

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**DATES:** Submit comments on or before August 24, 1998.

**ADDRESSES:** Send comments to Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203-1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to [psilvey@msha.gov](mailto:psilvey@msha.gov), along with an original printed copy. Ms. Silvey can be reached at (703) 235-1910 (voice) or (703) 235-5551 (facsimile).

#### FOR FURTHER INFORMATION CONTACT

Theresa M. O'Malley, Program Analysis Officer, Director, Office of Program Evaluation and Information Resources, U.S. Department of Labor, Mine Safety and Health Administration, Room 715, 4015 Wilson Boulevard, Arlington, VA 22203-1948. Mrs. O'Malley can be reached at [tomalley@msha.vog](mailto:tomalley@msha.vog) (Internet E-mail), (703) 235-1470 (voice), or (703) 235-1563 (facsimile).

#### SUPPLEMENTARY INFORMATION

### I. Background

The Self-Rescue devices are subjected to harsh in-mine conditions that may result in damage to the device which could cause the device to malfunction or provide less than adequate protection. The 90-day examination of the device is necessary in order to provide for early detection of potential problems that would otherwise go undetected. Requiring the mine operator to certify the examination was made and to record any identified defects gives credibility to the program and decreases the likelihood of a person being required to use a device that may not function as designed. In addition, this information is useful in determining how durable a device may be when subjected to the harsh conditions that are encountered during in-mine use. This allows for early detection of design problems that may require the manufacturer to make changes to a device in order to assure the device will continue to function as designed and provide adequate protection in the event of an emergency.

### II. Current Actions

In 1997, a large number of problems were identified with self-rescue devices that indicated either the 90-day examinations were not being conducted, or defective devices were not being removed from service. As a result of these problems, MSHA issued a Program Information Bulletin reminding the industry of the standard requiring the 90-day examination and certification of the self-rescue devices, and requiring devices that fail the 90-day examination to be removed from service. In addition, MSHA increased the inspection effort to include quarterly evaluation of the mine operators records as well as a physical examination of a representative number of self-rescue devices. However, due to the large number of devices in use in the mining industry (approximately 50,000 devices), it is essential that mine operators continue to certify that the 90-day examination was conducted on each device, and record the results for devices that failed the 90-day examination. Although MSHA has increased the enforcement effort, the large number of devices in use in the mining industry make it impractical for MSHA to be able to examine each of the devices quarterly.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Records of Results of Examinations of Self-Rescuers.

*OMB Number:* 1219-0044.

*Agency Number:* MSHA 243.

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

*Cite/Reference/Form/Etc:* 30 CFR 75.1714-3.

*Total Respondents:* 1,284.

*Frequency:* Quarterly.

*Total Responses:* 4,000.

*Average Time per Response:* 30 minutes.

*Estimated Total Burden Hours:* 2,000 hours.

*Estimated Total Burden Cost:*

*Total Burden Cost (capital/startup):* 0.

*Total Burden Cost (operating/maintaining):* \$86,000).

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: June 19, 1998.

**Theresa M. O'Malley,**

*Acting Director, Program Evaluation and Information Resources.*

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### DEPARTMENT OF LABOR

#### Pension and Welfare Benefits Administration

### DEPARTMENT OF THE TREASURY

#### Internal Revenue Service

#### Pension Benefit Guaranty Corporation; Proposed Extension/Reinstatement of Information Collection Request Submitted for Public Comment and Recommendations

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, the Internal Revenue Service, and the Pension Benefit Guaranty Corporation (the Agencies), as part of their continuing efforts to reduce paperwork and respondent burden, conduct a preclearance consultation program to provide the general public and other 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) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data is 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. By this notice, the Agencies are soliciting comments concerning the proposed extension/reinstatement of approval of this collection of information—the Form 5500 Series, Annual Return/Report of Employee Benefit Plan—for the 1998 plan year. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice. Although the 1998 Form 5500 Series is not yet available, it is not expected at this time to differ materially from the 1997 Form 5500 Series.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before August 24, 1998. The Agencies are particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agencies, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies' 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;
- Comment on estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information; 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.

**ADDRESSES:** Interested parties are invited to submit written comments regarding the collection of information. Send comments to Mr. Gerald B. Lindrew, Office of Policy and Research, U.S. 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). All comments will be shared among the Agencies.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On September 3, 1997, the Agencies published a Notice of Proposed Revision of Annual Information Return/Reports (September 3 Notice) in the **Federal Register** (62 FR 46556) to streamline and simplify the annual return/report forms filed for pension, welfare and fringe benefit plans under the Employee Retirement Income Security Act of 1974, as amended (ERISA), and the Internal Revenue Code of 1986, as amended (the Code).

