

and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Comments may be submitted in writing to the above address, via facsimile to (202) 219-4745, or electronically to the following Internet e-mail address: [ebbsa.opr@dol.gov](mailto:ebbsa.opr@dol.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 609(a) of the Employee Retirement Income Security Act of 1974, as amended (ERISA), requires each group health plan, as defined in ERISA section 607(1), to provide benefits in accordance with the applicable requirements of any "qualified medical child support order" (QMCSO). A QMCSO is, generally, an order issued by a state court or other competent state authority that requires a group health plan to provide group health coverage to a child or children of an employee eligible for coverage under the plan. In accordance with Congressional directives contained in the Child Support Performance and Incentive Act of 1998 (CSPIA), EBSA and the Federal Office of Child Support Enforcement (OCSE) in the Department of Health and Human Services (HHS) cooperated in the development of regulations to create a National Medical Support Notice (NMSN or Notice). The Notice simplifies the issuance and processing of qualified medical child support orders issued by state child support enforcement agencies, provides for standardized communication between state agencies, employers, and plan administrators, and creates a uniform and streamlined process for enforcement of medical child support obligations ordered by state child support enforcement agencies. The NMSN comprises two parts: Part A was promulgated by HHS and pertains to state child support enforcement agencies and employers; Part B was promulgated by the Department and pertains to plan administrators pursuant to ERISA. This solicitation of public comment relates only to Part B of the NMSN, which was promulgated by the Department. In connection with promulgation of Part B of the NMSN, the Department submitted an ICR to the Office of Management and Budget (OMB) for review, and OMB approved the information collections contained in Part B under OMB control number 1210-0113. OMB's approval of this ICR is scheduled to expire on October 31, 2012.

##### II. Desired Focus of Comments

The Department is currently soliciting comments on the information collections contained in the National Medical Support Notice—Part B. 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 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., by permitting electronic submissions of responses.

##### III. Current Actions

This notice requests comments on a revision to the ICR included in Part B of the NMSN. The Department is planning to make conforming changes to Part B of the NMSN reflecting changes HHS plans to make to Part A of the notice that were the subject of a 60-day public comment notice published by HHS in the **Federal Register** on June 28, 2010 (75 FR 36658). HHS has informed the Department that it received comments requesting HHS and the Department to synchronize their OMB approval dates (HHS's approval expires on March 31, 2011) and make the same revisions to data elements on Parts A and B of the NMSN. In response to these comments, the Department and HHS plan to make simultaneous submissions to OMB revising Parts A and B of the NMSN. A summary of the Department's ICR and its current burden estimates follows:

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

*Title:* National Medical Support Notice—Part B.

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

*OMB Number:* 1210-0113.

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

*Respondents:* 432,995.

*Responses:* 10,754,484.

*Estimated Total Burden Hours:* 896,207.

*Estimated Total Burden Cost (Operating and Maintenance):* \$5,807,421.

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

Dated: November 3, 2010.

**Joseph S. Piacentini,**

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

[FR Doc. 2010-28305 Filed 11-9-10; 8:45 am]

**BILLING CODE 4510-29-P**

#### DEPARTMENT OF LABOR

##### Employee Benefits Security Administration

##### Proposed Extension of Information Collection Request Submitted for Public Comment; Prohibited Transaction Exemptions 81-8, 96-62, 77-4, 98-54; Delinquent Filer Voluntary Compliance Program; Suspension of Benefits Regulation

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

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Employee Benefits Security Administration (EBSA) is soliciting comments on the proposed extension of the information collection requests (ICRs) contained in the documents that are described below. A copy of the ICRs may be obtained by contacting the office listed in the **ADDRESSES** section of this notice. ICRs also are available at [reginfo.gov \(http://www.reginfo.gov/public/do/PRAMain\)](http://www.reginfo.gov/public/do/PRAMain).

**DATES:** Written comments must be submitted to the office shown in the **ADDRESSES** section on or before January 10, 2011.

