

**DEPARTMENT OF LABOR****Office of the Secretary****Submission for OMB Review:  
Comment Request**

November 14, 2005.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) 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 this ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor (DOL). To obtain documentation, contact Darrin King on 202-693-4129 (this is not a toll-free number) or e-mail: [king.darrin@dol.gov](mailto:king.darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Bureau of Labor Statistics (BLS), Office of Management and Budget, Room 10235, Washington, DC 20503, 202-395-7316 (this is not a toll-free number), 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:* Bureau of Labor Statistics.

*Type of Review:* Revision of a currently approved collection.

*Title:* Local Area Unemployment Statistics Program.

*OMB Number:* 1220-0017.

*Agency Form Numbers:* LAUS-8, LAUS-15, LAUS-16, LAUS-3040 (Manual).

*Frequency:* Monthly and Annually.

*Type of Response:* Reporting.

*Affected Public:* State, Local, or Tribal Government.

*Number of Respondents:* 52.

*Annual Responses:* 95,069.

*Average Response Time:* 1.5 hours for the LAUS-3040; 1 hour for the LAUS-8 and LAUS-16; and 2 hours for the LAUS-15.

*Annual Burden Hours:* 142,298.

*Total Annualized capital/startup costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* The Manual provides the theoretic basis and essential technical instructions and guidance which States require to prepare State and area labor force estimates, while the reports ensure and/or measure the timeliness, quality, consistency, and adherence to Local Area Unemployment Statistics Program directives and research.

**Darrin A. King,**

*Acting Departmental Clearance Officer.*

[FR Doc. 05-22866 Filed 11-17-05; 8:45 am]

**BILLING CODE 4510-24-P**

**DEPARTMENT OF LABOR****Employee Benefits Security  
Administration****Proposed Extension of Information  
Collection; Comment Request ERISA  
Technical Release 91-1**

**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 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 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 an extension of the information collections in ERISA Technical Release 91-1, issued in 1991. Technical Release 91-1 provides guidance on permitted transfers of excess assets from a defined benefit pension plan to a retiree health benefits account under provisions of the Internal Revenue Code (the Code) and

the Employee Retirement Income Security Act of 1974 (ERISA). A copy of the information collection request (ICR) may be obtained by contacting the office listed in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted on or before January 17, 2006.

**ADDRESSES:** Direct all written comments regarding the information collection request and burden estimates to Susan G. Lahne, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-5647, Washington, DC 20210. Telephone: (202) 693-8410; Fax: (202) 693 219-5333. These are not toll-free numbers. Comments may also be submitted electronically to the following Internet e-mail address: [ebsa.opr@dol.gov](mailto:ebsa.opr@dol.gov).

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

ERISA section 101(e) sets forth certain notice requirements that must be satisfied before an employer may transfer excess assets from a defined benefit plan to a retiree health benefits account, as otherwise permissible after satisfying the conditions set forth in section 420 of the Code. Section 101(e)(1) establishes the plan administrator's obligation to provide advance written notification of such transfers to participants and beneficiaries. Section 101(e)(2)(A) separately establishes the employer's obligation to provide advance written notification of such transfers to the Secretaries of Labor and Treasury, the administrator, and each employee organization representing participants in the plan. The requirements relating to advance notification of transfers to retiree health benefit accounts were added to ERISA as part of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508). ERISA Technical Release 91-1 provides guidance on the type of information to be provided in the notices to both the participants and beneficiaries and to the Secretaries. EBSA submitted the information collection provisions in the Technical Release to the Office of Management and Budget (OMB) for review in connection with issuance of the Technical Release. OMB approved the ICR under OMB Control No. 1210-0084. The ICR approval is scheduled to expire on February 28, 2006.

**II. Desired Focus of Comments**

The Department is particularly interested in comments that:

- 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 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 in ERISA Technical Release 91-1. EBSA is not proposing or implementing changes to the existing ICR at this time. A summary of the ICR and the current burden estimates follows:

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

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

*Titles:* ERISA Technical Release 91-1.

*OMB Number:* 1210-0084.

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

*Respondents:* 21.

*Frequency of Response:* One time.

*Responses:* 135,450.

*Estimated Total Burden Hours:* 3,386.

*Total Burden Cost (Operating and Maintenance):* \$26,413.

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

Dated: November 14, 2005.

