

intervention or limited participator status. See 39 CFR 3001.20 and 3001.20a.

Section 173(e) of the rules of practice (39 CFR 3001.173(e)) states that the Commission will hold hearings on a Postal Service Request for a provisional service change "when it determines that there is a genuine issue of material fact to be resolved, and that a hearing is needed to resolve that issue." To assist that determination, the same provision directs parties who wish to dispute a genuine issue of material fact to file a request for a hearing, which:

shall state with specificity the fact or facts set forth in the Postal Service's filing that the party disputes, and when possible, what the party believes to be the true fact or facts and the evidence it intends to provide in support of its position.

*Ibid.*

Any participant who wishes to dispute a genuine issue of material fact to be resolved in this proceeding shall file a request for a hearing as specified in § 173(e) by August 26, 1997. In order to assist the Commission's determination of whether a hearing is necessary, should any written discovery be directed to the Postal Service by a participant before August 26, 1997, the Postal Service shall respond within 10 days.

A prehearing conference will be held in this proceeding on Thursday, August 28, 1997, at 9:30 a.m. in the Commission's hearing room. Participants should be prepared to discuss what formal procedures, including hearings, may be necessary and appropriate in this docket. If the Commission determines that formal hearings to resolve genuine issues of material fact are required, hearings to evaluate the supporting evidence presented by the Postal Service may be scheduled to begin as soon as September 3, 1997. The presiding officer will establish subsequent procedural dates.

#### Representation of the General Public

In conformance with 39 U.S.C. 3624(a), the Commission designates W. Gail Willette, Director of the Commission's Office of the Consumer Advocate (OCA), to represent the interests of the general public in this proceeding. Pursuant to this designation, Ms. Willette will direct the activities of Commission personnel assigned to assist her and, when requested, will supply their names for the record. Neither Ms. Willette nor any of the assigned personnel will participate in or provide advice on any Commission decision in this

proceeding. The OCA shall be separately served with three copies of all filings, in addition to and contemporaneous with, service on the Commission of the 24 copies required by § 10(c) of the rules of practice (39 CFR 3001.10(c)).

#### It is ordered:

1. The Commission will sit en banc in this proceeding.

2. Notices of intervention shall be filed no later than August 26, 1997.

3. Participants who wish to request a hearing in this matter shall submit a request in conformance with 39 CFR § 3001.173(e) no later than August 26, 1997.

4. Answers to the Postal Service's Notice Concerning Compliance Statement, or, in the Alternative, Motion for waiver of Certain Provisions of Rule 64(h) are to be submitted no later than August 26, 1997.

5. The Postal Service shall provide responses to any written discovery requests submitted to it before August 26, 1997, within 10 days.

6. W. Gail Willette, Director of the Commission's Office of the Consumer Advocate, is designated to represent the general public.

7. A prehearing conference in this docket shall be held on Thursday, August 28, 1997, at 9:30 a.m. in the Commission's hearing room.

8. The Secretary shall cause this notice and order to be published in the **Federal Register**.

By the Commission.

**Margaret P. Crenshaw,**  
*Secretary.*

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## RAILROAD RETIREMENT BOARD

### Proposed Collection; Comment Request

**SUMMARY:** In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

*Comments are invited on:* (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance

the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

#### *Title and purpose of information collection:*

Lag Service Reports; OMB 3220-0005

Under Section 9 of the Railroad Act (RRA), railroad employers are required to submit reports of employee service and compensation to the RRB as needed for administering the RRA. 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 information not yet reported to the RRB through the annual reporting process. The reporting requirements are specified in 20 CFR 209.4 and 209.5.

The RRB utilizes Form AA-12, *Notice of Death and Statement of Compensation, and Form G-88A, Employer's Supplemental Report of Service and Compensation* to obtain the required lag service and compensation and related information from railroad employers.

The RRB proposes minor editorial changes to Form AA-12 and G-88A to incorporate language required by the Paperwork Reduction Act of 1995. No other changes are proposed. The completion time for the AA-12 is estimated at 6 and 1/2 minutes per response. The completion time for form G-88A is estimated at 5 minutes per response. The RRB estimates that approximately 800 Form AA-12's and 400 G-88's are completed annually.

#### **ADDITIONAL INFORMATION OR COMMENTS:**

To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092. Written comments should be received within 60 days of this notice.

**Chuck Mierzwa,**

*Clearance Officer.*

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