**ADDRESSES:** G. Christopher Cosby, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Washington,

DC 20210, (202) 693-8410, FAX (202) 693-4745 (these are not toll-free numbers).

**SUPPLEMENTARY INFORMATION:** This notice requests public comment on the Department's request for extension of the Office of Management and Budget's (OMB) approval of ICRs contained in the rules described below. The Department is not proposing any changes to the existing ICRs at this time. An agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a valid OMB control number. A summary of the ICRs and the current burden estimates follows:

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

*Title:* Class Exemption for Investment of Plan Assets in Certain Types of Short-Term Investments.

*Type of Review:* Extension without change of a currently approved collection of information.

*OMB Number:* 1210-0061.

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

*Respondents:* 50,000.

*Responses:* 250,000.

*Estimated Total Burden Hours:* 41,700.

*Estimated Total Burden Cost (Operating and Maintenance):* \$102,500.

*Description:* Prohibited Transaction Class Exemption 81-8 permits the investment of plan assets that involve the purchase or other acquisition, holding, sale, exchange or redemption by or on behalf of an employee benefit plan in certain types of short-term investments. These include investments in banker's acceptances, commercial paper, repurchase agreements, certificates of deposit, and bank securities. Absent the exemption, certain aspects of these transactions might be prohibited by section 406 and 407(a) of the Employee Retirement Income Security Act (ERISA).

In order to ensure that the exemption is not abused, that the rights of participants and beneficiaries are protected, and that the conditions of the exemption have been satisfied, the Department has included in the exemption two basic disclosure requirements. Both affect only the portion of the exemption dealing with repurchase agreements. The first requirement calls for the repurchase agreements between the seller and the plan to be in writing. The second requirement obliges the seller of such repurchase agreements to agree to provide financial statements to the plan at the time of the sale and as future statements are issued. The seller must

also represent, either in the repurchase agreement or prior to the negotiation of each repurchase agreement transaction, that there has been no material adverse change in the seller's financial condition since the date that the most recent financial statement was furnished which has not been disclosed to the plan fiduciary with whom the written agreement is made.

Without the recording and disclosure requirements included in this ICR, participants and beneficiaries of a plan would not be protected in their investments, the Department would be unable to monitor a plan's activities for compliance, and plans would be at a disadvantage in assessing the value of certain short-term investment activities. The ICR is scheduled to expire on April 30, 2011.

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

*Title:* Prohibited Transaction Class Exemption 96-62, Process for Expedited Approval of Exemption for Prohibited Transaction.

*Type of Review:* Extension without change of a currently approved collection of information.

*OMB Number:* 1210-0098.

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

*Respondents:* 50.

*Responses:* 50.

*Estimated Total Burden Hours:* 62.

*Estimated Total Burden Cost (Operating and Maintenance):* \$67,375.

*Description:* Section 408(a) of ERISA provides that the Secretary of Labor may grant exemptions from the prohibited transaction provisions of sections 406 and 407(a) of ERISA, and directs the Secretary to establish an exemption procedure with respect to such provisions. On July 31, 1996, the Department published Prohibited Transaction Exemption 96-62, which, pursuant to the exemption procedure set forth in 29 CFR 2570, subpart B, permits a plan to seek approval on an accelerated basis of otherwise prohibited transactions. A class exemption will only be granted on the conditions that the plan demonstrate to the Department that the transaction is substantially similar to those described in at least two prior individual exemptions granted by the Department and that it presents little, if any, opportunity for abuse or risk of loss to a plan's participants and beneficiaries. This ICR is intended to provide the Department with sufficient information to support a finding that the exemption meets the statutory standards of section 408(a) of ERISA, and to provide affected parties with the opportunity to comment on the proposed transaction,

while at the same time reducing the regulatory burden associated with processing individual exemptions for transactions prohibited under ERISA. The ICR is scheduled to expire on April 30, 2011.