**Susan G. Lahne,**

*Senior Pension Law Specialist, Office of Policy and Research, Employee Benefits Security Administration.*

[FR Doc. 05-22867 Filed 11-17-05; 8:45 am]

BILLING CODE 4510-29-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Workforce Security Programs: Training and Employment Guidance Letter Interpreting Federal Law

The Employment and Training Administration interprets Federal law requirements pertaining to unemployment compensation (UC) and workforce program. These interpretations are issued in Training and Employment Guidance Letters (TEGLs) to the State Workforce Agencies. The TEGL described below is published in the **Federal Register** in order to inform the public.

#### TEGL 6-05

TEGL 6-05 advises states of the Federal law requirements related to determining and allocating the cost of assessing and collecting state taxes that are collected along with state unemployment compensation (UC) taxes, but are not used solely for UC purposes.

The laws in many states require the state UC agency to collect taxes that are used for non-UC purposes, and additional states have considered enacting such laws. Examples of non-UC taxes collected by state UC agencies include personal income, temporary disability, economic development, and job training-related taxes.

In General Administration Letter (GAL) 4-91, the Department outlined the requirements related to the costs of collecting these non-UC taxes. Specifically, these costs may not be paid from UC grant funds, and when a state UC agency collects non-UC taxes, the state must submit a plan for allocating such costs. Although that GAL has expired, these requirements remain in effect.

TEGL 6-05 is being issued to eliminate any confusion caused by the expiration of GAL 4-91. Although this advisory merely states what is already required by Federal law and regulation regarding the allocation of costs for all Federal grants to states, states have found it useful to have a concise statement of these requirements available, particularly as it regards tax collection.

Dated: November 14, 2005.

**Emily Stover DeRocco,**

*Assistant Secretary of Labor.*

**Employment and Training Administration, Advisory System, U.S. Department of Labor, Washington, D.C. 20210**

Classification: Grants/Cost Allocation

Correspondence Symbol: OWS/DL

Date: September 29, 2005

#### Training and Employment Guidance Letter No. 6-05

*To:* All State Workforce Agencies. All State Workforce Liaisons. All One-Stop Center System Leads.

*From:* Emily Stover DeRocco, Assistant Secretary.

*Subject:* Allocation of Costs of Assessing and Collecting State Taxes that are Collected in Conjunction with the State. Unemployment Compensation Tax.

1. *Purpose.* To provide guidance to the states in determining and allocating the costs of assessing and collecting state taxes that are collected along with state unemployment compensation (UC) taxes, but are not used solely for UC purposes.

2. *References.* Title III of the Social Security Act (SSA); 39 U.S.C. 3201(1); 29 CFR 97.22; Office of Management and Budget (OMB) Circular No. A-87, "Cost Principles for State and Local Governments" (as revised May 10, 2004); General Administration Letter (GAL) No. 4-91; Unemployment Insurance Program Letter (UIPL) No. 25-92; and One-Stop Comprehensive Financial Management Technical Assistance Guide, Part II.

3. *Background.* The laws in many states requires the state UC agency to collect taxes that are used for non-UC purposes, and additional states have considered enacting such laws. Examples of non-UC taxes collected by state UC agencies include personal income, temporary disability, economic development, and job training-related taxes.

In GAL 4-91, the Department outlined the requirements related to the costs of collecting these non-UC taxes. Specifically, these costs may not be paid from UC grant funds, and when a state UC agency collects non-UC taxes, the state must submit a plan for allocating such costs. Although that GAL has expired, these requirements remain in effect.

Revisions: None

Expiration Date: Continuing

This advisory is being issued to eliminate any confusion caused by the expiration of GAL 4-91. Also, although this advisory merely states what is already required by Federal law and regulation regarding cost allocation for all Federal grants to states, states have found it useful to have a concise statement of these requirements available, particularly as it regards tax collection.

4. *Federal law and cost principles.* Section 302(a), SSA, provides that the Secretary of Labor shall certify for payment to a state such amounts as the Secretary determines to be necessary for the proper and efficient administration of the state's UC law. These payments are sometimes referred to as Title III grants. Further, section 303(a)(8), SSA, provides that, as a condition of receiving a Title III grant, the state may expend its Title III grant solely "for the proper and efficient administration" of the state's UC law. Since state UC tax administration is an integral part of administering a state's UC law, these administrative costs may be charged to Title III grants consistent with Federal laws and regulations. Conversely, since collecting taxes that will not be used for state UC