

Apply for Worker Adjustment Assistance on February 4, 1999, applicable to workers of The Pillsbury Company, Haagen-Dazs Plant located in Woodbridge, New Jersey. The notice will be published soon in the **Federal Register**.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that worker separations occurred at the Haagen-Dazs Warehouse Operation of The Pillsbury Company, Dayton, New Jersey when it closed in March, 1999. The Dayton, New Jersey location provided warehousing and distribution services for The Pillsbury Company, Haagen-Dazs's production facilities including Woodbridge, New Jersey. The workers are engaged in the production of ice cream products (gallons of ice cream, stick bars, pops and sorbet).

Accordingly, the Department is amending the certification to cover the workers of The Pillsbury Company, Haagen-Dazs Warehouse Operation, Dayton, New Jersey.

The intent of the Department's certification is to include all workers of The Pillsbury Company, Haagen-Dazs who were adversely affected by increased imports of ice cream products.

The amended notice applicable to TA-W-35,451 is hereby issued as follows:

"All workers of The Pillsbury Company, Haagen-Dazs Plant, Woodbridge, New Jersey (TA-W-35,451) and Haagen-Dazs Warehouse Operation, Dayton, New Jersey (TA-W-35,451A) who became totally or partially separated from employment on or after December 21, 1997 through February 11, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, DC, this 19th day of March, 1999.

**Grant D. Beale,**

*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc. 99-8301 Filed 4-2-99; 8:45 am]

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## DEPARTMENT OF LABOR

### 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 and Training Administration (ETA) is soliciting comments concerning a proposed revision to Form ETA 581, Contribution Operations. A copy of the entire proposed information collection request (ICR) 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 June 4, 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:** Constance I. Peterkin, Room S-4522, 200 Constitution Avenue, NW, Washington, DC 20210; telephone number: (202) 219-5615, extension 198 (this is not a toll-free number); internet address: cpeterkin@doleta.gov; facsimile number: (202) 219-8506.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Unemployment Insurance Service (UIS) of the Employment and Training Administration (ETA) has three programs which evaluate the separate functions within the Unemployment Insurance (UI) program. The Benefit Accuracy Measurement (BAM) program assesses the accuracy of paying UI

benefits. The Benefit Timeliness and Quality (BTQ) program assesses the quality and timeliness of UI benefit functions; while the Tax Performance System (TPS) evaluates the employer-related functions or tax operations of the UI program. The Contribution Operations report (Form ETA 581), is a comprehensive report of each state's UI tax operations and is essential in providing quarterly tax performance data to DOL/ETA/UIS, the source of grants funding authority. ETA 581 data is the basis for determining the adequacy of funding States' UI tax operations and measuring the performance and effectiveness of such operations. These are required Federal functions under the Federal-State UI program.

Using ETA 581 data, the TPS program measures performance, accuracy, and promptness in employer registration (status determination), report delinquency, collections (accounts receivable), and the audit function.

##### II. Current Actions

A new item, "Number of Employees Misclassified as Independent Contractors" (discovered through audits of employers), is being added. Misclassification of employees as independent contractors represent lost revenues to State unemployment funds from taxes based on the wages of such employees and lower UI benefit reciprocity rates upon their unemployment. The collection of this new information will provide an indication of the extent of misclassification and eliminate the need for periodic surveys requesting such information. As a result of adding this new item, the average response time is estimated to increase by 0.5 hours.

The ETA 581 report is the only vehicle for collection of information on States' UI tax operations required under the TPS program. If ETA 581 data were not collected, there would be no basis for determining the adequacy of funding for States' UI tax operations, making projections and forecasts in conjunction with the budgetary process, nor measuring program performance and effectiveness. The ETA 581 accounts receivable data are necessary in the preparation of complete and accurate financial statements for the unemployment Trust Fund (UTF) and the maintenance of a modified accrual system for UTF accounting.

*Type of Review:* Revision.

*Agency:* Employment and Training Administration.

*Title:* Contribution Operations.

*OMB Number:* 1205-0178.

*Agency Number:* ETA 581.

*Affected Public:* State Government.  
*Cite/Reference/Form/etc:* ETA 581.  
*Total Respondents:* 53.  
*Frequency:* Quarterly.  
*Total Responses:* 212.

*Average Time per Response:* 8.5 hours.

*Estimated Total Burden Hours:* 1,802.

*Total Burden Cost (operating/maintaining):* \$45,050.

Comments submitted in response to this comment request 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 29, 1999.

