

requires that employers provide employees, their designated representatives, and OSHA with access to employee exposure-monitoring and medical records, and any analysis resulting from these records, whether or not the records are mandated by specific occupational safety and health standards. In this regard, the regulation specifies requirements for record access, record retention, employee information, trade-secret management, and record transfer. Accordingly, the Agency attributes the burden hours and costs associated with exposure monitoring and measurement, medical surveillance, and the other activities required to generate the data governed by the regulation to the health standards that specify these activities; therefore, OSHA did not include these burden hours and costs in this ICR.

Access to exposure and medical information enables employees and their designated representatives to become directly involved in identifying and controlling occupational health hazards, as well as managing and preventing occupationally-related health impairment and disease.

**Ira L. Mills,**

*Departmental Clearance Officer.*

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**BILLING CODE 4510-23-M**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

February 24, 2004.

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 each ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor (DOL). To obtain documentation, contact Ira Mills on 202-693-4122 (this is not a toll-free number) or e-Mail: [mills.ira@dol.gov](mailto:mills.ira@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL, 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 technology collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* Bureau of Labor Statistics

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

*Title:* CPS Volunteer Supplement.

*OMB Number:* 1220-0176.

*Affected Public:* Individuals or households.

*Type of Response:* Reporting.

*Frequency:* Annually.

*Number of Respondents:* 112,000.

*Annual Responses:* 112,000.

*Total Burden:* 7,467.

*Total Annualized Capital/Startup Costs:* \$0.

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

*Description:* The Volunteer Supplement will provide information on the total number of individuals in the U.S. involved in unpaid volunteer activities, factors that motivate volunteerism, measures of the frequency or intensity with which individuals volunteer, types of organizations that facilitate volunteerism, and activities in which volunteers participate.

**Ira L. Mills,**

*Departmental Clearance Officer.*

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**BILLING CODE 4510-23-M**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Bureau of International Labor Affairs; U.S. National Administrative Office; North American Agreement on Labor Cooperation; Hearing on U.S. Submission #2003-01

**AGENCY:** Office of the Secretary, Labor.

**ACTION:** Notice of hearing.

**SUMMARY:** The purpose of this notice is to announce a hearing, open to the public, on U.S. Submission #2003-01.

U.S. Submission #2003-01 was filed with the U.S. National Administrative Office (NAO) on September 30, 2003, by the U.S.-based United Students Against Sweatshops (USAS), the Mexico-based Centro de Apoyo al Trabajador (CAT) and the Canada-based Maquiladora Solidarity Network. The submitters filed an amendment to the submission on November 10, 2003. The submission was accepted for review by the NAO on February 5, 2004, and a notice of acceptance for review was published in the **Federal Register**, 69 FR 6691 (February 11, 2004).

Article 16(3) of the North American Agreement on Labor Cooperation (NAALC) provides for the review of labor law matters in Canada and Mexico by the NAO in accordance with domestic procedures, and Section H of the NAO procedural guidelines, 59 FR 16660 (April 7, 1994), requires a hearing on the submission unless the Secretary determines that a hearing would not be a suitable method for carrying out the NAO's responsibilities.

**DATES:** The hearing will be held on April 1, 2004, commencing at 9 a.m. Persons desiring to present oral testimony at the hearing must submit a request in writing, along with a written statement or brief describing the information to be presented or the position to be taken.

**ADDRESSES:** The hearing will be held in Room N4437A-D, fourth (4th) floor, at the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Written statements or briefs and requests to present oral testimony may be mailed, e-mailed ([usnao@dol.gov](mailto:usnao@dol.gov)), or hand delivered to the U.S. National Administrative Office, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5205, Washington, DC 20210. Due to processing delays for regular mail resulting from increased security procedures, it is strongly recommended that all correspondence be submitted electronically ([usnao@dol.gov](mailto:usnao@dol.gov)) or be hand delivered. Requests to present oral testimony and written statements or briefs must be received by the NAO no later than close of business March 22, 2004.

**FOR FURTHER INFORMATION CONTACT:** Lewis Karesh, Acting Secretary, U.S. National Administrative Office, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5205, Washington, DC 20210. Telephone: (202) 693-4900 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:****I. Nature and Conduct of Hearing**

As set out in the notice published in the **Federal Register** on February 11, 2004, the objective of the review of the submission will be to gather information to assist the NAO to better understand and publicly report on issues raised in the submission, including freedom of association and protection of the right to organize, the right to bargain collectively, minimum employment standards, occupational safety and health, and access to fair, equitable and transparent labor tribunal proceedings, as they relate to the Government of Mexico's compliance with the obligations set forth in the NAALC.

