

proposed extension collection of Form WH-46, Application For Certificate to Employ Homeworkers, and Form WH-75, Homeworker Handbook.

Copies of the proposed information collection request 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 section below on or before July 23, 1997. 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.

**ADDRESSES:** Mr. Rich Elman, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 219-6375 (this is not a toll-free number), fax 202-219-6592.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Sections 11(d) of the Fair Labor Standards Act (FLSA), authorizes the Secretary of Labor to regulate, restrict, or prohibit industrial homework as necessary to prevent evasion of the minimum wage requirements of the Act. In order to be permitted to employ homeworkers in the restricted industries (knitted outerwear, women's apparel, jewelry manufacturing, gloves and mittens, button and buckle manufacturing, handkerchief manufacturing and embroideries) under the certification program, an employer must first apply to the Wage and Hour Division for a certificate. The employer's application (WH-46) must contain information required by section 530.102 of Regulations, 29 CFR Part 530, Employment of Homeworkers in Certain Industries, including the names and addresses and languages spoken (other

than English) by the homeworkers. Section 516.31(c) of Regulations, 29 CFR Part 516, Records to be kept by Employers, requires that employers obtain from the Wage and Hour Division (WHD), a separate homeworker handbook for each homeworker employed. The employer must insure that all homeworkers make proper entries in the handbook concerning their hours of work.

##### II. Current Actions

The Department of Labor (DOL) seeks extension of approval to collect this information on: Form WH-46, to provide the WHD a means of identifying employers of homeworkers and individual homeworkers in the restricted industries who may not be identified otherwise; and, on Form WH-75, to ensure that employers fulfill their obligation to obtain and record accurate hours worked information whenever homework is distributed to and collected from employees. Homeworkers record the information as the work is performed. Failure to require an employer to collect this information would make it extremely difficult to determine whether homeworkers are being paid in compliance with the FLSA.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Titles:* Application For Certificate to Employ Homeworkers, and Homeworker Handbook.

*OMB Number:* 1215-0013

*Agency Numbers:* WH-46 and WH-75.

*Affected Public:* Individuals or households; Business or other for-profit; Not for-profit institutions.

*Total Respondents:* 14,175.

*Frequency:* On occasion.

*Total Responses:* 56,663.

*Average Time Per Response for Reporting:* 1/2 hour for WH-46; 1/2 hour for WH-75.

*Average Time Per Response for Recordkeeping:* 1/2 hour for Piece Rate Measurements; 1/2 hour for WH-75.

*Estimated Total Burden Hours:* 28,916.

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

*Total Burden Cost (operating/maintenance):* \$13.30.

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, 1997.

**Cecily A. Rayburn,**

*Director, Division of Financial Management, Office of Management Administration and Planning, Employment Standards, Administration.*

[FR Doc. 97-13615 Filed 5-22-97; 8:45 am]

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## 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 supersedes 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 government 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, N.W., Room S-3014, Washington, D.C. 20210.

#### **Withdrawn General Wage Determination Decisions**

This is to advise all interested parties that the Department of Labor is withdrawing, from the date of this notice, General Wage Determination Nos. NE970036 and NE970044 dated February 14, 1997.

Agencies with construction projects pending, to which this wage decision would have been applicable, should utilize Wage Decision No. NE970025. Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is less than ten (10) days from the date of this notice, this action shall be effective unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.

#### **Modifications to General Wage Determination Decisions**

The number of decisions listed in 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*

Massachusetts  
MA970012 (Feb. 14, 1997)  
New Jersey  
NJ970002 (Feb. 14, 1997)  
NJ970003 (Feb. 14, 1997)  
NJ970004 (Feb. 14, 1997)  
NJ970005 (Feb. 14, 1997)  
New York  
NY970002 (Feb. 14, 1997)  
NY970007 (Feb. 14, 1997)  
NY970018 (Feb. 14, 1997)  
NY970021 (Feb. 14, 1997)

##### *Volume II*

Maryland  
MD970002 (Feb. 14, 1997)  
Pennsylvania  
PA970003 (Feb. 14, 1997)  
PA970013 (Feb. 14, 1997)  
PA970032 (Feb. 14, 1997)  
PA970051 (Feb. 14, 1997)  
Virginia  
VA970003 (Feb. 14, 1997)  
VA970005 (Feb. 14, 1997)  
VA970006 (Feb. 14, 1997)  
VA970009 (Feb. 14, 1997)  
VA970015 (Feb. 14, 1997)  
VA970017 (Feb. 14, 1997)  
VA970018 (Feb. 14, 1997)  
VA970022 (Feb. 14, 1997)  
VA970023 (Feb. 14, 1997)  
VA970031 (Feb. 14, 1997)  
VA970033 (Feb. 14, 1997)  
VA970035 (Feb. 14, 1997)  
VA970046 (Feb. 14, 1997)  
VA970054 (Feb. 14, 1997)  
VA970055 (Feb. 14, 1997)  
VA970080 (Feb. 14, 1997)  
VA970081 (Feb. 14, 1997)  
VA970084 (Feb. 14, 1997)  
VA970085 (Feb. 14, 1997)  
VA970087 (Feb. 14, 1997)  
VA970088 (Feb. 14, 1997)  
VA970107 (Feb. 14, 1997)  
VA970108 (Feb. 14, 1997)

