

proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202-514-3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Ms. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: September 30, 1998.

**Brenda E. Dyer,**

*Deputy Clearance Officer, United States Department of Justice.*

[FR Doc. 98-26818 Filed 10-6-98; 8:45 am]

BILLING CODE 4410-10-M

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### Agency Information Collection

#### Activities: Proposed Collection; Comment Request

**ACTION:** Notice of Information Collection under Review: Request for Cancellation of Public Charge Bond.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on July 10, 1998 at 63 FR 37411, allowing for a 60-day public comment period. No comments were received by the INS on this proposed information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until November 6, 1998. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory

Affairs, Attention: Stuart Shapiro, Department of Justice Desk Officer, Room 10235, Washington, DC 20530; 202-395-7316.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

- (1) 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;
- (2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) 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.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Request for Cancellation of Public Charge Bond.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I-356. Inspections Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. The form is used by the Immigration and Naturalization Service to determine if the bond posted on behalf of an alien in the United States should be cancelled.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 2,000 responses at 15 minutes (.25) hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 500 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202-514-3291, Director, Policy Directives and

Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Ms. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: September 30, 1998.

**Brenda E. Dyer,**

*Deputy Clearance Officer, United States Department of Justice.*

[FR Doc. 98-26822 Filed 10-6-98; 8:45 am]

BILLING CODE 4410-10-M

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

October 2, 1998.

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, Departmental Clearance Officer, Todd, R. Owen [(202) 219-5096 ext. 143] or by E-Mail to Owen-Todd@dol.gov.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, 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:* Bureau of Labor Statistics.  
*Title:* BLS/OSHS Federal/State Cooperative Agreement (Application Package).

*OMB Number:* 1220-0149 (revision).  
*Agency Number:* BLS-OSHS1; BLS-OSHS2.

*Frequency:* BLS-OSHS1 Annually; BLS-OSHS Quarterly.

*Affected Public:* States.

*Number of Respondents:* 57.

*Estimated Time per Respondent:* BLS-OSHS1 2 hours; BLS-OSHS2 1 hour.

*Total Burden Hours:* 342 hours.

*Total annualized capital/startup costs:* 0.

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

*Description:* The BLS signs cooperative agreements with States, and political subdivisions thereof, to assist them in developing and administering programs that deal with occupational safety and health statistics and to arrange through these agreements for research to further the objectives of the Occupational Safety and Health Act. Cost information by object class and a description of activities are needed to

evaluate cost effectiveness and to ensure that program objectives are being met. Data will become part of a "management information system" to generate summaries for authorized users.

*Agency:* Employment and Training Administration.

*Title:* Labor Condition Application and Requirement for Employers Using Nonimmigrants on H-1B Visas.

*OMB Number:* 1205-0310 (extension).

*Agency Number:* ETA 9035.

*Frequency:* Other.

*Affected Public:* Individuals or households; State or Local governments; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations.

*Number of Respondents:* 200,000.

*Estimated Time per Respondent:* 1 hour and 15 minutes.

*Total Burden Hours:* 200,050.

*Total annualized capital/startup costs:* 0.

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

*Description:* The application form and other requirements in these regulations for employers seeking to use H-1 nonimmigrants in specialty occupations and as fashion models will permit DOL to meet its statutory responsibilities for program administration, management, and oversight.

*Agency:* Employment and Training Administration.

*Title:* Welfare to Work (WtW), Employment & Training Administration, monitoring guide.

*OMB Number:* 1205-ONEW.

*Agency Number:* None.

*Frequency:* Annually.

*Affected Public:* State, Local, or Tribal Governments; Business or other for-profit; Not-for-profit institutions.

*Number of Respondents:* 184.

*Estimated Time per Respondent:* 4 hours.

*Total Burden Hours:* 828.

*Total annualized capital/startup costs:* 0.

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

*Description:* The WtW Monitoring and Oversight Guide is solely an instrument developed to assist the Department of Labor in meeting the responsibilities of the Secretary for oversight and monitoring WtW Formula and competitive Grants. This document focuses on WtW program performance, fiscal accountability, and service strategies and coordination with other service providers.

*Agency:* Employment Training Administration.

*Title:* Standardized Program Information Reporting for Job Training Partnership Act (JTPA) Titles II and III.

*OMB Number:* 1205-0321 (revision).

*Agency Number:* None.

*Frequency:* Quarterly.

*Affected Public:* State, Local or Tribal Government.

*Number of Respondents:* 52.

*Total Responses:* ETA receives one data set from each of the 52 reporting units. Each of these sets contains one record for each individual who has terminated from participation in JTPA program included in the Standardized Program Information Reporting (SPIR) reporting requirements during the reporting period.

