cotton waste processors and users within the scope of the final standard. The evidence contained in this latest NIOSH survey is compatible with other non-textile studies which indicate the presence of adverse health effects upon exposure to cotton dust wherever cotton is handled. Surely, nothing in the study supports the exemption of the cotton batting of waste utilization industry from the standard.

With respect to the scope of the survey, OSHA agrees with NIOSH which stated in the summary of the study that, "no firm conclusions can be drawn from this study and no generalizations to this segment of the cotton industry should be attempted." In effect, the latest NIOSH survey shares common features with the other studies in the record, that is, evidence of significant health effects upon exposure, but inadequate information for determining a dose-response relationship. Until a larger and more complete study is conducted to explain the dose-response relationship in these industries, no evidence exists to justify modification of the standard.

Therefore, in view of the health effects evident even in this limited NIOSH survey, the data contained in the final report by NIOSH and the comments submitted provide no basis for permanently suspending the cotton dust standard with respect to the waste processing industries and users of cotton batting, or for instituting further rulemaking proceedings at this time. OSHA concludes, as NIOSH did, that the OSHA standard must be complied with in order to ensure adequate worker safety and health.

In order to give affected parties an adequate period of time to comply with the standard, the effective date of the standard as it pertains to the waste industry is March 4, 1979. All other startup dates in the standard will be similarly delayed 6 months, as will the date for final implementation of the compliance plan.

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

(Secs. 4, 6, 8, 84 Stat. 1593; 29 U.S.C. 653, 655, 657; 19 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059))

Signed at Washington, D.C. this 23rd day of January 1979.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 79-2823 Filed 1-25-79; 8:45 am]

[4510-29-M]

CHAPTER XXV—PENSION AND WELFARE BENEFIT PROGRAMS, DEPARTMENT OF LABOR

PART 2520—RULES AND REGULATIONS FOR REPORTING AND DISCLOSURE

Revision of Schedule B (Actuarial Information) and Permanent Waiver of Certain Actuarial Information in the Annual Report

AGENCY: Department of Labor.

ACTION: Adoption of a form and final regulation.

SUMMARY: This document contains (1) a revision of Schedule B (actuarial information) which is attached by certain employee benefit plans to the annual report filed under the Employee Retirement Income Security Act of 1974 (ERISA); and (2) a final regulation which waives a requirement of ERISA that certain actuarial information be included in the annual report. These actions will affect all defined benefit pension plans that are subject to the minimum funding standards of Part 3 of Title I of ERISA and section 412 of the Internal Revenue Code of 1954, as amended.

EFFECTIVE DATE: Plan years beginning January 1, 1978, and thereafter.

FOR FURTHER INFORMATION CONTACT:

Lottie Lisle, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4461, Washington, D.C. 20216, 202-523-9211. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On September 26, 1978, notice was published in the FEDERAL REGISTER (43 FR 43696) of proposed revisions to Schedule B (actuarial information) which must be filed under section 103(d) of ERISA as an attachment to the annual return/report (5500 series) by all defined benefit pension plans that are subject to the minimum funding standards of Part 3 of Title I of ERISA and section 412 of the Internal Revenue Code of 1954, as amended. These revisions were designed to achieve uniformity in the reporting of certain actuarial data, and to assist interested persons in determining the benefit obligations of an ongoing pension plan and in assessing the adequacy of the assets of a pension plan to meet its benefit obligations. The notice also announced that if certain proposed changes to the schedule B were adopted, the Department contemplated adopting a permanent waiver from the requirements of section 103(d)(6) of ERISA.

All interested persons were invited to submit comments on the proposals. In addition, pursuant to notice published in the FEDERAL REGISTER (43 FR 52789, November 14, 1978), a public hearing was held on November 20, 1978, in which interested persons were afforded the opportunity to present their views on the Department's proposals.

After considering the written comments and the testimony at the public hearing, the Department has determined to adopt a Schedule B which is revised in several respects from that which was proposed and to adopt a regulation permanently waiving the requirement to file the specific information required by section 103(d)(6) of ERISA.[1]

While, as discussed below, changes have been made to the Schedule B, certain important aspects of the proposal have been retained. These include: (1) The requirement that a uniform method—the accrued benefit cost (unit credit) method—be used to calculate the present value of accrued benefits; (2) that plans with less than 100 participants not be required to disclose the present value of accrued benefits; (3) that the assumptions used in calculating the accrued benefits be based on expectations relating to an ongoing rather than a terminating plan; and (4) that the major assumptions used be disclosed on the schedule B itself.

