Total Annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $22,791.

Description: Requires mine operators to report to MSHA quarterly employment levels and coal production. Employment and production data when correlated with accident and injury data provide information for making decisions on improving safety and health enforcement programs, focusing education and training efforts, and establishing priorities in technical assistance activities in mine safety and health.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 99–19112 Filed 7–26–99; 8:45 am]

BILLING CODE 4510–13–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

July 21, 1999.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Ira Mills ((202) 219–5096 ext. 143) or by E–Mail to Mills-Ira@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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 submission of responses.

Agency: Mine Safety and Health Administration.

Title: Mine Accident, Injury, and Illness Report.

OMB Number: 1219–0007.

Frequency: On occasion.

Affected Public: Business or other for-profit.

Regulatory reference	Responses	Frequency	Annual responses	Average time per response	Burden hours
50.10 Immediate Notification	91 fatals 2,156 other	One-time	2,247	30 minutes	1,124
50.11(b) Investigation of Accidents/Occupational Injuries.	48 fatals 20,670 nonfatal 1,611 other	One-time	22,329	80 hours 2 hours 3 hours	50,013
50.11(b) Separate Reports <20 employees.	43 fatals 545 other	One-time	588	40 hours 3 hours	3,355
50.20 Reports	22,997 initial 11,937 follow-up	One-time	34,934	30 minutes 20 minutes	15,438
Verify Data Mailer	10,000	Annually	10,000	30 minutes	5,000
Correct Data Mailer	246	Annually	246	15 minutes	62
Totals			70,344		74,992

Total Annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $19,199.

Description: Mine operators are required to submit Form 7000–1 to MSHA to report on accidents, injuries, and illnesses at their mines within 10 working days after an accident or injury has occurred or a work-related illness has been diagnosed. The use the form provides for uniform information gathering.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 99–19113 Filed 7–26–99; 8:45 am]

BILLING CODE 4510–13–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 99–29; Exemption Application No. D–10747]

Bankers Trust Co., New York, New York, BT Alex Brown Inc., and Deutsche Bank AG

AGENCY: Pension and Welfare Benefits Administration, Department of Labor

ACTION: Grant of Individual Exemption.

SUMMARY: This document contains a final exemption from certain of the

prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and the Internal Revenue Code of 1986 (the Code). The final exemption, granted by the Department of Labor (the Department) to Bankers Trust Company, BT Alex Brown and Deutsche Bank AG, provides that those entities shall not be precluded from functioning as a ''qualified professional asset manager'' pursuant to Prohibited Transaction Exemption 84–14 (49 FR 9494, March 13, 1984)(PTE 84–14) solely because of a failure to satisfy section I(g) of PTE 84–14 as a result of Bankers Trust Company's conviction for felonies described in a March 11, 1999 felony information.

FOR FURTHER INFORMATION CONTACT: Ms. Allison Padams-Lavigne of the Department, telephone (202) 219–8194. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 7, 1999, the Department published a notice in the **Federal Register** of the pendency before the Department of a proposed exemption requested by Bankers Trust Company and Deutsche Bank AG. The Department proposed the exemption in response to an application dated March 12, 1999, which was submitted on behalf of Bankers Trust Company and its future affiliates pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart (55 FR 32836, 32847, August 10, 1990).[1]

The notice set forth a summary of the facts and representations contained in the application for exemption and also invited interested persons to submit comments or requests for a hearing on the pending exemption to the Department.

The applicants agreed to provide notice to interested persons within three days of the date that the proposal appeared in the **Federal Register**. The applicants have represented that notice was furnished to five interested persons two days later than that date. As a result, the comment period was extended for two additional days. The applicants represent that notice to all other interested persons was furnished in a timely manner. All comments and requests for hearing were due by July 12, 1999.

