

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 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 Employee Benefits Security Administration is soliciting comments concerning the proposed extension of a currently approved collection of information: Establishing Prior Creditable Coverage. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the addresses section below.

**DATES:** Written comments must be submitted on or before May 12, 2003.

**ADDRESSES:** Joseph S. Piacentini, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 693-8410, FAX (202) 219-5333 (these are not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 734 of ERISA, added by the Health Care Portability and Accountability Act of 1996 (HIPAA) authorized the Secretary of Labor, in coordination with the Secretary of Health and Human Services (HHS) and the Secretary of the Treasury, to promulgate such regulations as may be necessary or appropriate to carry out the provisions of the statute. Accordingly, Interim Rules Implementing the Portability Requirement for Group Health Plans were published on April 8, 1997, (62 FR 16920) (April 8 Interim Rules).

In order to meet HIPAA's goal of improving access to and portability of health care benefits, the statute provides that, after the submission of evidence establishing prior creditable coverage, a subsequent group health plan or health insurance issuer is limited in the extent to which it can impose pre-existing condition exclusions to limit coverage. Under the April 8 Interim Rules, a group health plan is obligated to provide a written certificate suitable for establishing the prior creditable coverage of a participant or beneficiary. To the extent that a certification is not available or is inadequate to prove prior creditable coverage, alternative methods of establishing creditable coverage are provided.

The April 8 Interim Rules offer model certification and notice forms,

containing the minimum information mandated by the statute, to be used by group health plans and health insurance issuers. This ICR covers the provision of materials sufficient to establish prior creditable coverage.

##### II. Desired Focus of Comments

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 Department has not modified the ICR incorporated in the April 8 Interim Rules, but intends to submit the ICR to OMB for continued clearance. Comments received in response to this notice will be incorporated in the submission to OMB.

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

*Title:* Establishing Prior Creditable Coverage.

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

*OMB Number:* 1210-0103.

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

*Frequency of Response:* On occasion.

*Respondents:* 2,600,000.

*Responses:* 44,396,000.

*Total Estimated Burden Hours:* 351,150.

*Total Burden Cost (Operating and Maintenance):* \$34,689,000.

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: March 4, 2003.

**Joseph S. Piacentini,**

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

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#### DEPARTMENT OF LABOR

##### Employee Benefits Security Administration

[Application Numbers D-11137, 11138, and 11139]

##### Hearing on Proposed Individual Exemption Involving the Northwest Airlines Pension Plan for Salaried Employees, the Northwest Airlines Pension Plan for Pilot Employees, and the Northwest Airlines Pension Plan for Contract Employees (collectively, the Plans)

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

**ACTION:** Notice of hearing.

**SUMMARY:** Notice is hereby given that the Department of Labor will hold a hearing on May 5 and if necessary, May 6, 2003, relating to a proposed exemption from certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and from certain taxes imposed by the Internal Revenue Code of 1986 (the Code) for the Plans. A notice of pendency of the proposed exemption was published in the **Federal Register** at 68 FR 2578 (January 17, 2003).

**DATES:** The hearing will be held on May 5 and, if necessary, May 6, 2003, beginning at 9:30 a.m., EST.

**ADDRESSES:** The hearing will be held at the Department of Labor, Rooms N-3437A & B, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Wendy M. McColough or Christopher Motta, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, telephone (202) 693-8540 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** On January 17, 2003, the Department of Labor (the Department) published in the **Federal Register** at 68 FR 2578 a notice of pendency of a proposed individual exemption for the Plans from the restrictions of sections 406(a), 406(b)(1) and (b)(2), and 407(a) of the Act and from the sanctions resulting from the