

- 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: Bureau of Labor Statistics.

Title: Report on Occupational Employment.

OMB Number: 1220-0042.

Affected Public: Business or other for profit; not-for-profit institutions; State and Local governments.

Number of Respondents: 336,841 (3 year average).

Estimated Time Per Respondent: 30 minutes to 4 hours per response.

Total Burden Hours: 251,252 total hours (3 year average).

Total Annualized capital/startup costs: \$0.

Total annual costs (operating/maintaining systems or purchasing services): \$0.

Description: The OES Survey is a Federal/State sample survey of employment and wages by occupation of non-farm establishments that is used to produce data on current occupational employment and wages. The survey is a component in the development of employment and training programs, and occupational information systems.

In response to comments on the Preclearance Consultation notice published in the Friday, January 29, 1999 **Federal Register**, Vol. 64, No. 19, BLS changed the proposal to survey all large establishments (i.e., those with 250 workers or more) in FY 2000 to phasing-in all such establishments in the sample over a 4-year period.

Ira L. Mills,

Departmental Clearance Officer.

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BILLING CODE 4510-23-M

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 following proposed extension collections: (1) Regulations, 29 CFR Part 801, Application of the Employee Polygraph Protection Act of 1988; (2) Certificate of Medical Necessity (CM-893); (3) Representative Payee Report (CM-623), Representative Payee Report (CM-623S), and Physician's/Medical Officer's Report (CM-787); (4) Housing Terms and Conditions (WH-521); and (5) FECA Medical Report Forms and Claim for Compensation (CA-16b, CA-17b, CA-20, CA-1090, CA-1303, CA-1305, CA-1306, CA-1314, CA-1316, CA-1331, A-1332, CA-1336, OWCP-5a, OWCP-5b, OWC-5c, and CA-7). A copy of the proposed information collection requests can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before July 14, 1999. The Department of Labor 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.

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

SUPPLEMENTARY INFORMATION:

Regulations, 29 CFR Part 801, Application of the Employee Polygraph Protection Act of 1988

I. Background: The Employee Polygraph Protection Act of 1988 (EPPA) prohibits most private employers from using any lie detector tests whether for preemployment screening or during the course of employment. The law contains several limited exemptions which authorize polygraph tests under certain conditions. Section 5 of the Act requires the Secretary of Labor to promulgate such rules and regulations as may be necessary to carry out the Act and require the keeping of records necessary or appropriate for the administration of the Act.

II. Current Actions: The Department of Labor seeks an extension of approval of the recordkeeping and third party disclosure requirements of the regulations in order to insure that polygraph examinees receive the rights and protections mandated by the Act.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: 29 CFR Part 801, Application of the Employee Polygraph Protection Act.

OMB Number: 1215-0170.

Agency Number: None.

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

Total Respondents: 328,000.

Frequency: Recordkeeping; Reporting on occasion; Third party disclosure.

Total Responses: 328,000.

Time per Response: 1 minute to 1/2 hour.

Estimated Total Burden Hours: 82,406.

Total Burden Cost (capital/startup): \$0.

Total Burden Cost (operating/maintenance): \$0.

Certificate of Medical Necessity, CM-893

I. Background: 30 USC 932 of Public Law 803, as amended, stipulates that coal miners eligible for black lung benefits will be furnished medical treatment, including services and apparatus, for such period as the nature of the illness (pneumoconiosis) or process of recovery will require.

II. Current Actions: The Department of Labor seeks the extension of approval to collect this information in order to determine if the miner meets the specific impairment standards to qualify for durable medical equipment, home nursing care and/or pulmonary rehabilitation.

Type of Review: Extension.

Agency: Employment Standards Administration.
 Title: Certificate of Medical Necessity.
 OMB Number: 1215-0113.
 Agency Number: CM-893.
 Affected Public: Businesses or other for-profit; Individuals or households.
 Total Respondents: 9,000.
 Frequency: On occasion.
 Total Responses: 9,000.
 Average Time per Response: 20 to 40 minutes.
 Estimated Total Burden Hours: 3,600.
 Total Burden Cost (capital/startup): \$0.
 Total Burden Cost (operating/maintenance): \$0.

Representative Payee Report (CM-623), Representative Payee Report (CM-623S), Physician's/Medical Officer's Report (CM-787)

I. Background: Benefits due to a black lung beneficiary under the Federal Mine Safety and Health Act (30 USC 901) may be paid to a representative payee on behalf of the beneficiary when the beneficiary is unable to manage his/her benefits due to incapability, incompetence or minority. The CM-623 is sent to representative payees who are not relatives of the beneficiary. The CM-623S, which is a shortened version of the CM-623, is sent to representative payees who are relatives of, and live with, the beneficiary. In a small number of cases, it is necessary to determine the incapability or incompetence of a beneficiary to manage his/her monthly benefits. The CM-787 is a form used to

collect certain medical information from a physician regarding a beneficiary's competency.