The Department received eleven comments from interested persons on the proposed exemption. The Department forwarded copies of the comments to the applicants and requested that the applicants address in writing the various concerns raised by the commentators. Most of the comments fell into broad categories that the applicants responded to in a general fashion. Where a single commentator raised a specific issue, such issue was responded to individually. A description of the comments and the applicants' responses are summarized below.

One commentator urged that the exemption not be granted because he had not received all of his benefits under a plan maintained by Bankers Trust Company. Bankers Trust Company notes that the former participant enclosed with his comment a copy of the check receipt that he had received at the time of the distribution. Bankers Trust Company believes that the participant received the full amount of his benefit at the time he received his check receipt.

Five comments urged denial of the exemption because of the commentators' belief that Bankers Trust Company has failed to meet the highest standard as a fiduciary. Deutsche Bank AG responded that it is committed to maintaining the highest fiduciary standards on which Bankers Trust Company was organized in 1903, and intends to bring together the best of the long traditions of service of each organization, building on the organizational changes described in the exemption application and the new policies and procedures put in place in the recent past.

One commentator suggested that not all employees have received certain ethics training. Deutsche Bank AG represents that it will verify that all Global Institutional Services (GIS) employees have received the appropriate training.[2] Another commentator was concerned that the legal protections of the Act and the Code would be eliminated if the exemption was granted. Deutsche Bank AG responded that it understands that all of the legal requirements of the Act and the Code continue to apply to the employee benefit plans of Bankers Trust Company and, as sponsor of those plans, represents that it will fully comply with all laws respecting its plans.

Two commentators opposed the granting of the exemption because they had unanswered questions about their pension benefits. While these comments did not relate to the terms of the exemption, Deutsche Bank represents that it will contact those commentators and attempt to resolve their questions.

Another commentator argued that the exemption ought to be denied because, in the commentator's view, Deutsche Bank AG discriminates against members of the Church of Scientology. Deutsche Bank AG states that it maintains strict policies against discrimination on the basis of sex, race, creed or national origin and believes that those policies have been adhered to. Another commentator argued that the exemption should be denied because, in the past, Bankers Trust Company merged two of its employee benefit plans inappropriately. Bankers Trust Company responds that its actions in merging its plans were fully in compliance with the law.

In addition to comments, questions and requests for a hearing, the Department also received a comment letter, dated July 13, 1999, from Deutsche Bank AG. Deutsche Bank AG notes that Paragraph 2 of the Facts and Representations of the Notice states that BT Alex Brown is a subsidiary of Bankers Trust Corporation. Deutsche Bank AG noted that while that fact was true as of the date of the proposed exemption, BT Alex Brown is now a subsidiary of Deutsche Bank Securities, Inc.

Two commentators also requested a hearing on the proposal. The Department believes that the issues raised by the commentators are outside the scope of the proposed exemption. Accordingly, the Department does not believe that any issues have been identified which would require the convening of a hearing and has determined not to hold a public hearing.

Accordingly, after giving full consideration to the entire record, including the comments by the commentators, and the responses of the applicants, the Department has determined to grant the exemption. In this regard, the comments submitted to the Department have been included as part of the public record of the exemption application. The complete application file, including all supplemental submissions received by the Department, is made available for public inspection in the Public Documents Room of the Pension and Welfare Benefits Administration, Room N–5507, U.S. Department of Labor, 200 Constitution Ave. NW, Washington DC 20010.

[1] 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 Treasury to issue exemptions of the type proposed to the Secretary of Labor.

[2] The March 11, 1999 felony information related to the conduct of certain employees in Bankers Trust Company's processing services business. This unit was subsequently restructured as part of GIS.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and/or 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act and/or the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary provisions of section 404 of the Act which, among other things, requires a fiduciary to discharge his or her duties respecting the plan solely in the interests 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) This exemption is supplemental to and not in derogation of any other provisions of the Act and/or 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

(3) The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete and accurately describe all material terms of the transaction which is the subject of this exemption.

