

Paperwork Reduction Act Statement on Public Burden

This request for information is in accordance with the clearance requirements of 44 U.S.C. 3507. Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, gathering the necessary data, and completing the form. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing the burden, to the U.S. Office of Personnel Management, Reports and Forms Management Officer, Washington, DC 20415.

[FR Doc. 95-23087 Filed 9-15-95; 8:45 am]
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PENSION BENEFIT GUARANTY CORPORATION

Request for Approval Under the Paperwork Reduction Act of a Revision of a Currently Approved Collection of Information

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB approval of revision.

SUMMARY: This notice advises the public that the Pension Benefit Guaranty Corporation has requested approval by the Office of Management and Budget for a revision of the collection of information in the PBGC's premium forms (currently approved under OMB control number 1212-0009). The premium forms are being modified to require a certification by the plan administrator relating to the participant notice required under the PBGC's recently-published regulation on Disclosure to Participants.

DATES: The PBGC is requesting that OMB complete action on the PBGC's request for extension of approval by September 29, 1995. Comments must be received by that date.

ADDRESSES: All written comments should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503, with a copy to the Office of the General Counsel, Suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, N.W., Washington, DC 20005-4026. The request for extension will be available for public inspection at the PBGC Communications and Public Affairs

Department, Suite 240, 1200 K Street, N.W., Washington, DC 20005-4026, between 9:00 a.m. and 4:00 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, or Deborah C. Murphy, Attorney, Office of the General Counsel, Suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, N.W., Washington, DC 20005-4026, 202-326-4024 (202-326-4179 for TTY and TDD).

SUPPLEMENTARY INFORMATION: Section 4011 of the Employee Retirement Income Security Act of 1974 requires plan administrators of certain underfunded single-employer pension plans to provide an annual notice to plan participants and beneficiaries of the plans' funding status and the limits on the Pension Benefit Guaranty Corporation's guarantee of plan benefits. The PBGC's regulation on Disclosure to Participants (60 FR 34412 (June 30, 1995), to be codified as 29 CFR Part 2627) implements section 4011. Under section 4011 and Part 2627, a plan that must pay a variable-rate premium under ERISA section 4006 and Part 2610 must furnish the participant notice unless the plan is otherwise exempt under Part 2627.

The participant notice requirement only applies (subject to certain exemptions) to plans that must pay a variable rate premium. In order to monitor compliance with Part 2627, the PBGC has added a participant notice certification to Schedule A to PBGC Form 1. Schedule A is promulgated by the PBGC under ERISA sections 4006 and 4007 and the PBGC's regulation on Payment of Premiums (29 CFR Part 2610), and is used to report information to the PBGC about the variable rate premium. Office of Management and Budget approval (1212-0009) of Schedule A expires February 28, 1998.

At the same time, the PBGC is removing from the 1996 Schedule A the special certification language in existing items 10(a), (b) and (c). The general certification in item 10, preceding item 10(a), is broad enough to include the three existing special certifications.

The PBGC has redrafted item 10 on the 1996 Schedule A, including the new participant notice certification, to read as follows:

10. Certification of Plan Administrator

All single-employer plan administrators *must* sign and complete this line. (See instructions, page 23.)

I certify, under penalties of perjury (18 U.S.C. 1001), that I have examined the completed PBGC Form 1 (including Schedule A and attachments) and, to the

best of my knowledge and belief, the Form 1 (including Schedule A and attachments) and this certificate are in conformance with the premium regulation and instructions, complete, and accurate, and any information I made available to the enrolled actuary is true, correct, and complete.

I further certify, under penalties of perjury (18 U.S.C. 1001), that, for the plan year preceding the premium payment year, a Participant Notice as provided for in ERISA section 4011 (29 U.S.C. 1311) and the PBGC's regulation on Disclosure to Participants (29 CFR Part 2627):

- (a) Was not required to be issued; or
- (b) Was issued as required.
- (c) Explanation attached.

Note. Check box (a), (b), or (c). If you check box (c), attach an explanation and check the box in item 19 on Form 1. Check box (a) if no variable rate premium was required for the plan year preceding the premium payment year or the plan was otherwise exempt (see instructions).

The draft instructions for the redrafted item 10 are as follows:

8. Certification of Plan Administrator

The plan administrator of a single-employer plan must sign and date the certification in item 10 of Schedule A. We may return any filing that does not have your original signature in item 10. The certification has two parts: a general certification about the correctness of your premium filing, and a new certification regarding compliance with the participant notice requirements in ERISA section 4011 (29 U.S.C. 1311) and the PBGC's regulation on Disclosure to Participants (29 CFR Part 2627).

