

to surrounding land uses, utility systems, traffic patterns or other community considerations. No significant adverse on-site impacts as defined pursuant to NEPA are anticipated as a result of the Action alternative. After review of the comments received from interested agencies and local citizens concerning the EA, the BOP signed a FONSI for the Action alternative.

#### Notice of Availability

BOP provided written notices of the availability of the EA in the local newspaper for 4-days with local and regional circulations, and through the local public library. The BOP also distributed approximately 50 copies (each) of the EA to Federal and State agencies, State and local governments, elected officials, interested organizations, and individuals.

#### Availability of the Finding of No Significant Impact

The FONSI and other information regarding this project are available upon request. To request a copy of the FONSI, please contact: Richard A. Cohn, Chief, Capacity Planning and Site Selection Branch or Issac J. Gaston, Site Selection Specialist, Capacity Planning and Site Selection Branch, Federal Bureau of Prisons, 320 First Street, NW., Washington, DC 20534 Tel: 202-514-6470/Fax: 202-616-6024/E-mail: [rcohn@bop.gov](mailto:rcohn@bop.gov)—[igaston@bop.gov](mailto:igaston@bop.gov).

Dated: February 18, 2009.

**Richard A. Cohn,**

Chief, Capacity Planning and Site Selection Branch.

[FR Doc. E9-3934 Filed 2-26-09; 8:45 am]

BILLING CODE 4410-05-P

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review: Comment Request

February 20, 2009.

The Department of Labor (DOL) hereby announces the submission of the following public information collection requests (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; including, among other things, a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at <http://www.reginfo.gov/>

[public/do/PRAMain](http://public.do/PRAMain) or by contacting Darrin King on 202-693-4129 (this is not a toll-free number)/e-mail: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Occupational Safety and Health Administration (OSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202-395-7316/Fax: 202-395-6974 (these are not toll-free numbers), e-mail: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov) within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

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 technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* Occupational Safety and Health Administration.

*Type of Review:* Extension without change of a previously approved collection

*Title of Collection:* 1,2-Dibromo-3-Chloropropane (DBCP) Standard (29 CFR 1910.1044).

*OMB Control Number:* 1218-0101.

*Affected Public:* Business or other for-profits.

*Estimated Number of Respondents:* 1.

*Estimated Total Annual Burden*

*Hours:* 1.

*Estimated Total Annual Costs Burden:* \$0.

*Description:* The purpose of DBCP Standard is to provide protection for employees from the adverse health effects caused by occupational exposure to DBCP. To ensure that employees are receiving this protection, the Standard requires employers to provide OSHA with access to various records.

However, no employers are currently producing or using DBCP; therefore, the Standard imposes no cost burdens on employers. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 73 FR 58983 on October 8, 2008. PRA documentation prepared in association with the preclearance notice is available on <http://www.regulations.gov> under docket number OSHA-2008-0038.

*Agency:* Occupational Safety and Health Administration.

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

*Title of Collection:* Cadmium in General Industry Standard (29 CFR 1910.1027).

*OMB Control Number:* 1218-0185.

*Affected Public:* Business or other for-profits.

*Estimated Number of Respondents:* 53,161.

*Estimated Total Annual Burden Hours:* 92,259.

*Estimated Total Annual Costs Burden:* \$4,644,185.

*Description:* The purpose of this standard and its information collection requirements is to provide protection for employees from the adverse health effects that may result from occupational exposure to cadmium. The major information collection requirements in the Standard include conducting employee exposure monitoring, notifying employees of their cadmium exposures, implementing a written compliance program, implementing medical surveillance of employees, providing examining physicians with specific information, ensuring that employees receive a copy of their medical surveillance results, maintaining employees' exposure monitoring and medical surveillance records for specific periods, and providing access to these records by OSHA, the National Institute for Occupational Safety and Health, the employee who is the subject of the records, the employee's representative, and other designated parties. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 73 FR 74199 on December 5, 2008. PRA documentation prepared in association with the preclearance notice is available on <http://www.regulations.gov> under docket number OSHA-2008-0052.

*Agency:* Occupational Safety and Health Administration.

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

*Title of Collection:* Cadmium in Construction Standard (29 CFR 1926.1127).

*OMB Control Number:* 1218–0186.

*Affected Public:* Business or other for-profits.

*Estimated Number of Respondents:* 10,000.

*Estimated Total Annual Burden Hours:* 39,331.

*Estimated Total Annual Costs Burden:* \$1,775,457.