I. SCHEDULE B—DISCUSSION OF SIGNIFICANT COMMENTS AND CHANGES TO THE FORM.

A. *End of Plan Year Basis.* The proposed revision to the Schedule B would have required that the present value of accrued benefits be determined as of the end of the plan year to facilitate comparison between the value of plan assets as reported on the annual report and the plan's accrued benefit liabilities as reported on the Schedule B. The instructions provided that, for plans using a valuation date other than the end of the plan year, a reasonable estimate of the value of accrued benefits as of the end of the plan year could be projected from the most recent actuarial valuation.

According to the public comments, actuaries generally choose a valuation date other than the end of the plan year. If all plans were required to calculate plan liabilities as of the end of the plan year, this would, in the view of the commentators, increase costs to

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[1] Section 103(d)(6) requires that a plan's actuarial statement include the present value of all of the plan's liabilities for nonforfeitable pension benefits allocated by the termination priority categories set forth in section 4044 of ERISA and the actuarial assumptions used in these computations.

affected plans. The commentators also indicated that valuations are generally made at the beginning of the plan year and further calculations, sometimes at substantial cost, would be required in order to project values as of, or to revise estimates at, the end of the plan year in the light of events during the year.

In view of the comments received, the Department has decided to require that the present value of accrued benefits should be determined as of the beginning of the plan year. This requirement should minimize costs to plans while permitting some degree of comparability between information in the Schedule B and in the annual report.

B. *Statement of the Present Value of Accrued Benefits.* As proposed, Schedule B would have required that for plan years beginning in 1979, all plans with more than 100 participants must provide information with respect to: (a) The present value of vested benefits for (1) retired participants and beneficiaries receiving payments and (2) other participants (with figures for both categories calculated on a historical basis, i.e., based on service performed by, and compensation earned by, employees prior to the end of the plan year); (b) the present value of nonvested accrued benefits, also calculated on a historical basis; and (c) the present value of additional accrued benefits calculated on a projected basis.

A number of comments urged the Department to delete the proposed requirement to disclose the present value of additional accrued benefits based on projections, particularly since the projections would be limited to salary increases. The commentators argued that the proposed requirement would substantially increase plans' actuarial costs, that the resulting figure would not be meaningful, that it is rarely calculated in practice, and that it would distort comparisons between final average salary plans and plans such as flat benefit or career average plans. The Department has considered these comments and has decided to delete this requirement because it appears that the benefits of disclosing the present value of additional accrued benefits on a projected basis are not justified in view of the additional costs that would be incurred by plans.

C. *Actuarial Assumptions.* The instructions to the Schedule B, as proposed, would have required that each actuarial assumption used in calculating the present value of accrued benefits be reasonable.

A number of commentators indicated that the appropriateness of the actuarial assumptions used for any particular plan can only be evaluated in the aggregate, by examining aggregate gain or loss during any year or number of years. If the gains or losses remain relatively small, the commentators argued, there is no need to modify any of the assumptions. The commentators also argued that the requirement would be inconsistent with Congressional intent that the actuarial assumptions used in calculating plan liabilities be reasonable in the aggregate. In response to these comments the Department has deleted the requirement that each assumption must be individually reasonable.

D. *Explanation of Differing Actuarial Assumptions.* In the case where the assumptions used for the calculation of the present value of accrued benefits differ from those used in the calculation of the funding standard account, the proposed instructions to the Schedule B would have required the actuary to explain the reasons for the differences and to provide an estimate of the approximate effect of using different assumptions. Numerous comments stated that it would be difficult to estimate the effect of using different assumptions, and that any such estimate would involve substantial costs for plans. The Department has considered these comments and has modified its proposal. As adopted, the instructions to the Schedule B require the actuary to set forth the reasons for any differences in the assumptions used, but do not require an estimate of the financial effect of such differences.

In addition to the changes discussed above, minor changes have been made in response to comments which noted several technical inconsistencies in the instructions to the Schedule B.

II. Permanent Waiver of Section 103(d)(6)

Section 103(d)(6) provides that the actuarial statement required by section 103(d) must include the present value of the plan's liabilities for nonforfeitable pension benefits allocated by termination priority categories as set forth in section 4044 of ERISA, and the actuarial assumptions used in these computations. Under section 104(a)(2)(A) of ERISA, the Secretary of Labor may waive the requirements of section 103(d)(6). In order to waive these requirements, however, the Secretary must find that:

> (i) the interests of the plan participants are not harmed thereby and (ii) the expense of compliance with the specific requirements of section 103(d)(6) is not justified by the needs of the participants, the Pension Benefit Guaranty Corporation, and the Department of Labor * * *.