Activity	Affected respondents	Average hours per year	Average burden hours
Currently Authorized .....	.....	.....	439,365
Change in Record volume .....	52	310	455,485
Quarterly Reporting .....	52	30	457,045
New and Revised Data Elements .....	52	80	461,205
Start-up Requirements for Wage Records .....	5	100	461,705
Routine Data Gathering for Wage Records .....	5	50	461,955
Decrease in Burden Associated with Move to Wage .....	5	-1203	455,940

*Total Burden Hours:* 454,380.

*Total annualized capital/startup costs:* 0.

*Total annual costs (operating/maintaining systems or purchasing services):* \$7,500.

*Description:* Selected standardized information pertaining to participants in the Job Training Partnership Act Titles II and III programs will be collected and

reported for the purpose of general program oversight/evaluation and performance assessment.

*Agency:* Occupational Safety and Health Administration.

*Title:* Fire Brigades (29 CFR 1910.156).

*OMB Number:* 1218-0075 (extension).

*Agency Number:* None.

*Frequency:* On Occasion.

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

*Number of Respondents:* 1,670.

*Estimated Time per Respondent:* Varies from five minutes to two hours.

*Total Burden Hours:* 172 hours.

*Total annualized capital/startup costs:* 0.

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

*Description:* The Occupational Safety and Health Act of 1970 (the Act) authorizes the promulgation of such health and safety standards as are 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.

Fighting fires as members of a fire brigade presents a significant risk of harm to employees. In fact, fire fighting continues to be one of the Nations' most hazardous occupations. The mitigate the risks of employees fighting fires, OSHA promulgated a standard for fire brigades in 1980 (29 CFR 1910.156). The Fire Brigade standard does not require the employer to organize a fire brigade. However, if the employer does decide to organize a fire brigade, the provisions of the standard must be met.

There are various types of fire brigades. Some fire brigades merely monitor and assist in evacuation, others perform incipient fire fighting, while others perform interior structural fire fighting. The tasks, responsibility, training, and personal protective equipment needs differ according to the type of fire brigade organized at the workplace. Therefore, 1910.156(b)(1) requires the employer to develop and maintain an organizational statement which defines the type of fire brigade being organized and describes the functions that the employer expects the fire brigade to perform.

The use of personal protective equipment and the level of training is dependent upon the type of fire brigade organized at the workplace. Consequently, the organizational statement is one of the most important provisions of the Fire Brigades standard because it must describe the tasks that the fire brigade members are expected to perform (which in turn determines the personal protective equipment necessary); and because it describes the type, amount, and frequency of training provided to fire brigade members (level of training).

*Agency:* Occupational Safety and Health Administration.

*Title:* Construction Crane or Derrick Annual Inspection Record (§ 1926.550(a)(6)).

*OMB Number:* 1218-0113 (extension).

*Agency Number:* None.

*Frequency:* On Occasion.

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

*Number of Respondents:* 32,900.

*Estimated Time per Respondent:* 3.5 hours.

*Total Burden Hours:* 115,167 hours.

*Total annualized capital/startup costs:* 0.

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

*Description:* The construction crane and derrick standard, under § 1926.550(a)(6), requires that employers perform a thorough annual inspection of cranes or derricks used in construction, and to record and maintain the dates and results of the inspections.

*Agency:* Occupational Safety and Health Administration.

*Title:* Construction Crane Rating chart Limitations Instructions and Hand Signal Illustrations (§ 1926.550(a)(1) and (2), (4), (16)).

*OMB Number:* 1218-0115 (extension).

*Agency Number:* None.

*Frequency:* On Occasion.

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

*Number of Respondents:* 5,944.

*Estimated Time per Respondent:* 5 minutes.

*Total Burden Hours:* 4,966 hours.

*Total annualized capital/startup costs:* 0.

*Total annual costs (operating/maintaining systems or purchasing services):* \$333.

*Description:* The construction crane and derrick standard has several provisions that require employers to obtain information and post it on the crane or derrick. The information required under § 1926.550(a)(1), and (2), (4), (16)) is for rating chart limitations instructions and hand-signal illustrations.

*Agency:* Occupational Safety and Health Administration.

*Title:* Powered Platforms for Building Maintenance (29 CFR 1910.66).

*OMB Number:* 1218-0121 (extension).

*Agency Number:* None.

*Frequency:* Varies (Initially, Annually, Monthly, On Occasion).

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

*Number of Respondents:* 51,687.

*Estimated Time per Respondent:* Varies from 5 minutes to generate, maintain and disclose records to eight hours to prepare plans (average 2 hours).

*Total Burden Hours:* 129,763.

