

continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (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 Employee Benefits Security Administration is soliciting comments concerning the proposed extension of a currently approved collection of information: Establishing Prior Creditable Coverage. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the addresses section below.

DATES: Written comments must be submitted on or before May 12, 2003.

ADDRESSES: Joseph S. Piacentini, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 693-8410, FAX (202) 219-5333 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION:

I. Background

Section 734 of ERISA, added by the Health Care Portability and Accountability Act of 1996 (HIPAA) authorized the Secretary of Labor, in coordination with the Secretary of Health and Human Services (HHS) and the Secretary of the Treasury, to promulgate such regulations as may be necessary or appropriate to carry out the provisions of the statute. Accordingly, Interim Rules Implementing the Portability Requirement for Group Health Plans were published on April 8, 1997, (62 FR 16920) (April 8 Interim Rules).

In order to meet HIPAA's goal of improving access to and portability of health care benefits, the statute provides that, after the submission of evidence establishing prior creditable coverage, a subsequent group health plan or health insurance issuer is limited in the extent to which it can impose pre-existing condition exclusions to limit coverage. Under the April 8 Interim Rules, a group health plan is obligated to provide a written certificate suitable for establishing the prior creditable coverage of a participant or beneficiary. To the extent that a certification is not available or is inadequate to prove prior creditable coverage, alternative methods of establishing creditable coverage are provided.

The April 8 Interim Rules offer model certification and notice forms,

containing the minimum information mandated by the statute, to be used by group health plans and health insurance issuers. This ICR covers the provision of materials sufficient to establish prior creditable coverage.

II. Desired Focus of Comments

The Department of Labor (Department) 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 submissions of responses.

III. Current Actions

The Department has not modified the ICR incorporated in the April 8 Interim Rules, but intends to submit the ICR to OMB for continued clearance. Comments received in response to this notice will be incorporated in the submission to OMB.

Agency: Department of Labor, Employee Benefits Security Administration.

Title: Establishing Prior Creditable Coverage.

Type of Review: Extension of a currently approved collection.

OMB Number: 1210-0103.

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

Frequency of Response: On occasion.

Respondents: 2,600,000.

Responses: 44,396,000.

Total Estimated Burden Hours: 351,150.

Total Burden Cost (Operating and Maintenance): \$34,689,000.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 4, 2003.

Joseph S. Piacentini,

Deputy Director, Office of Policy and Research, Employee Benefits Security Administration.

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DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Application Numbers D-11137, 11138, and 11139]

Hearing on Proposed Individual Exemption Involving the Northwest Airlines Pension Plan for Salaried Employees, the Northwest Airlines Pension Plan for Pilot Employees, and the Northwest Airlines Pension Plan for Contract Employees (collectively, the Plans)

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice of hearing.

SUMMARY: Notice is hereby given that the Department of Labor will hold a hearing on May 5 and if necessary, May 6, 2003, relating to a proposed exemption from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and from certain taxes imposed by the Internal Revenue Code of 1986 (the Code) for the Plans. A notice of pendency of the proposed exemption was published in the **Federal Register** at 68 FR 2578 (January 17, 2003).

DATES: The hearing will be held on May 5 and, if necessary, May 6, 2003, beginning at 9:30 a.m., EST.

ADDRESSES: The hearing will be held at the Department of Labor, Rooms N-3437A & B, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Wendy M. McColough or Christopher Motta, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, telephone (202) 693-8540 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On January 17, 2003, the Department of Labor (the Department) published in the **Federal Register** at 68 FR 2578 a notice of pendency of a proposed individual exemption for the Plans from the restrictions of sections 406(a), 406(b)(1) and (b)(2), and 407(a) of the Act and from the sanctions resulting from the

application of section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code.

In that notice, the Department invited interested persons to submit written comments and any requests for a public hearing on the proposed exemption.

As explained in the notice of pendency, the proposed exemption was requested in an application filed on behalf of Northwest Airlines, Inc. (Northwest) as plan sponsor and named fiduciary to the Plans, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B at 55 FR 32836, 32847 (August 10, 1990). If granted, the proposed exemption would permit: (1) The in-kind contribution(s) of the common stock of either Pinnacle Airlines, Inc. or Pinnacle Airlines Corp. (Pinnacle Stock) to the Plans by Northwest, a party in interest with respect to such Plans; (2) the holding of the Pinnacle Stock by the Plans; (3) the sale of the Pinnacle Stock by the Plans to Northwest; and (4) the acquisition, holding, and exercise by the Plans of a put option (the Put Option) granted to the Plans by Northwest.

