verify that Department of Labor safety standards are met for all vehicles including passenger automobiles or station wagons.

Agency: Occupational Safety and Health Administration.

Title: Respiratory Protection (29 CFR 1910.134).

OMB Number: 1218–0099 (revision).

Frequency: On occasion.

Affected Public: Business or other for-profit, Federal Government; State, Local or Tribal government.

Number of Respondents: 1,300,000.

Total Response: 15,642,571.

Estimated Time per Respondent: Response time ranges from five minutes to maintain a record to eight hours for new employers to develop a written respiratory protection program.

Total Burden Hours: 8,926,558 (1st year); 5,643,712 (2nd year).

Total annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): $179,850,680.

Description: The final Respiratory Protection standard is an occupational health standard that will minimize occupational exposure to toxic substances. The standard's information collection requirements are essential components that will protect employees from occupational exposure to these toxins. The information will be used by employers and employees to implement the protection required by the standard. OSHA will use some of the information to determine compliance with the standard.

Agency: Occupational Safety and Health Administration.

Title: Portable Fire Extinguishers (29 CFR 1910.157(e)(3))—Annual Maintenance Certification Record.

OMB Number: 1218–ONEW.

Frequency: Annually.

Affected Public: Business or other for-profit; farms; not-for-profit institutions; State, Local or Tribal Government.

Number of Respondents: 127,500.

Total Response: 127,500.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 63,750.

Total annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): $9,180,000.

Description: The Occupational Safety and Health Act of 1970 (the Act) authorizes the promulgation of such health and safety standards as necessary or appropriate to provide safe or healthful employment and places of employment. The statute specifically authorizes information collection by employers as necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents. The inspection certification record required in 29 CFR 1910.157(e)(3) is necessary to assure compliance with the inspection requirements for portable fire extinguishers. It is intended to assure that portable fire extinguishers have an annual maintenance check.

Agency: Occupational Safety and Health Administration.

Title: Student Data Form.

OMB Number: 1218–0172 (reinstatement without change).

Frequency: On occasion.

Affected Public: Individuals.

Number of Respondents: 5,500.

Total Responses: 5,500.

Estimated Time Per Respondent: 5 minutes.

Total Burden Hours: 463 hours.

Total annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: Information collected on the Student Data Form identifies whom the student want contacted in case of an emergency and student group information for record keeping, reporting and the collection of tuition from private sector students.

Todd R. Owen,

Departmental Clearance Officer.

[FR Doc. 98–9832 Filed 4–13–98; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Bureau of International Labor Affairs; U.S. National Administrative Office; National Advisory Committee for the North American Agreement on Labor Cooperation; Notice of One Open Meeting by Teleconference

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of open meeting by teleconference on April 15, 1998.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 94–463), the U.S. National Administrative Office (NAO) gives notice of one meeting of the National Advisory Committee for the North American Agreement on Labor Cooperation (NAALC), which was established by the Secretary of Labor. The meeting will take place on April 15, 1998. Due to scheduling difficulties and the need for immediate action, we are unable to give the full 15 days advance notice for the April 15, 1998 meeting.

The Committee was established to provide advice to the U.S. Department of Labor on matters pertaining to the implementation and further elaboration of the NAALC, the labor side accord to the North American Free Trade Agreement (NAFTA). The Committee is authorized under Article 17 of the NAALC. The Committee consists of 12 independent representatives drawn from among labor organizations, business and industry, and educational institutions.

DATES: The Committee will meet on April 15, 1998. The meeting will be by teleconference.

ADDRESSES: U.S. Department of labor, 200 Constitution Avenue N.W., Room C–5515 (Executive Conference Room), Washington, D.C. 20210. The meeting is open to the public on a first-come, first served basis.

FOR FURTHER INFORMATION CONTACT: Irasema Garza, Designated Federal Officer, U.S. NAO, U.S. Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room C–4327, Washington, D.C. 20210. Telephone 202–501–6653 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Please refer to the notice published in the **Federal Register** on December 15, 1994 (59 FR 64713) for supplementary information.

Signed at Washington, D.C. on April 10, 1998.

Irasema T. Garza,

Secretary, U.S. National Administrative Office.

[FR Doc. 98–9976 Filed 4–10–98; 12:17 pm]

BILLING CODE 4510–28–M

DEPARTMENT OF LABOR

Office of the Secretary

Delegation of Authority; Office of the Chief Financial Officer

On March 26, 1998, I issued a memorandum confirming the current delegation (Secretary's Order 01–97, dated January 10, 1997 and published on February 3, 1997 at 62 FR 5047) of the authority of the Secretary of Labor to the Chief Financial Officer to waive claims arising out of erroneous payments of pay or allowances, or arising out of erroneous payments of travel, transportation or relocation expenses and allowances.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Bresnahan, Deputy Chief Financial Officer, Office of the Chief

Financial Officer, telephone no. 202–219–6891.

Signed at Washington, DC, this 26th day of March, 1998.

Alexis M. Herman,

Secretary of Labor.

[FR Doc. 98–9829 Filed 4–13–98; 8:45 am]

BILLING CODE 4510–23–M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program: Unemployment Insurance Program Letter Interpreting Federal Unemployment Insurance Law

The Employment and Training Administration interprets Federal law requirements pertaining to unemployment compensation (UC) as part of its role in the administration of the Federal-State UC program. These interpretations are issued in Unemployment Insurance Program Letters (UIPLs) to the State Employment Security Agencies. The UIPL described below is published in the **Federal Register** in order to inform the public.

