

and five tax populations. Each transaction record contains the necessary characteristics or dimensions that enable it to be summed into an independent recount of what the state has already reported. The Department provides state agencies with software that edits the extract file (to identify and remove duplicate transactions and improperly built records, for example), then aggregates the transactions to produce an independent reconstruction or "validation count" of the reported figure. The reported count is considered valid by this "quantity" validation test if it is within  $\pm 2\%$  of the validation count ( $\pm 1\%$  for a GPRA-related element).

The software also draws samples of most transaction types from the extract files. Guided by a state-specific handbook, the validators review these sample records against documentation in the state's management information system to determine whether the transactions in the extract file are supported by system documentation. This qualitative check determines whether the validation count can be trusted as accurate. The benefits extract files are considered to pass this "quality" review if random samples indicate that no more than 5% of the records contain errors; tax files are subjected to different but related tests. A reported count is considered valid only if it differs from a reconstructed (validation) count by no more than the appropriate criterion of  $\pm 2\%$  or  $\pm 1\%$ , and the validation count comes from an extract file that has satisfied all quality tests.

For Federal fiscal years 2011 and beyond, all states will be required to conduct a complete validation every three years. In three cases the three-year rule does not apply, and a revalidation must occur within one year: (1) Groups of reported counts that are summed for purposes of making a Pass/Fail determination and do not pass validation by being within  $\pm 2\%$  of the reconstructed counts or the extract file does not pass all quality tests; (2) the validation applies to the two benefits populations and one tax population used for GPRA measures; and (3) reports are produced by new reporting software. Every year states must also certify that Module 3 of the Benefits and Tax handbooks are up to date.

In August 2015, through Unemployment Insurance Program Letter 08-12, Change 1, the Department issued changes that increased the high dollar overpayment threshold from \$5,000 to \$25,000 on the ETA 227 report. The ETA 227 report is validated through four of the 16 benefit

populations. Only the validation of Benefits Population 12 will be affected by the new threshold of \$25,000. Accommodating the new threshold requires: (1) Changing the threshold amount in the data validation database programming; (2) making one-time changes to two rows of data that validate the 227 report; and (3) adapting the affected Overpayment rules (called Steps or Substeps) to Module 3 of the Benefits handbook, which contains State definitions and data system locations for Federal reporting requirements. These changes will impose little to no additional burden on state validators.

## II. Review Focus

The Department 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

*Type of Review:* Extension with revisions.

*Title:* Unemployment Insurance Data Validation Program.

*OMB Number:* 1205-0431.

*Affected Public:* State Workforce Agencies.

*Form(s):* ET Handbook 361.

*Estimated Total Annual Respondents:* 53.

*Annual Frequency:* At least five validation items per state (two benefits populations and one tax population) plus reviewing and certifying that Benefits and Tax Module items are up to date.

*Estimated Total Annual Responses:* 265 (53 states  $\times$  5 populations).

*Average Time per Response:* 446 Hours.

*Estimated Total Annual Burden Hours:* 23,644 Hours.

*Total Annual Burden Cost for Respondents:* \$1,115,997.

We will summarize and/or include in the request for OMB approval of the ICR, the comments received in response to this comment request; they will also become a matter of public record.

**Portia Wu,**

*Assistant Secretary for Employment and Training, Labor.*

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**BILLING CODE 4510-FW-P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### **Agency Information Collection Activities; Submission for OMB Review; Comment Request; Prohibited Transaction Exemption 1990-1, Insurance Company Pooled Separate Accounts**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, "Prohibited Transaction Exemption 1990-1, Insurance Company Pooled Separate Accounts," to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before November 23, 2015.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201509-1210-001](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201509-1210-001) (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-EBSA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to

send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:**

Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the Prohibited Transaction Exemption 1990-1 (PTE 90-1), Insurance Company Pooled Separate Accounts information collection. PTE 90-1 provides an exemption from certain Employee Retirement Income Security Act of 1974 (ERISA) provisions relating to transactions involving insurance company pooled separate accounts in which employee benefit plans participate. Without the exemption, Internal Revenue Code section 4975(c)(1) and ERISA sections 406 and 407(a) might prohibit a party in interest to a plan from furnishing goods or services to an insurance company pooled separate account in which the plan has an interest or prohibit engaging in other transactions. See 26 U.S.C. 4975(c)(1) and 29 U.S.C. 1106 and 1107(a). Under the exemption, a person who is a party in interest to a plan that invests in a pooled separate account, such as a service provider, may engage in otherwise prohibited transactions with the separate account if the plan's participation in the separate account does not exceed specified limits and other conditions are met. These other conditions include a requirement that the party in interest not be the insurance company, or an affiliate thereof, that holds the plan assets in its pooled separate account or other separate account. The terms of the transaction to which the exemption is applied must be at least as favorable to the pooled separate account as those that would be obtained in a separate arms-length transaction with an unrelated party, and the insurance company must maintain records of any transaction to which the exemption applies for a period of six years. This ICR covers the recordkeeping requirement. Internal Revenue Code section 4975(c)(2) and ERISA section 408(a) authorize this information collection. See 26 U.S.C. 4975(c)(2) and 29 U.S.C. 1108(a).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1210-0083.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on October 31, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 17, 2015 (80 FR 34696).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1210-0083. The OMB 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 submission of responses.

*Agency:* DOL-EBSA.

*Title of Collection:* Prohibited Transaction Exemption 90-1; Insurance Company Pooled Separate Accounts.

*OMB Control Number:* 1210-0083.

*Affected Public:* Private Sector—businesses or other for-profits.

*Total Estimated Number of Respondents:* 96.

*Total Estimated Number of Responses:* 960.

*Total Estimated Annual Time Burden:* 160 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

Dated: October 19, 2015.

**Michel Smyth,**

*Departmental Clearance Officer.*

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**BILLING CODE 4510-29-P**

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts

#### Proposed Collection; Comment Request

**ACTION:** Notice.

**SUMMARY:** The National Endowment for the Arts (NEA), 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)(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 NEA is soliciting comments concerning the proposed information collection on arts participation in the U.S. A copy of the current information collection request can be obtained by contacting the office listed below in the address section of this notice.

**DATES:** Written comments must be submitted to the office listed in the address section below within 60 days from the date of this publication in the **Federal Register**. The NEA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary