

the case of plans covered by the Act, a termination form was included with such letter. The Applicants maintain that provision of notice of the Merger and the right to terminate an authorization was consistent with the annual "negative consent" provided for in Part III(c) of PTE 86-128. With respect to existing client plans of BlackRock and any of its affiliates, on the effective date of the Merger, and client plans that retained BlackRock or any of its affiliates following the effective date of the Merger, it is represented that BlackRock has implemented a compliance program designed to comply with the requirements of PTE 86-128. In this regard, for BlackRock and any of its affiliates that had not been relying on PTE 86-128 prior to the consummation of the Merger, affirmative consents have been and will be obtained.

15. In summary, the Applicants represent that the subject transactions meet the statutory criteria for an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code because: (a) The transactions covered by the proposed exemption are the same as the transactions described in the Applicable Exemptions; (b) The conditions contained in the proposed exemption are the same as those in the Applicable Exemptions (except for the definition of "affiliate" therein); (c) The rationale for providing the same exemptive relief as is available under the Applicable Exemptions is the same as providing the proposed exemptive relief described herein; and (d) Absent the requested relief, plan participants and beneficiaries would be precluded from gaining access to certain favorable investment opportunities or receiving certain services from the Applicants and their related entities.

#### Temporary Nature of Exemption

The Department has determined that the relief provided by this exemption is temporary in nature. The exemption, if granted, will be effective September 29, 2006, and will expire on the day which is five (5) years from the date of the publication of the final exemption in the **Federal Register**. Accordingly, the relief provided by this exemption will not be available upon the expiration of such five year period for any new or additional transactions, as described herein, after such date, but would continue to apply beyond the expiration of such five year period for continuing transactions entered into during the effective dates of this exemption; provided the conditions of this exemption continue to be satisfied. Should the Applicants wish to extend,

beyond the expiration of such five year period, the relief provided by this exemption to new or additional transactions, the Applicants may submit another application for exemption. In this regard, the Department would require that prior to filing another exemption application seeking relief for new or additional transactions, the Applicants must document compliance with the conditions of this exemption.

#### Notice to Interested Persons

The Applicants represent that because those plans proposing to engage in the covered transactions cannot all be identified, the only practical means of notifying independent plan fiduciaries or plan participants of such affected plans is by publication of the proposed exemption in the **Federal Register**. Therefore, any comments from interested persons must be received by the Department no later than *June 9, 2008*.

#### Written Comments and Hearing Requests

All interested persons are invited to submit written comments and/or requests for a public hearing on the pending exemption to the address, as set forth above, within the time frame, as set forth above. All comments and requests for a public hearing will be made a part of the record. Comments and hearing requests should state the reasons for the writer's interest in the proposed exemption. A request for a public hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing. Comments and hearing requests received will also be available for public inspection with the referenced application at the address, as set forth above.

**FOR FURTHER INFORMATION CONTACT:** Ms. Blessed ChukSORJI, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, telephone (202) 693-8540. (This is not a toll-free number.)

#### General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404

of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 29th day of April, 2008.

**Ivan Strasfeld,**

*Director of Exemption Determinations,  
Employee Benefits Security Administration,  
U.S. Department of Labor.*

[FR Doc. E8-10263 Filed 5-8-08; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2008-0005]

#### Request for Comments on Proposed Guidance on Workplace Stockpiling of Respirators and Facemasks for Pandemic Influenza

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for comments.

**SUMMARY:** The Department of Labor is inviting comments on its document entitled "Proposed Guidance on

Workplace Stockpiling of Respirators and Facemasks for Pandemic Influenza” (Proposed Guidance). The Proposed Guidance is available on OSHA’s Web page and through its publications office. Interested persons may submit written or electronic comments on the Proposed Guidance as discussed below.

**DATES: Written Comments:** You must submit your comments by the following dates:

*Regular mail, hand-delivery, express delivery, messenger, or courier service:* You must submit your comments (postmarked or sent) by July 8, 2008.

*Facsimile and electronic transmission:* You must submit your comments by July 8, 2008. OSHA is providing the public with 60 days to submit comments on the *Proposed Guidance on Workplace Stockpiling of Respirators and Facemasks for Pandemic Influenza*.

