

of a security clearance; the reporting of an investigation of an employee; the letting of a contract; the classification of a job; or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that OPM determines that the information is relevant and necessary to the requesting party's decision on the matter.

14. To provide individual users the ability to view self entered data on individual competency proficiency levels.

15. To provide reports to agencies on aggregate level data of proficiency levels in identified competencies across the Government.

16. To provide agency specific raw data reports to agencies on individual level data related to proficiency levels in identified competencies.

17. To disclose aggregate level data from the Federal Competency Assessment Tools via a governmentwide report.

18. To disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant, cooperative agreement, or job for the Federal government.

**POLICIES AND PRACTICES OF STORING, RETRIEVING, SAFEGUARDING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

These records are maintained in a relational database management system hosted on a contractor's Internet server, accessed via a password-restricted system. Duplicate records also exist on magnetic tape back ups.

**RETRIEVABILITY:**

Designated points of contact from the U.S. Office of Personnel Management and participating agencies can retrieve reports that aggregate the results of individual and supervisor assessments, without specifically identifying individuals. Agencies can request raw data reports that will contain the identity of individuals. An employee can retrieve individual reports (which contain a record of how the individuals assessed themselves, along with how the supervisor assessed the position). All reports are accessed via the Internet through a password-restricted system.

**SAFEGUARDS:**

These electronic records are maintained in controlled access areas. Identification cards are verified to ensure that only authorized personnel are present. Electronic records are protected by restricted access procedures, including the use of passwords and sign-on protocols which are periodically changed. Only

employees whose official duties require access are allowed to view, administer, and control these records.

**RETENTION AND DISPOSAL:**

Completed verifications are archived to a storage disk nightly and retained on a server for five years. When records are purged from the server, the records are transferred to a CD or other electronic media. Records in electronic media are electronically erased. CD or other electronic media are maintained for five years.

**SYSTEM MANAGER AND ADDRESS:**

Deputy Associate Director, Center for Human Capital Implementation and Assessment, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415-0001.

**NOTIFICATION PROCEDURE:**

Individuals wishing to inquire if this system contains information about them should contact the system manager or designee. Individuals must furnish the following information for their records to be located and identified:

a. Name.

b. Name and address of office in which currently and/or formerly employed in the Federal service.

**RECORD ACCESS PROCEDURE:**

Individuals wishing to request access to their records in this system should contact their agency point of contact or the system manager. Individuals must furnish the following information for their records to be located and identified:

a. Name.

b. Name and address of office in which currently and/or formerly employed in the Federal service.

Individuals requesting access must also follow OPM's Privacy Act regulations on verification of identity and access to records (5 CFR part 297).

**CONTESTING RECORD PROCEDURE:**

Individuals wishing to request amendment of their records in this system should contact the agency point of contact or system manager. Individuals must furnish the following information for their records to be located and identified:

a. Name.

b. Name and address of office in which currently and/or formerly employed in the Federal service.

Individuals requesting amendment of their records must also follow OPM's Privacy Act regulations regarding verification of identity and amendment of records (5 CFR part 297).

**RECORD SOURCE CATEGORIES:**

The information in this system is obtained from:

a. The individual to whom the information pertains.

b. The supervisor of the individual to whom the information pertains, upon that individual's request.

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**BILLING CODE 6325-43-P**

**RAILROAD RETIREMENT BOARD**

**Agency Forms Submitted for OMB Review, Request for Comments**

*Summary:* In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding the following Information Collection Requests (ICR's) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR's describe the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collection; (2) the accuracy of the estimated burden of the collection; (3) ways to enhance the quality, utility and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to RRB or OIRA must contain the OMB control number of the particular ICR. For proper consideration of your comments, it is best if RRB and OIRA receive them within 30 days of publication date.

1. *Title and Purpose of Information Collection Request;* Railroad Service and Compensation Reports/System Access Application/Report Certification; OMB 3220-0008.

Under section 9 of the Railroad Retirement Act (RRA) and section 6 of the Railroad Unemployment Insurance Act (RUIA), the Railroad Retirement Board (RRB) maintains for each railroad employee, a record of compensation paid to that employee by all railroad employers for whom the employee worked after 1936. This record, which is used by the RRB to determine eligibility for, and amount of, benefits due under the laws it administers, is conclusive as to the amount of compensation paid to an employee during such period(s) covered by the report(s) of the

compensation by the employee's railroad employer(s), except in cases when an employee files a protest pertaining to his or her reported compensation within the statute of limitations cited in section 9 of the RRA and section 6 of the RUIA.

