

inventories of explosives must be maintained to assure employer and blaster accountability for explosives.

Ira L. Mills,

Departmental Clearance Officer.

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DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

January 26, 2006.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) 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 contacting the Department of Labor (DOL). To obtain documentation, contact Darrin King on 202-693-4129 (this is not a toll-free number) or e-mail: king.darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Occupational Safety and Health Administration (OSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, 202-395-7316 (this is not a toll-free number), 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: Occupational Safety and Health Administration.

Type of Review: Extension of currently approved collection.

Title: Longshoring and Marine Terminal Operations (29 CFR Parts 1918 and 1917).

OMB Number: 1218-0196.

Frequency: On occasion; Weekly; Monthly; and Annually.

Type of Response: Recordkeeping and Third party disclosure.

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

Number of Respondents: 750.

Number of Annual Responses: 152,458.

Estimated Time per Response: Varies from 1 minute to 1 hour and five minutes.

Total Burden Hours: 35,948.

Total Annualized capital/startup costs: \$0.

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

Description: The Standards on Marine Terminals (29 CFR Part 1917) and Safety and Health Regulations for Longshoring (29 CFR Part 1918) contain a number of collections of information which are used by employers to ensure that employees are informed properly about the safety and health hazards associated with marine terminals and longshoring operations. OSHA uses the records developed in response to the collection of information requirements to find out if the employer is complying adequately with the provisions of the standards.

Ira L. Mills,

Departmental Clearance Officer.

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DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Application No. D-11184]

Amendment to Prohibited Transaction Exemption (PTE) 75-1, Exemptions From Prohibitions Respecting Certain Classes of Transactions Involving Employee Benefit Plans and Certain Broker-Dealers, Reporting Dealers and Banks

AGENCY: Employee Benefits Security Administration.

ACTION: Final Amendment to PTE 75-1, Part II and Part V.

SUMMARY: This document amends PTE 75-1, Part II and Part V (40 FR 50845, October 31, 1975). PTE 75-1, Part II,

permits the purchase or sale of a security in a principal transaction between an employee benefit plan and a broker-dealer, reporting dealer, or bank. PTE 75-1, Part V, permits an extension of credit to a plan by a broker-dealer in connection with the purchase or sale of securities. The amendment affects participants, beneficiaries and fiduciaries of employee benefit plans, and broker-dealers, reporting dealers and banks entering into the described transactions.

DATES: *Effective Date:* This amendment is effective January 1, 1975.

FOR FURTHER INFORMATION CONTACT:

Brian Buyniski or Karen Lloyd, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, Room N-5649, 200 Constitution Avenue, NW., Washington, DC 20210, 202-693-8540. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On April 28, 2004, notice was published in the **Federal Register** (69 FR 23216) of the pendency before the Department of Labor (the Department) of a proposed amendment to PTE 75-1, Part II and Part V. PTE 75-1 provides exemptive relief from certain of the restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (ERISA or the Act), and from certain taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1986 (the Code), by reason of section 4975(c)(1) of the Code. The amendment was proposed by the Department on its own motion, pursuant to section 408(a) of ERISA and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, August 10, 1990).¹

The notice gave interested persons an opportunity to comment or to request a hearing on the proposed amendment. The Department received three comments which are discussed below. One commenter requested a public hearing if the Department determined to modify a specific provision of the exemption. As the Department has not modified that provision in the final exemption, a public hearing will not be held with regard to this amendment.

Executive Order 12866 Statement

Under Executive Order 12866, the Department must determine whether the

¹ Section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. at 214 (2000 ed.) generally transferred the authority of the Secretary of the Treasury to issue exemptions under section 4975(c)(2) of the Code to the Secretary of Labor.

In the discussion of the exemption, references to specific provisions of the Act should be read to refer as well to the corresponding provisions of section 4975 of the Code.