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

*Title:* Class Exemption 77-4 for Certain Transactions Between Investment Companies and Employee Benefit Plans.

*Type of Review:* Extension without change of a currently approved collection of information.

*OMB Number:* 1210-0049.

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

*Respondents:* 900.

*Responses:* 118,000.

*Estimated Total Burden Hours:* 10,301.

*Estimated Total Burden Cost (Operating and Maintenance):* \$167,000.

*Description:* Without the relief provided by this exemption, an open-end mutual fund would be unable to sell shares to, or purchase shares from, a plan when the fiduciary with respect to the plan is also the investment advisor for the mutual fund. As a result, plans would be compelled to liquidate their existing investments involving such transactions and to amend their plan documents to establish new investment structures and policies.

In order to ensure that the exemption is not abused and that the rights of participants and beneficiaries are protected, the Department has included in the exemption three basic disclosure requirements. The first requires at the time of the purchase or sale of such mutual fund shares that the plan's independent fiduciary receive a copy of the current prospectus issued by the open-end mutual fund and a full and detailed written statement of the investment advisory fees charged to or paid by the plan and the open-end mutual fund to the investment advisor. The second requires that the independent fiduciary approve in writing such purchases and sales. The third requires that the independent fiduciary, once notified of changes in the fees, re-approve in writing the purchase and sale of mutual fund shares. The ICR is scheduled to expire on April 30, 2011.

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

*Title:* PTE 98-54 Relating to Certain Employee Benefit Plan Foreign Exchange Transactions Executed Pursuant to Standing Instructions.

*Type of Review:* Extension without change of a currently approved collection of information.

OMB Number: 1210-0111.

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

*Respondents:* 35.

*Responses:* 8,400.

*Estimated Total Burden Hours:* 4,200.

*Estimated Total Burden Cost*

*(Operating and Maintenance):* \$0.

*Description:* PTE 98-54 permits certain foreign exchange transactions between employee benefit plans and certain banks, broker-dealers, and domestic affiliates thereof, which are parties in interest with respect to such plans, pursuant to standing instructions. In the absence of an exemption, foreign exchange transactions pursuant to standing instructions would be prohibited under circumstances where the bank or broker-dealer is a party in interest or disqualified person with respect to the plan under ERISA or the Internal Revenue Code.

The class exemption has five basic information collection requirements. The first requires the bank or broker-dealer to maintain written policies and procedures for handling foreign exchange transactions for plans for which it is a party in interest, which policies and procedures ensure that the party acting for the bank or broker-dealer knows it is dealing with a plan. The second requires that the transactions are performed in accordance with a written authorization executed in advance by an independent fiduciary of the plan. The third requires that the bank or broker-dealer provides the authorizing fiduciary with a copy of its written policies and procedures for foreign exchange transactions involving income item conversions and de minimis purchase and sale transactions prior to the execution of a transaction. The fourth requires the bank or broker-dealer to furnish the authorizing fiduciary a written confirmation statement with respect to each covered transaction within five days after execution. The fifth requires that the bank or broker-dealer maintains records necessary for plan fiduciaries, participants, the Department, and the Internal Revenue Service, to determine whether the conditions of the exemption are being met for a period of six years from the date of execution of a transaction.

By requiring that records pertaining to the exempted transaction be maintained for six years, this ICR ensures that the exemption is not abused, the rights of the participants and beneficiaries are protected, and that compliance with the exemption's conditions can be confirmed. The exemption affects participants and beneficiaries of the plans that are involved in such

transactions, as well as, certain banks, broker-dealers, and domestic affiliates thereof. The ICR currently is scheduled to expire on April 30, 2011.

*Agency:* Employee Benefits Security Administration, Department of Labor.  
*Title:* Delinquent Filer Voluntary Compliance Program.

*Type of Review:* Extension without change of a currently approved collection of information.

OMB Number: 1210-0089.

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

*Respondents:* 15,000.

*Responses:* 15,000.

*Estimated Total Burden Hours:* 750.

