

(these are not toll-free numbers), *e-mail*: [aira\\_submission@omb.eop.gov](mailto:aira_submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or by e-mail at [dol\\_pra\\_public@dol.gov](mailto:dol_pra_public@dol.gov).

**SUPPLEMENTARY INFORMATION:** The DOL is seeking OMB approval for a revision to the American Time Use Survey (ATUS). The ATUS is the Nation's first federally administered, continuous survey on time use in the United States. It measures, for example, time spent with children, working, sleeping, or doing leisure activities. In the United States, several existing Federal surveys collect income and wage data for individuals and families, and analysts often use such measures of material prosperity as proxies for quality of life. Time-use data substantially augment these quality-of-life measures. The data also can be used in conjunction with wage data to evaluate the contribution of non-market work to national economies. This enables comparisons of production between nations that have different mixes of market and non-market activities. The ATUS develops nationally representative estimates of how people spend their time. Respondents also report who was with them during activities, where they were, how long each activity lasted, and if they were paid. All of this information has numerous practical applications for sociologists, economists, educators, government policymakers, businesspersons, health researchers, and others.

The ATUS data are collected on an ongoing, monthly basis, allowing analysts to identify changes in how people spend their time. The survey sample is drawn from households completing their final month of interviews for the Current Population Survey (CPS). Households are selected to ensure a representative demographic sample, and one individual from each household is selected to take part in one Computer Assisted Telephone Interview. The interview asks respondents to report all of their activities for one pre-assigned 24-hour day, the day prior to the interview. A short series of summary questions and CPS updates follows the core time diary collection.

The ATUS is an information collection subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is currently approved by the OMB under the PRA and displays a currently valid OMB Control Number.

In addition, notwithstanding any other provision of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under OMB Control Number 1220-0175. The current OMB approval is scheduled to expire on August 31, 2012. For additional information, see the related notice published in the **Federal Register** on June 30, 2010 (75 FR 37838).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference OMB Control Number 1220-0175. The OMB is particularly interested in comments that:

- 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:* Bureau of Labor Statistics.

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

*Title of Collection:* American Time Use Survey.

*Form Numbers:* None.

*OMB Control Number:* 1220-0175.

*Affected Public:* Individuals or Households.

*Total Estimated Number of Respondents:* 13,200.

*Total Estimated Number of Responses:* 13,200.

*Total Estimated Annual Burden Hours:* 4,345.

*Total Estimated Annual Costs Burden:* \$0.

Dated: October 27, 2010.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2010-27965 Filed 11-4-10; 8:45 am]

**BILLING CODE 4510-24-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2010-0042]

#### Gear Certification Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

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

**ACTION:** Request for public comments.

**SUMMARY:** OSHA solicits public comments concerning its proposal to extend OMB approval of the information collection requirements specified in the Gear Certification Standard (29 CFR part 1919).

**DATES:** Comments must be submitted (postmarked, sent, or received) by January 4, 2011.

**ADDRESSES:**

*Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

*Facsimile:* If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648.

*Mail, hand delivery, express mail, messenger, or courier service:* When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2010-0042, U.S. Department of Labor, Occupational Safety and Health Administration, Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

*Instructions:* All submissions must include the Agency name and OSHA docket number for the Information Collection Request (ICR) (OSHA-2010-0042). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>.

For further information on submitting comments see the "Public Participation" heading in the section of this notice titled "Supplementary Information."

**Docket:** To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

#### FOR FURTHER INFORMATION CONTACT:

Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2222.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (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 accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) 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 OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The ICR addresses the burden hours associated with gathering information to complete the OSHA 70 Form. The OSHA 70 Form is used by applicants seeking accreditation from OSHA to be

able to test or examine certain equipment and material handling devices as required under the maritime regulations, part 1917 (Marine Terminals), and part 1918 (Longshoring). The OSHA 70 Form application for accreditation provides an easy means for companies to apply for accreditation. The collection of information needed to complete the OSHA 70 Form is necessary to provide an effective and efficient means of enabling employers and workers to determine if cargo gear, equipment and/or other material handling devices are safe to use. The information is collected every time a maritime material handling device is tested or examined. Proof-load examinations are conducted every four years, while visual examinations are conducted yearly.

##### II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA'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 or other technological information collection and transmission techniques.

##### III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the Standard on Gear Certification (29 CFR part 1919). The Agency is requesting that it retain its current estimate of 190 burden hours. The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

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

**Title:** Gear Certification Standard (29 CFR part 1919); OSHA 70 Form.

**OMB Number:** 1218-0003.

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

**Number of Respondents:** 50.

**Total Responses:** 450.

**Estimated Time per Response:** Varies from 5 minutes (.08 hour) for an employer to disclose the OSHA 70 Form to an OSHA Compliance Officer during an inspection to 45 minutes (.75 hour) for a prospective accredited agency to complete the form.

**Total Burden Hours:** 190.

**Estimated Cost (Operation and Maintenance):** \$2,872,640.

#### IV. Public Participation—Submission of Comments on this Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows:

- (1) Electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA-2010-0042). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693-2350, (TTY) (877) 889-5627).

Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> Web site to submit comments and access the docket is available at the website's "User Tips" link. Contact the OSHA Docket Office for information about materials not available through the website, and for assistance in using the Internet to locate docket submissions.

#### V. Authority and Signature

David Michaels, PhD, MPH, 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 *et seq.*) and Secretary of Labor's Order No. 4–2010 (75 FR 55355).

