

**DEPARTMENT OF LABOR**

**Mine Safety and Health Administration**

**Fee Adjustments for Testing, Evaluation, and Approval of Mining Products**

**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.

**ACTION:** Notice of fee adjustments.

**SUMMARY:** This notice revises our (MSHA Approval and Certification Center (A&CC)) user fees. Fees compensate us for the costs that we incur for testing, evaluating, and approving certain products for use in underground mines. We based the year 2000 fees on our actual expenses for fiscal year 1999. The fees reflect changes both in our approval processing operations and in our costs to process approval actions.

**DATES:** These fee schedules are effective from January 1, 2000, through December 31, 2000.

**FOR FURTHER INFORMATION CONTACT:** Steven J. Luzik, Chief, Approval and Certification Center, 304-547-2029 or 304-547-0400.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 8, 1987 (52 FR 17506), pursuant to 30 U.S.C. 957, we published a final rule, 30 CFR Part 5—Fees for Testing, Evaluation, and Approval of Mining Products. The rule established specific procedures for calculating, administering, and revising user fees. We have revised our fee schedule for the year 2000 in accordance with the procedures of that rule and include this new fee schedule below. For approval applications postmarked before January 1, 2000, we will continue to calculate fees under the previous (1999) fee schedule, published on December 18, 1998.

**Fee Computation**

In general, we computed the year 2000 fees based on fiscal year 1999 data. We calculated a weighted-average, direct cost for all the services that we provided during fiscal year 1999 in the

processing of requests for testing, evaluation, and approval of certain products for use in underground mines. From this cost, we calculated a single hourly rate to apply uniformly across all of the product approval categories during the year 2000.

**Elimination of Flat Rates**

Under the provisions of 30 CFR Part 5, three approval areas have been converted from a flat rate to an hourly rate: Statement of Test and Evaluation, Statement of Test and Evaluation Extension, and Mine Wide Monitoring System Barrier Classification. The conversion of these last three approval areas results in a single hourly rate being uniformly applied regardless of product type. See the schedule for the appropriate hourly rate.

Dated: December 22, 1999.

**Rebecca J. Smith,**  
*Deputy Director, Office of Standards, Regulations and Variances.*

**FEE SCHEDULE EFFECTIVE JANUARY 1, 2000**

[Based on FY 1999 data]

Action title	Hourly rate
Fees for Testing, Evaluation, and Approval of all Mining Products <sup>1</sup> ..	\$61
Retesting for Approval as a Result of Post-Approval Product Audit <sup>2</sup> ..	.....

**30 CFR Part 15—Explosives Testing**

<b>Permissibility Tests for Explosives:</b>	
Weigh-in .....	\$462
Physical Exam: First size .....	325
Chemical Analysis .....	1,977
<b>Air Gap—Minimum Product Firing</b>	
Temperature .....	460
Air Gap—Room Temperature .....	352
Pendulum Friction Test .....	163
Detonation Rate .....	352
Gallery Test 7 .....	7,436
Gallery Test 8 .....	5,533
Toxic Gases (Large Chamber) .....	805
<b>Permissibility Tests for Sheathed Explosives:</b>	
Physical Examination .....	128
Chemical Analysis .....	1,044
Gallery Test 9 .....	1,944
Gallery Test 10 .....	1,944
Gallery Test 11 .....	1,944

**FEE SCHEDULE EFFECTIVE JANUARY 1, 2000—Continued**

[Based on FY 1999 data]

Action title	Hourly rate
Gallery Test 12 .....	1,944
Drop Test .....	648
Temperature Effects/Detonation ...	672
Toxic Gases .....	580

<sup>1</sup> Full approval fee consists of evaluation cost plus applicable test costs.

<sup>2</sup> Fee based upon the approval schedule in effect at the time of retest.

**Note:** When the nature of the product requires that we test and evaluate it at a location other than our premises, you must reimburse us for the traveling, subsistence, and incidental expenses of our representative in accordance with standardized government travel regulations. This reimbursement is in addition to the fees charged for evaluation and testing.

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**DEPARTMENT OF LABOR**

**Pension and Welfare Benefits Administration**

**Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Notice of Special Enrollment Rights, Health Insurance Portability for Group Health Plans**

**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 Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of a currently approved collection of information, Notice of Special Enrollment Rights. A copy of the proposed information collection request (ICR) can be obtained by contacting the addressee below.

**DATES:** Written comments must be submitted on or before January 27, 2000.

**ADDRESSES:** Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Washington, D.C. 20210, (202) 219-4782, FAX (202) 219-4745 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:**

**Background**

Subtitle B of title 1 of ERISA, Part 7, section 707, added by the Health Care Portability and Accountability Act of 1996 (Pub. L. 104-191, August 31, 1996) (HIPAA) authorizes 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 through 16923) (April 8 Interim Rules).

In order to improve participants' understanding of their rights under an employer's group health plan, HIPAA requires that a participant be provided with a description of a plan's special enrollment rules on or before the time when a participant is offered the opportunity to enroll in a group health plan.

**Review Focus**

The Department of Labor (Department) 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 submissions of responses.

*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. The existing ICR should be continued because it implements the disclosure requirements mandated by the portability provisions enacted in section 701 of HIPAA. Specifically, this ICR implements the statutorily prescribed requirements necessary to provide notice of enrollment rights. The special enrollment rules generally apply to circumstances when the participant initially declined to enroll in the plan, and subsequently would like to have coverage.

The April 8 Interim Rules offer a model form to be used by group health plans and health insurance issuers, containing the minimum information mandated by the statute.

*Agency:* Department of Labor, Pension and Welfare Benefits Administration.

*Title:* Notice of Enrollment Rights.

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

*OMB Number:* 1210-0101.

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

*Frequency of Response:* On occasion.

*Respondents:* 15,290.

*Responses:* 1,612,690.

*Estimated Total Burden Hours:* 6,720.

*Total Burden Cost (Operating and Maintenance):* \$860,000.

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: December 22, 1999.

**Gerald B. Lindrew,**

*Deputy Director, Office of Policy and Research  
Pension and Welfare Benefits Administration.*  
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**DEPARTMENT OF LABOR**

**Pension and Welfare Benefits Administration**

**Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Notice of Pre-Existing Condition Exclusion, Health Insurance Portability for Group Health Plans**

**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 Pension and Welfare Benefits 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 proposed information collection request (ICR) can be obtained by contacting the addressee identified below.

**DATES:** Written comments must be submitted on or before February 28, 2000.

**ADDRESSES:** Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Washington, DC 20210, (202) 219-4782, FAX (202) 219-4745 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:**

**Background**

Subtitle B of title 1 of ERISA, Part 7, section 707, added by the Health Care Portability and Accountability Act of 1996 (Pub. L. 104-191, Aug. 31, 1996) (HIPAA) authorizes 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