*Total annualized capital/startup costs:* 0.

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

*Description:* The Occupational Safety and Health Act of 1970 (the Act) authorizes the promulgation of such health and safety standards as are 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.

One of the information collection requirements is for the employer to develop written work procedures to be used to train employees (§ 1910.66(i)(1)(iv)). The employer would then prepare a certification record to verify that the training has been given (§ 1910.66(i)(1)(iv)). The written work procedures would address the operation, safe use, and inspection of powered platforms.

Another information collection requirement is that employers develop a written emergency action plan for employees who work on powered platforms at different building sites (§ 1910.66(e)(9)). OSHA believes it is necessary for the employer to prepare for emergencies so that employees using powered platforms know what actions are required of them during emergency situations. Employers would also certify that employees had been trained in the emergency action plan.

OSHA also requires employers to conduct inspections and tests (§§ 1910.66(g)(2)(i), (g)(2)(ii), (g)(3)(i), and (g)(5)(iii)) and to certify that these inspections and tests had been conducted (§§ 1910.66(g)(2)(iii), (g)(3)(ii) and (g)(5)(v)). Certification records are required to show inspections: (1) of the building supports (once a year); (2) of the equipment used on the platform—the hoist, control systems, bearings, gears, and governors, for example (as recommended by the manufacturer or supplier, but at least once a year inspection and tested as needed); (3) of the installation of the platform (every 30 days or when used less frequently, before each work cycle); (4) of the wire rope every month or before being used; and (5) to demonstrate employee training.

The final group of information collection requirements in the standard pertains to a number of provisions requiring tags and labels. Section 1910.66(f)(5)(i)(C) requires a load rating plate to be affixed to each suspended unit. Section 1910.66(f)(5)(ii)(N) requires the compartment for an

emergency electric operating device to be labeled with instructions for use. Sections 1910.66(f)(7)(vi), 1910.66(f)(7)(vii), and 1910.66(f)(7)(viii) require the attachment of a tag on a suspension wire rope when it is installed, renewed or resocketed. The information collected would also be used by OSHA compliance officers to ensure that employers are complying with the requirements set forth in 29 CFR 1910.66.

*Agency:* Occupational Safety and Health Administration.

*Title:* Accident Prevention Tags (29 CFR 1910.145).

*OMB Number:* 1218-0132 (extension).

*Agency Number:* None.

*Frequency:* On occasion.

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

*Number of Respondents:* 112,000.

*Estimated Time per Respondent:* 3 minutes.

*Total Burden Hours:* 5,600.

*Total annualized capital/startup costs:* 0.

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

*Description:* The Occupational Safety and Health Act of 1970 (the Act) authorizes the promulgation of such health and safety standards as are 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.

In the standard on Accident Prevention Tags (29 CFR 1910.145), information concerning the degree of hazard associated with a workplace condition is used by the employer to select the type of accident tag (sign) to be used on a workplace hazard. The tag (sign) selected will identify the workplace hazard and convey the severity of hazard and any accident prevention instruction to the employee.

*Agency:* Occupational Safety and Health Administration.

*Title:* Construction Oxygen and Toxic Test (§ 1926.550(a)(11)).

*OMB Number:* 1218-0054 (extension).

*Agency Number:* None.

*Frequency:* On occasion.

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

*Number of Respondents:* 50.

*Estimated Time per Respondent:* 2 minutes.

*Total Burden Hours:* 100 hours.

*Total annualized capital/startup costs:* 0.

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

*Description:* The construction standard (§ 1926.550(a)(11)) requires employers to keep a record of oxygen and toxic gas tests made when internal combustion engines of construction cranes or derricks exhaust into enclosed work spaces.

*Agency:* Occupational Safety and Health Administration.

*Title:* Crane or Derrick-Suspended Personal Platforms Used in Construction § 1926.550(g)(4)(ii)(1).

*OMB Number:* 1218-0151 (extension).

*Agency Number:* None.

*Frequency:* On occasion.

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

*Number of Respondents:* 2,750.

*Estimated Time per Respondent:* 5 minutes.

*Total Burden Hours:* 229 hours.

*Total annualized capital/startup costs:* 0.

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

*Description:* The standard for crane or derrick-suspended personnel platforms used in construction (§ 1926.550(g)(4)(ii)(1)) requires that these platforms carry plates or other conspicuous permanent markings indicating the weight of the platform and its related load capacity or maximum intended load.

*Agency:* Occupational Safety and Health Administration.

*Title:* Storage of Anhydrous Ammonia (29 CFR 1910.111).

*OMB Number:* 1218-0208 (extension).

*Agency Number:* None.

*Frequency:* On occasion.

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

*Number of Respondents:* 300.

*Estimated Time per Respondent:* 5 minutes.

*Total Burden Hours:* 24.

*Total annualized capital/startup costs:* 0.

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

*Description:* The standard and Handling of Anhydrous Ammonia standard requires the identification of anhydrous ammonia containers and systems through the use of permanent nameplates. The purpose of the information is to insure that only properly designed and tested anhydrous ammonia containers and systems are

used. This will help to prevent any accidental release of (employee exposure to) anhydrous ammonia, which is a highly corrosive and toxic material.

*Agency:* Occupational Safety and Health Administration.

*Title:* Logging Operations (29 CFR 1910.266).

*OMB Number:* 1218-0198 (extension).

*Agency Number:* None.

*Frequency:* Varies (Initially, On occasion).

*Affected Public:* Business or other for-profit; Farm; Not-for-profit institutions; State, Local or Tribal Governments.

*Number of Respondents:* 79,200.

*Estimated Time per Respondent:* Varies from two minutes to 1 hour and five minutes.

*Total Burden Hours:* 9,936.

*Total annualized capital/startup costs:* 0.

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

*Description:* Section 6(b) of the Occupational Safety and Health Act of 1970 (the Act) authorizes the promulgation of such health and safety standards as are 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.

In the standard Logging Operations, § 1910.266(i)(1) requires an employer to provide training for each employee, including supervisors, as soon as possible, but not later than the effective date of this section for initial training for each current and new employee: prior to initial assignment for each new employee; whenever the employee is assigned new work tasks, etc.; and whenever an employee demonstrates unsafe job performance. Section 1910.266(i)(10)(i) requires an employer to verify that employees have been trained in the safe performance of assigned work tasks, first-aid and CPR by preparing written certification records. Section 1910.266(i)(10)(ii) requires an employer to maintain the certification records.

*Agency:* Occupational Safety and Health Administration.

*Title:* Welding, Cutting and Brazing (29 CFR part 1910).

*OMB Number:* 1218-0207 (extension).

*Agency Number:* None.

*Frequency:* Annually.

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

*Number of Respondents:* 35,307.

*Estimated Time per Respondent:* 10 minutes.

*Total Burden Hours:* 6,002.

*Total annualized capital/startup costs:* 0.

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

*Description:* The Occupational Safety and Health Act of 1970 (the Act) authorizes the promulgation of such health and safety standards as are 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.

In 29 CFR part 1910, Welding, Cutting and Brazing, the information to be collected is used by employers and employees whenever resistance welding is performed. The purpose of the information is to ensure that employers evaluate hazards associated with resistance welding and ensure that adequate measures are taken to make the process safe.

*Agency:* Occupational Safety and Health Administration.

*Title:* Grain Handling Facilities.

*OMB Number:* 1218-0206 (extension).

*Agency Number:* None.

*Frequency:* Monthly, Annually.

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

*Number of Respondents:* 23,770.

*Estimated Time per Respondent:* 6 hours.

*Total Burden Hours:* 138,921.

*Total annualized capital/startup costs:* 0.

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

*Description:* The requirements are directed toward assuring the safety of employees through the development of a housekeeping plan, emergency action plan, use of tags/locks, hot work permits and permits for entry into grain structures. Certification records are also required after inspections of mechanical and safety control equipment of dryers, processing equipment, dust collection equipment and bucket elevators.

*Agency:* Occupational Safety and Health Administration.

*Title:* Construction Posting Requirements—Emergency Numbers and Floor Load Limits (§§ 1926.50(f) and 1926.250(a)(2)).

*OMB Number:* 1218-0093 (extension).

*Agency Number:* None.

*Frequency:* Once.

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

*Number of Respondents:* 187,562.

*Estimated Time per Respondent:*

§ 1926.50(f) = 2 minutes;

§ 1926.250(a)(2) = 5 minutes.

*Total Burden Hours:* 5,555 hours.

*Total annualized capital/startup costs:* 0.

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

*Description:* The construction standard for medical services and first aid (§ 1926.50(f)) requires that employers post emergency phone numbers for medical services at construction sites. The construction standard for (§ 1926.250(a)(2)) requires the posting of the maximum safe floor load limits and that the limits are not to be exceeded when materials are stored on that floor.

*Agency:* Occupational Safety and Health Administration.

*Title:* Design of Cave in Protective Systems (§ 1926.652 (b) and (c)).

*OMB Number:* 1218-0137 (extension).

*Agency Number:* None.

*Frequency:* On occasion.

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

*Number of Respondents:* 10,000.

*Estimated Time per Respondent:*

Ranges from 0 to 2 hours.

*Total Burden Hours:* 20,080 hours.

