

**JUSTIFICATION FOR NONMATERIAL-NONSUBSTANTIVE CHANGE FOR
1235-0015, FORM WD10**

The DOL seeks approval of a non-material/non-substantive change to the instructions for Form WD-10. National Defense Authorization Act for FY 2010 section 2833(a) amended Military Construction Act for 2009 section 2924(c), 10 U.S.C. § 2687 note, by adding a provision that requires the DOL to exclude wage data submitted for persons who hold H-2B visas (i.e. visas issued under Immigration and Nationality Act section 101(a)(15)(H)(ii)(b), 8 U.S.C. § 1101(a)(15)(H)(ii)(b)) from the prevailing wage calculation for construction projects in Guam. The revised instructions would ask respondents providing information for a project in Guam to identify any person with an H-2A visa by adding “H2” to the person’s occupation. This approach causes the least disruption to the way in which respondents are accustomed to completing the information collection, while allowing the DOL to ensure it excludes data in accordance with the new statutory requirement.