UIPL 18–98

The Department of Labor (DOL) has noticed that some States treat the ''between seasons'' denial involving athletic services in the same manner as the ''between and within terms'' denial involving educational services. UIPL 18–98 explains the differences between these two sections of the Federal Unemployment Tax Act (FUTA) and advises the States of DOL's position on when UC is payable on athletic services.

Under the between seasons denial provision, DOL interpreted FUTA as requiring States to deny UC to athletes on the basis of any services where ''substantially all'' of the services performed by the individual during the base period are based on athletically-related services. If ''substantially all'' of the services have been performed in athletics, and a reasonable assurance of participating in athletics in the later season exists, then none of the wages may be used to establish eligibility and all UC must be denied. Conversely, if the ''substantially all'' test has not been met, the use of all wages for both athletic services and other services, is permissible to determine eligibility for UC. Under the between and within terms denial provision, DOL interpreted FUTA as requiring that UC not be paid based on certain educational services between and within academic periods under certain conditions. The denial requirement under this provision of FUTA pertains only to UC based on educational, and not athletic, services.

Dated: April 8, 1998.

Raymond J. Uhalde,

Acting Assistant Secretary of Labor.

U.S. Department of Labor

Employment and Training Administration, Washington, D.C. 20210

CLASSIFICATION: UI
CORRESPONDENCE SYMBOL: TEUL
DATE: March 30, 1998
DIRECTIVE: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 18–98
TO: ALL STATE EMPLOYMENT SECURITY AGENCIES
FROM: GRACE A. KILBANE, Director, Unemployment Insurance Service
SUBJECT: Use of Services Performed by Professional Athletes Between Seasons

1. *Purpose.* To remind States of the Department of Labor's (DOL's) position concerning how services performed by professional athletes (''athletes'') are used in determining eligibility for unemployment compensation (UC).

2. *References.* Section 3304(a), Federal Unemployment Tax Act (FUTA); Draft Language and Commentary to Implement the Unemployment Compensation Amendments of 1976—P.L. 94–566 (''1976 Draft Language'') and Supplements 1–5; Employment and Training Administration (ETA) Handbook 301; Unemployment Insurance Program Letter (UIPL) No. 43–80, dated May 23, 1980.

3. *Background.* As a result of implementing its new method of measuring nonmonetary performance, DOL has discovered that some States treat the ''between seasons'' denial involving athletic services in the same manner as the ''between and within terms'' denial involving educational services. Although there are similarities in the language of these laws, the applications are different. As a result, DOL is issuing this UIPL to remind the States of its position on when UC is not payable on athletic services and to explain the differences between the two sections.

4. *The Between Seasons Denial.* Section 3304(a)(13), FUTA, requires, as a condition of employers in a State receiving credit against the Federal unemployment tax, that—

Compensation shall not be payable to any individual *on the basis of any services,* substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if such individual performed services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods). [Emphasis added.]

The Department, thus, interpreted FUTA as requiring States to deny UC to athletes on the basis of *any* services where ''substantially all'' of the services performed by the individual during the base period are based on athletically-related services. (See page 22, of Supplement 1, to the 1976 Draft Language.) To determine whether ''substantially all'' of the services were athletically-related, all services (athletic and non-athletic) must be considered together. If ''substantially all'' of the services have been performed in athletics, and a reasonable assurance that the individual will participate in athletics in the later season exists, then none of the wages may be used to establish eligibility, and all UC must be denied. Conversely, if the ''substantially all'' test has not been met, then FUTA permits the use of all wages to determine eligibility for UC.

Concerning what constitutes ''substantially all,'' DOL has previously stated that, at a minimum, ''an individual shall be deemed to have performed substantially all services in such sports or athletic events if the individual engaged in such sports or athletic events for 90 percent or more of the total time spent in the base period in the performance of all covered services.'' (See page 22, of Supplement 1, to the 1976 Draft Language.)

The definition of ''substantially all'' as 90 percent as a basis for denial of athletic services under Section 3304(a)(13), FUTA, is a minimum requirement. FUTA does not prohibit a more stringent denial. Therefore, a State may enact a law to deny benefits between seasons if the amount of time spent in athletic services was less than 90 percent of the total time spent in the performance of all services in the base period. (1976 Draft Language, Supplement 4, page 11.) For example, a State may choose to deny an athlete if only 80 percent or more of the total time in the base period was spent participating in athletic services.

Finally, a State may also deny benefits to athletes between sport seasons where there is no reasonable assurance.

5. *The Between and Within Terms Denial.* Section 3304(a)(6)(A), FUTA, requires that UC not be paid based on certain educational services between and within periods under certain conditions. This denial pertains only to UC based on educational services. It does not apply to UC based on any other covered employment.

As noted in UIPL 34–80, ''since compensation is based only on base period employment, the denial must apply only to the amount of benefits based on school service performed in the base period. An individual who has participated in the labor force in a capacity other than as a school employee cannot be denied benefit entitlement based on the non-school work simply because of also being a school employee.''

Thus, an unemployed individual who performed services for an educational employer and also performed services for a non-educational employer could receive reduced UC during the summer based on the non-educational employment (even if a reasonable assurance of school employment in the next school term exists). The denial would apply only to that portion of benefits based on educational employment during the base period.

Also, unlike the athletic services provision, the States may not apply a stricter denial to educational services.