*Total annualized capital/startup costs:* 0.

*Total annual costs (operating/maintaining systems or purchasing services):* \$301,300.

*Description:* In OSHA's construction standard for excavations, employers are required to protect employees from cave-in hazards by using one of several protective systems. The information required to be collected by this standard is used by employers or engineers to design proper cave-in systems that will support the walls of the excavation or trench.

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

*Title:* Alternative Method of Compliance for Certain SEPs pursuant to 29 CFR 2520.104-49.

*OMB Number:* 1210-0034 (extension).

*Frequency:* On occasion.

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

*Number of Respondents:* 5,533.

*Number of Responses:* 5,533.

*Total Burden Hours:* 2,441.

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

*Total Annual Costs (O&M):* \$29,303.

*Description:* Section 110 of the Employee Retirement Income Security Act of 1974 (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, although simplified employee pensions (SEPs) are established in section 408(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.

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

*Title:* ERISA Summary Annual Report Requirement.

*OMB Number:* 1210-0040 (extension).

*Frequency:* On occasion.

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

*Number of Respondents:* 817,000.

*Number of Responses:* 235,000,000.

*Total Burden Hours:* 1,929,620.

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

*Total Annual Costs (O&M):* \$127,725,530.

*Description:* ERISA section 104(b)(3) and regulations at 29 CFR 2520.104b-10 requires employee benefit plans to furnish a summary of the plan's annual report to participants and beneficiaries for purposes of disclosure of basic financial information.

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

*Title:* Suspension of Pension Benefits Regulation Pursuant to 29 CFR § 2530.203-3.

*OMB Number:* 1210-0048 (extension).

*Frequency:* On occasion.

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

*Number of Respondents:* 74,000.

*Number of Responses:* 75,401.

*Total Burden Hours:* 14,344.

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

*Total Annual Costs (O&M):* 61,828.

*Description:* Section 203 (a)(3)(B) of the Employee Retirement Income Security Act (ERISA) and regulations thereunder govern the circumstances under which pension plans may suspend pension benefit payments to retirees that return to work, or of participants that continue to work beyond normal retirement age.

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

*Title:* ERISA Claims Procedure Regulation.

*OMB Number:* 1210-0053 (extension).  
*Frequency:* On occasion.  
*Affected Public:* Business or other for-profit, Not-for-profit Institutions, Individuals or households.

*Number of Respondents:* 6,690,345.  
*Number of Responses:* 63,317,000.  
*Total Burden Hours:* 496,000.  
*Total Annual costs (O&M):* \$53,710,000.

*Description:* This regulation (29 CFR § 2560.503-1) establishes certain minimum requirements for employee benefit plan procedures pertaining to claims by participants and beneficiaries for plan benefits, consideration of such claims, and review of claim denials.

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

*Title:* Class Exemption 86-128 for Certain Transactions Involving Employee Benefit Plans and Securities Broker-Dealers.

*OMB Number:* 1210-0059 (extension).  
*Frequency:* On occasion.  
*Affected Public:* Business or other for-profit, Not-for-profit institutions, Individuals or households.

*Number of Respondents:* 165,500.  
*Number of Responses:* 289,625.  
*Total Burden Hours:* 65,510.  
*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (O&M):* \$211,012.  
*Description:* Class Exemption 81-128 permits persons who serve as fiduciaries for employee benefit plans to effect or execute securities transactions on behalf of employee benefit plans. The exemption also allows sponsors of pooled separate accounts and other pooled investment funds to use their affiliates to effect or execute securities transactions for such accounts in order to recapture brokerage commissions for benefit of employee benefit plans.

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

*Title:* Class Exemption 77-4 for Certain transactions between Investment Companies and Employee Benefit Plans.

*OMB Number:* 1210-0049 (extension).  
*Frequency:* On occasion.

*Affected Public:* Business or other for-profit, Not-for-profit institutions, Individuals or household.

*Number of Respondents:* 414.  
*Number of Responses:* 77,633.  
*Total Burden Hours:* 6,676.  
*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (O&M):* \$0.  
*Description:* Class Exemption 77-4 permits the purchase and sale by an employee benefit plan of shares of an open-end investment company (mutual fund) when a fiduciary with respect to the plan (e.g., investment manager) is

also the investment advisor for the investment company. In absence of the exemption, certain aspects of these transactions might be prohibited by section 406 of the Employee Retirement Income Security Act (ERISA).

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

*Title:* Procedure for Application for Exemption from the Prohibited Transaction Provisions of Section 408(a) of the Employee Retirement Income Security Act (ERISA).

*OMB Number:* 1210-0060 (extension).  
*Frequency:* On occasion.

