

*Estimated Time Per Response:* 1 hour.  
*Total Burden Hours:* 36,950.  
*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$17,555.00.

*Description:* Section 404(c) of ERISA provides that where an individual account pension plan permits individual investment direction, the individual will not be deemed a fiduciary and no person otherwise a fiduciary shall be liable for any loss or breach that results from the individual's exercise of control. The information collection requirements are mandatory only if a plan wishes to utilize the relief available under ERISA Section 40(c). There is no reporting to the Federal government under this regulation.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 02-30423 Filed 11-29-02; 8:45 am]

**BILLING CODE 4510-29-M**

## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

#### Proposed Extension of Information Collection Request Submitted for Public Comment; ERISA Procedure 76-1 " Advisory Opinion Procedure

**AGENCY:** Pension and Welfare Benefits Administration, Department of Labor.

**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). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Pension and Welfare Benefits Administration is soliciting comments on the proposed extension of ERISA Procedure 76-1 " Advisory Opinion Procedure.

A copy of the information collection request (ICR) can be obtained by contacting the individual shown in the Addresses section of this notice.

**DATES:** Written comments must be submitted to the office shown in the Addresses section on or before January 31, 2003.

**ADDRESSES:** Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue NW, Washington, DC 20210, (202) 693-8410, FAX (202) 693-4745 (these are not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Under the Employee Retirement Income Security Act of 1974, as amended, (ERISA) the Secretary of Labor is responsible for administration and enforcement of reporting, disclosure, fiduciary, and other standards established for pension and welfare benefit plans. ERISA Procedure 76-1 describes the administrative procedures to be used by the public when requesting a legal interpretation from the Department with regard to specific facts and circumstances (an Advisory Opinion or information letter), and the procedures used by the Department in issuing such interpretations. The procedure is designed to promote efficient handling of inquiries, and to facilitate prompt responses.

##### II. Review Focus

The Department of Labor (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., permitting electronic submissions of responses.

##### III. Current Actions

The Office of Management and Budget's (OMB) approval of this ICR will expire on January 31, 2003. After considering comments received in

response to this notice, the Department intends to submit the ICR to OMB for continuing approval. No change to the existing ICR is proposed or made at this time.

**Agency:** Pension and Welfare Benefits Administration, Department of Labor.

**Title:** ERISA Procedure 76-1—Advisory Opinion Procedure.

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

**OMB Number:** 1210-0066.

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

**Respondents:** 115.

**Responses:** 115.

**Average Response time:** 14 hours.

**Estimated Total Burden Hours:** 161.

**Estimated Total Burden Cost (Operating and Maintenance):** \$98,000.

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

Dated: November 26, 2002.

**Gerald B. Lindrew,**

*Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.*

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**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

#### Proposed Extension of Information Collection Request Submitted for Public Comment; National Medical Support Notice—Part B

**AGENCY:** Pension and Welfare Benefits Administration, Department of Labor.

**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). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the