II. Current Actions: The Department of Labor seeks extension of approval to collect this information in order to determine the beneficiary's capability to manage their monthly black lung benefits, and to ensure that benefits paid to a representative payee are used for the beneficiary's well-being.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title(s): Representative Payee Report, Physician/Medical Officer's Report.

OMB Number: 1215-0173.

Agency Number(s): CM-623, CM-623S, CM-787.

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

Form	Number of respondents	Frequency	Average time per response (minutes)	Burden hours
CM-623	2,275	Annually	90	3,413
CM-623S	600	Annually	10	100
CM-787	223	Once	15	56

Total Responses: 3,098.
 Estimated Total Burden Hours: 3,569.
 Total Burden Cost (capital/startup): \$0.
 Total Burden Cost (operating/maintenance): \$1,035.

Housing Terms and Conditions (WH-521)

I. Background: Section 201(c) of the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) requires that any farm labor contractor, agricultural employer, or agricultural association that provides housing to any migrant agricultural worker, post in a conspicuous place or present to such worker a statement of the terms and conditions, if any, of occupancy of such housing. Form WH-521 is an optional form which may be used to post or present to a migrant agricultural worker a listing of the terms and conditions for occupancy of housing.

II. Current Actions: The Department of Labor seeks extension of approval of this information collection in order to carry out its statutory responsibility to ensure that farm labor contractors, agricultural employers, and agricultural associations have disclosed to migrant workers the terms and conditions of

occupancy at each site where housing is provided by such employers.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Housing Terms and Conditions.

OMB Number: 1215-0146.

Agency Number: WH-521.

Affected Public: Farms; Individuals or households; Businesses or other for-profit.

Total Respondents: 1,300.

Frequency: On occasion; Third party disclosure.

Total Responses: 1,300.

Time per Response: 30 min.

Estimated Total Burden Hours: 650.

Total Burden Cost (capital/startup): \$0.

Total Burden Cost (operating/maintenance): \$0.

FECA Medical Report Forms (CA-16b, CA-17b, CA-20, CA-1090, CA-1303, CA-1305, CA-1306, CA-1314, CA-1316, CA-1331, CA-1332, CA-1336, OWCP-5a, OWCP-5b, OWCP-5c), and Claim for Compensation (CA-7)

I. Background: The Federal Employees' Compensation Act (FECA) provides for the payment of benefits for wage loss and/or for permanent impairment to a scheduled member,

arising out of a work related injury or disease. Form CA-7, Claim for Compensation, requests information from the injured worker regarding pay rate, dependents, earnings, dual benefits, and third-party information. The medical report forms collect medical information necessary to determine entitlement to benefits.

II. Current Actions: The Department of Labor seeks an extension of approval for this information collection request in order to carry out its statutory responsibility to compensate injured employees under the provisions of the Act.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title(s): Claim for Compensation, FECA Medical Reports.

OMB Number: 1215-0103.

Agency Number(s): CA-7, CA-16b, CA-17b, CA-20, CA-1090, CA-1303, CA-1305, CA-1306, CA-1314, CA-1316, CA-1331, CA-1332, CA-1336, OWCP-5a, OWCP-5b, OWCP-5c.

Affected Public: Individuals or households; Businesses or other for-profit; Federal government.

Frequency: As needed.

Form	Number of respondents	Average minutes per response	Burden hours
CA-7	400	13	87
CA-16b	130,000	5	10,833
CA-17b	60,000	5	5,000
CA-20	80,000	5	6,667
CA-1090	325	5	27
CA-1303	3,000	20	1,000
CA-1305	10	20	3
CA-1306	3	10	.5
CA-1314	125	20	42
CA-1316	15	10	2.5
CA-1331	250	5	21
CA-1332	500	30	250
CA-1336	1,000	5	83
OWCP-5a	7,000	15	1,750
OWCP-5b	5,000	15	1,250
OWCP-5c	15,000	15	3,750

Total Responses: 302,628.
 Estimated Total Burden Hours: 30,766.
 Total Burden Cost (capital/startup): \$0.
 Total Burden Cost (operating/maintenance): \$109.

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: May 6, 1999.

Margaret J. Sherrill,

Chief, Branch of Management Review and Internal Control, Office of Management, Administration and Planning, Employment Standards Administration.

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DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D-10504, et al.]

Proposed Exemptions; Aetna Inc.

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

Unless otherwise stated in the Notice of Proposed Exemption, all interested persons are invited to submit written

comments, and with respect to exemptions involving the fiduciary prohibitions of section 406(b) of the Act, requests for hearing 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 Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N-5507, 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 (43 FR 47713, October 17, 1978) 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.

Aetna Inc. (Aetna), Located In Hartford, Connecticut

Application No. D-10504

Proposed Exemption

The Department of Labor 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 C.F.R. Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990).¹

I. Transactions

If the exemption is granted, the restrictions of section 406(a)(1)(A) through (D) and 406(b) of the Act and

¹ For purposes of this exemption, references to specific provisions of Title I of the Act, unless otherwise specified, refer also to the corresponding provisions of the Code.