For plan years 1975, 1976 and 1977, the Secretary waived the requirements of section 103(d)(6) based on the findings that: (1) The information required under section 103(d)(6) is primarily important to a plan which is terminating and would be of little relevance to participants or the Secretary in the case on ongoing plans; (2) the requirements of section 103(d)(6) would add considerable expense and time to the preparation of the actuarial statement; and (3) the PBGC expressed no need for this information on an annual basis.

At the time the revisions to Schedule B were proposed, the Department announced that if certain changes to the Schedule B were adopted, the Department would issue a permanent waiver from the requirements of section 103(d)(6) of ERISA. The public comments received generally supported such a permanent waiver.

It appears that the information submitted in response to questions 6 (d) and (e) of the revised Schedule B should provide interested persons with sufficient information with respect to plan liabilities. It further appears that the information which would be provided under section 103(d)(6) would be of little interest to plan participants, PBGC and the Department, and would impose considerable expense on plans. Accordingly, the Department finds that the interests of the plan participants are not harmed by the adoption of § 2520.104-42—which provides a permanent waiver from the requirements of section 103(d)(6) of ERISA—and that the expense of compliance with the specific requirements of section 103(d)(6) is not justified by the needs of the participants, PBGC and the Department.

Pursuant to the authority in sections 103(d), 109(a) and 505 of ERISA, Pub. L. 93-406, 88 Stat. 840-852, 894 (29 U.S.C. 1023, 1029), Schedule B to the annual return/report (5500 series) and the instructions thereto are hereby amended to read as follows:

[4510-29-C]

SCHEDULE B
(Form 5500)
Department of the Treasury
Internal Revenue Service
Department of Labor
Pension and Welfare Benefit Programs
Pension Benefit Guaranty Corporation

Actuarial Information

This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974, referred to as ERISA, and section 6059(a) of the Internal Revenue Code, referred to as the Code.

▶ Attach to Forms 5500, 5500-C and 5500-K if applicable.

1978

This Form is Open to Public Inspection

For plan year beginning ____________, 1978 and ending ____________, 19

▶ Please complete every applicable item on this form. If an item does not apply, enter "N/A."

▶ Round off amounts to nearest dollar.

Name of plan sponsor as shown on line 1(a) of Form 5500, 5500-C or 5500-K | Employer identification number

Name of plan | Enter three digit plan number ▶

	Yes	No
1 Has a waiver of a funding deficiency for the current plan year been approved by the IRS?		
If "Yes," attach a copy of the IRS approval letter.		
2 Is a waived funding deficiency of a prior plan year being amortized in the current year?		
3 Have any of the periods of amortization for charges described in section 412(b)(2)(B) of the Code been extended by DOL?		
If "Yes," attach a copy of the DOL approval letter.		
4 (a) Has the shortfall funding method been used?		
(b) (i) If (a) is "Yes," has the deferral of the amortization of the shortfall gain (loss), beyond the plan year following the year in which the shortfall gain (loss) arose, been elected?		
(ii) If (a) is "Yes," has the deferral of the amortization of the actuarial gain (loss), beyond the first plan year after valuation, been elected?		
5 Has a change in funding method for the current plan year been made?		

If "Yes," attach a copy of the IRS approval letter.

6 Operational information:

(a) Enter most recent actuarial valuation date ▶

(b) Enter date(s) and amount of contributions received this plan year for prior plan years and not previously reported:
Date(s) ▶ ____________, Amount ▶

(c) Current value of the assets accumulated in the plan as of the beginning of the plan year

(d) Present value of vested benefits as of the beginning of plan year:[1]

(i) For retired participants and beneficiaries receiving payments

(ii) For other participants

(iii) Total

(e) Present value of nonvested accrued benefits as of beginning of plan year[1]

(f) Number of persons covered (included in the most recent actuarial valuation):

(i) Active participants

(ii) Terminated participants with vested benefits

(iii) Retired participants and beneficiaries of deceased participants

7 Contributions made to the plan for the plan year by employer(s) and employees:

(a) Month Year	(b) Amount paid by employer	(c) Amount paid by employees	(a) Month Year	(b) Amount paid by employer	(c) Amount paid by employees
			Total		

8 Funding standard account and other information:

(a) Accrued liabilities as determined for funding standard account as of (enter date) ▶

(b) Value of assets as determined for funding standard account as of (enter date) ▶

Statement by Enrolled Actuary (see instructions before signing):

To the best of my knowledge, the information supplied in this schedule and on the accompanying statement, if any, is complete and accurate, and in my opinion the assumptions used in the aggregate (a) are reasonably related to the experience of the plan and to reasonable expectations, and (b) represent my best estimate of anticipated experience under the plan.

