

Dated: April 17, 1996.
 Stephen H. Greene,
Deputy Administrator.
 [FR Doc. 96-10007 Filed 4-23-96; 8:45 am]
 BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB review; comment request

April 18, 1996.

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). Copies of these individual ICRs, with applicable supporting documentation, may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa M. O'Malley ([202] 219-5095). Individuals who use a telecommunications device for the deaf (TTY/TDD) may call [202] 219-4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday through Friday.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OAW/MSHA/OSHA/PWBA/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:* Employment Standards Administration.
Title: Worker Information.

OMB Number: 1215-XXXX.
Agency Number: WH-516; WH 516a and WH-516b.
Frequency: On occasion.
Affected Public: Individuals or households; Business or other for-profit; Farms.

Number of Respondents: 160,000.
Estimated Time Per Respondent: 32 minutes.

Total Burden Hours: 85,333.
Total Annualized capital/startup costs: \$0.

Total annual costs (operating/maintaining systems or purchasing services): \$24,000.

Description: The Migrant and Seasonal Agricultural Worker Protection Act requires farm labor contractors, agricultural employers and agricultural associations who recruit migrant and seasonal agricultural workers to disclose in writing the terms and conditions of employment and to provide, upon request, a written statement of such terms.

Theresa M. O'Malley,
Acting Departmental Clearance Officer.
 [FR Doc. 96-10067 Filed 4-23-96; 8:45 am]
 BILLING CODE 4510-27-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Mine Shift Atmospheric Conditions; Respirable Dust Sample

AGENCY: Mine Safety and Health Administration, Labor; National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Public Health Service, HHS.

ACTION: Notice of public hearing; close of record.

SUMMARY: The Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH) will hold a public hearing to receive comments on the joint notice proposing a finding that the average concentration of respirable dust, to which each miner in the active workings of a coal mine is exposed, can be measured accurately over a single shift. The hearing will be held in Washington, D.C.

DATES: The public hearing will be held on May 10, 1996, in Washington, D.C. The hearing will begin at 9:00 a.m. The public record will close on June 10, 1996. Requests to make oral

presentations for the record should reach MSHA by May 6, 1996. Immediately before the hearing, MSHA will make any unallotted time available to persons making late requests.

ADDRESSES: The hearing will be held at the following location: Frances Perkins Building, Department of Labor, 200 Constitution Avenue NW., Room N-5437, Washington, D.C. 20210.

Send requests to make oral presentations to the Mine Safety and Health Administration; Office of Standards, Regulations, and Variances; 4015 Wilson Boulevard, Room 631; Arlington, Virginia 22203. Phone or fax requests to make oral presentations to the MSHA, Office of Standards, Regulations, and Variances at voice: 703-235-1910, fax: 703-235-5551.

FOR FURTHER INFORMATION CONTACT: Ronald J. Schell, Chief, Division of Health, Coal Mine Safety and Health, 703-235-1358.

SUPPLEMENTARY INFORMATION:

I. Background

On March 12, 1996 (61 FR 10012), MSHA and NIOSH published a notice in the Federal Register reopening the record for their joint notice. The joint notice proposed a finding that the average concentration of respirable dust, to which each miner in the active workings of a coal mine is exposed, can be measured accurately over a single shift. This finding is being made in accordance with section 202(f) of the Federal Mine Safety and Health Act of 1977. The Agencies reopened the record (1) to submit a definition of accuracy; (2) to supply new data and statistical analyses on the precision of coal mine respirable dust measurements obtained using approved sampling equipment; and (3) to allow the public time to review and submit comments on this supplemental information. This additional information does not change the proposed findings.

The comment period had been scheduled to close on April 11, 1996. In response to requests from the public for additional time to review this information and prepare their comments, the Agencies extended the comment period until June 10, 1996 (61 FR 16123). This extension notice also announced that a public hearing would be held prior to June 10, 1996.

II. Conduct of Hearing

The purpose of the public hearing is (1) to receive relevant comments and (2) to answer questions concerning the definition of accuracy and the new data and statistical analyses on the precision of coal mine respirable dust measurements obtained using approved

sampling equipment. A panel of MSHA and NIOSH officials will conduct the hearing in an informal manner. Although formal rules of evidence or cross examination will not apply, the presiding official may exercise discretion to ensure the orderly progress of the hearing and may exclude irrelevant or unduly repetitious material and questions. The hearing panel will be available to address relevant questions. Verbatim transcripts of the proceedings will be prepared and made a part of the rulemaking record. Copies of the hearing transcripts will be made available to the public for review.

The hearing will begin with an opening statement from MSHA and NIOSH, followed by oral presentations from members of the public. In the interests of conducting a productive hearing, MSHA and NIOSH will schedule speakers in a manner that allows all points of view to be heard as effectively as possible. At his discretion, the presiding official may limit speakers to a maximum of 20 minutes for their presentations.

MSHA and NIOSH also will accept additional written comments and other appropriate data for the record from any interested party, including those not presenting oral statements. To allow for the submission of any post-hearing comments, the record will remain open until June 10, 1996. MSHA will include written comments and data submitted to MSHA or NIOSH on or before June 10, 1996, in the rulemaking record.

Dated: April 22, 1996.

J. Davitt McAteer,
Assistant Secretary for Mine Safety and Health.

Dated: April 22, 1996.

Marilyn A. Fingerhut,
Assistant Director for Washington Operations, National Institute for Occupational Safety and Health.

[FR Doc. 96-10246 Filed 4-23-96; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 96-24; Exemption Application No. D-10036 and D-10037, et al.]

Grant of Individual Exemptions; Biscayne Bay Pilots, Inc.

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, D.C. 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.

Biscayne Bay Pilots, Inc. Money Purchase Pension Plan (M/P Plan) and Biscayne Bay Pilots, Inc. 401(k) Profit Sharing Plan (P/S Plan; collectively, the Plans), Located in Miami, Florida

[Prohibited Transaction Exemption 96-24; Exemption Application Nos. D-10036 and D-10037]

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 to the sale of certain improved real property (the Property) by a trust (the HK Trust) established on behalf of Helge Krarup (Mr. Krarup) within the Plans to Mr. Krarup, a party in interest with respect to the Plans; provided that the following conditions are satisfied:

(a) the sale will be a one-time cash transaction;

(b) the HK Trust will receive the current fair market value for the Property established at the time of the sale by an independent qualified appraiser;

(c) the HK Trust will pay no expenses associated with the sale;

(d) the sale will provide the HK Trust with liquidity; and

(e) only the assets in the HK Trust will be affected by the transaction.

FOR FURTHER INFORMATION CONTACT:

Ekaterina A. Uzlyan of the Department at (202) 219-8883. (This is not a toll-free number.)

Zausner Foods Corp. Savings Plus Plan (the Plan), Located in New Holland, Pennsylvania

[Prohibited Transaction Exemption 96-25; Exemption Application No. D-10064]

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 to the past sale by the Plan of certain units of limited partnership interests (the Units) to Zausner Foods Corp. (Zausner Foods), a party in interest with respect to the Plan, provided that the following conditions were satisfied: (1) The sale was a one-time transaction for cash; (2) the Plan paid no commissions nor other expenses relating to the sale; and (3) the purchase price was the greater of: (a) the fair market value of the Units as determined by a qualified, independent appraiser, or (b) the original acquisition cost of the Units plus attributable opportunity costs.