

more cost-effective and less burdensome methods of obtaining reliable wage data.

**Ira L. Mills,**

*Departmental Clearance Officer.*

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

October 15, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Marlene Howze at ((202) 219-8904 or email [Howze-Marlene@dol.gov](mailto:Howze-Marlene@dol.gov)).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for PWBA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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 submission of responses.

*Type of Review:* Extension of a currently approved collection.

*Agency:* Pension and Welfare Benefits Administration (PWBA).

*Title:* Alternative Method of Compliance for Certain Simplified Employee Pensions.

*OMB Number:* 1210-0034.

*Affected Public:* Business or other for-profit; Individuals or households; and Not-for-profit institutions.

*Frequency:* On occasion.

*Number of Respondents:* 460.

*Number of Annual Responses:* 20,693.

*Estimated Time Per Response:* 30 minutes.

*Total Burden Hours:* 1,954.

*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$7,863.

*Description:* Section 110 of the Employee Retirement Income Security Act (ERISA) authorizes the Secretary of Labor to prescribe alternative methods of compliance with the reporting and disclosure requirements of Title I of ERISA for pension plans, even though simplified employee pensions (SEPs) are established in section 401(k) of the Internal Revenue Code. This regulation provides an alternative method of disclosure for sponsors of certain types of SEPs that is easier to comply with than otherwise required under ERISA. The disclosure requirement is the only method of insuring that administrators of non-model SEPs provide participating employees with specific written information concerning SEPs.

*Type of Review:* Extension of a currently approved collection.

*Agency:* Pension and Welfare Benefits Administration (PWBA).

*Title:* Prohibited Transaction Class Exemption 77-44 for Certain Transactions between Investment Companies and Employee Benefit Plans.

*OMB Number:* 1210-0049.

*Affected Public:* Business or other for-profit; Individuals or households; and Not-for-profit institutions.

*Frequency:* On occasion.

*Number of Respondents:* 431.

*Number of Annual Responses:* 82,240.

*Estimated Time Per Response:* 30 minutes.

*Total Burden Hours:* 7,069.

*Total Annualized Capital/Startup Costs:* \$0

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$31,251.

*Description:* Prohibited Transaction Class Exemption 77-44 permits an employee benefit plan to purchase and sell shares of an open-ended investment company (mutual fund) when a fiduciary with respect to the plan is also the investment adviser for the mutual fund. In order to ensure that the class exemption is not abused, that the rights of the participants and beneficiaries are protected, and that the exemption's conditions are being complied with, the

Department often requires minimal information collection pertaining to the affected transactions.

*Type of Review:* Revision of currently approved collection.

*Agency:* Pension and Welfare Benefits Administration (PWBA).

*Title:* Prohibited Transaction Class Exemption 98-54 relating to Certain Employee Benefit Plan Foreign Exchange Transactions Executed Pursuant to Standing Instructions.

*OMB Number:* 1210-0111.

*Affected Public:* Business or other for-profit; Individuals or households; and Not-for-profit institutions.

*Frequency:* On Occasion.

*Number of Respondents:* 35.

*Numbers of Annual Responses:* 8,400.

*Estimated Time Per Response:* 30 minutes.

*Total Burden Hours:* 4,200.

*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* Prohibited Transaction Class Exemption 98-54 permits certain foreign exchange transactions between employee benefit plans and certain banks or broker dealers that are parties in interest with respect to such plans. Without this exemption, plans would lose investment income and incur higher exchange rates on small transactions. The information collection requirements of the exemption are intended to protect the interests of plan participants and beneficiaries by ensuring that the independent plan fiduciaries have sufficient information to fulfill their fiduciary duties with respect to the plan. It also ensures that the federal government agencies responsible for administration and enforcement of ERISA have sufficient information to determine that the condition of the exemption have been met.

**Ira L. Mills,**

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

October 15, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in

accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King at (202) 693–4129 or E-Mail: *King-Darrin@dol.gov*.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: Stuart Shapiro, OMB Desk Officer for MSHA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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 submission of responses.