Signature of actuary | Date

Print or type name of actuary | Enrollment number

Address | Telephone number (including area code)

263-186-1

Schedule B (Form 5500) 1978 Page 2

8 Funding standard account and other information *(continued)*:	
(c) *(i)* Actuarial gains or (losses) for period ending ▶	
(ii) Shortfall gains or (losses) for period ending ▶	
(d) Accumulated funding deficiency at end of plan year (amount of contribution certified by the actuary as necessary to reduce the funding deficiency to zero), from 9(m) or 10(g)	
9 Funding standard account statement for plan year ending ▶	
Charges to funding standard account:	
(a) Prior year funding deficiency, if any	
(b) Employer's normal cost for plan year	
(c) Amortization charges (outstanding balance at beginning of plan year ▶ $)	
(d) Interest on (a), (b) and (c)	
(e) Total charge, sum of (a) through (d)	
Credits to funding standard account:	
(f) Prior year credit balance, if any	
(g) *(i)* Employer contributions (total from column (b) of item 7)	
(ii) Employer contributions received this plan year for prior plan years and not previously reported	
(h) Amortization credits (outstanding balance at beginning of plan year ▶ $)	
(i) Interest on (f), (g) and (h)	
(j) Other (specify) ▶	
(k) Total credits, sum of (f) through (j)	
Balance:	
(l) Credit balance, excess, if any, of (k) over (e)	
(m) Funding deficiency, excess, if any, of (e) over (k)	

10 Alternative minimum funding standard account (omit if not used):

(a) Was the entry age normal cost method used to determine entries in item 9 above? ☐ Yes ☐ No

If "No," omit (b) through (g) below.

(b) Normal cost	
(c) Excess, if any, of value of accrued benefits over market value of assets	
(d) Interest on (b) and (c)	
(e) Employer contributions (total from column (b) of item 7)	
(f) Interest on (e)	
(g) Funding deficiency, excess, if any, of the sum of (b) through (d) over the sum of (e) and (f)	

11 Checklist of actuarial cost methods:

(a) ☐ Attained age normal (b) ☐ Entry age normal (c) ☐ Accrued benefit (unit credit)
(d) ☐ Aggregate (e) ☐ Frozen initial liability (f) ☐ Individual level premium
(g) ☐ Other (specify) ▶

12 Checklist of certain actuarial assumptions:	A Used for item 6(d) and (e)—value of accrued benefits			B Used for item 8, 9 or 10—funding standard account		
	Pre-retirement		Post-retirement	Pre-retirement		Post-retirement
(a) Rates specified in insurance or annuity contracts	☐ Yes ☐ No		☐ Yes ☐ No	☐ Yes ☐ No		☐ Yes ☐ No
(b) Mortality table code:						
(i) Males						
(ii) Females						
(c) Interest rate	%		%	%		%
(d) Retirement age						
(e) Expense loading	%		%	%		%
(f) Annual withdrawal rate:	Male	Female		Male	Female	
(i) Age 25	%	%		%	%	
(ii) Age 40	%	%		%	%	
(iii) Age 55	%	%		%	%	
(g) Ratio of salary at normal retirement to salary at:						
(i) Age 25				%	%	
(ii) Age 40				%	%	
(iii) Age 55				%	%	

(h) Is a statement of actuarial assumptions attached? ☐ Yes ☐ No

[1] Provide these figures for 1978 plan year, if calculated. Beginning with the 1979 plan year disclosure of these figures is mandatory for all plans filing a Schedule B with 100 or more participants.

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Department of the Treasury Internal Revenue Service | Department of Labor Pension and Welfare Benefit Programs | Pension Benefit Guaranty Corporation

1978 Instructions for Schedule B (Form 5500)

Actuarial Information

(Code references are to the Internal Revenue Code. ERISA refers to the Employee Retirement Income Security Act of 1974.)

General Instructions

Who Must File.—The employer or plan administrator of a defined benefit plan that is subject to the minimum funding standards (see section 412 of the Code and Part 3 of Title I of ERISA) must file this schedule as an attachment to the annual return/report filed for plan years beginning on or after January 1, 1976. Plans maintained on January 1, 1974, pursuant to one or more collective bargaining agreements entered into before September 2, 1974, are not subject to the minimum funding standards for plan years beginning before the earlier of the termination of the collective bargaining agreement(s) or January 1, 1981.