To enable the RRB to establish and maintain the record of compensation, employers are required to file with the RRB, in such manner and form and at such times as the RRB prescribes, reports of compensation of employees. Railroad Employers' Reports and Responsibilities are prescribed in 20 CFR 209. The RRB currently utilizes Form BA-3a, *Annual Report of Compensation* and Form BA-4, *Report of Creditable Compensation Adjustments*, to secure required information from railroad employers. Form BA-3a provides the RRB with information regarding annual creditable service and compensation for each individual who worked for a railroad employer covered by the RRA and RUIA in a given year. Form BA-4 provides for the adjustment of any previously submitted reports and also the opportunity to provide any service and compensation that had been previously omitted. Requirements specific to Forms BA-3a and BA-4 are prescribed in 20 CFR 209.8 and 209.9.

Employers currently have the option of submitting the reports on the aforementioned forms, electronically via the Internet utilizing the RRB's Employer Reporting System (ERS) (for Form BA-4 (Internet)), or in like format on magnetic tape cartridges, CD-ROM's and PC diskettes.

The RRB proposes major changes to the information collection. They are intended to streamline the employer reporting process, ensuring more accurate and timely reporting, while eliminating or reducing the employer reporting burden associated with several other RRB information collections.

Form BA-3a will be significantly revised and renamed Form BA-3, *Annual Report of Compensation*. Revisions to proposed Form BA-3 include the expansion of existing data fields to allow for: The reporting of amounts for Tier I and Tier II compensation greater than \$99,999.99 (the annual creditable maximum for Tier I will exceed that amount within the next two years), RUIA daily pay rate amounts of more than \$99.99, 4-digit year fields and expansion of the employee's name field. New Items requesting information regarding sick pay and miscellaneous compensation, the employee's current address, maximum benefit RUIA compensation,

and employment relationship status for months not worked will be added.

Data fields for proposed Form BA-4 and BA-4 (Internet) will be revised to allow for: The reporting of Tier I and Tier II compensation greater than \$99,999.99 (the annual creditable maximum for Tier I will exceed that amount within the next two years), RUIA daily pay rate amounts of more than \$99.99, 4-digit year fields and expansion of the employee's name field. New Items providing for the reporting of adjustments to the originally reported Tier I and Tier II amounts, sick pay, miscellaneous compensation, RUIA maximum benefit amounts, and an employee's daily pay rate will be added.

The RRB also proposes the implementation of two additional electronic equivalent methods of submission for Form BA-3 and Form BA-4 information: File Transfer Protocol (FTP) and secure e-mail.

The information collection includes RRB Form BA-12, *Application for Employer Reporting Internet Access*. Form BA-12 is completed by railroad employers to obtain system access to the RRB's Employer Reporting System (ERS). Once access is obtained, authorized employees may submit reporting forms to the RRB via the Internet. The form determines what degree of access (view/only, data entry/modification or approval/submission) is appropriate for that employee. It is also used to terminate an employee's access to ERS. No changes are being proposed to Form BA-12.

Lastly, the RRB proposes the addition of new Form G-440, *Report Specifications Sheet*, to the collection. Form G-440 will act as a certification document for various RRB employer reporting forms (Forms BA-3, BA-4, Form BA-6a, BA-6, Address Report (OMB 3220-0005), BA-9, Report of Separation Allowance or Severance Pay (OMB 3220-0173) and BA-11, Report of Gross Earnings (OMB 3220-0132)). It will also be used to record the type of medium the report was submitted on, and as a summary recapitulation sheet for reports filed on paper.