##### *Volume III*

None

##### *Volume IV*

Illinois  
IL970001 (Feb. 14, 1997)  
IL970002 (Feb. 14, 1997)  
IL970009 (Feb. 14, 1997)  
IL970010 (Feb. 14, 1997)  
IL970011 (Feb. 14, 1997)  
IL970012 (Feb. 14, 1997)  
IL970013 (Feb. 14, 1997)  
IL970015 (Feb. 14, 1997)  
IL970018 (Feb. 14, 1997)  
IL970038 (Feb. 14, 1997)

IL970048 (Feb. 14, 1997)  
IL970053 (Feb. 14, 1997)  
IL970055 (Feb. 14, 1997)  
IL970065 (Feb. 14, 1997)

##### Indiana

IN970001 (Feb. 14, 1997)

##### *Volume V*

##### Kansas

KS970006 (Feb. 14, 1997)  
KS970012 (Feb. 14, 1997)

##### Louisiana

LA970005 (Feb. 14, 1997)  
LA970015 (Feb. 14, 1997)  
LA970018 (Feb. 14, 1997)

##### Nebraska

NE970025 (Feb. 14, 1997)

##### *Volume VI*

None

##### *Volume VII*

##### California

CA970070 (Feb. 14, 1997)  
CA970084 (Feb. 14, 1997)  
CA970101 (Feb. 14, 1997)  
CA970111 (Feb. 14, 1997)

#### **General Wage Determination Publication**

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the county.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487-4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512-1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 16th day of May 1997.

**Carl Poleskey,**

*Chief, Branch of Construction Wage Determinations.*

[FR Doc. 97-13286 Filed 5-22-97; 8:45 am]

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## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

#### Proposed Amendment to Prohibited Transaction Exemptions (PTEs) 90-30 Involving Bear, Stearns & Co. Inc., (D-10245) 90-32 Involving Prudential Securities Incorporated, (D-10246)

**AGENCY:** Pension and Welfare Benefits Administration, Department of Labor.

**ACTION:** Notice of a proposed amendment to the Underwriter Exemptions.<sup>1</sup>

**SUMMARY:** This document contains a notice of pendency before the Department of Labor (the Department) of a proposed amendment to the

<sup>1</sup> The term "Underwriter Exemptions" refers to the following individual Prohibited Transaction Exemptions (PTEs): PTE 89-88, 54 FR 42582 (October 17, 1989); PTE 89-89, 54 FR 42569 (October 17, 1989); PTE 89-90, 54 FR 42597 (October 17, 1989); PTE 90-22, 55 FR 20542 (May 17, 1990); PTE 90-23, 55 FR 20545 (May 17, 1990); PTE 90-24, 55 FR 20548 (May 17, 1990); PTE 90-28, 55 FR 21456 (May 24, 1990); PTE 90-29, 55 FR 21459 (May 24, 1990); PTE 90-30, 55 FR 21461 (May 24, 1990); PTE 90-31, 55 FR 23144 (June 6, 1990); PTE 90-32, 55 FR 23147 (June 6, 1990); PTE 90-33, 55 FR 23151 (June 6, 1990); PTE 90-36, 55 FR 25903 (June 25, 1990); PTE 90-39, 55 FR 27713 (July 5, 1990); PTE 90-59, 55 FR 36724 (September 6, 1990); PTE 90-83, 55 FR 50250 (December 5, 1990); PTE 90-84, 55 FR 50252 (December 5, 1990); PTE 90-88, 55 FR 52899 (December 24, 1990); PTE 91-14, 55 FR 48178 (February 22, 1991); PTE 91-22, 56 FR 03277 (April 18, 1991); PTE 91-23, 56 FR 15936 (April 18, 1991); PTE 91-30, 56 FR 22452 (May 15, 1991); PTE 91-62, 56 FR 51406 (October 11, 1991); PTE 93-31, 58 FR 28620 (May 5, 1993); PTE 93-32, 58 FR 28623 (May 14, 1993); PTE 94-29, 59 FR 14675 (March 29, 1994); PTE 94-64, 59 FR 42312 (August 17, 1994); PTE 94-70, 59 FR 50014 (September 30, 1994); PTE 94-73, 59 FR 51213 (October 7, 1994); PTE 94-84, 59 FR 65400 (December 19, 1994); PTE 95-26, 60 FR 17586 (April 6, 1995); PTE 95-59, 60 FR 35938 (July 12, 1995); PTE 95-89, 60 FR 49011 (September 21, 1995); PTE 96-11, 61 FR 3490 (January 31, 1996); PTE 96-22, 61 FR 14828 (April 3, 1996); PTE 96-84, 61 FR 58234 (November 13, 1996); PTE 96-92, 61 FR 66334 (December 17, 1996); PTE 96-94, 61 FR 68787 (December 30, 1996); PTE 97-05, 62 FR 1926 (January 14, 1997); and PTE 97-28, 62 FR (Norwest Investment Services).

