

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration**

[Docket No. ICR-1218-0215(2000)]

**Personal Protective Equipment for Shipyard Employment; Extension of the Office of Management and Budget's (OMB) Approval of an Information Collection (Paperwork) Request**

AGENCY: Occupational Safety and Health Administration (OSHA); Labor.

ACTION: Notice of an opportunity for public comment.

**SUMMARY:** OSHA solicits comments concerning the proposed extension by OMB of the information collection requirements contained in the standard on Personal Protective Equipment for Shipyard Employment (PPE), 29 CFR 1915.152(b)(4) and (e)(4).

**Request for Comment**

The Agency seeks comments on the following issues:

- Whether the information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated, electronic, mechanical, and other technological information and transmission collection techniques.

**DATES:** Submit written comments on or before December 20, 1999.

**ADDRESSES:** Submit written comments to the Docket Office, Docket No. ICR-1218-0215(2000), Occupational Safety and Health Administration, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone: (202) 693-2350. Commenters may transmit written comments of 10 pages or less in length by facsimile to (202) 693-1648.

**FOR FURTHER INFORMATION CONTACT:** Theda Kenney, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3605, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone: (202) 693-2222. A copy of the Agency's Information Collection Request (ICR)

supporting the need for the information collection requirements contained in the standard on Personal Protective Equipment for Shipyard Employment (29 CFR 1915.152) is available for inspection and copying in the Docket Office, or mailed on request by telephoning Theda Kenney at (202) 693-2222 or Barbara Bielaski at (202) 693-2444. For electronic copies of the ICR, contact OSHA on the Internet at <http://www.osha.gov/comp-links.html>, and click on "Information Collection Requests."

**SUPPLEMENTARY INFORMATION:****I. Background**

The Department of Labor, 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 continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is correct.

The Occupational Safety and Health Act of 1970 (the Act) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657.) The PPE for Shipyard Employment standard requires that all affected employers conduct a hazard assessment and make a determination regarding their need for PPE. This is a one-time obligation unless conditions in the workplace change in such a way that new or different hazards arise, thereby necessitating an updated or revised hazard assessment. The employer must verify performance of the required occupational hazard assessment through a document that contains the following information: Occupation, the date(s) of the hazard assessment, and the name of the person performing the hazard assessment. The employer must also verify that each affected employee received the required training through a document that contains the following information: Name of each employee trained, the date(s) of training, and type of training the employee received.

The information collection requirements (documentations) verify that employers are in compliance with the standard. OSHA compliance officers

will require employers to disclose the required documentation at the time of an inspection.

**II. Proposed Actions**

OSHA estimates that employers will expand 707 burden hours to comply with the information collection requirements in 29 CFR 1915.152(b)(4) and (e)(4). This is a decrease of OSHA's earlier estimate of 1,540 burden hours to comply with the information collection requirements in the above provisions.

OSHA will summarize the comments submitted in response to this notice, and will include this summary in the request to OMB to extend the approval of the information collection requirements contained in the above standard.

*Type of Review:* Extension of currently approved information collection requirement.

*Agency:* Occupational Safety and Health Administration.

*Title:* Personal Protective Equipment for Shipyard Employment (29 CFR 1915.152).

*OMB Number:* 1218-0215.

*Affected Public:* Business or other for-profit; not-for-profit institutions; Federal government; state, local or tribal government.

*Number of Respondents:* 8,000.

*Frequency:* Varies (on occasion, annually).

*Average Time per Response:* Varies from five minutes (0.08 hour) to 3 hours.

*Estimated Total Burden Hours:* 707.

**III. Authority and Signature**

Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506) and Secretary of Labor's Order No. 6-96 (62 FR 111).

Signed at Washington, DC, this 14th day of October 1999.

**Charles N. Jeffress,**

*Assistant Secretary of Labor.*

[FR Doc. 99-27522 Filed 10-20-99; 8:45 am]

BILLING CODE 4510-26-M

**DEPARTMENT OF LABOR****Pension and Welfare Benefits Administration**

[Prohibited Transaction Exemption 99-42; Exemption Application No. D-10671, et al.]

**Grant of Individual Exemptions; Pacific Coast Roofers Pension Plan (the Plan), et al.**

AGENCY: Pension and Welfare Benefits Administration, Labor.

**ACTION:** Grant of individual exemptions.

**SUMMARY:** This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

**Statutory Findings**

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Pacific Coast Roofers Pension Plan (the Plan), Located in San Jose, California, [Prohibited Transaction Exemption 99-42; Exemption Application No. D-10671]

**Exemption**

The restrictions of section 406(a)(1)(D) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(D) of the Code, shall not apply to the making of loans by certain banks (the Banks), under a loan program (the Program) providing for loans to Bank customers for residential and commercial re-roofing jobs that are performed by contributing employers to the Plan, pursuant to an arrangement in which the Plan will purchase certificates of deposit (the CDs) issued by the Banks, provided the following conditions are met:

(a) Alan D. Biller and Associates, Inc., an independent investment manager with respect to the Plan's equities and fixed-income investments, determines on an on-going basis the appropriateness of the Plan's investment of up to 5% of the Plan's total assets in CDs, including CDs issued under the Program, with respect to the Plan's overall investment objectives and policy guidelines;