In response to the solicitation of comments from interested persons, the Department has received over 500 letters, e-mails, faxes or phone calls, of which more than 300 request that a hearing be held on the proposed exemption. The commenters expressed concern generally about the effect of the proposed exemption on the Plans. The concerns expressed generally related to the proposed contribution of Pinnacle Stock instead of a cash contribution to the Plans; the value and method of valuation of the Pinnacle Stock; the effects of the proposed transactions on the Plans; and the adequacy of the proposed safeguards that are intended to protect the Plans' interests.

The submissions received by the Department are available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N-1513, 200 Constitution Avenue, NW., Washington, DC 20210.

In view of the comments requesting a hearing on the proposed exemption, the Department has decided to hold a hearing on the proposed exemption on May 5 and, if necessary, May 6, 2003 beginning at 9:30 a.m., EST, in Rooms N-3437 A & B at the Department of Labor, 200 Constitution Avenue, NW., Washington, DC.

Any interested person who wishes to be assured of an opportunity to present oral comments at the hearing should submit by 3:30 p.m., EST, April 26,

2003: (1) A written request to be heard; and (2) five copies of an outline of the topics to be discussed. The request to be heard and accompanying outline should be sent to: Office of Exemption Determinations, Room N-5649, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, "Attention: Northwest Exemption Hearing." Copies of your mailed submission may be sent by electronic mail to moffittb@pwba.dol.gov.

The Department will prepare an agenda indicating the order of presentation of oral comments. In the absence of special circumstances, each commenter will be allotted ten minutes in which to complete his or her presentation. Information about the agenda may be obtained on or after April 30, 2003 by contacting Wendy M. McCough or Christopher Motta, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, telephone (202) 693-8540 (this is not a toll-free number). Those individuals who make oral comments at the hearing should be prepared to answer questions regarding their comments. The hearing will be transcribed.

Notice to Interested Persons

Within fifteen (15) calendar days of publication of the Notice of Public Hearing (the Notice) in the **Federal Register**, Northwest shall provide notice to all participants of the Plans (including active employees, separated vested participants and retirees) by mailing first class a photocopy of the Notice. Northwest shall also provide the Notice by first class mailing to the representatives of the unions that represent employees of Northwest who currently participate in the Plans.

Notice of Public Hearing

Notice is hereby given that a public hearing will be held on May 5 and if necessary, May 6, 2003, regarding a proposed exemption from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 and from certain taxes imposed by the Internal Revenue Code of 1986 for transactions involving the Northwest Airlines Pension Plan for Salaried Employees, the Northwest Airlines Pension Plan for Pilot Employees, and the Northwest Airlines Pension Plan for Contract Employees.

The hearing will be held, beginning at 9:30 a.m., EST, in Rooms N-3437 A & B at the Department of Labor, 200 Constitution Avenue, NW., Washington, DC.

Signed at Washington, DC this 4th day of March 2003.

Ivan L. Strasfeld,

Director, Office of Exemption, Determinations, Employee Benefits Security Administration, Department of Labor.

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DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classification Under Executive Orders 12073 and 10582; Correction

ACTION: Correction.

SUMMARY: In notice document Vol. 68 No. 23 page 5751 and page 5763 in the issue of Tuesday, February 4, 2003, make the following correction: On page 5751 in the first column, for Arkansas following Monroe County, include Newton County and in the second column following Monroe County, include Newton County. On page 5763 for North Dakota in the first column following Benson County, include McLean County and in the second column following Benson County include McLean County.

FOR FURTHER INFORMATION CONTACT: Anthony Dais, Acting Division Chief, U.S. Employment Service, Employment and Training Administration, 200 Constitution Avenue, NW., Room C 4512, Washington, DC 20210. Telephone: (202) 693-3046 (this not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department of Labor regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR part 654, subparts A and B. These regulations require the Assistant Secretary of Labor to classify jurisdictions are labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor hereby published the annual list of labor surplus areas, on February 4, 2003 at 68 FR 5748. However, due to problems with the electronic file, the notice included two omissions. For the convenience of the public the Labor Surplus Area list is posted on the Internet at the following addresses: www.doleta.gov and www.usworkforce.org. The Labor Surplus Area list will no longer be published in the *Area Trends*.