

availability of mine rescue teams, alternate mine rescue capability for small and remote mines and mines with special mining conditions, inspection and maintenance records of mine rescue equipment and apparatus, physical requirements for team members and alternates, and experience and training requirements for team members and alternates. Mine operators, miners, and the MSHA use this information to formulate an appropriate rescue capability within the guidelines set forth in these standards.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219-0078. The current approval is scheduled to expire on February 28, 2013; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on October 19, 2012 (77 FR 64360).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219-0078. The OMB 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., permitting electronic submission of responses.

Agency: DOL-MSHA.

Title of Collection: Mine Rescue Teams, Arrangements for Emergency Medical Assistance, and Arrangements for Transportation for Injured Persons.

OMB Control Number: 1219-0078.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 254.

Total Estimated Number of Responses: 20,043.

Total Estimated Annual Burden Hours: 10,111.

Total Estimated Annual Other Costs Burden: \$309,067.

Dated: February 8, 2013.

Michel Smyth,

Departmental Clearance Officer.

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DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Amendment to the Information Collection Requirements of Prohibited Transaction Exemption 77-4 for Certain Transactions Between Investment Companies and Employee Benefit Plans

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) (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 amendment to the information collection request (ICR) contained in Prohibited Transaction Exemption 77-4 that is described below. A copy of the ICR 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 April 15, 2013.

ADDRESSES: G. Christopher Cosby, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., Room N-5711, Washington, DC 20210, (202) 693-8410, FAX (202) 693-4745 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION:

I. Background

Prohibited Transaction Exemption (PTE) 77-4 provides relief from the restrictions of section 406 of the Employee Retirement Income Security Act of 1974, as amended (ERISA) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1986, as amended (the Code), for an employee benefit plan's purchase or sale of shares of an open-end investment company registered under the Investment Company Act of 1940 (mutual fund) when an investment advisor for the mutual fund or its affiliate is: (1) A plan fiduciary; and (2) not an employer of employees covered by the plan.

Section II(d) of PTE 77-4 contains certain conditions for the exemptive relief and provides, in pertinent part, that:

A second fiduciary with respect to the plan, who is independent of and unrelated to the fiduciary/investment adviser or any affiliate thereof, receives a current prospectus issued by the investment company, and full and detailed written disclosure of the investment advisory and other fees charged to or paid by the plan and the investment company, including the nature and extent of any differential between the rates of such fees, the reasons why the fiduciary/investment adviser may consider such purchases to be appropriate for the plan, and whether there are any limitations on the fiduciary/investment adviser with respect to which plan assets may be invested in shares of the investment company and, if so, the nature of such limitations.

The conditions impose ICRs that are subject to the PRA. This notice requests public comment on the Department's proposed revision to the ICRs that would provide that delivery of a "summary prospectus" may be used to satisfy the condition in section II(d) of PTE 77-4 requiring the delivery of a mutual fund's prospectus to the second fiduciary if the summary prospectus meets the requirements of the Securities and Exchange Commission's (SEC)

revised disclosure provisions for mutual funds including a summary prospectus rule that were published in 2009.¹ Pursuant to the SEC's revised disclosure provisions, mutual funds also are required to send the full prospectus to the investor upon an investor's request² and to provide the full prospectus online at a specified Internet site.³

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 current burden estimates for the revised ICR follows:

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: Amendment to a currently approved collection of information.

OMB Number: 1210-0049.

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

Respondents: 700.

Responses: 363,000.

Estimated Total Burden Hours: 33,600.

Estimated Total Burden Cost (Operating and Maintenance): \$213,000.

II. 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: February 8, 2013.

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 Number D-11657]

ZRIN EBSA-2012-0015

Proposed Amendment to Prohibited Transaction Exemption 2006-06 (PTE 2006-06) for Services Provided in Connection with the Termination of Abandoned Individual Account Plans

AGENCY: Employee Benefits Security Administration, U.S. Department of Labor.

ACTION: Notice of Extension of Comment Period for Proposed Amendment to PTE 2006-06.

SUMMARY: The Department of Labor (the Department) is extending the comment period for a proposed amendment to PTE 2006-06, a prohibited transaction class exemption issued under the Employee Retirement Income Security Act of 1974 (ERISA). PTE 2006-06 provides an exemption for certain transactions entered into on behalf of individual account pension plans that have been abandoned by their sponsors. **DATES:** Written comments and requests for a public hearing must be received by the Department on or before March 18, 2013.

ADDRESSES: All written comments and requests for a public hearing concerning the proposed amendment should be sent to the Office of Exemption Determinations, Employee Benefits Security Administration, Room N-5700, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, Attention: PTE 2006-06 Amendment. Comments may be submitted electronically by using the Federal eRulemaking portal at www.regulations.gov (follow instructions for submission of comments). Interested persons are also invited to submit comments and hearing requests to EBSA via email to: moffitt.betty@dol.gov or by fax to 202-219-0204 by the end of the scheduled comment period. The comments received will be available for public

inspection in the Public Disclosure Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N-1513, 200 Constitution Avenue NW., Washington, DC 20210. Comments and hearing requests will also be available online at www.regulations.gov and www.dol.gov/ebsa, at no charge.

All comments will be made available to the public. Warning: Do not include any personally identifiable information (such as name, address, or other contact information), or confidential business information, that you do not want publicly disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines.

FOR FURTHER INFORMATION CONTACT:

Chris Motta, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, (202) 693-8540 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On December 12, 2012, the Department published a notice of the pendency before the Department of a proposed amendment to PTE 2006-06. The amendment to PTE 2006-06 was proposed in connection with the Department's proposed amendment of regulations relating to the Termination of Abandoned Individual Account Plans, the Safe Harbor for Distributions from Terminated Individual Account Plans, and the Special Terminal Report for Abandoned Plans. PTE 2006-06 provides an exemption from the restrictions of ERISA section 406(a)(1)(A) through (D), ERISA section 406(b)(1) and (b)(2) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1986 (the Code), by reason of Code section 4975(c)(1)(A) through (E).

The proposed amendment to PTE 2006-06 would expand the definition of a qualified termination administrator (a QTA) to include bankruptcy trustees and certain persons designated by such trustees to act as QTAs. The Department is proposing the amendment because it has determined that, in certain instances, it may be appropriate for a bankruptcy trustee to provide termination services to a plan.

The comment period was scheduled to close on February 11, 2013. Notice of the right to comment was provided in the **Federal Register** on December 12, 2012. However, due to administrative error, a copy of the proposed amendment to PTE 2006-06 was not posted to www.regulations.gov until January 22, 2013. Accordingly, the Department is extending the comment

¹ See 74 FR 4546 (January 26, 2009). The final rule adopted, among other things, parallel amendments to SEC Form N-1A (the registration form for mutual funds) and to Rule 498 (which includes the content requirements for a summary prospectus).

² 17 CFR 230.498(f).

³ 17 CFR 230.498.