Exemption

Section I. Bankers Trust Company

Bankers Trust Company shall not be precluded from functioning as a ''qualified professional asset manager'' pursuant to Prohibited Transaction Exemption 84–14 (49 FR 9494, March 13, 1994) (PTE 84–14) for the period beginning on the date of sentencing with respect to the charges to which Bankers Trust Company [3] pled guilty on March 11, 1999 and ending five years [4] from the date of publication of the final exemption in the **Federal Register**, solely because of a failure to satisfy section I(g) of PTE 84–14 as a result of the conviction of Bankers Trust Company for felonies described in the March 11, 1999 felony information (the Information) entered in the U.S. District Court for the Southern District of New York, provided that:

(a) This exemption is not applicable if Bankers Trust Company becomes affiliated with any person or entity convicted of any of the crimes described in section I(g) of PTE 84–14; and

(b) This exemption is not applicable if Bankers Trust Company is convicted of any of the crimes described in section I(g) of PTE 84–14, other than those felonies discussed in the Information;

(c) The custody operations that were part of Bankers Trust Company at the time of the March 11, 1999 information, and which have subsequently been reorganized as part of Global Institutional Services (GIS), are subject to an annual examination of its abandoned property and escheatment policies, procedures and practices by an independent public accounting firm. The examination required by this condition shall determine whether the written procedures adopted by Bankers Trust Company are properly designed to assure compliance with the requirements of ERISA. The annual examination shall specifically require a determination by the auditor as to whether the Bank has developed and adopted internal policies and procedures that achieve appropriate control objectives and shall include a test of a representative sample of transactions, fifty percent of which must involve ERISA covered plans, to determine operational compliance with such policies and procedures. The auditor shall issue a written report describing the steps performed by the auditor during the course of its examination. The report shall include the auditor's specific findings and recommendations. This requirement shall continue to be applicable to the custody operations that were part of Bankers Trust Company as of March 11, 1999, notwithstanding any subsequent reorganization of the custody operation function during the term of the exemption.

(d) With respect to the independent audit report described in section I(c) above:

(1) Bankers Trust Company shall provide notice to the Department of any instances of the Bank's noncompliance with the written policies and procedures reviewed by the auditor within 10 business days after such noncompliance is determined by the auditor notwithstanding the fact that the examination may not have been completed as of that date. Upon request, the auditor shall provide the Department with all of the relevant workpapers reflecting the instances of noncompliance. The workpapers should identify whether and to what extent the assets of ERISA plans were involved in the instances of noncompliance, and

(2) Any information relating to the Bank's noncompliance with the written policies and procedures that is required by Federal and/or state banking authorities to be reported to the state and/or Federal banking agencies shall also be reported by Bankers Trust Company to the Department within the same time frames that such information is otherwise required to be reported to those agencies.

(e) The annual examination described in section I(c) above will be provided to the Department not later than 90 days following the 12 month period to which it relates, and will be unconditionally available for examination by any duly authorized employee or representative of the Department, Internal Revenue Service, Securities and Exchange Commission or Department of Justice or other relevant regulators and any fiduciary of a plan for which Bankers Trust Company performs services.

Section II

BT Alex. Brown Incorporated and its subsidiaries and Deutsche Bank AG shall not be precluded from functioning as a ''qualified professional asset manager'' pursuant to PTE 84–14 for the period beginning on the date of sentencing with respect to the charges to which Bankers Trust Company pled guilty on March 11, 1999 and ending ten years from the date of publication of the final exemption in the **Federal Register**, solely because of a failure to satisfy section I(g) of PTE 84–14 as a result of an affiliation with Bankers Trust Company, provided that:

(a) This exemption is not applicable if BT Alex. Brown Incorporated, its subsidiaries or Deutsche Bank AG becomes affiliated with any person or entity convicted of any of the crimes described in section I(g) of PTE 84–14; and

(b) This exemption is not applicable if BT Alex. Brown Incorporated, its subsidiaries or Deutsche Bank AG is convicted of any of the crimes described in section I(g) of PTE 84–14.