*Estimated Total Burden Cost*

*(Operating and Maintenance):* \$608,250.

*Description:* The Secretary of Labor has the authority, under section 502(c)(2) of ERISA, to assess civil penalties of up to \$1,000 a day against plan administrators who fail or refuse to file complete and timely annual reports (Form 5500 Series Annual Return/Reports) as required under section 101(b)(4) of ERISA-related regulations. Pursuant to 29 CFR 2560.502c-2 and 2570.60 et seq., EBSA has maintained a program for the assessment of civil penalties for noncompliance with the annual reporting requirements. Under this program, plan administrators filing annual reports after the date on which the report was required to be filed may be assessed \$50 per day for each day an annual report is filed after the date on which the annual report(s) was required to be filed, without regard to any extensions for filing.

Plan administrators who fail to file an annual report may be assessed a penalty of \$300 per day, up to \$30,000 per year, until a complete annual report is filed. Penalties are applicable to each annual report required to be filed under Title I of ERISA. The Department may, in its discretion, waive all or part of a civil penalty assessed under section 502(c)(2) upon a showing by the administrator that there was reasonable cause for the failure to file a complete and timely annual report.

The Department has determined that the possible assessment of these civil penalties may deter certain delinquent filers from voluntarily complying with the annual reporting requirements under Title I of ERISA. In an effort to encourage annual reporting compliance, therefore, the Department implemented the Delinquent Filer Voluntary Compliance (DFVC) Program (the Program) on April 27, 1995 (60 FR 20873). Under the Program, administrators otherwise subject to the assessment of higher civil penalties are permitted to pay reduced civil penalties

for voluntarily complying with the annual reporting requirements under Title I of ERISA.

This ICR covers the requirement of providing data necessary to identify the plan along with the penalty payment. This data is the means by which each penalty payment is associated with the appropriate plan. With respect to most pension plans and welfare plans, the requirement is satisfied by sending a photocopy of the delinquent Form 5500 annual report that has been filed, along with the penalty payment.

Under current regulations, apprenticeship and training plans may be exempted from the reporting and disclosure requirements of Part 1 of Title I, and certain pension plans maintained for highly compensated employees, commonly called "top hat" plans, may comply with these reporting and disclosure requirements by using an alternate method by filing a one-time identifying statement with the Department. The DFVC Program provides that apprenticeship and training plans and top hat plans may, in lieu of filing any past due annual reports and paying otherwise applicable civil penalties, complete and file specific portions of a Form 5500, file the identifying statements that were required to be filed, and pay a one-time penalty. The ICR currently is scheduled to expire on May 31, 2011.

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

*Title:* Suspension of Pension Benefits Regulation Pursuant to 29 CFR 2530.203-3.

*Type of Review:* Extension without change of a currently approved collection of information.

OMB Number: 1210-0048.

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

*Respondents:* 47,614.

*Responses:* 233,181.

*Estimated Total Burden Hours:* 162,274.

*Estimated Total Burden Cost*

*(Operating and Maintenance):* \$107,263.

*Description:* Section 203(a)(3)(B) of ERISA governs the circumstances under which pension plans may suspend pension benefit payments to retirees that return to work or to participants that continue to work beyond normal retirement age. Furthermore, section 203(a)(3)(B) of ERISA authorizes the Secretary to prescribe regulations necessary to carry out the provisions of this section.

In this regard, the Department issued a regulation which describes the circumstances and conditions under which plans may suspend the pension benefits of retirees that return to work,

or of participants that continue to work beyond normal retirement age (29 CFR 2530.203-3). In order for a plan to suspend benefits pursuant to the regulation, it must notify affected retirees or participants (by first class mail or personal delivery) during the first calendar month or payroll period in which the plan withholds payment, that benefits are suspended. This notice must include the specific reasons for such suspension, a general description of the plan provisions authorizing the suspension, a copy of the relevant plan provisions, and a statement indicating where the applicable regulations may be found (*i.e.*, 29 CFR 2530.203-3). In addition, the suspension notification must inform the retiree or participant of the plan's procedure for affording a review of the suspension of benefits. The ICR currently is scheduled to expire on May 31, 2011.