*Agency:* Mine Safety and Health Administration (MSHA).

*Type of Review:* Extension of a currently approved collection.

*Title:* Safety Standards for Underground Coal Mine Ventilation—30 CFR 75.360(a)(1) and 75.360(f).

*OMB Number:* 1219–0125.

*Affected Public:* Business or other for-profit.

*Type of Response:* Recordkeeping.

*Frequency:* Once each shift.

*Number of Respondents:* 127 (75 small mines and 52 large mines).

*Number of Annual Responses:* 102,000.

*Estimated Time Per Response:* 1.08 hours for small mines and 1.67 hours for large mines.

*Burden Hours:* 78,001.

*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* The preshift examination is the mine operator's fundamental tool

for assessing the overall safety condition of the mine. During the examination, the examiner focuses on discovering both existing and developing hazards, such as methane accumulation, bad roof and water accumulation, and determining the effectiveness of the mine ventilation system. The examination has proven to be particularly effective in the discovery and correction of hazardous conditions and practices before they lead to injuries or fatalities. Because conditions in the underground mining environment can change rapidly, recurring examinations are necessary to assure safety of the miners underground. A timely preshift examination assures the safety of the environment on a routine basis.

**Ira L. Mills,**

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## DEPARTMENT OF LABOR

### Employment Standards Administration

#### Proposed Collection; Comment Request

**ACTION:** Notice.

**SUMMARY:** 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/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(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 Employment Standards Administration is soliciting comments concerning the proposed extension of form WH–516, Worker Information—Terms and Conditions of Employment (English and Spanish).

**DATES:** Written comments must be submitted to the office listed in the addresses section below within December 24, 2001.

**ADDRESSES:** Ms. Patricia A. Forkel, U. S. Department of Labor, 200 Constitution Ave., N.W., Room S–3201, Washington, D.C. 20210, telephone (202) 693–0339 (this is not a toll-free number), fax (202) 693–1451, E-mail *pforkel@fenix2.dol-esa.gov*.

## SUPPLEMENTARY INFORMATION:

### I. Background

Various sections of the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), 29 U.S.C. 1801 *et seq.*, require that each farm labor contractor, agricultural employer and agricultural association disclose in writing the terms and conditions of employment to: (a) Migrant agricultural workers at the time of recruitment (section 201(a)); (b) seasonal agricultural workers, upon request, at the time of employment (section 301(a)(1)); and (c) seasonal agricultural workers employed through a day-haul operation at the place of recruitment (section 301(a)(2)). Sections 201(b) and 301(b) also require that each such employer provide to each worker, upon request, a written statement of the terms and conditions of employment. In addition, sections 201(g) and 301(f) require that such information be provided in English, or as necessary and reasonable, in a language common to the workers and that the U.S. Department of Labor (DOL) make forms available to provide such information. Optional Form WH–516, Worker Information, is printed and made available by DOL for these purposes. The terms and conditions required to be disclosed to workers are set forth in section 500.75(a) and (b) and 500.76(a), (b) and (c) of Regulations, 29 CFR Part 500, Migrant and Seasonal Agricultural Worker Protection, and Form WH–516, when completed and disclosed to workers, satisfies these requirements.

Public Law 104–49, enacted on November 15, 1995, provides in section 4 for the disclosure of certain information regarding State workers' compensation insurance to the employee, i.e., whether State workers' compensation is provided and if so, the name of the State workers' compensation insurance carrier, the name of the policyholder of such insurance, the name and the telephone number of each person who must be notified of an injury or death, and the time period within which this notice must be given. Optional Form WH–516 was revised in the previous OMB 83–1 submission to provide space to include this new statutorily-required information. This disclosure requirement can also be met by the employer by providing the worker with a photocopy of any notice regarding workers' compensation insurance required by law of the state in which such worker is employed.

Sections 500.75 and 500.76 of Regulations, 29 CFR part 500, Migrant and Seasonal Agricultural Worker Protections include in the terms and