

is intended to ensure that the terms of the transaction are made public and are at least as favorable to the plan as an arms-length transaction with an unrelated party. Individual agreements are not required for each transaction; the agreement may be made in the form of a master agreement covering a series of transactions.

Without the audited statement of the borrower's financial condition and a written agreement, the Department, which may only grant an exemption if it can find that participants and beneficiaries are protected, would be unable to effectively enforce the terms of the class exemption and ensure user compliance.

Type of Review: Extension of a currently approved collection.

Agency: Pension and Welfare Benefits Administration (PWBA).

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

OMB Number: 1210-0076.

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

Frequency: On occasion.

Number of Respondents: 1,310.

Number of Annual Responses: 1,310.

Estimated Time Per Response: 0.

Total Burden Hours: 0.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (operating/maintaining systems or purchasing services): \$283,000.

Description: In this regulation (29 CFR 2550.408b-1) the Department sets out the terms of ERISA section 408(b)(1) under which loans from a plan to participants and beneficiaries who are parties in interest are permitted. ERISA section 408(b)(1)(C) requires that loans from a plan to participants and beneficiaries be made in accordance with "specific provisions" set forth in the plan. This regulation proscribes eight specific provisions that must be included in the plan documents. Because 402(a)(1) of ERISA requires that every employee benefit be in writing, these eight specific provisions must also be in writing. The plan document is the legal statement of the plan provisions and governs all plan operations.

The disclosure requirement incorporated within this regulation is intended to ensure that loan programs are operated impartially.

Type of Review: Extension of a currently approved collection.

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.

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

Frequency: On occasion.

Number of Respondents: 120.

Number of Annual Responses: 960.

Estimated Time Per Response: 1 hour.

Total Burden Hours: 960.

Total Annualized Capital/Startup Costs: \$0.

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

Description: Prohibited Transaction Class Exemption 85-68 exempts from the prohibited transaction restrictions of ERISA the investment by employee benefits plan in customer notes accepted by an employer of employees covered by the plan in the ordinary course of the employer's primary business activity.

The class exemption contains a recordkeeping requirement. Plans are required to maintain for six years from the date of the transaction the records necessary to enable interested parties, including the Department, to determine whether the conditions of the exemption are being met.

Without the records, the Department, which may only grant an exemption if it can find that participants and beneficiaries are protected, would be unable to effectively enforce the terms of the class exemption and ensure user compliance.

Ira L. Mills,

Departmental Clearance Officer.

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DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

April 26, 2001.

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. To obtain documentation for BLS, ESA, and PWBA contact Marlene Howze ((202) 219-8904 or by email to Howze-Marlene@dol.gov). To obtain

documentation for ETA, MSHA, OSHA, and VETS contact Darrin King ((202) 693-4129 or by E-Mail to King-Darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for FLS, 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 OBM 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: Pension and Welfare Benefits Administration.

Title: Prohibited Transaction Class Exemption 82-63, Compensation to fiduciaries for securities lending services to an employee benefit plan.

Type of Review: Extension of a currently approved collection.

OMB Number: 1210-0062.

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

Frequency of Response: On occasion.

Total Respondents: 42,000.

Total Responses: 126,000.

Total Estimated Burden Hours: 3,500 hours.

Total Annualized Capital/Startup Costs: \$0.

Total Annual Cost (Operating and Maintenance): \$0.

Description: PTE 82-63 allows certain compensation arrangements to be made for the provision by a fiduciary of securities lending services to an employee benefit plan, if the conditions specified in the exemption are met. In the absence of this exemption, certain aspects of these transactions might be prohibited by section 406 of the Employee Retirement Income Security Act. The class exemption has two basic

information collection requirements. The first requirement is that the compensation be paid in accordance with a written instrument authorized by a non-lending fiduciary, and the second is that the lending fiduciary furnish the authorizing fiduciary with information needed for the authorizing fiduciary to determine whether the compensation arrangement should be made or renewed.

Agency: Pension and Welfare Benefits Administration.