**Grace A. Kilbane,**

*Director, Unemployment Insurance Service.*

[FR Doc. 99-8295 Filed 4-2-99; 8:45 am]

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## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 99-15; Exemption Application No. D-10574]

#### Grant of Individual Exemption To Amend Prohibited Transaction Exemption (PTE) 94-50 Involving Salomon Smith Barney Inc. (Salomon Smith Barney) Located in New York, NY

**AGENCY:** Pension and Welfare Benefits Administration, U.S. Department of Labor.

**ACTION:** Grant of individual exemption to modify PTE 94-50.

**SUMMARY:** This document contains a final exemption before the Department of Labor (the Department) which would amend PTE 94-50 (59 FR 32024, June 21, 1994), an exemption granted to Smith Barney, Inc. (Smith Barney), the predecessor of Salomon Smith Barney. PTE 94-50 relates to the operation of the TRAK Personalized Investment Advisory Service product (the TRAK Program) and the Trust for TRAK Investments (subsequently renamed the Trust for Consulting Group Capital Markets Funds) (the Trust). These transactions are described in a notice of pendency that was published in the **Federal Register** on November 9, 1998 at 63 FR 60391.

**EFFECTIVE DATE:** This exemption is effective as of July 31, 1993 with respect to the transactions described in Section I.A. and B.(1). of this grant notice. It is also effective as of March 29, 1994 for transactions involving a daily-traded

collective investment fund (the GIC Fund) that was added to the TRAK Program pursuant to PTE 94-50. With respect to Section I.B(2) and Section II(f)(1)-(4) of the General Conditions of this grant notice, which set forth the amendments to PTE 94-50, this exemption is effective as of November 9, 1998.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jan D. Broady, Office of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor, telephone (202) 219-8881. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On November 9, 1998, the Department published, at 63 FR 60391, a notice of proposed exemption in the **Federal Register** that would amend PTE 94-50. PTE 94-50 provides an exemption from certain prohibited transaction restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1986 (the Code), as amended, by reason of section 4975(c)(1) of the Code. Specifically, PTE 94-50 provides exemptive relief from the restrictions of section 406(a) 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 (D) of the Code, for the purchase or redemption of shares in the Trust by an employee benefit plan, an individual retirement account, or a retirement plan for a self-employed individual (collectively, the Plans). PTE 94-50 also provides exemptive relief from the restrictions of section 406(b) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(E) and (F) of the Code, with respect to the provision, by the Consulting Group of Smith Barney (the Consulting Group), of investment advisory services to independent fiduciaries of participating Plans (the Independent Plan Fiduciaries) that might result in such fiduciary's selection of an investment portfolio under the TRAK Program for the investment of Plan assets.<sup>1</sup>

<sup>1</sup> On October 5, 1992, the Department granted PTE 92-77 at 55 FR 45833. PTE 92-77 permitted Shearson Lehman Brothers, Inc. (Shearson Lehman) to make the TRAK Program available to Plans that acquired shares in the Trust. In this regard, PTE 92-77 permitted Plans to purchase or redeem shares in the Trust and allowed the Consulting Group to provide investment advisory services to an Independent Fiduciary of a Plan which might result in such fiduciary's selection of a Portfolio in the TRAK Program for the investment of Plan assets.

Subsequent to the granting of PTE 92-77, on July 31, 1993, Smith Barney acquired certain assets of

Besides the transactions described above, PTE 94-50 permitted Smith Barney to add a daily-traded collective investment fund (i.e., the GIC Fund) to the existing Fund Portfolios and to describe the various entities operating the GIC Fund. Further, PTE 94-50 replaced references to Shearson Lehman with references to Smith Barney. PTE 94-50 is effective as of July 31, 1993 for the transactions described in PTE 92-77 and effective as of March 29, 1994 with respect to transactions involving the GIC Fund.

Salomon Smith Barney has informed the Department of certain changes to the facts underlying PTE 94-50. These modifications include (1) Corporate mergers that have changed the names of the parties described in PTE 94-50 and would permit broader distribution of TRAK-related products, (2) the implementation of a recordkeeping reimbursement offset system (the Recordkeeping Reimbursement Offset Procedure) under the TRAK Program, and (3) the institution of an automated reallocation option (the Automatic Reallocation Option) under the TRAK Program for which Salomon Smith Barney has requested administrative exemptive relief from the Department. The proposed exemption was requested in an application filed on behalf of Salomon Smith Barney pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures (the Procedures) set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 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. Accordingly, this exemption is being issued solely by the Department.

The proposed exemption gave interested persons an opportunity to comment on the notice of pendency and to request a public hearing. During the comment period, the Department received three written comments and no requests for a hearing in response to the notice. Two comments were submitted by Plan participants investing in the TRAK Program. The third comment, which is intended to clarify and modify

Shearson Lehman associated with its retail business, including the TRAK Program, and applied for and received a new exemption (PTE 94-50) for the ongoing operation of the TRAK Program. Essentially, PTE 94-50 amended and replaced PTE 92-77. However, because of certain material factual changes to the representations supporting PTE 92-77, the Department determined that the exemption was no longer effective for use by Smith Barney and its subsidiaries as of the date of the asset sale.