The Agencies anticipate that the revision of the annual return/report form (Form 5500 Series) will be finalized and available for use for plan years which begin in 1999 (see the Agencies' notice concerning their submission of the revised Form 5500 Series to OMB for review and approval, also published in today's **Federal Register**). OMB approval for the existing Form 5500 Series will expire prior to implementation of the proposal to revise the Form 5500 Series. As a result, the Agencies are requesting an extension/reinstatement of the current ICR through the filing period for the 1998 Form 5500 Series.

The Form 5500 Series is the primary source of information concerning the operation, funding, assets and investments of pension and other employee benefit plans. In addition to being an important disclosure document for plan participants and beneficiaries, the Form 5500 is a compliance and

research tool for the Agencies, and a source of information for use by other federal agencies, Congress, and the private sector in assessing employee benefit, tax, and economic trends and policies.

The Agencies solicited comments on the ICR included in the September 3 Notice, and specifically requested comments on the Agencies' estimates of burden hours and burden estimation methodologies. The Agencies received comments indicating that estimates of the time required to collect the information and prepare the forms and related schedules were unrealistically low. In an effort to respond to those comments, the Agencies are currently in the process of evaluating the existing burden estimation methodologies to develop a revised and uniform burden estimation methodology. However, the burden hour estimates in this Notice are based on the methodologies described in the September 3 Notice, pending the availability of revised burden estimates.

To avoid unnecessary duplication of public comments, the supplementary Paperwork Reduction Act information published in the September 3 Notice is incorporated herein by this reference in its entirety, and comments submitted thereon addressing the Agencies' burden estimates will be treated as comments on this Notice of Proposed Extension/Reinstatement of Information Collection Request.

**II. Current Actions**

The Agencies intend to request an extension/reinstatement of the currently approved ICR through the filing period for the 1998 Form 5500 Series because the new forms are not scheduled to be implemented until 1999 plan years.

Although the 1998 Form 5500 Series is not yet available, it is not expected at this time to differ materially from the 1997 Form 5500 Series. However, the following limited changes have been made to the 1997 Form 5500 Series as of the date of this notice.

**Schedule B:** Technical revisions to reflect requirements for 1998 plan years (e.g., elimination of the box for "condition code" on line 12a in Part II of Schedule B, resulting from an amendment to the Code).

**Schedule F:** The Taxpayer Relief Act of 1997 amended Code section 6039D to include adoption assistance programs. As a result, a checkbox was added to line 2 of Schedule F to indicate that the fringe benefit plan is an adoption assistance program.

**Agencies:** Department of Labor, Pension and Welfare Benefits Administration (DOL, PWBA); Department of the Treasury, Internal

Revenue Service (IRS); Pension Benefit Guaranty Corporation (PBGC).

**Title:** Form 5500, Form 5500-C/R and Schedules.

**Type of Review:** Extension of a currently approved collection for Pension and Welfare Benefits Administration and Internal Revenue Service; reinstatement without change of an expired collection for Pension Benefit Guaranty Corporation.

**OMB Numbers:** 1210-0016 (Pension and Welfare Benefits Administration); 1545-0710 (Internal Revenue Service); 1212-0026 (Pension Benefit Guaranty Corporation).

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

**Form Number:** Form 5500, Form 5500-C/R and Schedules.

**Total Respondents:** 801,934 for PWBA and PBGC; 901,400 for IRS.

**Total Responses:** 801,934 for PWBA and PBGC; 901,400 for IRS.

**Frequency of Response:** Annually.

**Estimated Burden Hours, Total Annual Burden:** 1.68 million burden hours (using the PWBA methodology) to 56.4 million burden hours (using the IRS methodology) for preparing the Form 5500 Series and filing it with the government. This total burden is shared among the Agencies. See the September 3 Notice for detailed information on the burden estimation methodology.

Comments submitted in response to this comment request 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: June 18, 1998.

**Gerald B. Lindrew,**

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

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

**Stuart A. Sirkin,**

*Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.*

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**NORTHEAST DAIRY COMPACT COMMISSION**

**Notice of Meeting**

**SUMMARY:** The Compact Commission will hold its monthly meeting to consider matters relating to administration, the price regulation and a proposed interim procedural rule.