The estimated completion times for Form(s) BA-3, BA-4 and G-440 vary, depending on circumstances and the method of submission. The completion time for Form BA-3 is estimated at 46 hours and 15 minutes per response for electronic submissions to 116 hours and 51 minutes for manual responses. The completion time for Form BA-4 is estimated at 20 minutes for an ERS Internet-based response (BA-4 (Internet)), 60 minutes for an electronic submission (magnetic tape cartridge, CD-ROM, diskette, secure E-mail, FTP)

and 75 minutes for a manual response. The completion time for form BA-12 is estimated at 10 minutes when used to terminate system access and 20 minutes when used to obtain system access. The completion time for proposed Form G-440 is estimated at 15 minutes when submitted with a paper form and/or used to file a "zero" or "no employees" certification, 30 minutes when used as an electronic medium reporting/certification form, and 1 hour and 15 minutes when used as a certification and recapitulation form. Submission of Form BA-3, BA-4, BA-4 (Internet) and G-440 is mandatory. Completion of Form BA-12 is voluntary. It is completed only if an employer wants to submit reports via the Internet. One response is requested of each respondent for all of the forms in the collection. Depending on circumstances and method of submission chosen, multiple responses may be received from a respondent for Form BA-4 and G-440. The annual respondent burden for the information collection is estimated at 7,348 responses and 43,756 hours.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (72 FR 46251-46253 on August 17, 2007) required by 44 U.S.C. 3506(c)(2). The RRB received comments from the Department of Commerce's, Bureau of Economic Analysis (BEA), strongly supporting the RRB's continued collection of the data on Forms BA-3(a) and BA-4 stating "these forms are our main data source for key components of BEA's economic statistics". No other comments were received.

#### Information Collection Request (ICR)

*Title:* Railroad Service and Compensation Reports/System Access Application/Report Certification.

*OMB Control Number:* 3220-0008.

*Form(s) submitted:* BA-3, BA-4, BA-4 (Internet), BA-12, G-440.

*Type of request:* Revision of a currently approved collection.

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

*Abstract:* Under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, employers are required to report service and compensation for each employee to update Railroad Retirement Board records for payments of benefits. The collection obtains service and compensation information, information needed to ensure secure system access from employers who voluntarily opt to use the RRB's Internet-based Employer Reporting system to submit reporting forms, and information needed to certify employer reporting transactions.

*The burden estimate for the ICR is as follows:*

*Estimated Annual Number of Respondents:* 579.

*Total Annual Responses:* 7,348.

*Total Annual Reporting Hours:* 43,756.

**2. Title and Purpose of Information Collection;** Employer Reporting, 3220-0005.

Under section 9 of the Railroad Retirement Act (RRA), and section 6 of the Railroad Unemployment Insurance Act (RUIA), railroad employers are required to submit reports of employee service and compensation to the RRB as needed for administering the RRA and RUIA. To pay benefits due on a deceased employee's earnings records or determine entitlement to, and amount of annuity applied for, it is necessary at times to obtain from railroad employers current (lag) service and compensation not yet reported to the RRB through the annual reporting process. The reporting requirements are specified in 20 CFR 209.6 and 209.7.

The RRB currently utilizes Form G-88a.1, Notice of Retirement and Verification of Date Last Worked, Form G-88a.2, Notice of Retirement and Request for Service Needed for Eligibility, and Form AA-12, Notice of Death and Compensation, to obtain the required lag service and related information from railroad employers. Form G-88a.1 is a computer-generated listing sent by the RRB to railroad employers and used for the specific purpose of verifying information previously provided to the RRB regarding the date last worked by an employee. If the information is correct, the employer need not reply. If the information is incorrect, the employer is asked to provide corrected information. Form G-88a.2 is used by the RRB to secure lag service and compensation information when it is needed to determine benefit eligibility. Form AA-12 obtains a report of lag service and compensation from the last railroad employer of a deceased employee. This report covers the lag period between the date of the latest record of employment processed by the RRB and the date an employee last worked, the date of death or the date the employee may have been entitled to benefits under the Social Security Act. The information is used by the RRB to determine benefits due on the deceased employee's earnings record. The RRB proposes no changes to Form AA-12, Form G-88a.1 and Form G-88a.2.

In addition, 20 CFR 209.12(b) requires all railroad employers to furnish the RRB with the home addresses of all employees hired within the last year

(new-hires). Form BA-6a, Form BA-6 Address Report, is used by the RRB to obtain home address information of employees from railroad employers that do not have the home address information computerized and who submit the information in a paper format. The form also serves as an instruction sheet to railroad employers who can also submit the information electronically by magnetic tape cartridge, CD-ROM, PC diskette, secure E-mail, or via the Internet (Form BA-6a (Internet)) utilizing the RRB's Employer Reporting System (ERS).