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

*Number of Respondents:* 167.  
*Number of Responses:* 167.  
*Total Burden Hours:* 0.  
*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (O&M):* \$141,892.  
*Description:* Section 408(a) of the Employee Retirement Income Security Act of 1974 (ERISA) authorizes the Secretary of Labor to grant exemptions from the prohibited transaction provisions of sections 406 and 407(a) of ERISA and directs the Secretary to establish an exemption procedure with respect to such provisions. This regulation provides this procedure which requires applicants for exemption to make certain disclosures to the Department of Labor and participants and beneficiaries.

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

*Title:* Class Exemption 81-8 for Investment of Plan Assets in Certain Types of Short-Term Investments.

*OMB Number:* 1210-0061 (extension).  
*Frequency:* On occasion.

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

*Number of Respondents:* 25,600.  
*Number of Responses:* 128,000.  
*Total Burden Hours:* 21,333.  
*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (O&M):* \$0.  
*Description:* Class Exemption 81-8 permits the investment of plan assets which involve the purchase or other acquisition, holding, sale, exchange or redemption by or on the behalf of an employee benefit plan of certain types of short-term investments. In absence of the exemption, certain aspects of these transactions might be prohibited by section 406 of the Employee Retirement Income Security Act (ERISA).

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

*Title:* Class Exemption 82-63.

*OMB Number:* 1210-0062 (extension).  
*Frequency:* On occasion.

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

*Number of Respondents:* 25,600.  
*Number of Responses:* 51,200.  
*Total Burden Hours:* 4,267.  
*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (O&M):* \$0.  
*Description:* Class Exemption 81-8 permits the payment of compensation to fiduciaries for the provision of securities lending services. In the absence of this exemption, certain compensation arrangements would be prohibited under section 406 of the Employee Retirement Income Security Act (ERISA).

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

*Title:* Prohibited Transaction Class Exemption 92-6.

*OMB Number:* 1210-0063 (extension).  
*Frequency:* On occasion.

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

*Number of Respondents:* 7,656.  
*Number of Responses:* 7,656.  
*Total Burden Hours:* 1,276.  
*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (O&M):* \$0.  
*Description:* This class exemption exempts from the prohibited transaction provisions of the Employee Retirement Income Security Act (ERISA), the sale of individual life insurance or annuity contracts by a plan to participants, relatives of participants, employers, any of whose employees are covered by the plan, other employee benefit plans, owner-employees, or shareholder-employees, for the cash surrender value of the contracts, provided certain conditions set forth in the exemption are met.

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

*Title:* Prohibited Transaction Class Exemption 81-6.

*OMB Number:* 1210-0065 (extension).  
*Frequency:* On occasion.

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

*Number of Respondents:* 25,600.  
*Number of Responses:* 51,200.  
*Total Burden Hours:* 4,267.  
*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (O&M):* \$0.  
*Description:* This class exemption permits an employee benefit plan to lend securities to a broker dealer registered under the Securities Act of

1934 or to a bank, provided certain conditions are met. In the absence of this exemption, certain aspects of these transactions might be prohibited under section 406 of the Employee Retirement Income Security Act (ERISA)

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

*Title:* Prohibited Transaction Class Exemption T88-1.

*OMB Number:* 1210-0074 (extension).

*Frequency:* On occasion.

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

*Number of Respondents:* 1.

*Number of Responses:* 1.

*Total Burden Hours:* 1.

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

*Total Annual Costs (O&M):* \$0.

*Description:* Prohibited Transaction Class Exemption T88-1 adopts, for purposes of the prohibited transaction provisions of section 8477(c)(2) of the Federal Employees' Retirement System Act of 1986 (FERSA), certain prohibited transaction class exemptions granted pursuant to section 408(a) of ERISA.

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

*Title:* Final Regulation Relating to Loans to Plan Participants and Beneficiaries who are Parties in Interest with Respect to the Plan.

*OMB Number:* 1210-0076 (extension).

*Frequency:* On occasion.

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

*Number of Respondents:* 1,232.

*Number of Responses:* 1,232.

*Total Burden Hours:* 1.

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

*Total Annual Costs (O&M):* \$277,200.

*Description:* This regulation (29 CFR 2550.408b-1) sets out the terms of Section 408(b)(1) of the Employee Retirement Income Security Act (ERISA), under which loans from a plan to participants and beneficiaries who are parties in interest are permitted. For purposes of this information collection the regulation clarifies the "specific provisions" regarding such loans that must be set forth in the plan.

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

*Title:* Prohibited Transaction Class Exemption 91-55.

*OMB Number:* 1210-0079 (extension).

*Frequency:* On occasion.

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

*Number of Respondents:* 5.