Section III. Definitions

(a) For purposes of this exemption, the term ''Bankers Trust Company'' includes Bankers Trust Company and any entity that was affiliated with Bankers Trust Company prior to the

[3] On June 4, 1999, Bankers Trust Corporation, the parent of Bankers Trust Company, was acquired by Deutsche Bank AG. Bankers Trust Company, now a subsidiary of Deutsche Bank AG, continues to offer banking services to its clients.

[4] Prior to the expiration of this exemption, Bankers Trust Company may apply for an extension of the exemption.

date of the acquisition of Bankers Trust Corporation by Deutsche Bank AG, other than BT Alex. Brown Incorporated and its subsidiaries.

(b) For purposes of this exemption, ''Deutsche Bank AG'' includes Deutsche Bank AG and any entity that was affiliated with Deutsche Bank AG prior to the date of the acquisition of Bankers Trust Corporation by Deutsche Bank AG, and any future affiliates, other than Bankers Trust Company, as defined in subsection (a).

(c) The term ''affiliate'' of a person means—

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person,

(2) Any director of, relative of, or partner in, any such person,

(3) Any corporation, partnership, trust or unincorporated enterprise of which such person is an officer, director, or a 5 percent or more partner or owner, and,

(4) Any employee or officer of the person who—

(A) is a highly compensated employee (as defined in section 4975(e)(2)(H) of the Code) or officer (earning 10 percent or more of the yearly wages of such person) or,

(B) has direct or indirect authority, responsibility or control regarding the custody, management or disposition of plan assets.

(d) The term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.

Signed at Washington, DC, this 22nd day of July, 1999.

Ivan L. Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, Department of Labor.

[FR Doc. 99–19152 Filed 7–26–99; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 99–30; Exemption Application No. D–10669, et al.]

Grant of Individual Exemptions; Premier Funding Group, Inc.; Employees Profit Sharing Plan, et al

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) 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).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, 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 proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Premier Funding Group, Inc. Employees Profit Sharing Plan (the P/S Plan) and the Money Purchase Pension Plan for Employees of Premier Funding Group, Inc. (the M/P Plan, collectively; the Plans) Located in Arlington, Texas

[Prohibited Transaction Exemption 99–30; Exemption Application Nos. D–10669 and D–10670]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply as of February 1, 1999, to a lease (the Lease) of certain second-floor space (the Leased Premises) in a building by the Plans to LM Holdings, Inc., a party in interest with respect to the Plans; provided that the following conditions are satisfied:

(a) All terms and conditions of the Lease are at least as favorable to the Plans as those which the Plans could obtain in an arm's-length transaction with an unrelated party;

(b) The fair market rental amount for the Lease has been determined by an independent qualified appraiser;

(c) Each Plan's allocable portion of the fair market value of both the Leased Premises and the building where the Leased Premises are located represents no more than 20 percent (20%) of the total assets of each Plan throughout the duration of the Lease;

(d) The interests of the Plans under the Lease are represented by an independent, qualified fiduciary (the Independent Fiduciary);

(e) The fees received by the Independent Fiduciary, combined with any other fees derived from any related parties, will not exceed 1% of that person's annual income for each fiscal year that such person continues to serve in the independent fiduciary capacity with respect to the Lease;

(f) The Independent Fiduciary evaluated the Lease and deemed it to be administratively feasible, protective and in the best interest of the Plans;

(g) The Independent Fiduciary monitors the terms and the conditions of the exemption and the Lease throughout its duration, and takes whatever action is necessary to protect the Plans' rights;

(h) At the discretion of the Independent Fiduciary, the Lease can be extended for two additional five-year terms, provided that the Independent Fiduciary requires independent appraisals of the Leased Premises to be performed at the time of each extension of the Lease so as to ensure that LM Holdings continues to pay fair market