

**DEPARTMENT OF LABOR****Employee Benefits Security Administration****Proposed Extension of Information Collection; Request for Public Comment; Notice of Pre-Existing Condition Exclusion****ACTION:** Notice.

**SUMMARY:** The Department of Labor (Department), 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 continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that the data the Department gathers can be provided in the desired format, that the reporting burden on the public (time and financial resources) is minimized, that the public understands the Department's collection instruments, and that the Department can accurately assess the impact of collection requirements on respondents.

Currently, the Employee Benefits Security Administration (EBSA) is soliciting comments concerning the extension of currently approved collections of information arising from the Department's regulation at 29 CFR 2590.701-3, which requires group health plans and insurance issuers to provide certain notices regarding the pre-existing condition exclusions imposed under such plans to all participants under the plan and to specific individuals affected by the pre-existing condition exclusions. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office shown in the **ADDRESSES** section of this notice on or before November 24, 2009.

**ADDRESSES:** Interested parties are invited to submit written comments regarding the information collection request and burden estimates to G. Christopher Cosby, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-5718, Washington, DC 20210, (202) 693-8410, FAX (202) 219-4745 (these are not toll-free numbers). Comments may also be submitted electronically to the following Internet e-mail address: [ebbsa.opr@dol.gov](mailto:ebbsa.opr@dol.gov).

**SUPPLEMENTARY INFORMATION:****I. Background**

Regulation section 2590.701-3 requires group health plans imposing a pre-existing condition exclusion, and health insurance issuers offering group health insurance subject to a pre-existing condition exclusion, to provide all participants under the plan a written general notice of the pre-existing condition and also to provide any affected individual a specific written notice describing the length of pre-existing condition exclusion applicable to that individual under the plan after the plan or issuer has made a determination, for that individual, of creditable coverage. EBSA previously submitted an ICR with respect to these pre-existing condition exclusion notices to the Office of Management and Budget (OMB) for review under the PRA and received approval under OMB Control No. 1210-0102. The ICR approval is currently scheduled to expire on December 31, 2009.

**II. Desired Focus of Comments**

The Department is particularly interested in comments that:

- Evaluate whether the 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 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., by permitting electronic submission of responses.

**III. Current Action**

This notice requests comments on an extension of the information collections arising from the pre-existing condition exclusion notice requirements of 29 CFR 2590.701-3. The Department is not proposing or implementing any changes to the information collections at this time. A summary of the ICR and the current burden estimates follows:

*Agency:* Department of Labor, Employee Benefits Security Administration.

*Title:* Notice of Pre-Existing Condition Exclusion.

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

*OMB Number:* 1210-0102.

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

*Frequency of Response:* On occasion.

*Respondents:* 1,300,000.

*Responses:* 3,832,337.

*Total Estimated Burden Hours:* 5,714.

*Total Burden Cost (Operating and Maintenance):* \$1,120,709.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the extension of this ICR; they will also become a matter of public record.

Dated: September 21, 2009.

**Joseph S. Piacentini,**

*Director, Office of Policy and Research,  
Employee Benefits Security Administration.*

[FR Doc. E9-23140 Filed 9-24-09; 8:45 am]

**BILLING CODE 4510-20-P**

**DEPARTMENT OF LABOR****Employee Benefits Security Administration****Proposed Extension of Information Collection; Request for Public Comment Establishing Prior Creditable Coverage****ACTION:** Notice.

**SUMMARY:** The Department of Labor (Department), 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 continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that the data the Department gathers can be provided in the desired format, that the reporting burden on the public (time and financial resources) is minimized, that the public understands the Department's collection instruments, and that the Department can accurately assess the impact of collection requirements on respondents.

Currently, the Employee Benefits Security Administration (EBSA) is soliciting comments concerning the extension of a currently approved collection of information arising from the Department's regulation at 29 CFR 2590.701-5, which requires group health plans and health insurance issuers to furnish a written certificate suitable for establishing prior creditable

coverage to participants and dependents who are or were covered under the group health plan upon the occurrence of specified events. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office shown in the **ADDRESSES** section of this notice on or before November 24, 2009.

**ADDRESSES:** Interested parties are invited to submit written comments regarding the information collection request and burden estimates to G. Christopher Cosby, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-5718, Washington, DC 20210, (202) 693-8410, FAX (202) 219-4745 (these are not toll-free numbers). Comments may also be submitted electronically to the following Internet e-mail address: [ebbsa.opr@dol.gov](mailto:ebbsa.opr@dol.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Subsection (a) of 29 CFR 2590.701-5 requires a group health plan and each health insurance issuer offering group health insurance coverage under a group health plan to furnish certificates of creditable coverage to specified individuals under specified circumstances. EBSA previously submitted an ICR concerning the requirement to provide certificates of creditable coverage to the Office of Management and Budget (OMB) for review under the PRA and received approval under OMB Control No. 1210-0103. The ICR approval is currently scheduled to expire on December 31, 2009.

**II. Desired Focus of Comments**

The Department is particularly interested in comments that:

- Evaluate whether the 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 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., by permitting electronic submission of responses.

**III. Current Action**

This notice requests comments on an extension of information collections arising from the requirement under 29 CFR 2590.701-5 to provide certificates of creditable coverage. The Department is not proposing or implementing changes to the existing information collections at this time. A summary of the ICR and the current burden estimates follows:

*Agency:* Department of Labor, Employee Benefits Security Administration.

*Title:* Establishing Prior Creditable Coverage.

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

*OMB Number:* 1210-0103.

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

*Frequency of Response:* On occasion.

*Respondents:* 2,493,046.

*Responses:* 16,250,284.

*Total Estimated Burden Hours:* 75,306.

*Total Burden Cost (Operating and Maintenance):* \$11,456,011.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the extension of this ICR; they will also become a matter of public record.

Dated: September 21, 2009.

**Joseph S. Piacentini,**

*Director, Office of Policy and Research,  
Employee Benefits Security Administration.*  
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**DEPARTMENT OF LABOR**

**Employee Benefits Security Administration**

**[Application Nos. and Proposed Exemptions; D-11423, Cotter Merchandise Storage Company Defined Benefit Pension Plan (the Plan); D-11445, Unaka Company, Incorporated Employees Profit Sharing Plan (the Plan); and D-11522, State Street Bank and Trust Company, et al.]**

**Notice of Proposed Exemptions**

**AGENCY:** Employee Benefits Security 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 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code).

**Written Comments and Hearing Requests**

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, 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 requests for a hearing (at least three copies) should be sent to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, Room N-5700, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No., stated in each Notice of Proposed Exemption. Interested persons are also invited to submit comments and/or hearing requests to EBSA via e-mail or FAX. Any such comments or requests should be sent either by e-mail to: [moffitt.betty@dol.gov](mailto:moffitt.betty@dol.gov), or by FAX to (202) 219-0204 by the end of the scheduled comment period. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N-1513, 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).