*Number of Responses:* 5.

*Total Burden Hours:* 36,666.

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

*Total Annual Costs (O&M):* \$0.

*Description:* This class exemption permits purchases and sales by certain "individual retirement accounts," of American Eagle bullion coins (Coins) in principal transactions from or to broker-dealers in Coins which are authorized purchasers of coins dealers of Coins in bulk quantities from the U.S. Mint and which are also "disqualified persons," within the meaning of Code section 4975(e) with respect to IRAs.

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

*Title:* ERISA Technical Release 91-1.

*OMB Number:* 1210-0084 (extension).

*Frequency:* On occasion.

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

*Number of Respondents:* 36.

*Number of Responses:* 36.

*Total Burden Hours:* 3,136.

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

*Total Annual Costs (O&M):* \$45,880.

*Description:* ERISA Technical Release 9101 alerts the public to amendments to section 101(e) of ERISA which, among other things, require that a plan provide advance written notification to the Secretaries of Labor and Treasury, as well as participants and beneficiaries, of an intended transfer of excess assets from a defined benefit plan to a retiree health account as otherwise permissible after satisfying the conditions set forth in section 420 of the Internal Revenue Code.

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

*Title:* Delinquent Filer Voluntary Compliance Program.

*OMB Number:* 1210-0089 (extension).

*Frequency:* On occasion.

*Affected Public:* Business or other for-profit, Not-for-profit institutions.

*Number of Respondents:* 3,100.

*Number of Responses:* 3,100.

*Total Burden Hours:* 109.

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

*Total Annual Costs (O&M):*

\$74,384.50.

*Description:* The Delinquent Filer Voluntary Compliance Program is intended to encourage, through the assessment of reduced civil penalties, delinquent plan administrators to voluntarily comply with their annual reporting obligations under Title I of ERISA.

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

*Title:* Regulation Regarding Participant Directed Individual Account Plans (ERISA section 404(c) Plans).

*OMB Number:* 1210-0090 (extension).

*Frequency:* On occasion.

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

*Number of Respondents:* 165,600.

*Number of Responses:* 20,000,000.

*Total Burden Hours:* 79,261.

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

*Total Annual Costs (O&M):*

\$8,156,344.

*Description:* ERISA section 404(c) provides that where a pension plan with the individual accounts permits a participant or beneficiary (P or B) to exercise control over assets in his account and the P or B does so, that the P or B will not be deemed to be a fiduciary by such actions, and that no person otherwise a fiduciary shall be liable for any loss or breach which results from this exercise of control, if certain conditions are met.

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

*Title:* Prohibited Transaction Class Exemption 94-71.

*OMB Number:* 1210-0091 (extension).

*Frequency:* On occasion.

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

*Number of Respondents:* 5.

*Number of Responses:* 5.

*Total Burden Hours:* 88.

*Total Annualized Capital/Startup Costs:* 0.

*Total Annual Costs (O&M):* \$1,000.

*Description:* Prohibited Transaction Class Exemption 94-71 exempts from the restrictions of sections 406(a)(1)(A)-(D), 406(a)(2), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act (ERISA) (and the taxes imposed by section 4975(c)(1)(A)-(E) of the Internal Revenue Code) a transaction or activity which is authorized, prior to the occurrence of such transaction or activity, by a settlement agreement resulting from an investigation of an employee benefit plan conducted by the Department under the authority of section 504(a) of ERISA.

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

*Title:* Prohibited Transaction Class Exemption 85-68 to Permit Employee Benefit Plans to Invest in Customer Notes of Employers.

*OMB Number:* 1210-0094 (extension).

*Frequency:* On occasion.

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

*Number of Respondents:* 1.

*Number of Responses:* 1.

*Total Burden Hours:* 1.



*Total Annualized Capital/Startup costs:* 0.

*Total Annual Costs (O&M):* 0.

*Description:* This class exemption exempts from the prohibited transaction provisions of the Employee Retirement Income Security Act (ERISA), certain transactions involving the purchase of customer notes of an employer by an employee benefit plan.

*Agency:* Department of Labor, Pension and Welfare Benefits Administration (PWBA).

*Title:* Prohibited Transaction Class Exemption 96-62.

*OMB Number:* 1210-0098 (extension).

*Frequency:* On occasion.

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

*Number of Respondents:* 47.

*Number of Responses:* 1,050.

*Total Burden Hours:* 1.

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

*Total Annual Costs (O&M):* \$69,952.

*Description:* This class exemption permits a plan to seek approval on an accelerated basis of otherwise prohibited transactions by providing the Department and interested persons with information demonstrating that the proposed transaction is substantially similar to at least two individual exemptions previously granted by the Department, and presents little, if any, opportunity for abuse or risk of loss to a plan's participants and beneficiaries.

