

Department of Labor Response to Comments Sent to the Office of Management and Budget
Pursuant to 30-day FRN

In response to the 30-day public comment period announced in the *Federal Register* on April 21, 2014, 79 FR 33259, the Office of Management and Budget received a comment from the Center for Regulatory Effectiveness. This document represents the Department of Labor (DOL) response to the issues raised in the comment.

Opportunity for Public Comment on Data Base Correction: The monetized value of respondent burden hours was included in item 12 of both the 2011 and 2014 justification supporting statements, and the public had an opportunity to comment on the estimates during both the 60- and 30-day comment periods. That value, however, was inadvertently included in the reginfo.gov database entry for the (start-up/capital and maintenance/operation) cost of the ICR during the 2011 submission, contrary to OMB guidance. The ICR currently pending simply corrects the entry.

Instruments: It appears the commenter may have confused Form ETA-9089 (approved under control number 1205-0451) with Form ETA-750, the subject of the pending request. Form ETA-750 is not used in the PERM program the commenter cites, and the problems the commenter discusses are based on regulations that go to Form ETA-9089.

Email Reporting Portal: Based on experience with an earlier “fax in” system for the various OFLC forms, an email system could actually increase burden for respondents and the agency because of confusion over what should be sent to the email address.

Annual Report on Volume and Nature of Respondent Errors: ETA receives only 33 Forms ETA-750 annually by DOL. ETA has found no errors made by employers using this form that would warrant denial or rejection. Based on this history, DOL believes additional annual reporting is not needed.