testimony requests than any other agency in the Department of Labor. Without the subpoena regulations, OSHA's available personnel resources would be significantly diminished by the testimony of its employees in private civil suites.

The Office of the Solicitor recognizes, however, that requests for assistance in OSHA enforcement litigation arising under federally-approved state plans present different circumstances from cases involving private litigation, due to the partnership between federal OSHA and the states which is created under section 18 of the OSH Act. Like federal OSHA, states with federally-approved plans are responsible, among other things, for adopting and enforcing workplace safety and health standards. Standards and enforcement procedures under approved state plans are required to be ''at least as effective as'' federal standards and procedures, and in the majority of instances are nearly identical. OSHA monitors the operation of each state plan, and when certain effectiveness criteria are met, state enforcement replaces that of federal OSHA in areas covered by the approved plan. States receive federal OSHA matching grants of up to 50% of the costs of administering their approved plans. In addition, OSHA affords technical support to its sister agencies in the form of compliance officer training, laboratory services, and technical assistance in implementing new or complex standards.

In view of the shared responsibilities of OSHA and federally-approved state plans under the Act, requests for participation by Department of Labor personnel in enforcement cases arising under a federally-approved state plan, where federal personnel have directly participated by either taking part in an on-site inspection or by furnishing substantial technical assistance to the state in the preparation of its case, will generally be approved by the Deputy Solicitor under the DOL subpoena regulation. In making such decisions we will, of course, consider the extent to which such personnel would be available to provide evidence in a comparable enforcement proceeding under the federal OSH Act. Thus, for example, federal OSHA compliance and technical personnel will generally be made available in contested cases to provide testimony concerning their observations while accompanying state inspectors, or to explain technical issues on which they have produced input during the development of the state's case. Factors such as the relevance of the requested testimony, the competence of the intended witness to testify on a particular issue, and whether any privileges might apply, may affect the availability of a federal witness, just as it does in federal enforcement cases. There may be other factors which could affect approval in individual cases. The policy outlined above does not apply to the availability of witnesses to provide official statements of agency policy or render interpretations of standards during litigation; such interpretations are normally rendered by the agency only through rulemaking, letters of interpretation, in court pleadings or in other official documents.

In summary, approval will generally be granted for participation by OSHA staff in contested enforcement cases under federally-approved state plans. As discussed above we will, of course, consider the factors present in each individual case. This policy is based upon the unique federal-state enforcement scheme created by the federal OSH Act, and does not affect the availability of DOL personnel to testify in connection with any other DOL-administered program. Requests for testimony in connection with non-OSHA related litigation, or in connection with OSHA-related cases in which DOL is not a party and which do not fall within the category of cases described above, will continue to be evaluated individually under the criteria and procedures of 29 CFR 2.20 *et seq.*

[FR Doc. 98–17309 Filed 6–29–98; 8:45 am]

BILLING CODE 4510–23–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Prohibited Transaction Class Exemption 92–6

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, Prohibited Transaction Class Exemption 92–6. A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before August 31, 1998.

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 clarify 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: Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Washington, DC 20210, (202) 219–4782 (this is not a toll-free number), FAX (202) 219–4745.

SUPPLEMENTARY INFORMATION:

I. Background

Prohibited Transaction Class Exemption 92–6 exempts from the prohibited transaction restrictions of the Employee Retirement Income Security Act the sale of individual life insurance or annuity contracts by a plan to participants, relatives of participants, employers any of whose employees are covered by the plan, other employee benefit plans, owner-employees or shareholder-employees. In the absence of this exemption, certain aspects of these transactions might be prohibited by section 406 of the Employee Retirement Income Security Act.

II. Current Actions

This existing collection of information should be continued because without the relief provided by this exemption, certain aspects of these transactions might be prohibited by the Employee Retirement Income Security Act. The recordkeeping requirements incorporated within the class exemption are intended to protect the interests of plan participants and beneficiaries. The exemption requires the pension plan to inform the insured participant of a proposed sale of a life insurance or annuity policy to the employer, a relative, another plan, an owner-employee, or a shareholder-employee. If the participant elects not to purchase the contract, the relative, the employer, another plan, the owner-employee or the shareholder-employee may purchase the contract from the plan upon receipt by the plan of written consent of the participant. The disclosure

requirements of the exemption do not apply if the contract is sold to the plan participants. The disclosure requirements incorporated within the exemption are intended to protect the rights of plan participants by (1) putting them on notice of the plan's intention to sell insurance or annuity contracts under which they are insured and (2) giving them the right of first refusal to purchase such contracts.

Type of Review: Extension.

Agency: Pension and Welfare Benefits Administration.

Title: Prohibited Transaction Class Exemption 92–6.

OMB Number: 1210–0063.

Recordkeeping: 6 years.

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

Total Respondents: 7,960.

Frequency: On occasion.

Total Responses: 7,960.

Average Time Per Response: 10 minutes.

Estimated Total Burden Hours: 1,327.

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 public record.

Dated: June 25, 1998.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

[FR Doc. 98–17344 Filed 6–29–98; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Prohibited Transaction Class Exemption 82–63

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, Prohibited Transaction Class Exemption 82–63. A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before August 31, 1998.

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 clarify 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: Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Washington, D.C. 20210, (202) 219–4782 (this is not a toll-free number), FAX (202) 219–4745.

SUPPLEMENTARY INFORMATION:

1. Background

Prohibited Transaction Class Exemption 82–63 allows the payment of compensation under certain conditions for the provision by an employee benefit plan fiduciary of securities lending services to the plan. In the absence of this exemption, certain aspects of these transactions might be prohibited by section 406 of the Employee Retirement Income Security Act.

II. Current Actions

This existing collection of information should be continued because without the relief provided by this exemption, certain compensation arrangements for the provision of securities lending services by a plan fiduciary to an employee benefit plan would be subject to the prohibitions of section 406 of the Employee Retirement Income Security Act. The recordkeeping requirements incorporated within the class exemption are intended to protect the interests of plan participants and beneficiaries. The class exemption has two basic information collection requirements. The first requirement is that the compensation be paid in accordance with a written instrument authorized by a non-lending fiduciary, and the second is that the lending fiduciary furnish the authorizing fiduciary with certain information.

Type of Review: Extension.

Agency: Pension and Welfare Benefits Administration.

Title: Prohibited Transaction Class Exemption 82–63.

OMB Number: 1210–0062.

Recordkeeping: 6 years.

Affected Public: Business of other for-profit, Not-for-profit institutions, lndividuals.

Total Respondents: 18,245.

Frequency: On occasion.

Total Responses: 36,490.

Average Time Per Response: 5 minutes.

Estimated Total Burden Hours: 3,041.

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: June 25, 1998.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

[FR Doc. 98–17345 Filed 6–29–98; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Prohibited Transaction Exemption 96–62

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