In addition, the Department notes that it is also proposing individual exemptive relief for Ironwood Capital Partners Ltd., Final Authorization Number (FAN) 97-02E and Deutsche Bank AG, New York Branch and Deutsche Morgan Grenfell/C.J. Lawrence Inc., FAN 97-03E, which received the approval of the Department to engage in transactions substantially similar to the transactions described in the Underwriter Exemptions pursuant to PTE 96-62.

Underwriter Exemptions. The Underwriter Exemptions are individual exemptions that provide relief for the origination and operation of certain asset pool investment trusts and the acquisition, holding and disposition of certain asset backed pass-through certificates representing undivided interests in those investment trusts. The proposed amendment, if granted, would: (1) Modify the definition of "Trust" to include a pre-funding account (the Pre-Funding Account) and a capitalized interest account (the Capitalized Interest Account) as part of the corpus of the Trust; (2) provide retroactive relief for transactions involving asset pool investment trusts containing pre-funding accounts which have occurred on or after January 1, 1992; (3) include in the definition of "Certificate" a debt instrument that represents an interest in a Financial Asset Securitization Investment Trust (FASIT); and (4) make certain changes to the Underwriter Exemptions that would reflect the Department's current interpretation of the Underwriter Exemptions.

**DATES:** Written comments and requests for a hearing should be received by the Department on or before July 7, 1997.

**EFFECTIVE DATE:** If adopted, the proposed amendment to the Underwriter Exemptions would be effective for transactions occurring on or after January 1, 1992, except as otherwise provided in subsection II.A.(7) and section III.AA. of the proposed exemption.

**ADDRESSES:** All written comments and requests for a hearing (preferably at least three copies) should be sent to: Office of Exemption Determinations, Pension and Welfare Benefits Administration, Room N-5649, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Attn: Proposed Amendment to PTEs 90-30, 90-32, et al. The applications pertaining to the amendment proposed herein and the comments received will be available for public inspection in the Public Documents Room of the Pension and Welfare Administration, U. S. Department of Labor, Room N-5638, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

**FOR FURTHER INFORMATION CONTACT:** Wendy McColough of the Department, telephone (202) 219-8971. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** Notice is hereby given of the pendency before the Department of a proposed exemption to amend PTEs 90-30, 55 FR 21461 (May 24, 1990) and 90-32, 55 FR 23147 (June 6, 1990), two of the Underwriter

Exemptions. The Underwriter Exemptions are a group of individual exemptions that provide substantially identical relief for the operation of certain asset pool investment trusts and the acquisition and holding by plans of certain asset-backed pass-through certificates representing interests in those trusts. These exemptions provide relief from certain of the restrictions of sections 406(a), 406(b) and 407(a) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of certain provisions of section 4975(c)(1) of the Code.

The proposed amendment was requested by application dated March 25, 1996, and as restated in a later submission dated February 26, 1997, on behalf of Bear, Stearns & Co. Inc.<sup>2</sup> and Prudential Security Inc.<sup>3</sup> (the Applicants). In preparing the application, the Applicants received input from members of the PSA. The Bond Market Trade Association (formerly the Public Securities Association) (PSA).

The Department is proposing the amendment to these individual exemptions pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990).<sup>4</sup> In addition, the Department is proposing to provide the same relief on its own motion pursuant to the authority described above for many of the other Underwriter Exemptions which have substantially similar terms and conditions.<sup>5</sup> The Department is also proposing to provide the same relief to Ironwood Capital Partners Ltd. (D-10424) and Deutsche Bank AG, New York Branch and Deutsche Morgan Grenfell/C.J. Lawrence Inc. (D-10433), which received the

<sup>2</sup> PTE 90-30, 55 FR 21461 (May 24, 1990). Bear, Stearns & Co. Inc. (Bear, Stearns) is an international investment banking firm which engages in securities transactions as both a principal and agent and which provides a broad range of underwriting, research and financial services to its clients.

<sup>3</sup> PTE 90-32, 55 FR 23147 (June 6, 1990). PTE 90-32 was granted to Prudential-Bache Securities, Inc. which subsequently changed its corporate name to Prudential Securities Incorporated (Prudential). Prudential is a full service securities broker-dealer and investment banking firm.

<sup>4</sup> Section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978, 5 U.S.C. App. 1 [1995]) generally transferred the authority of the Secretary of the Treasury to issue exemptions under section 4975(c)(2) of the Code to the Secretary of Labor. In the discussion of the exemption, references to section 406 and 408 of the Act should be read to refer as well to the corresponding provisions of section 4975 of the Code.

<sup>5</sup> In this regard, the entities who received the other Underwriter Exemptions were contacted concerning their participation in this amendment process.