The RRB proposes changes to Form BA-6a and BA-6a (Internet). The employee's name field will be expanded. A new item will be added to indicate the date an employee reported the address to his employer. The RRB also proposes the implementation of an additional electronic equivalent method of submission for BA-6a information: File Transfer Protocol (FTP).

Completion of the forms is mandatory. One response is requested of each respondent. The completion time for Form G-88a.1 is estimated at 5 to 20 minutes. Form G-88a.2 is estimated at 5 minutes per response. The completion time for Form AA-12 is estimated at 5 minutes per response. The completion time for Form BA-6a varies, depending on circumstances and the method of submission. An Internet-based BA-6a (Internet) response utilizing the RRB's ERS system is estimated at 12 to 17 minutes. Electronic BA-6a responses submitted via magnetic tape, diskette, CD-ROM, secure E-mail and FTP are estimated at 15 minutes. BA-6a's responses submitted on manual form BA-6a are estimated at 32 minutes. The annual respondent burden for the information collection is estimated at 1,928 responses and 434 hours.

**Previous Requests for Comments:** The RRB has already published the initial 60-day notice (72 FR 46251-46253 on August 17, 2007) required by 44 U.S.C. 3506(c)(2). The RRB received comments from the Department of Commerce's, Bureau of Economic Analysis (BEA), strongly supporting the RRB's continued use of Form BA-6a information as data from it (and RRB Form(s) BA-3a and BA-4) is used to prepare BEA estimates of the wages and salaries, employer contributions for employee pension and insurance funds, and personal contributions for government social insurance components of State, and county personal income. No other comments were received.

#### **Information Collection Request (ICR)**

*Title:* Employer Reporting.

*OMB Control Number:* 3220-0005.

*Form(s) submitted:* AA-12, G-88a.1, G-88a.2, BA-6a, BA-6a (Internet), BA-6a (E-mail).

*Type of request:* Revision of a currently approved collection.

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

**Abstract:** Under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, railroad employers are required to report service and compensation for employees needed to determine eligibility to and the amounts of benefits paid.

*The burden estimate for the ICR is as follows:*

*Estimated Annual Number of Respondents:* 579.

*Total Annual Responses:* 1,928.

*Total Annual Reporting Hours:* 434.

**3. Title and Purpose of Information Collection;** Railroad Separation Allowance or Severance Pay Report; OMB 3220-0173.

Section 6 of the Railroad Retirement Act provides for a lump-sum payment to an employee or the employee's survivors equal to the Tier II taxes paid by the employee on a separation allowance or severance payment for which the employee did not receive credits toward retirement. The lump-sum is not payable until retirement benefits begin to accrue or the employee dies. Also, section 4 (a-1)(iii) of the Railroad Unemployment Insurance Act provides that a railroad employee who is paid a separation allowance is disqualified for unemployment and sickness benefits for the period of time the employee would have to work to earn the amount of the allowance. The reporting requirements are specified in 20 CFR 209.14.

In order to calculate and provide payments, the Railroad Retirement Board (RRB) must collect and maintain records of separation allowances and severance payments which were subject to Tier II taxation from railroad employers. The RRB uses Form BA-9 to obtain information from railroad employers concerning the separation allowances and severance payments made to railroad employees and/or the survivors of railroad employees. Employers currently have the option of submitting a paper BA-9, or in equivalent format utilizing a magnetic tape cartridge, CD-ROM or PC diskette. Completion is mandatory. One response is required of each respondent.

The RRB proposes changes to Form BA-9. Form BA-9 will be revised to allow for expansion of the employee's name field, 4-digit year fields, and expanded yearly compensation fields for Tier II taxed and Tier II credited amounts. The RRB also proposes the

implementation of two additional electronic equivalent methods of submission for BA-9 information: File Transfer Protocol (FTP) and secure e-mail.

The completion time for Form BA-9 and all electronic equivalent methods of submission is estimated at 76 minutes. The annual respondent burden for the information collection is estimated at 360 responses and 457 burden hours.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (72 FR 46251-46253 on August 17, 2007) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

#### Information Collection Request (ICR)

*Title:* Railroad Separation Allowance or Severance Report.

*OMB Control Number:* 3220-0173.

*Form(s) submitted:* BA-9.