The hearing will be conducted by the Secretary of the NAO or the Secretary's designee. It will be open to the public. All proceedings will be conducted in English, with simultaneous interpretation in English and Spanish provided as appropriate and necessary. The public files for the submission, including written statements, briefs and requests to present oral testimony, will be made a part of the appropriate hearing record. The public files will also be available for inspection at the NAO prior to the hearing.

The hearing will be transcribed. A transcript of the proceeding will be made available for inspection, as provided for in Section E of the NAO procedural guidelines, or may be purchased from the reporting company.

Disabled persons should contact the Secretary of the NAO no later than March 22, 2004 if special accommodations are needed.

**II. Written Statements or Briefs and Requests To Present Oral Testimony**

Written statements or briefs shall provide a description of the information to be presented or position taken and shall be legibly typed or printed. Requests to present oral testimony shall include the name, address, and telephone number of the witness, the organization represented, if any, and any other information pertinent to the request. If not filed electronically, five copies of a statement or brief and a single copy of a request to present oral testimony shall be submitted to the NAO at the time of filing.

No request to present oral testimony will be considered unless accompanied by a written statement or brief. A request to present oral testimony may be denied if the written statement or brief suggests that the information sought to be provided is unrelated to the review of the submission or for other appropriate reasons. The NAO will

notify each requester of the disposition of the request to present oral testimony.

In presenting testimony, the witness should summarize the written statement or brief, may supplement the written statement or brief with relevant information, and should be prepared to answer questions from the Secretary of the NAO or the Secretary's designee. Oral testimony will ordinarily be limited to a ten-minute presentation, not including the time for questions. Persons desiring more than ten minutes for their presentation should so state in the request, setting out reasons why additional time is necessary.

The requirements relating to the submission of written statements or briefs and requests to present oral testimony may be waived by the Secretary of the NAO for reasons of equity and public interest.

Signed at Washington, DC on February 25, 2004.

**Lewis Karesh,**

*Acting Secretary, U.S. National Administrative Office.*

[FR Doc. 04-4550 Filed 3-1-04; 8:45 am]

**BILLING CODE 4510-28-P**

**DEPARTMENT OF LABOR****Employee Benefits Security Administration**

[Application No. D-11203]

**Proposed Class Exemption for the Establishment, Investment and Maintenance of Certain Individual Retirement Plans Pursuant to an Automatic Rollover of a Mandatory Distribution**

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

**ACTION:** Notice of proposed class exemption.

**SUMMARY:** This document contains a notice of pendency before the Department of Labor (the Department) of a proposed class exemption from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA) and from certain taxes imposed by the Internal Revenue Code of 1986 (the Code). If granted, the proposed exemption would permit a fiduciary of a plan who is also the employer maintaining the plan to establish, on behalf of its separated employees, an individual retirement plan at a financial institution which is the employer or an affiliate, in connection with an automatic rollover of a mandatory distribution described in section 401(a)(31)(B) of the Code. Relief is also being proposed to permit a plan

fiduciary to select a proprietary product as the initial investment for such individual retirement plan. Finally, relief is proposed for the receipt of certain fees by the individual retirement plan provider in connection with the establishment or maintenance of the individual retirement plan and the initial investment of the mandatory distribution. If granted, the proposed exemption would affect plan sponsors, plan fiduciaries, individual retirement plan providers and individual retirement plan account holders.

**DATES:** Written comments and requests for a public hearing must be received by the Department on or before April 1, 2004.

**ADDRESSES:** All written comments and request for a public hearing should be sent to: Office of Exemption Determinations, (Attention: D-11203), Employee Benefits Security Administration, Room N-5649, U.S. Department of Labor, 200 Constitution Ave, NW., Washington, DC 20210. Comments and requests for a hearing also may be submitted to EBSA via fax at (202) 219-0204, or by e-mail to [moffitt.betty@dol.gov](mailto:moffitt.betty@dol.gov) by the end of the comment period. The application and comments received will be available for public inspection in EBSA's Public Documents Room, U.S. Department of Labor, Room N-1513, 200 Constitution Ave, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Allison Padams Lavigne or Karen Lloyd, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, Washington, DC 20210, at (202) 693-8540 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given of the pendency before the Department of a proposed class exemption from the restrictions of sections 406(a), 406(b)(1) and 406(b)(2) of ERISA and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code.

The Department is proposing this class exemption on its own motion pursuant to section 408(a) of ERISA and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in 29 CFR 2570, subpart B (55 FR 32836, August 10, 1990).<sup>1</sup>

<sup>1</sup> Section 102 of Reorganization Plan No. 4 of 1978 generally transferred the authority of the Secretary of the Treasury to issue exemptions under section 4975(c)(2) of the Code to the Secretary of Labor.