#### ADDRESSES:

##### I. Submitting Comments

You may submit comments and information in response to this document as a hard copy, fax transmission (facsimile), or electronically. Submitted materials must include and clearly identify your name, date, and Docket No. OSHA–2008–0005 (the docket number associated with the Proposed Guidance), so OSHA can place them in the appropriate docket and, if necessary, attach them to your prior submissions.

(1) *Regular mail, hand-delivery, express delivery, messenger, or courier service:* You must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2008–0005, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693–2350 (OSHA’s TTY number is (877) 889–5627). The OSHA Docket Office and the Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m., ET.

Because of security-related procedures, the use of regular mail may cause a significant delay in the receipt of submissions. Please contact the OSHA Docket Office at: (202) 693–2350 (TTY (877) 889–5627) for information about security procedures concerning the delivery of materials by express delivery, hand delivery, and messenger service.

(2) *Facsimile:* If your comments, including any attachments, do not exceed 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648. You must include the docket number of this document, Docket No. OSHA–2008–0005, in your comments.

(3) *Electronically:* You may submit your comments and attachments electronically at: <http://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Information on using the <http://www.regulations.gov> Web site to submit these materials, and to access the docket, is available at the Web site’s “User Tips” link. You may supplement electronic submissions by uploading document attachments and files electronically. If, instead, you wish to mail additional materials in reference to an electronic or fax submission, you must submit three copies to the OSHA Docket Office. As discussed above, submitted materials must include and clearly identify your name, date, and Docket No. OSHA–2008–0005. Contact the OSHA Docket Office for assistance in using the Internet to locate docket submissions.

##### II. Obtaining Copies of the Proposed Guidance

You can download the Proposed Guidance from OSHA’s Web site at <http://www.osha.gov>. A printed copy of the Proposed Guidance is available from the OSHA Office of Publications, Room N–3101, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, or by telephone at (800) 321–OSHA (6742). You may fax your request for a copy of the Proposed Guidance to (202) 693–2498.

#### FOR FURTHER INFORMATION CONTACT:

Andrew Levinson, Acting Director, Office of Biological Hazards, OSHA Directorate of Standards and Guidance, Room N–3718, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693–1950.

#### SUPPLEMENTARY INFORMATION:

##### I. Internet Access to Comments

All comments and submissions will be available for inspection and copying at the OSHA Docket Office at the above address. Comments and submissions will be posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers, dates of birth, etc. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through <http://www.regulations.gov>. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for information about materials not available through the OSHA Web site and for assistance in

using the Web site to locate docket submissions.

Electronic copies of this **Federal Register** document are available at <http://www.regulations.gov>. This document, news releases and other relevant information, also are available at OSHA’s Web page at <http://www.osha.gov>.

##### II. Background

An influenza pandemic could have a major effect on society and the global economy, including travel, trade, tourism, food, consumption, and investment and financial markets. Planning for pandemic influenza by business and industry is essential to minimize a pandemic’s impact. During a pandemic, employers will play a key role in protecting employees’ health and safety as well as in limiting the impact of a pandemic on the economy and society. Employers will likely experience increased employee absences, changes in patterns of commerce and interrupted supply and delivery schedules. Therefore, as with any catastrophe, having a contingency plan is essential.

The President announced the *National Strategy for Pandemic Influenza* in November of 2005, which outlines the Federal Government’s approach to prepare for and respond to an influenza pandemic (<http://www.pandemicflu.gov>). To further assist in National pandemic preparedness efforts, the Department of Labor (DOL), in coordination with the Department of Health and Human Services (HHS), developed the Proposed Guidance on stockpiling of respirators and facemasks in occupational settings. The Proposed Guidance is designed to help private sector and government employers in making purchasing and stockpiling decisions regarding these protective devices, thereby allowing them to better protect their employees as well as lessen the impact of a pandemic. The document provides employers with recommendations and a methodology for calculating workplace stockpiling needs for respirators and facemasks in the event of an influenza pandemic.