Title: Prohibited Transaction Class Exemption 91-55, Purchases and Sales of American Eagle Coins.

Type of Review: Extension of a currently approved collection.

OMB Number: 1210-0079.

Record-keeping: Six years.

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

Frequency of Response: On occasion.

Total Respondents: 3.

Total Responses: 55,000.

Total Estimated Burden Hours: 2,384 hours.

Total Annualized Capital/Startup Costs: \$0.

Total Annual Cost (Operating and Maintenance): \$0.

Description: Prohibited Transaction Class Exemption 91-55 permits the purchase and sale of American Eagle Coins between individual retirement accounts (IRA) and authorized purchasers from the United States Mint that also are "disqualified persons" within the meaning of Code section 4975(e)(2), with respect to IRAs. The exemption also describes the circumstances under which an interest-free extension of credit in connection with such sales and purchases is permitted. In the absence of an exemption, such purchases and sales and extensions of credit would be impermissible under the Employee Retirement Income Security Act of 1974 (ERISA). The information collection request includes: record keeping; issuing a confirmation statement after each transaction; and disclosing to the person directing the covered transaction certain information about transactions in Coins.

Ira L. Mills,

Departmental Clearance Officer.

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DEPARTMENT OF LABOR

Employment And Training Administration

Trade Adjustment Assistance Program; Designation of Certifying Officers

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of designation of certifying officers.

SUMMARY: The trade adjustment assistance program operates under the Trade Act of 1974 to furnish program benefits to domestic workers adversely affected in their employment by imports of articles which are like or are directly competitive with articles produced by the firm employing the workers. The North American Free Trade Agreement-Transitional Adjustment Assistance amended the Trade Act of 1974 to provide assistance to workers impacted by a shift in production from the workers' firm to Mexico or Canada, or increased company or customer imports from Mexico or Canada of articles like or directly competitive with those produced by the workers' firm. Workers become eligible for program benefits only if the worker group is certified under the Act as eligible to apply for adjustment assistance. From time to time the agency issues an Order designating officials of the agency authorized to act as certifying officers. Employment and Training Order No. 1-01, was issued to revise the listing of officials designated as certifying officers, superseding the previous Order. Employment and Training Order No. 1-01, is published below.

Signed at Washington, D.C., this 10th day of May 2001.

Raymond J. Uhalde,

Deputy Assistant Secretary of Labor,

Employment and Training Administration.

[FR Doc. 01-12820 Filed 5-21-01; 8:45 am]

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DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed

and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (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 Employment Standards Administration is soliciting comments concerning the proposed revision collection of the following information collection: Operator Controversion (CM-970), Operator Response (CM-970A), Operator Response to Schedule for Submission of Additional Evidence (CM-2970), and Operator Response to Notice of Claim (CM-2870A).

DATES: Written comments must be submitted to the office listed in the addressee section below by July 23, 2001.

ADDRESSES: Ms. Patricia A. Forkel, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0339 (this is not a toll-free number), fax (202) 693-1451.

SUPPLEMENTARY INFORMATION:

I. Background

The Division of Coal Mine Workers' Compensation administers the Black Lung Benefits Act (30 U.S.C. 901 *et seq.*) which provides benefits to coal miners totally disabled due to pneumoniosis, and their surviving dependents. When the Division of Coal Mine Workers' Compensation (DCMWC) makes an initial finding that an applicant is eligible for benefits, and, if a coal mine operator has been identified as potentially liable for payment of those benefits, the responsible operator is notified of the initial finding. The CM-970 gives the operator an opportunity to controvert the liability. The CM-970 is used for all claims filed before January 19, 2001. Regulations require that a coal mine operator be identified and notified of potential liability as early in the adjudication process as possible. The CM-970A is sent to the operator with the Notice of Claim notifying the operator of potential liability of payment for benefits. The CM-970A gives the operator an opportunity to agree or disagree with the identification. The CM-970A is used for all claims filed before January 19, 2001. The CM-2970 and 2970A serve the same purposes as the CM-970 and 970A, will be used for all claims filed after January 19, 2001. Regulatory