*Description:* The Cadmium in Construction Standard requires employers to protect employees from the adverse health effects that may result from their exposure to cadmium. The major information collection requirements in the Standard include conducting employee exposure monitoring, notifying employees of their cadmium exposures, implementing a written compliance program, implementing medical surveillance of employees, providing examining physicians with specific information, ensuring that employees receive a copy of their medical surveillance results, maintaining employees' exposure monitoring and medical surveillance records for specific periods, and providing access to these records by OSHA, the National Institute for Occupational Safety and Health, the employee who is the subject of the records, the employee's representative, and other designated parties. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 73 FR 74197 on December 5, 2008. PRA documentation prepared in association with the preclearance notice is available on <http://www.regulations.gov> under docket number OSHA–2008–0051.

*Agency:* Occupational Safety and Health Administration.

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

*Title of Collection:* Asbestos in Shipyards (29 CFR 1915.1001).

*OMB Control Number:* 1218–0195.

*Affected Public:* Business or other for-profits.

*Estimated Number of Respondents:* 316.

*Estimated Total Annual Burden Hours:* 1,624.

*Estimated Total Annual Costs Burden:* \$37,798.

*Description:* The information collection requirements specified in the Asbestos in Shipyards Standard protect employees from the adverse health effects that may result from occupational exposure to asbestos. The major information collection requirements in the Standard include:

Implementing an exposure monitoring program that informs employees of their exposure-monitoring results;

At multi-employer worksites, notification of other on-site employers by employers establishing regulated areas for the type of work performed with asbestos-containing materials (ACMs) and/or presumed asbestos-containing materials (PACMs), the requirements that pertain to regulated areas and the measures the employers can use to protect their employees from asbestos overexposure;

Developing specific information and training programs for employees;

Providing medical surveillance for employees potentially exposed to ACMs and/or PACMs, including administering an employee medical questionnaire, providing information to the examining physician, and providing the physician's written opinion to the employee; and

Maintaining records of objective data used for exposure determinations, employee exposure monitoring and medical surveillance records, training records, the record (i.e., information, data, and analyses) used to demonstrate that PACM does not contain asbestos, and notifications made and received by building/facility owners regarding the content of ACMs and PACMs. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 73 FR 65683 on November 4, 2008. PRA documentation prepared in association with the preclearance notice is available on <http://www.regulations.gov> under docket number OSHA–2008–0048.

*Agency:* Occupational Safety and Health Administration.

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

*Title of Collection:* Longshoring and Marine Terminal Operations (29 C.F.R. parts 1918 and 1917, respectively).

*OMB Control Number:* 1218–0196.

*Affected Public:* Business or other for-profits.

*Estimated Number of Respondents:* 750.

*Estimated Total Annual Burden Hours:* 35,948.

*Estimated Total Annual Costs Burden:* \$0.

*Description:* The Standards on Longshoring and Marine Terminal Operations contain a number of collections of information which are used by employers to ensure that employees are informed properly about the safety and health hazards associated with longshoring and marine terminal operations. OSHA uses the records developed in response to the collection

of information requirements to find out if employers are complying adequately with the provisions of the Standards. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 73 FR 74527 on December 8, 2008.

A corrections notice to this **Federal Register** notice was published at Vol. 73 FR 77074 on December 18, 2008. PRA documentation prepared in association with the preclearance notice is available on <http://www.regulations.gov> under docket number OSHA–2008–0050.

*Agency:* Occupational Safety and Health Administration.

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

*Title of Collection:* Hazardous Waste Operations and Emergency Response (HAZWOPER) (29 CFR 1910.120).

*OMB Control Number:* 1218–0202.

*Affected Public:* Business or other for-profits.

*Estimated Number of Respondents:* 34,812.

*Estimated Total Annual Burden Hours:* 1,199,954.

*Estimated Total Annual Costs Burden:* \$3,111,762.

*Description:* Section 126(e) of the “Superfund Amendments and Reauthorization Act of 1986” (SARA) (Pub. L. 99–499) which became law on October 17, 1986, required the Secretary of Labor, pursuant to Section 6 of the Occupational Safety and Health Act of 1970 (the Act), to promulgate standards for the safety and health protection of employees engaged in hazardous waste operations and emergency response. Section 126(a) of SARA also specified that those standards were to become effective a year after publication. Section 126(b) lists 11 worker protection provisions that the Secretary of Labor had to include in OSHA's final standard. Those provisions require OSHA to address the preparation of various written programs, plans and records; the training of employees; the monitoring of airborne hazards; the conduct of medical surveillance; and the distribution of information to employees. The provisions also require the collection of information from employers engaged in hazardous waste operations and their emergency response to such operations. The final standard covers the provisions mandated in SARA. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 73 FR 77072 on December 18, 2008. PRA documentation prepared in association with the preclearance notice is available on

<http://www.regulations.gov> under docket number OSHA–2008–0049.

