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**Notice of Request for Clearance of  
Commercial Garnishment Application  
Form**

**AGENCY:** Office of Personnel  
Management.

**ACTION:** Notice.

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**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management intends to submit to the Office of Management and Budget a request for clearance of an information collection, voluntary commercial

garnishment application form. The application is intended to be completed by creditors and will facilitate the processing by Federal agencies of commercial garnishment orders by providing information about the order in a uniform manner that would otherwise not be possible as a result of the wide variety of commercial garnishment orders issued by various State and local jurisdictions.

OPM anticipates that approximately 100 forms will be completed annually for OPM employees, each requiring an estimated ten minutes to complete, for a total public burden of approximately 17 hours. OPM anticipates, however, that many other Federal agencies will also be suggesting that creditors complete the form.

A copy of the proposed form is appended to this notice.

**DATES:** Comments on this proposed form should be received within 60 calendar days from the date of this publication.

**ADDRESSES:** Send or deliver comments to: Lorraine Lewis, General Counsel, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:**

Murray M. Meeker, Attorney, Office of the General Counsel, (202) 606-1980.

U.S. Office of Personnel Management.

Lorraine A. Green,  
*Deputy Director.*

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<b>APPLICATION FOR FEDERAL EMPLOYEE COMMERCIAL GARNISHMENT</b>		Approved by OMB 3206-XXXX Approval Expires 00/00/00	Date Received In Office Of Designated Agent
<p><b>INSTRUCTIONS:</b></p> <p>1. Federal law, 5 U.S.C. §5520a, provides for the commercial garnishment of the pay of Federal employees.</p> <p>2. Each garnishment order or similar legal process in the nature of garnishment must be delivered to the agency's Designated Agent. (See 5 CFR Part 582 Appendix A and 5 CFR Part 581 Appendix A for the lists of Designated Agents to receive legal process.)</p> <p>3. Employing agencies will generally begin to disburse amounts withheld from employee-obligor's pay within 30 days of receipt by the Designated Agent.</p> <p>4. Employing agencies will not modify compensation schedules or pay disbursement cycles in responding to legal process.</p> <p>5. 31 CFR Part 210 governs funds remitted by Electronic Funds Transfer.</p> <p>6. See reverse side for Public Burden Statement.</p>			
Title and Address of Employing Agency's Designated Agent		<p><b>Note:</b> Service of legal process may be accomplished by certified or registered mail, return receipt requested, or by personal service only upon the agent to receive process as explained in 5 CFR 582.201, or if no agent has been designated, then upon the head of the employee-obligor's employing agency.</p>	
<p><b>A. EMPLOYEE IDENTIFICATION</b> - 5 U.S.C. § 5520a requires sufficient information to enable the employing agency to identify the employee-obligor. Please provide as much of the information in items 1 through 5 as possible.</p>			
1. Full Name of Employee-Obligor		2. Date of Birth	3. Employee/Social Security Number
4. Employing Agency, Component, and Employee's Official Duty Station/Worksite Address and ZIP Code		5. Home Address or Current Mailing Address and ZIP Code	
6. For Agency Use			
<b>B. CASE INFORMATION</b>			
7. Case Number as Assigned by Court in Garnishment Order		8. Judgment Amount	9. Legal process expiration date (if time limited)
		\$	
10. Are the provisions of the Consumer Credit Protection Act, 15 U.S.C. § 1673, applicable? <input type="checkbox"/> Yes <input type="checkbox"/> No If not, are lower limitations applicable? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, give citation and attach copy: _____			
11. Does the law of the jurisdiction where this legal process is issued have a "one order at a time" rule that precludes employers from garnishing more than one order at a time? <input type="checkbox"/> Yes <input type="checkbox"/> No		12. Does the law of the jurisdiction where this legal process is issued provide for the garnishment of interest amounts that are not reflected on the order or in item number 8? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>C. APPLICANT IDENTIFICATION</b>			
13. Full Name of Person Authorized to Receive Payment, as it appears on Court Order		14. Address of Authorized Payee, including ZIP Code	
15. Daytime Telephone - Area Code and Number		16. Signature of Applicant and Date Signed	
<b>D. ELECTRONIC FUNDS TRANSFER</b>			
If you wish to request that the funds be remitted by electronic funds transfer rather than by paper check, please complete items 17 through 21.		17. Name and Address of Payee's Financial Institution	
18. Depositor (Payee) Account No. and Title		19. 9-Digit Routing Transit No. of Payee's Financial Institution (Verify with Financial Institution)	
Type of Account: <input type="checkbox"/> Checking <input type="checkbox"/> Savings			
20. Name and Title of Payee's Representative		21. Signature of Payee's Representative and Date Signed	

U. S. Office of Personnel Management

Optional Form xxx (September 1995)

### 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.

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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