

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.

*Type of Review:* Reinstatement, with change, of a previously approved collection for which approval has expired.

*Agency:* Bureau of Labor Statistics (BLS).

*Title:* Veterans Supplement to the CPS.

*OMB Number:* 1220-0102.

*Affected Public:* Individuals or households.

*Frequency:* Biennially.

*Number of Respondents:* 14,400.

*Number of Annual Responses:* 14,400.

*Estimated Time Per Response:* 1 minute.

*Total Burden Hours:* 240.

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

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

*Description:* The veterans supplement provides information on the number of characteristics of disabled veterans, veterans who served in the Vietnam War Theater, and recently separated veterans, including their employment status. The supplement also provides data on veterans' participation in various employment and training programs.

The Veterans Employment and Training Service (VETS) and the Department of Veterans Affairs (VA) will also use these data to determine policies that better meet the needs of our Nation's veteran population. Of current concern is the scope of the problems of the veterans as well as the effectiveness of veterans' benefit programs in meeting their needs. The collection of labor force data through the CPS helps BLS meet its mandate as set forth in Title 29, U.S.C., Sections 1 through 9.

**Ira L. Mills,**

*Departmental Clearance Officer.*

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

May 22, 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). Comments should be sent to 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.

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

*Agency:* Employment Standards Administration (ESA).

*Title:* Employment Information Forms—WH-3 (English and Spanish Version).

*OMB Number:* 1215-0001.

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

*Frequency:* On Occasion.

*Number of Respondents:* 39,000.

*Number of Annual Responses:* 39,000.

*Estimated Time Per Response:* 20 minutes.

*Total Burden Hours:* 13,000.

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

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

*Description:* Section 11(a) of the Fair Labor Standards Act (FLSA), 29 U.S.C. 201 *et seq.*, provides that the Secretary of Labor (delegated to the Wage and Hour Division of the Employment Standards Administration) may investigate and gather data regarding the wages, hours or other conditions and practices of employment in any industry subject to the Act, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters deemed necessary or appropriate to determine whether any person has violated any provision of the FLSA.

Similar provisions are also contained in the Public Contracts Act (section 4 of 41 U.S.C. 38 *et seq.*), the Service Contract Act (section 3(b) of 41 U.S.C. 351 *et seq.*), the Davis-Bacon Act pursuant to Reorganization Plan No. 14 of 1950, the Consumer Credit Protection Act (section 306 of 15 U.S.C. 1671 *et seq.*), the Migrant and Seasonal Agricultural Worker Protection Act (section 512 of 29 U.S.C. 1801 *et seq.*), the Employee Polygraph Protection Act (section 5 of 29 U.S.C. 2001 *et seq.*) and the Family and Medical Leave Act of 1993 (section 106 of 29 U.S.C. 2654), which are enforced by the Wage and Hour Division.

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

*Agency:* Employment Standards Administration (ESA).

*Title:* Medical Travel Refund Request.

*OMB Number:* 1215-0054.

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

*Frequency:* On Occasion.

*Number of Respondents:* 6,000.

*Number of Annual Responses:* 6,000.

*Estimated Time Per Response:* 10 minutes.

*Total Burden Hours:* 1,000.

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

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

*Description:* After a miner files an application for black lung benefits, the miner is scheduled for medical determination testing. The Black Lung Trust Fund is required to pay for this determination testing and for the travel costs associated with receiving this testing. The Federal Mine Safety and Health Act of 1977, as amended, 30 U.S.C. 901 Section 20 CFR 725.701 and 725.406 necessitate the collection of this information by requiring that DOL provide such travel reimbursement. Pub. L. 106-113 authorizes provision of

the miner's Social Security Number. If the claim is approved, the miner is entitled to medical benefits directly related to the treatment of the miner's black lung disease, which include reimbursement of reasonable travel costs for that treatment. The CM-957 form is specifically designed to record all such costs and to serve as the miner beneficiary's formal request for reimbursement.

Ira L. Mills,

*Departmental Clearance Officer.*

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## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

[Application No. D-10951, et al.]

#### Proposed Exemptions; Merganser Capital Management LP (Merganser), et al.

**AGENCY:** Pension and Welfare Benefits Administration, Labor

**ACTION:** Notice of proposed exemptions.

**SUMMARY:** This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

*Written Comments and Hearing Requests:* All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state: (1) the name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

**ADDRESSES:** All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, Room N-5649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. \_\_, stated in each

Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of the Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N-5638, 200 Constitution Avenue, NW., Washington, DC 20210.

*Notice to Interested Persons:* Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

**SUPPLEMENTARY INFORMATION:** The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

#### Merganser Capital Management LP (Merganser) Located in Cambridge, Massachusetts

[Application No. D-10951]

#### Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting an exemption under the authority of 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 (55 FR 32836, August 10, 1990).

#### Section I. Transaction

If the exemption is granted, Merganser shall not be precluded from functioning as a "qualified professional asset manager" pursuant to Prohibited Transaction Exemption 84-14 (49 FR

9494, Mar. 13, 1984) (PTE 84-14) for the period between April 6, 2000 and December 31, 2006, solely because of its failure to satisfy the shareholders' or partners' equity requirement under section V(a)(4) of PTE 84-14, provided that the conditions set forth in section II are met.

#### Section II. Conditions

(a) Merganser shall obtain an irrevocable Letter of Credit, which shall be reduced only by ERISA Claims paid on behalf of ERISA Clients.

(b) The amount available under the Letter of Credit shall be at least \$750,000 as of the first day of each fiscal year during which the Letter of Credit is maintained.

(c) Merganser shall cause the Letter of Credit to be issued to an Agent to be held for the benefit of all ERISA Clients.

(d) Merganser shall notify current and future ERISA Clients in writing of: (i) Their status as beneficiaries of the Letter of Credit; (ii) their right to make a draw against the Letter of Credit by presenting the Agent with the documentation described in (g) below; and (iii) the U.S. address of the Agent at which an ERISA Client may present such documentation. Merganser shall promptly notify all ERISA Clients of any changes in the information as to how to contact the Agent.

(e) Merganser shall provide current and future ERISA Clients with a copy of the proposed and final exemption, if granted, as published in the **Federal Register**.

(f) Merganser shall provide the Agent with a complete list of all ERISA Clients, which shall be updated each time Merganser obtains a new ERISA Client.

(g) The Letter of Credit shall be payable on demand solely to any ERISA Client (or its agent) if the ERISA Client provides the Agent with:

(i)(A) a certified copy of the final judgment against Merganser based on an ERISA Claim of such client, entered by a court of competent jurisdiction with all rights of appeal having expired or having been exhausted, or (B) a true copy of a settlement agreement between the ERISA Client and Merganser providing for damages to the ERISA Client with respect to an ERISA Claim;

(ii) in the case of a final court judgment, a certified true copy of a Sheriff's or Marshall's levy and execution on the judgment, returned unsatisfied, or such other documentation, certified by an officer of the court in which the judgment was entered, stating that the judgment remains unsatisfied following attempts