

**DEPARTMENT OF JUSTICE****Office of Justice Programs****Agency Information Collection  
Activities: Proposed Collection;  
Comments Requested**

**ACTION:** 30-Day notice of information collection under review: Reinstatement, with change, of a previously approved collection for which approval has expired; fiscal year 2003 State Domestic Preparedness Program.

The Department of Justice (DOJ), Office of Justice Programs has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 67, Number 247, page 78508 on December 24, 2002, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until April 10, 2003. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-7285.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) 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;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) 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.

**Overview of This Information  
Collection**

(1) *Type of information collection:* Reinstatement, with change, of a previously approved collection for which approval has expired.

(2) *The title of form/collection:* Fiscal Year 2003 State Domestic Preparedness Program.

(3) *The agency form number, if any, the applicable component of the Department sponsoring the collection:* U.S. Department of Justice (DOJ), Office of Justice Program (OJP), Office for Domestic Preparedness (ODP).

(4) *Affected Public who will be asked or required to respond, as well as a brief abstract: Primary:* Federal Government, State, and Local. Section 1404 of the Defense Against Weapons of Mass Destruction Act of 1998 (Title XIV of Pub. L. 105-261; 50 U.S.C. 2301) as amended by Section 1064 of the National Defense Authorization Act of 2000 (Title X of Pub. L. 106-65; 50 U.S.C. 2301) authorizes the Department of Justice to collect information from state and local jurisdictions to assess the threat and risk of terrorist employment of weapons of mass destruction against cities and other local areas. This data collection will allow states to: (1) Report current jurisdictional needs for equipment, training, exercises and technical assistance; (2) forecast projected needs for this support; and (3) identify the gaps that exist at the jurisdictional level in equipment, training, exercises, and technical assistance that OJP/ODP and other federal funding will be used to address. Additionally, the information collection will guide OJP/ODP and other federal agencies in the formulation of domestic preparedness policies and with the development of programs to enhance state and local first responder capabilities.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* The estimated total number of respondents is 2,059. The data collection being proposed incorporates a terrorist threat and vulnerability assessment, and a needs and capabilities assessment for equipment, training, exercises and technical assistance. Information will be collected by approximately 2,003 local jurisdictions from representatives of law

enforcement, fire services, Hazardous Materials response agencies, public safety communications, public health agencies, emergency medical services, public works, government/administrative agencies, health care, and emergency management agencies. In addition, a state administrative agency (SAA) in each state and territory (56 total) will roll-up the data submitted by all of the local jurisdictions in the state or territory and submit this consolidated state information to OJP/ODP. Local jurisdictions completing these assessments may experience an estimated burden of 6 hours to collect, tabulate and input data provided to the state. Once the local information is received by the SAA, the SAA may experience an estimated burden of 4 hours for data input and electronic submission of the data to OJP/ODP.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total public burden associated with this information collection will be approximately 12,242 hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street NW., Washington, DC 20530.

Dated: March 5, 2003.

**Brenda E. Dyer,**

*Department Deputy Clearance Officer, United States Department of Justice.*

[FR Doc. 03-5673 Filed 3-10-03; 8:45 am]

**BILLING CODE 4410-18-M**

**DEPARTMENT OF LABOR****Office of the Secretary****All Items Consumer Price Index for All Urban Consumers—United States City Average**

Pursuant to section 33105(c) of Title 49, United States Code, and the delegation of the Secretary of Transportation's responsibilities under the Act to the Administrator of the Federal Highway Administration (49 CFR, section 501.2(a)(9)), the Secretary of Labor has certified to the Administrator and published this notice in the **Federal Register** that the United States City Average All Items Consumer Price Index for All Urban Consumers (1967=100) increased 73.2 percent from its 1984 base period annual average of 311.1 to its 2002 annual average of 538.8.

Signed at Washington, DC, on the 3rd day of March 2003.

**Elaine L. Chao,**

*Secretary of Labor.*

[FR Doc. 03-5725 Filed 3-10-03; 8:45 am]

**BILLING CODE 4510-24-M**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Notice of Pre-Existing Condition Exclusion

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides 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 (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: Notice of Pre-Existing Condition Exclusion. 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).

Specific disclosure requirements relating to pre-existing exclusions constitute the ICR. Under the April 8 Interim Rules, a group health plan or health insurance issuer may not impose any pre-existing conditions exclusion on a participant unless that participant has been notified in writing that the plan includes pre-existing condition exclusion provisions, that a participant has a right to demonstrate any periods of prior creditable coverage, and that the plan or issuer will assist the participant in obtaining a certificate of prior coverage from any prior plan or issuer, if necessary. Plans that use the alternative method of crediting coverage must disclose their method at the time of enrollment in the plan.

In addition, the April 8 Interim Rules require that before a plan or issuer imposes a pre-existing condition exclusion on a particular participant, it must first disclose that determination in writing, including the basis of the decision, and an explanation of any appeal procedure established by the plan or issuer.

##### 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:* Notice of Pre-Existing Condition Exclusion.

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

*OMB Number:* 1210-0102.

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

*Frequency of Response:* On occasion.

*Respondents:* 1,300,000.

*Responses:* 8,570,000.

*Total Estimated Burden Hours:* 9,004.

*Total Burden Cost (Operating and Maintenance):* \$1,008,000.

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 5, 2003.

**Joseph S. Piacentini,**

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

[FR Doc. 03-5728 Filed 3-10-03; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Notice of Special Enrollment Rights

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides 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 (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: Notice of