For each plan year in which a variable rate premium is payable for a plan, the plan administrator must issue a notice to participants about the plan's funding status and the limits on the PBGC's guarantee, unless the plan is exempt from the notice requirement under the Disclosure to Participants regulation. The participant notice is due no later than two months after the Form 5500 due date (or extended due date) for the prior plan year.

The new certification relates to the participant notice requirement for the plan year preceding the premium payment year. You must check box (a), (b), or (c). If you check box (c) (e.g., because a required participant notice was not issued or was issued late), you must attach an explanation and check the box in item 19 of Form 1.

Note: If your plan had no variable rate premium for the plan year preceding the

premium payment year, the participant notice requirement did not apply for that year and you can check box (a). Other exemptions are described in the Disclosure to Participants regulation. Note in particular that the regulation contains exemptions for certain new and newly-covered plans and, for the 1995 plan year, for certain small plans (generally under 100 participants).

The PBGC is requesting OMB to approve this revision of Schedule A and related instructions without any change in the expiration date of OMB's current approval. Other changes to the premium forms for 1996 (e.g., allowing plans to claim overpayment credits on Form 1-ES) will be minor and non-substantive.

The participant notice certification will require simply that a box be checked to indicate whether, for the prior year, the plan was exempt from, or complied with, the participant notice requirement. The burden of redrafted item 10 as it will appear on the 1996 Schedule A, including the new certification, will therefore be no greater than the burden of existing item 10 as it appears on the 1995 Schedule A.

The PBGC estimates that it receives a total of about 66,300 premium filings annually from a total of 56,000 single-employer and 2,000 multiemployer plans (some of which make an estimated filing in addition to the final filing), an average of about 1.14 filings per plan. The PBGC also estimates that the total burden of the collection of information, including the new participant notice certification, is about 80,670 hours, or an average of about 1.22 hours per filing. (The estimated burden includes recordkeeping under 29 CFR § 2610.11.)

Issued at Washington, D.C., this 14th day of September 1995.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 95-23195 Filed 9-15-95; 8:45 am]

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POSTAL RATE COMMISSION

[Docket No. A95-19; Order No. 1076]

Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5)

Issued September 12, 1995.

Before Commissioners: Edward J. Gleiman, Chairman; W.H. "Trey" LeBlanc III, Vice-Chairman; George W. Haley; H. Edward Quick, Jr.; Wayne A. Schley.

In the Matter of: Eckhart Mines, Maryland 21528; (Walter Rankin, Petitioner).

Docket Number: A95-19

Name of Affected Post Office: Eckhart Mines, Maryland 21528

Name(s) of Petitioner(s): Walter Rankin
Type of Determination: Closing
Date of Filing of Appeal Papers:
September 5, 1995

Categories of Issues Apparently Raised:
1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].
2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. § 404 (b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

The Commission Orders

(a) The Postal Service shall file the record in this appeal by September 20, 1995.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the Federal Register.

By the Commission.

Margaret P. Crenshaw,

Secretary.

Appendix

September 5, 1995

Filing of Appeal letter

September 12, 1995

Commission Notice and Order of Filing of Appeal

September 29, 1995

Last day of filing of petitions to intervene [see 39 C.F.R. 3001.111(b)]

October 10, 1995

Petitioner's Participant Statement or Initial Brief [see 39 C.F.R. 3001.115 (a) and (b)]

October 30, 1995

Postal Service's Answering Brief [see 39 C.F.R. 3001.115(c)]

November 14, 1995

Petitioner's Reply Brief should Petitioner choose to file one [see 39 C.F.R. 3001.115(d)]

November 21, 1995

Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 C.F.R. 3001.116]

January 3, 1996

Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. 404(b)(5)]

[FR Doc. 95-23014 Filed 9-15-95; 8:45 am]
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[Docket No. A95-20; Order No. 1077]

Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. § 404(b)(5)

Issued September 12, 1995.

Before Commissioners: Edward J. Gleiman, Chairman; W.H. "Trey" LeBlanc III, Vice-Chairman; George W. Haley; H. Edward Quick, Jr.; Wayne A. Schley.

In the Matter of: Taintor, Iowa 50253 (Cornelia Lambert, et al., Petitioners).

Docket Number: A95-20

Name of Affected Post Office: Taintor, Iowa 50253

Name(s) of Petitioner(s): Cornelia Lambert, et al.

Type of Determination: Closing

Date of Filing of Appeal Papers:
September 5, 1995

Categories of issues apparently raised:

1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].
2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

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