(b) Turner Dale Associates, Inc. (TDA), an independent investment manager with respect to the Plan's assets involved in the Program, which is also independent of the Banks, acts on the Plan's behalf pursuant to a written Investment Management Agreement to determine on an on-going basis whether the Plan should make each particular investment in the CDs under the Program, and should continue or terminate participation in the Program;

(c) TDA determines at least annually that the Banks participating in the Program are solvent institutions, based on analysis of all relevant information involving the Banks' financial status;

(d) The requirements of section 408(b)(4) of the Act are satisfied if any Bank participating in the Program is a fiduciary or other party in interest with respect to the Plan (see 29 CFR 2550.408b-4);

(e) The Plan's CDs will have a maturity date of at least one year from the date of issuance and will pay the maximum rates of interest provided by the Banks for CDs of the same size and maturity being purchased at the time of the transaction by customers of the Bank not participating in the Program;

(f) The Banks offer CDs provided under the Program to other, unrelated customers in the ordinary course of business;

(g) Interest rates on CDs under the Program, and the total net rates of return to the Plan, taking into consideration all expenses associated with the transaction, are at least comparable to or

better than those rates which the Plan could obtain on similar fixed-income investments of similar risk and term at the time of each CD purchase;

(h) No person who is a party in interest with respect to the Plan, including contributing employers, trustees and other plan fiduciaries, receives a loan under the Program;

(i) The total outstanding amount of CDs purchased by the Plan from the Banks will not exceed 5% of the Plan's total assets at the time of any transaction;

(j) No Plan trustee currently engages in any personal or business transactions with a Bank which will be involved in the Program, and if a trustee engages in such transactions in the future, the trustee shall recuse himself or herself with respect to any decision regarding the Program on behalf of the Plan;

(k) The Plan's investment in CDs is not part of an agreement, arrangement or understanding designed to benefit any investment manager, other Plan fiduciary, or contributing employer, other than to the extent that residential or commercial re-roofing jobs will be performed by contributing employers to the Plan; and

(l) If a customer defaults on a loan, the Bank has no claim against, or recourse to, the CDs or other assets of the Plan.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 26, 1999 at 64 FR 46725.

**FOR FURTHER INFORMATION CONTACT:** Gary H. Lefkowitz of the Department, telephone (202) 219-8881. (This is not a toll-free number.)

Jonas Builders, Inc. Restated Profit Sharing Plan (the Plan), Located in Milwaukee, Wisconsin, [Prohibited Transaction Exemption 99-43; Exemption Application No. D-10764]

**Exemption**

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale of a certain building, which contains a warehouse and a single-family residence (collectively; the Building), by the Plan to Mr. Gerald Jonas, a party in interest with respect to the Plan, provided that the following conditions are satisfied:

(a) All terms and conditions of the sale are at least as favorable to the Plan as those which the Plan could obtain in an arm's-length transaction with an unrelated party;

(b) The fair market value of the Building has been determined by an independent qualified appraiser;

(c) The sale of the Building is a one-time transaction for cash;

(d) The Plan does not pay any commissions, costs or other expenses in connection with the sale of the Building; and

(e) The Plan receives an amount equal to the greater of either: (i) The original acquisition cost of the Building plus any improvement costs and real estate taxes that were incurred by the Plan from the date the Building was acquired by the Plan until the date of the sale (i.e., the total cost of \$1,929,422.73, as of December 31, 1998); or (ii) the current fair market value of the Building, as established by an independent qualified appraiser at the time of the sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on August 26, 1999 at 64 FR 46730.

**FOR FURTHER INFORMATION CONTACT:**

Ekaterina A. Uzlyan of the Department, telephone (202) 219-8883. (This is not a toll-free number.)

**General Information**

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express

condition that the material facts and representations contained in each application are true and complete and accurately describe all material terms of the transaction which is the subject of the exemption. In the case of continuing exemption transactions, if any of the material facts or representations described in the application change after the exemption is granted, the exemption will cease to apply as of the date of such change. In the event of any such change, application for a new exemption may be made to the Department.

Signed at Washington, DC, this 19th day of October, 1999.

**Ivan Strasfeld,**

*Director of Exemption Determinations, Pension and Welfare Benefits Administration, Department of Labor.*

[FR Doc. 99-27521 Filed 10-20-99; 8:45 am]

**BILLING CODE 4510-29-P**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice (99-137)]

**NASA Advisory Council (NAC), Technology Subcommittee of the Earth Systems Science and Applications Advisory Committee; Meeting**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Technology Subcommittee of the Earth Systems Science and Applications Advisory Committee.

**DATES:** November 17, 1999, 9:00 a.m. to 5:30 p.m.

**ADDRESSES:** NASA Headquarters, Room MIC3, 300 E Street SW, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Mr. Granville Paules, Code YF, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-0706.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Introductions, Comments, Adoption of the Agenda
- Review of the ESE Technology Development/Investment Plan for FY2000
- Discussion of external partnering opportunities (continued from earlier meetings)

—Review and discussion of overall Technology Program performance metrics

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: October 18, 1999.

**Matthew M. Crouch,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 99-27500 Filed 10-20-99; 8:45 am]

**BILLING CODE 4310-55-P**

**NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES**

**Meetings of Humanities Panel**

**AGENCY:** The National Endowment for the Humanities.

**ACTION:** Notice of meetings.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

**FOR FURTHER INFORMATION CONTACT:**

Laura S. Nelson, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506; telephone (202) 606-8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606-8282.

**SUPPLEMENTARY INFORMATION:** the proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4),