The Proposed Guidance is supplementary to the existing DOL/HHS *Guidance on Preparing Workplaces for an Influenza Pandemic* that was released February 2007 (<http://www.osha.gov/Publications/OSHA3327pandemic.pdf>). The existing guidance includes information on how employers and employees can evaluate their risk of occupational exposure to pandemic influenza and explains steps that employers can take at each exposure risk level (very high, high,

medium and low) to protect employees. The existing guidance document contains recommendations on the use of personal protective equipment (e.g. respirators and facemasks) at each risk level. More specifically, it recommends that employees at very high risk and high risk of exposure to pandemic influenza use respirators, while workers at medium risk of exposure use facemasks. Neither facemasks nor respirators are recommended for employees at lower risk of exposure to pandemic influenza.

The Proposed Guidance supplements the existing guidance by informing employers about various types of respirators, their advantages, disadvantages, and approximate costs. In addition, when employers determine that they have employees who are at medium or higher exposure risk, the Proposed Guidance provides them with methodology to determine how many respirators and/or facemasks they would have to stockpile based upon the assumption that an influenza pandemic is expected to come in two waves, each lasting up to 12 weeks, extending over an 18-month period.

OSHA encourages interested parties to comment on all aspects of the Proposed Guidance. The Agency is particularly interested in addressing the following questions:

1. Is the guidance clear and useful in helping employers determine if they should stockpile respirators and/or facemasks for their employees and the quantity of each device that should be stockpiled?

2. Are there any parts of the guidance that are not clear and if so, how can they be clarified?

3. Do the underlying assumptions used to estimate stockpiling needs, as well as cost estimates, for various types of facemasks and respirators, appear to be appropriate? If not, please explain why you feel they are inappropriate and suggest an alternative and your rationale for the alternative.

- A. If you have already addressed stockpiling needs for your facility, could you please provide your underlying assumptions and methodology?

- B. Are employers that should stockpile respirators and/or facemasks currently stockpiling these devices and if not, how can the guidance be modified to encourage them to begin stockpiling?

### III. Authority and Signature

This notice was prepared under the direction of Edwin G. Foulke, Jr., *Assistant Secretary of Labor for Occupational Safety and Health*. It is issued under sections 4 and 8 of the

Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 657).

Issued at Washington, DC, this 5th day of May, 2008.

**Edwin G. Foulke, Jr.,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. E8-10312 Filed 5-8-08; 8:45 am]

**BILLING CODE 4510-26-P**

## NATIONAL SCIENCE FOUNDATION

### Agency Information Collection Activities: Comment Request

**AGENCY:** National Science Foundation.

**ACTION:** Submission for OMB Review; Comment Request.

**SUMMARY:** The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. This is the second notice for public comment; the first was published in the **Federal Register** at 73 FR 12222, and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to 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 should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 17th Street, NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to [splimpto@nsf.gov](mailto:splimpto@nsf.gov). Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission may be obtained by calling 703-292-7556.

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

### SUPPLEMENTARY INFORMATION:

*Title of Collection:* Application for NATO Advanced Study Institutes Travel Award and NATO Advanced Study Institutes Travel Award Report Form.

*OMB Approval Number:* 3145-0001.

*Abstract:* The North Atlantic Treaty Organization (NATO) initiated its Advanced Study Institutes Program in 1958 modeled after a small number of very successful summer science "courses" that were held in Europe and that sought to rebuild Europe's science strength following World War II. The goal was to bring together both students and researchers from the leading centers of research in highly targeted fields of science and engineering to promote the "American" approach to advanced learning, spirited give-and-take between students and teachers, that was clearly driving the rapid growth of U.S. research strength. Today the goal remains the same; but due to the expansion of NATO, each year an increasing number of ASIs are held in NATO Partner Countries along with those held in NATO Member Countries. In the spirit of cooperation with this important activity, the Foundation inaugurated in 1959 a small program of travel grants for advanced graduate students to assist with the major cost of such participation, that of transatlantic travel. It remains today a significant means for young scientists and engineers to develop contact with their peers throughout the world in their respective fields of specialization.

The Advanced Study Institutes (ASI) travel awards are offered to advanced graduate students, to attend one of the NATO's ASIs held in the NATO member and partner countries of Europe. The NATO ASI program is targeted to those individuals nearing the completion of their doctoral studies in science, technology, engineering and mathematics (STEM) who can take advantage of opportunities to become familiar with progress in their respective fields of specialization in other countries.

The Division of Graduate Education (DGE) in the Education and Human Resources (EHR) Directorate administers