Signed at Washington, DC, on November 1, 2010.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2010–27946 Filed 11–4–10; 8:45 am]

**BILLING CODE 4510–26–P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Hearing on Reasonable Contracts or Arrangements for Welfare Benefit Plans Under Section 408(b)(2)—Welfare Plan Fee Disclosure

**AGENCY:** Employee Benefits Security Administration, U.S. Department of Labor.

**ACTION:** Notice of hearing.

**SUMMARY:** Notice is hereby given that the Employee Benefits Security Administration will hold a hearing to consider issues relating to the disclosure of fee, conflict of interest and other information by service providers to group health, disability, severance and other employee welfare benefit plans under section 408(b)(2) of the Employee Retirement Income Security Act.

**DATES:** The hearing will be held on December 7, 2010, beginning at 9 a.m., EST.

**ADDRESSES:** The hearing will be held at the U.S. Department of Labor, Room S–4215 (A–C), 200 Constitution Avenue, NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Fil Williams, Office of Regulations and Interpretations, Employee Benefits Security Administration, U.S. Department of Labor, at (202) 693–8500. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Section 408(b)(2) of the Employee Retirement Income Security Act, as amended (ERISA), provides relief from the prohibited transaction rules of section 406 for service contracts or arrangements between a plan and a party in interest, as defined in ERISA section 3(14), if the contract or arrangement is reasonable, the services are necessary for the establishment or operation of the plan, and no more than reasonable compensation is paid for the services. Regulations, at 29 CFR 2550.408b–2, clarify the conditions of the exemption. On July 16, 2010, the Department published an interim final

regulation amending paragraph (c) of § 2550.408b–2 to require certain service providers to employee pension benefit plans to disclose information to assist plan fiduciaries in assessing the reasonableness of contracts or arrangements, including the reasonableness of the service providers' compensation and potential conflicts of interest that may affect the service providers' performance. As proposed, paragraph (c) of § 2550.408b–2 would have applied to all pension and welfare benefit plans. However, in response to the invitation for comments on the proposal, the Department received a number of comments arguing that the Department's rationales for the proposed rule apply to pension plans, but not to welfare benefit plans. Other commenters argued that if the Department creates a disclosure regime for welfare benefit plan service providers, it should be promulgated separately.

Specific concerns raised by commenters relating to welfare benefit plans included the potential for negative effects on the insurance industry, which, they assert, is highly regulated by State laws. In this regard, commenters asserted that, considering the high level of State regulation, subjecting welfare benefit plans to the disclosure regulation would be unnecessary and redundant because the disclosures contemplated in the regulation are already made available to plan fiduciaries through State regulatory processes. Other commenters noted that most State insurance laws do not require the types of disclosures addressed under the proposed rule and even where such State laws exist, they are loosely enforced. Certain commenters asserted that there are “transparency problems” in general in the health and welfare industry, and that these problems should be addressed to the extent they affect employee welfare benefit plans. At least one commenter addressed specific concerns of pharmacy benefit managers (PBMs), which are intermediaries between drug manufacturers and health insurance plans. This commenter stated that PBMs believe that the reasons for disclosure discussed in the preamble to the proposed rule are inapplicable to them. Other commenters disputed the idea that PBMs should not be subject to the regulation, arguing that the discounts and rebates they receive from drug companies are examples of undisclosed indirect compensation.

As explained in the preamble to the interim final regulation, the Department continues to believe that fiduciaries and service providers to welfare benefit

plans would benefit from regulatory guidance regarding fees and conflicts of interest for the same reasons that apply to fiduciaries and service providers to pension plans. The Department acknowledged in the preamble, however, that, taking into account the public comments on the proposal, there may be sufficient differences between welfare and pension plan arrangements to justify separate consideration of welfare plan-related disclosures.<sup>1</sup> In this regard, the Department has decided to begin its consideration of welfare plan-related disclosures by holding a public hearing on December 7, 2010. The purpose of this hearing is to obtain information, related data and views from interested persons regarding the application of the standards set forth in interim-final regulation § 2550.408b–2(c) to welfare benefit plans. Specifically, the Department is interested in exploring what particular provisions of the interim-final regulation should not apply to welfare plans and why. The Department also is interested in exploring whether, or to what extent, disclosure rules under section 408(b)(2) should apply to all welfare benefit plans, e.g., group health plans, severance plans, vacation plans, apprenticeship and training plans, etc., or to only a subset, or whether different disclosure standards are needed for different types of welfare benefit plans.<sup>2</sup>

The hearing will be held on December 7, 2010, beginning at 9 a.m. at the Department of Labor, Francis Perkins Building, Room S–4215 (A–C), 200 Constitution Avenue, NW., Washington, DC 20210.

Persons interested in presenting testimony and answering questions at this public hearing must submit, by 3:30 p.m., EST, November 17, 2010, the following information: (1) A written request to be heard; and (2) An outline of the topics to be discussed, indicating the time allocated to each topic. To facilitate the receipt and processing of responses, EBSA encourages interested

<sup>1</sup> See 75 FR 41600, at 41603, July 16, 2010.

<sup>2</sup> Section 3(1) of ERISA defines the term “employee welfare plan” and “welfare plan” to mean any plan, fund, or program which was heretofore or is hereafter established or maintained by an employer or by an employee organization, or by both, to the extent that such plan, fund, or program was established or is maintained for the purpose of providing for its participants or their beneficiaries, through the purchase of insurance or otherwise, (A) medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services, or (B) any benefit described in section 302(c) of the Labor Management Relations, 1947 (other than pensions on retirement or death, and insurance to provide such pensions).