*Type of request:* Revision of a currently approved collection.

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

*Abstract:* Section 6 of the Railroad Retirement Act provides for a lump-sum payment to an employee or the employee's survivor equal to the Tier II taxes paid by the employee on a separation allowance or severance payment for which the employee did not receive credits toward retirement. The collection obtains information concerning the separation allowances and severance payments paid from railroad employers.

*The burden estimate for the ICR is as follows:*

*Estimated Annual Number of Respondents:* 20.

*Total Annual Responses:* 360.

*Total Annual Reporting Hours:* 457.

*4. Title and Purpose of Information Collection:* Gross Earnings Report; OMB 3220-0132.

In order to carry out the financial interchange provisions of section 7(c)(2) of the Railroad Retirement Act (RRA), the RRB obtains annually from railroad employer's the gross earnings for their employees on a one-percent basis, i.e., 1% of each employer's railroad employees. The gross earnings sample is based on the earnings of employees whose social security numbers end with the digits "30." The gross earnings are used to compute payroll taxes under the financial interchange.

The gross earnings information is essential in determining the tax amounts involved in the financial interchange with the Social Security Administration and Centers for Medicare and Medicaid Services. Besides being necessary for current financial interchange calculations, the

gross earnings file tabulations are also an integral part of the data needed to estimate future tax income and corresponding financial interchange amounts. These estimates are made for internal use and to satisfy requests from other government agencies and interested groups. In addition, cash flow projections of the social security equivalent benefit account, railroad retirement account and cost estimates made for proposed amendments to laws administered by the RRB are dependent on input developed from the information collection.

The RRB utilizes Form BA-11 or its electronic equivalent(s) to obtain gross earnings information from railroad employers. Employers currently have the option of preparing and submitting BA-11 reports on paper, or in like format on magnetic tape cartridges and PC diskettes. Completion is mandatory. One response is requested of each respondent.

The RRB proposes changes to Form BA-11 to allow for 4-digit year fields, to add an additional item for an employer's name and to expand the employee's name field. The RRB also proposes the implementation of two additional electronic equivalent methods of submission for BA-11 information: File Transfer Protocol (FTP) and secure e-mail.

The completion time for Form BA-11 responses submitted via magnetic tape and FTP is estimated at 5 hours. The completion time for BA-11 responses received by paper, diskette, CD-ROM, and secure E-mail is estimated at 30 minutes.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (72 FR 46251-46253 on August 17, 2007) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

#### Information Collection Request (ICR)

*Title:* Gross Earnings Report.

*OMB Control Number:* 3220-0132.

*Form(s) submitted:* BA-11.

*Type of request:* Revision of a currently approved collection.

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

*Abstract:* Section 7(c)(2) of the Railroad Retirement Act requires a financial interchange between the OASDHI trust funds and the railroad retirement account. The collection obtains gross earnings of railway employees on a 1% basis. The information is used in determining the amount which would place the OASDHI funds trust in the position they would have been if railroad service had been

covered by the Social Security and FIC Acts.

*The burden estimate for the ICR is as follows:*

*Estimated Annual Number of Respondents:* 168.

*Total Annual Responses:* 168.

*Total Annual Reporting Hours:* 107.

*Additional Information or Comments:* Copies of the forms and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer (312-751-3363) or [Charles.Mierzwa@rrb.gov](mailto:Charles.Mierzwa@rrb.gov).

Comments regarding the information collections should be sent to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 or [Ronald.Hodapp@RRB.GOV](mailto:Ronald.Hodapp@RRB.GOV), and to the Office of Management Budget at *Attn:* Desk Officer for RRB, Fax: (202) 395-6974 or via E-mail to [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov).

**Charles Mierzwa,**

*Clearance Officer.*

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**BILLING CODE 7905-01-P**

## SECURITIES AND EXCHANGE COMMISSION

### Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549-0213.

#### Extension:

Form 6-K, OMB Control No. 3235-0116, SEC File No. 270-107.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form 6-K (17 CFR 249.306) elicits material information from foreign private issuers of publicly traded securities promptly after the occurrence of specified or other important corporate events so that investors have current information upon which to base investment decisions. The purpose of Form 6-K is to ensure that U.S. investors have access to the same information that foreign investors do when making investment decisions. Form 6-K takes approximately 8.7 hours