

- 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:* Employment Standards Administration.

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

*Title:* Applications to Employ Special Industrial Homeworkers and Workers with Disabilities.

*OMB Number:* 1215-0005.

*Frequency:* On occasion; Semi-annually; and Annually.

*Type of Response:* Reporting.

*Affected Public:* Business and other for-profit; Individuals or households; Not-for-profit institutions; Farms; and State, Local, or Tribal Government.

*Number of Respondents:* 4,550.

Form	Annual responses	Average response time (hours)	Annual burden hours
WH-2 .....	50	0.5	25
WH-226 .....	4,500	0.75	3,375
WH-226A .....	12,000	0.75	9,000
<b>Total</b> .....	<b>16,550</b>	.....	<b>12,400</b>

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

*Total Annual Costs (Operating/Maintaining Systems or Purchasing Services):* \$1,820.

*Description:* This collection of information is necessary to determine whether respondents will be authorized to pay sub-minimum wages to handicapped individuals and employ homeworkers in the restricted industries under the provisions of sections 11(d) and 14(c) of the Fair Labor Standards Act.

*Agency:* Employment Standards Administration.

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

*Title:* Application for Approval of a Representative's Fee in Black Lung Claim Proceedings Conducted by the U.S. Department of Labor.

*OMB Number:* 1215-0171.

*Frequency:* On occasion.

*Type of Response:* Reporting.

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

*Number of Respondents:* 255.

*Annual Responses:* 255.

*Average Response Time:* 42 minutes.

*Annual Burden Hours:* 179.

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

*Total Annual Costs (Operating/Maintaining Systems or Purchasing Services):* \$102.

*Description:* The purpose of the Form CM-972 is to collect pertinent data to determine if the a representative's

services and fees can be paid under the Black Lung Benefits Act (30 U.S.C. 901 and 20 CFR 725.365 and 725.366).

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 04-21656 Filed 9-27-04; 8:45 am]

**BILLING CODE 4510-CK-P**

**DEPARTMENT OF LABOR**

**Office of the Secretary**

**Submission for OMB Review; Comment Request**

September 21, 2004.

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 each ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor (DOL). To obtain documentation, contact Ira Mills on (202) 693-4122 (this is not a toll-free number) or e-mail: [mills.ira@dol.gov](mailto:mills.ira@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL, 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:* Employment and Training Administration.

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

*Title:* Resource Justification Model.

*OMB Number:* 1205-0430.

*Frequency:* Annually.

*Affected Public:* State, local, or tribal government; Federal Government.

Cite/reference	Total respondents	Frequency	Total responses	Average time per response (hours)	Burden (hours)
Crosswalk .....	53	Annually	53	120	6,360

Cite/reference	Total re-spondents	Frequency	Total re-sponses	Average time per response (hours)	Burden (hours)
Account Summary .....	53	Annually	53	4	212
RJM 1 through 6 series .....	53	Annually	53	3	159
Narrative .....	53	Annually	53	8	424
Totals .....			212	33.75	7,155

*Total Burden Hours:* 7,155.  
*Total Annualized Capital/Startup Costs:* \$0.  
*Total Annual Costs (Operating/Maintaining Systems or Purchasing Services):* \$375,000.  
*Description:* This program would replace the current methodologies for budget formulation and grant allocation to the states for unemployment insurance program.

**Ira L. Mills,**  
*Departmental Clearance Officer.*  
 [FR Doc. 04-21657 Filed 9-27-04; 8:45 am]  
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**DEPARTMENT OF LABOR**

**Office of the Secretary**

**Submission for OMB Review: Comment Request**

September 22, 2004.

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 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 email: [king.darrin@dol.gov](mailto:king.darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Mine Safety and Health Administration (MSHA), 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
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*Agency:* Mine Safety and Health Administration.  
*Type of Review:* Extension of currently approved collection.  
*Title:* Record of Results of Examinations of Self-Rescuers (Underground Coal Mines).  
*OMB Number:* 1219-0044.  
*Frequency:* Quarterly.  
*Type of Response:* Recordkeeping.  
*Affected Public:* Business or other for-profit.  
*Number of Respondents:* 773.  
*Number of Annual Responses:* 143,592.  
*Estimated Time Per Response:* 30 minutes to certify and document that an examination was conducted and 1 minute to document why a device was taken out of service.

*Total Burden Hours:* 71,748.  
*Total Annualized capital/startup costs:* \$0.  
*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* Title 30, CFR 75.1714-3(b), (c), (d), and (e) require that self-rescuers be examined regularly at intervals not to exceed 90 days by a qualified person who certifies by date and signature that the tests were conducted. A record must be made when a self-rescue device is removed from service and when corrective action is taken as a result of the examination. The records are used as an enforcement tool to insure that the devices have been examined and are maintained in operable and usable condition.

*Agency:* Mine Safety and Health Administration.

*Type of Review:* Extension of currently approved collection.  
*Title:* Escape and Evacuation Plans 30 CFR 57.11053.  
*OMB Number:* 1219-0046.  
*Frequency:* On occasion and semi-annually.  
*Type of Response:* Recordkeeping and Third party disclosure.  
*Affected Public:* Business or other for-profit.  
*Number of Respondents:* 243.  
*Number of Annual Responses:* 486.  
*Estimated Time Per Response:* 8.5 hours.

*Total Burden Hours:* 4,131.  
*Total Annualized capital/startup costs:* \$0.  
*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.  
*Description:* Title 30 CFR 57.11053 requires the development of an escape and evacuation plan specifically addressing the unique conditions of each underground metal and nonmetal mine. Section 57.11053 also requires that revisions be made as mining progresses. The plan must be available to the inspector and conspicuously posted at locations convenient to all persons on the surface and underground. The information is prepared by the mine operator for use by miners, MSHA, and persons involved in rescue operations.

**Darrin A. King,**  
*Acting Departmental Clearance Officer.*  
 [FR Doc. 04-21658 Filed 9-27-04; 8:45 am]  
**BILLING CODE 4510-43-P**

**DEPARTMENT OF LABOR**

**Employee Benefits Security Administration**

**[Prohibited Transaction Exemption 2004-16; Application No. D-11203]**

**Class Exemption for the Establishment, Investment and Maintenance of Certain Individual Retirement Plans Pursuant to a Mandatory Distribution**

**AGENCY:** Employee Benefits Security Administration, Department of Labor.  
**ACTION:** Grant of class exemption.