*Agency:* The Office of the Solicitor.

*Title:* Equal Access to Justice Act.

*OMB Number:* 1225-0013 (extension).

*Frequency:* On occasion.

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

*Number of Respondents:* 10.

*Estimated Time per Respondent:* 5 hours.

*Total Burden Hours:* 50 hours.

*Total Annualized Capital/Startup Costs:* 0.

*Total Annual Costs (O&M):* 0.

*Description:* The Equal Access to Justice Act provides for payment of fees and expenses to eligible parties who have prevailed against the Department in certain administrative proceedings. In order to obtain an award, the statute and regulations require the filing of an application.

**Todd R. Owen,**

*Departmental Clearance Officer.*

[FR Doc. 98-26884 Filed 10-6-98; 8:45 am]

BILLING CODE 4510-29-M

## NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

### Sunshine Act Meeting; The U.S. National Commission on Libraries and Information Science (NCLIS) Sunshine Act Meeting and Open Hearing

**TIME, DATE, AND PLACE:** NCLIS Business Meeting, November 9, 1998, 2:00-5:00 p.m., Holiday Inn Westpark Hotel, 1900 North Fort Myer Drive, Arlington, VA.

Open Hearing on "Kids and the Internet: The Promise and the Perils", November 10, 1998, 9:00-4:00 p.m., The Freedom Forum, Rooftop Center, 1101 Wilson Boulevard, Arlington, VA.

Purpose of the Hearing: The NCLIS hearing is being held for the purpose of producing a report with solid, practical recommendations for front-line library managers to deal with problems arising from public access Internet terminals in libraries where children may use them. Foremost of these problems is the potential for predation by pedophiles, but the hearing will also deal with the concerns parents express about their kids' having access to inappropriate material, generally sexually explicit matter, but also hate language, cult messages, and other troublesome material. Additionally, NCLIS intends to explore the issue of privacy, especially in the case of marketing efforts that entice kids to provide a host of consumer information about themselves and their families.

The issues will be examined in a context of a deep and abiding regard for First Amendment freedoms and the library community's historic aversion to censorship.

This hearing is open by invitation to anyone interested in this topic. Requests for invitation should be received by October 23, 1998. Because of time constraints, participation will be limited. Written testimony will be accepted for those unable to appear in person.

Written requests for invitations must be submitted to NCLIS, Attn: Barbara Whiteleather, 1110 Vermont Avenue, NW., Suite 820, Washington, DC 20005-3522; fax: 202-606-9203; or e-mail: <bw\_nclis@inet.ed.gov>

Written comments will be accepted before, during, or up to 30 days after the hearing provided that all such comments are received at the above address no later than the close of business on December 10, 1998.

To request further information or to make special arrangements for physically challenged persons, contact Barbara Whiteleather (202-606-9200)

no later than one week in advance of the meeting.

For further information contact Robert Willard, Executive Director (202) 606-9200.

Dated: October 2, 1998.

**Robert S. Willard,**

*NCLIS Executive Director.*

[FR Doc. 98-26993 Filed 10-5-98; 12:08 pm]

BILLING CODE 7527-\$5-M

## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### Sunshine Act Meeting

October 2, 1998.

**TIME AND DATE:** 10:00 a.m., Wednesday, October 14, 1998.

**PLACE:** Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will hear oral argument on the following:

1. *Secretary of Labor v. Arch of Kentucky*, Docket No. KENT 97-197 (Issues include whether the Judge erred in determining that the operator violated 30 CFR § 75.1403-6(b)(3)'s requirement that each track-mounted self-propelled personnel carrier be equipped with properly installed and well-maintained sanding devices, and that the violation was significant and substantial.)

**TIME AND DATE:** 2:00 p.m., Wednesday, October 14, 1998.

**PLACE:** Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

**STATUS:** Closed [Pursuant to 5 U.S.C. § 552b(c)(10)].

**MATTERS TO BE CONSIDERED:** It was determined by a unanimous vote of the Commission that the Commission consider and act upon the following in closed session:

1. *Secretary of Labor v. Arch of Kentucky*, Docket No. KENT 97-197 (See oral argument listing, *supra*, for issues.)

Any person attending oral argument or an open meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR § 2706.150(a)(3) and § 2706.160(d).

**CONTACT PERSON FOR MORE INFO:** Jean Ellen, (202) 653-5629/(202) 708-9300 for TDD Relay/1-800-877-8339 for toll free.

**Sandra G. Farrow,**

*Acting Chief Docket Clerk.*

[FR Doc. 98-26992 Filed 10-5-98; 12:08 pm]

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