**Darrin A. King,**

*Departmental Clearance Officer.*

[FR Doc. E9–4234 Filed 2–26–09; 8:45 am]

BILLING CODE 4510–26–P

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Prohibited Transaction Exemptions and Grant of Individual Exemptions Involving: D–11481, CitiGroup Inc. 2009–06; D–11484, Robert W. Baird & Co. Incorporated, 2009–07; D–11490 Raymond James & Associates, Inc., 2009–08; and Northwestern Mutual Investment Services, LLC

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

**ACTION:** Grant of Individual Exemptions.

**SUMMARY:** This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code).

#### FOR FURTHER INFORMATION CONTACT:

Chris Motta of the Department, telephone (202) 693–8540. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** A notice was published in the **Federal Register** of the pendency before the Department of a proposal to grant such exemption. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, DC. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicant has represented that it has complied with the requirements of the notification to interested persons. No requests for a hearing were received by the Department. Public comments were received by the Department as described in the granted exemption.

The notice of proposed exemption was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No.

4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

### Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemption is administratively feasible;

(b) The exemption is in the interests of the plan and its participants and beneficiaries; and

(c) The exemption is protective of the rights of the participants and beneficiaries of the plan.

### Citigroup, Inc., Located in New York, New York

[Prohibited Transaction Exemption 2009–06; Exemption Application Number D–11481]

### Exemption

#### Section I. Transactions Involving Plans Described in Both Title I and Title II of ERISA

The restrictions of section 406(a)(1)(A) through (D) and section 406(b) of ERISA, and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, shall not apply, effective February 1, 2008, to the following transactions, if the conditions set forth in section III have been met:<sup>1</sup>

(a) The sale or exchange of an Auction Rate Security (as defined in section IV (b)) by a Plan (as defined in section IV(h)) to the Sponsor (as defined in section IV (g)) of such Plan; or

(b) A lending of money or other extension of credit to a Plan in connection with the holding of an Auction Rate Security by the Plan, from: (1) Citigroup, Inc. or an affiliate (Citigroup); (2) an Introducing Broker (as defined in section IV (f)); or (3) a Clearing Broker (as defined in section IV (d)); where the loan is: (i) repaid in accordance with its terms; and (ii) guaranteed by the Plan Sponsor.

#### II. Transactions Involving Plans Described in Title II of ERISA Only

The sanctions resulting from the application of section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, shall not apply, effective

<sup>1</sup> For purposes of this exemption, references to section 406 of ERISA should be read to refer as well to the corresponding provisions of section 4975 of the Code.

February 1, 2008, to the following transactions, if the conditions set forth in section III have been met:

(a) The sale or exchange of an Auction Rate Security by a Title II Only Plan (as defined in section IV(i)) to the Beneficial Owner (as defined in section IV(c)) of such Plan; or

(b) A lending of money or other extension of credit to a Title II Only Plan in connection with the holding of an Auction Rate Security by the Title II Only Plan, from: (1) Citigroup; (2) an Introducing Broker; or (3) a Clearing Broker; where the loan is: (i) repaid in accordance with its terms and; (ii) guaranteed by the Beneficial Owner.

### III. Conditions

(a) Citigroup acted as a broker or dealer, non-bank custodian, or fiduciary in connection with the acquisition or holding of the Auction Rate Security that is the subject of the transaction;

(b) For transactions involving a Plan (including a Title II Only Plan) not sponsored by Citigroup for its own employees, the decision to enter into the transaction is made by a Plan fiduciary who is Independent (as defined in section IV(e)) of Citigroup.

Notwithstanding the foregoing, an employee of Citigroup who is the Beneficial Owner of a Title II Only Plan may direct such Plan to engage in a transaction described in section II, if all of the other conditions of this section III have been met;

(c) The last auction for the Auction Rate Security was unsuccessful;

(d) The Plan does not waive any rights or claims in connection with the loan or sale as a condition of engaging in the above-described transaction;

(e) The Plan does not pay any fees or commissions in connection with the transaction;

(f) The transaction is not part of an arrangement, agreement or understanding designed to benefit a party in interest;

(g) With respect to any sale described in section I (a) or section II(a):

(1) The sale is for no consideration other than cash payment against prompt delivery of the Auction Rate Security; and

(2) For purposes of the sale, the Auction Rate Security is valued at par, plus any accrued but unpaid interest;<sup>2</sup>

<sup>2</sup> This exemption does not address tax issues. The Department has been informed by the Internal Revenue Service and the Department of the Treasury that they are considering providing limited relief from the requirements of sections 72(t)(4), 401(a)(9), and 4974 of the Code with respect to retirement plans that hold Auction Rate Securities. The Department has also been informed by the Internal Revenue Service that if Auction Rate