

**DEPARTMENT OF LABOR****Pension and Welfare Benefits Administration****Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Summary Plan Descriptions Under ERISA**

ACTION: Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). 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 concerning the proposed extension of a currently approved collection of information, Summary Plan Description Requirements under the Employee Retirement Income Security Act (ERISA). A copy of the proposed ICR can be obtained by contacting the employee listed below in the contact section of this notice.

**DATES:** Written comments must be submitted on or before December 30, 1997. The Department of Labor 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 submissions of responses.

**ADDRESSES:** Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Room N-5647, Washington, DC 20210. Telephone: 202-219-4782 (this is not a toll-free number). Fax: 202-219-4745.

**SUPPLEMENTARY INFORMATION:****I. Background**

The administrator of an employee benefit plan is required to furnish a Summary Plan Description (SPD) to each participant covered under the plan and to each beneficiary who is receiving benefits under the plan. The SPD must be written in a manner calculated to be understood by the average plan participant and must be sufficiently comprehensive to apprise the plan's participants and beneficiaries of their rights and obligations under the plan. To the extent that there is a material modification in the terms of the plan or a change in the information required to be contained in the SPD, ERISA requires that the administrator furnish participants covered under the plan and beneficiaries receiving benefits with a summary of such changes (SMM). The Health Insurance Portability and Accountability Act (HIPAA) and the Newborns' and Mothers' Health Protection Act (NMHPA) amend certain reporting and disclosure provisions of ERISA. On April 8, 1997, the Department of Labor issued Interim Rules Amending ERISA Disclosure Requirements for Group Health Plans with an information collection request (ICR). 62 F.R. 31695. OMB approved this ICR through December 31, 1997 under OMB control number 1210-0039. Subsequently, the Department published the OMB control number in the **Federal Register**. 62 FR 36205 (July 7, 1997).

**II. Current Actions**

Pension and Welfare Benefits Administration proposes to extend the currently approved information collection requirements of ERISA's Summary Plan Description Requirements.

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

*Agency:* Pension and Welfare Benefits Administration.

*Title:* Summary Plan Description Requirements under ERISA.

*OMB Number:* 1210-0039.

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

*Total Responses (annual):* 43,952,715 (1997), 62,728,915 (1998), 31,896,715 (1999).

*Total Respondents (annual):* 176,315 (1997), 194,235 (1998), 163,515 (1999).

*Frequency:* On occasion.

*Average Time per Response:*

Average SPD/SMM—We estimate it takes an average of 6 hours for preparation of SPDs/SMMs, including the time to copy and assemble the document.

SMM Compliance—We estimate that preparation of an SMM sufficient to satisfy the requirements of the Interim Rules will take an average of 1 hour.

Distribution—We estimate that 2 minutes per participant is the time needed to distribute an SMM/SPD, including time spent reproducing the document and mailing the document.

*Estimated Total Burden Hours:* 1,007,425 (1997), 1,130,283 (1998), 942,980 (1999).

There is estimated to be no capital/start-up cost.

Total Burden Cost for operating/maintenance is estimated to be \$72,310,858 in 1997, \$82,338,958 in 1998 and \$65,002,858 in 1999.

**Note.** The average Time Per Response, Estimated Total Burden Hours, and Total Burden Cost have been estimated without accounting for those respondents that will implement the "alternative mechanisms to delivery by mail" provision contained in the interim rules. It is expected that some respondents will use these alternatives, and that these alternatives will reduce burden hours and costs.

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 ICR; they will also become a matter of public record.

Dated: October 28, 1997.

**Gerald B. Lindrew,**

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

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**DEPARTMENT OF LABOR****Pension and Welfare Benefits Administration****Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Health Insurance Portability for Group Health Plans**

ACTION: Notice.

**SUMMARY:** The Department of Labor submits this notice to extend its public information collection request (ICR) under the Health Insurance Portability and Accountability Act of 1996