### III. Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the collections of information are 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 collections 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 submissions of responses.

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

Dated: November 3, 2010.

**Joseph S. Piacentini,**  
Director, Office of Policy and Research,  
Employee Benefits Security Administration.  
[FR Doc. 2010-28306 Filed 11-9-10; 8:45 am]

**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of a Change in Status of an Extended Benefit (EB) Period for Alaska and Wisconsin

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** This notice announces a change in benefit period eligibility under the Extended Benefits program for Alaska and Wisconsin.

The following changes have occurred since the publication of the last notice regarding the States' EB status:

- The Total Unemployment Rate (TUR) data for August 2010, released on September 21, 2010, by the Bureau of Labor Statistics, brought the three-month average seasonally adjusted TURs in Alaska and Wisconsin below the 8.0% threshold to remain "on" for a High Unemployment Period (HUP) in the Extended Benefits program. As a result, Alaska and Wisconsin concluded their HUP on October 16 and eligibility for claimants has been reduced from a maximum potential entitlement of 20 weeks to a maximum potential entitlement of 13 weeks in the Extended Benefits program.

The trigger notice covering state eligibility for the Extended Benefit program can be found at: [http://ows.doleta.gov/unemploy/claims\\_arch.asp](http://ows.doleta.gov/unemploy/claims_arch.asp). A new trigger notice is posted at this location each week.

#### Information for Claimants

The duration of benefits payable in the EB Program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the states by the U.S. Department of Labor. In the case of a state beginning an EB period, the State Workforce Agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EB (20 CFR 615.13(c)(1)).

Persons who believe they may be entitled to EB, or who wish to inquire about their rights under the program, should contact their State Workforce Agency.

**FOR FURTHER INFORMATION CONTACT:** Scott Gibbons, U.S. Department of Labor, Employment and Training Administration, Office of Workforce Security, 200 Constitution Avenue,

NW., Frances Perkins Bldg. Room S-4231, Washington, DC 20210, telephone number (202) 693-3008 (this is not a toll-free number) or by *e-mail*: [gibbons.scott@dol.gov](mailto:gibbons.scott@dol.gov).

Signed in Washington, DC, this 4th day of November 2010.

**Jane Oates,**

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2010-28350 Filed 11-9-10; 8:45 am]

**BILLING CODE 4510-FW-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Announcement Regarding the Virgin Islands Triggering "on" to Tier Three of Emergency Unemployment Compensation 2008 (EUC08)

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** Announcement regarding the Virgin Islands triggering "on" to Tier Three of Emergency Unemployment Compensation 2008 (EUC08).

Public Law 111-205 extended provisions in public law 111-92 which amended prior laws to create a Third and Fourth Tier of benefits within the EUC08 program for qualified unemployed workers claiming benefits in high unemployment states. The Department of Labor produces a trigger notice indicating which states qualify for EUC08 benefits within Tiers Three and Four and provides the beginning and ending dates of payable periods for each qualifying state. The trigger notice covering state eligibility for the EUC08 program can be found at: [http://ows.doleta.gov/unemploy/claims\\_arch.asp](http://ows.doleta.gov/unemploy/claims_arch.asp). A new trigger notice is posted at this location each week that the program is in effect.

Based on data published October 8, 2010 by the Bureau of Labor Statistics, the following trigger change has occurred for the Virgin Islands' EUC08 program:

- The seasonally-adjusted total unemployment rate for the 3-month period ending September 2010 for the Virgin Islands rose to 6.2 percent, causing the Virgin Islands to begin a payable period in the third tier of EUC effective October 24, 2010. Eligibility for claimants in the Virgin Islands will be increased from a maximum potential entitlement of 34 weeks to a maximum potential entitlement of 47 weeks in the EUC program.