

DEPARTMENT OF LABOR**Pension and Welfare Benefits Administration****Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; ERISA Procedure 76-1, Advisory Opinion Procedure**

AGENCY: Pension and Welfare Benefits Administration, DOL.

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 (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 Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of a currently approved collection of information included in ERISA Procedure 76-1, Advisory Opinion Procedure. A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted on or before October 4, 1999.

ADDRESSES: Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Washington, DC 20210, (202) 219-4782, FAX (202) 219-4745 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:**I. Background**

Under the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (ERISA), the Secretary of Labor has responsibilities for administering reporting, disclosure, fiduciary and other standards for pension and welfare benefit plans. ERISA Procedure 76-1, Advisory Opinion Procedure (ERISA Procedure) sets forth the administrative procedures to be used by the public (*e.g.*, plan administrators) when requesting a legal interpretation from the Department regarding specific facts and circumstances (an advisory opinion).

The ERISA Procedure informs individuals, organizations, and their authorized representatives of the procedures to be followed when requesting an advisory opinion. The ERISA Procedure promotes efficient handling of these requests. The information required by the ERISA Procedure is used by the Department to determine the substance of the response and to determine whether the Department's response should be in the form of an advisory opinion or information letter. Advisory opinions and information letters issued under this ERISA Procedure help fiduciaries, employers, and other interested parties understand a particular provision of the law and promote compliance with ERISA. Advisory opinions are also useful to the Department as a means of clarifying Departmental policy on certain issues.

II. Review Focus

The Department of Labor (Department) 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.

III. Current Actions

The Office of Management and Budget's approval of this ICR will expire on November 30, 1999. The existing collection of information should be continued because the individuals or organizations affected directly or indirectly by ERISA from time to time need legal interpretations from the Department as to their status under ERISA and as to the effect of certain actions and transactions. Requests for advisory opinions are voluntary. The information is used by the Department to determine the substance of the response and to determine whether the Department's response should be in the

form of an advisory opinion or information letter.

Agency: Department of Labor, pension and Welfare Benefits Administration.

Title: ERISA Procedure 76-1, Advisory Opinion Procedure.

Type of Review: Extension of a currently approved collection.

OMB Number: 1210-0066.

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

Total Respondents: 83.

Total Responses: 83.

Frequency of Response: On occasion.
Average Time Per Response: 12 $\frac{2}{3}$ hours.

Estimated Total Burden Hours: 101 hours.

Total Burden Cost (Operating and Maintenance): \$87,883.

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: July 29, 1999.

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**

[Prohibited Transaction Exemption 99-32; Exemption Application No.D-09708, et al.]

Grant of Individual Exemptions; RREEF America L.L.C. (RREEF), et al.

AGENCY: Pension and Welfare Benefits 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 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at