the respective proceedings of the Board when it is deciding appeals described in Section 5 of this Order.

11. *Departmental Counsel.* The Solicitor of Labor shall have the responsibility for representing the Secretary, the Deputy Secretary, and other officials of the Department and the Board in any administrative or judicial proceedings involving agency decisions issued pursuant to this Order, including representing officials of the Department before the Board. In addition, the Solicitor of Labor shall have the responsibility for providing legal advice to the Secretary, the Deputy Secretary, and other officials of the Department with respect to decisions covered by this Order, as well as the implementation and administration of this Order. The Solicitor of Labor may also provide legal advice and assistance to the Chair and/or Vice-Chair of the Board, as appropriate.

12. *Effective Date.* This delegation of authority and assignment of responsibility is effective immediately.

Dated: January 15, 2010.

Hilda L. Solis,

Secretary of Labor.

[FR Doc. 2010–1259 Filed 1–22–10; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection Request for Administrative Procedures—20 CFR 601 Including Form MA 8–7; Comment Request on Extension Without Change

AGENCY: Employment and Training Administration, Labor.

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 collection 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.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addresses section of this notice or by accessing: <http://www.doleta.gov/OMB/CN/OMBControlNumber.cfm>.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before March 26, 2010.

ADDRESSES: Send comments to Robert Johnston, U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Avenue, NW., Frances Perkins Bldg., Room S-4531, Washington, DC 20210, telephone number (202) 693-3005 (this is not a toll-free number) or by e-mail: johnston.robert@dol.gov.

SUPPLEMENTARY INFORMATION:**I. Background**

Department of Labor, Employment and Training Administration regulations, 20 CFR 601, Administrative Procedures, contains collection of information requirements at Sections 601.2 and 601.3. Section 601.2 requires states to submit copies of their unemployment compensation laws for approval by the Secretary of Labor so that the Secretary may determine the status of state laws and plans of operation. Section 601.3 requires states to "submit all relevant state materials such as statutes, executive and administrative orders, legal opinions, rules, regulations, interpretations, court decisions, etc." These materials are used by the Secretary to determine whether the state law contains provisions required by Section 3304(a) of the Internal Revenue Code of 1986. Grants of funds are made to states for the administration of their employment

security laws if their unemployment compensation laws and their plans of operation for public employment offices meet required conditions of Federal laws. The information transmitted by Form MA 8-7 is used by the Secretary to make findings (as specified in the above cited Federal laws) required for certification to the Secretary of the Treasury for payment to states or for certification of the state law for purposes of additional tax credit. If this information is not available, the Secretary cannot make such certifications. To facilitate transmittal of required material, the Department prescribes the use of Form MA 8-7, Transmittal for Unemployment Insurance Materials. This simple check off form is used by the states to identify material being transmitted to the National Office and allows the material to be routed to appropriate staff for prompt action.

II. Desired Focus of Comments

Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension collection of the MA 8-7, Transmittal for Unemployment Insurance Materials. The Department of Labor 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
- 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 continued collection of the information described above is necessary to enable the Employment and Training Administration to complete the required certifications.

Type of Review: Extension without change.

Agency: Employment and Training Administration (ETA).

Title: Transmittal for Unemployment Insurance Materials.

OMB Number: 1205-0222.

Agency Number: MA 8-7.

Affected Public: State and Local Governments.

Total Respondents: 53.

Frequency: As needed.

Total Responses: 636.

Average Time per Response: 1 Minute.

Estimated Total Burden Hours: 10 Hours.

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

Total Burden Cost (operating/maintaining): \$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: January 19, 2010.

Jane Oates,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2010-1247 Filed 1-22-10; 8:45 am]

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DEPARTMENT OF LABOR**Bureau of Labor Statistics****Submission for OMB Emergency Review: Comment Request**

January 20, 2010.

The Department of Labor has submitted the following (see below) information collection request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (PRA95) (Pub. L. 104-13, 44 U.S.C. Chapter 35) and 5 CFR 1320.13. OMB approval has been requested by March 31, 2010. A copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at <http://www.reginfo.gov/public/do/PRAMain> or by contacting Darrin King on 202-693-4129 (this is not a toll-free number)/e-mail: DOL_PRA_PUBLIC@dol.gov. Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—ETA, Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202-395-7316/Fax: 202-395-6974 (these are not toll-free