For split-funded plans, the costs and contributions reported on Schedule B should include those relating to both trust funds and insurance carriers.

Specific Instructions

(References are to line items on the form.)

4(a). A collectively bargained plan only may elect the shortfall funding method (see regulations under section 412 of the Code). Advance approval from the IRS of the election of the shortfall method of funding is NOT required if it is first adopted on or before the later of (i) the first plan year to which section 412 of the Code applies or (ii) the last plan year commencing before December 31, 1980. However, advance approval from IRS is required, if adopted at a later time or if discontinued.

4(b). Advance approval from IRS of the election to defer the amortization of the shortfall gain (loss) and/or the amortization of the actuarial gain (loss) is required for a plan year, subsequent to the first plan year to which the shortfall method applies. Advance approval from IRS is required for discontinuance.

5. Changes in funding methods include changes in actuarial cost method, changes in asset valuation method and changes in the valuation date of plan costs and liabilities or of plan assets. Such changes require IRS approval.

6(a). The valuation for a plan year may be as of any date in the year, including the first and last. Valuations must be performed within the period specified by section 103(d) of ERISA and section 6059(a) of the Code.

6(b). Not applicable to the first plan year to which the minimum funding standards apply.

6(c). Enter current value of total assets as of the beginning of the plan year, as shown in item 13 on Form 5500, 5500–C or 5500–K. The beginning of the plan year value should be the same figure as that of the end of the prior plan year.

6(d) and (e). Schedule B for plan years beginning in 1979 will require that the information indicated in 6(d) and (e) be completed for all plans with 100 or more participants, in accordance with these instructions. Plans with fewer than 100 participants are to supply these figures if calculated. For plan years beginning in 1978, the information is required only to the extent it has been calculated. If the value indicated in item (d) has been calculated as of the beginning of the plan year beginning in 1978, it should be entered regardless of whether it has been determined according to these instructions. The term "accrued benefit" means the individual's accrued benefit determined under the plan as required by section 204 of ERISA.

Each separate actuarial assumption used in calculating the present value of accrued benefits reported in item 12 should explicitly reflect the expectations applicable to the plan on an ongoing (rather than a terminating) basis. The actuary shall take into account rates of early retirement and the plan's early retirement provisions as they relate to the accrued benefits, where these would significantly affect the results. See instructions for item 12 for further requirements concerning actuarial assumptions.

Where significant, the present value of accrued benefits for both (d) and (e) shall be increased by the present value of any subsidized early retirement benefits, disability benefits and death benefits which are related to the accrued benefit. The present value of accrued benefits should also be increased by the present value of a cost-of-living clause if such a clause is currently part of the benefit formula.

The present values should be determined as of the beginning of the plan year.

Omit from items 6(d) and (e) liabilities fully funded by annuity and insurance contracts other than any contract funds not allocated to individuals.

6(d). Include the present value of all vested accrued benefits that are vested as of the beginning of the plan year. 6(d)(i) should include the present value of vested benefits for all retired participants. 6(d)(ii) should include the present value of vested benefits for other participants. 6(d)(iii) is the sum of 6(d)(i) and (ii).

6(e). Include the present value of the excess of the accrued benefits over the vested benefits included in 6(d).

7. Show all employer and employee contributions for the plan year, and employer contributions made not later than 2½ months (or such later date allowed under section 412(c)(10) of the Code and section 302(c)(10) of ERISA) after the end of the plan year.

8(a). If the aggregate cost or frozen initial liability method is used, enter "N/A".

8(b). Enter the value of assets determined in accordance with section 412(c)(2) of the Code or 302(c)(2) of ERISA.

8(c)(i). If the aggregate cost or frozen initial liability method is used, enter "N/A".

8(c)(ii). For the methods to be used to determine the shortfall gain (loss) see the regulations under section 412 of the Code.

8(d). Insert amount from item 9(m). However, if the alternative method is elected, and item 10(g) is smaller than item 9(m), enter the amount from item 10(g). File Form 5330 with the IRS to pay 5% excise tax on the funding deficiency.

Statement by Enrolled Actuary

In lieu of signing Schedule B (Form 5500) an enrolled actuary may attach a signed statement containing the name, address, enrollment number, telephone number and the actuary's opinion that the assumptions used in preparing Schedule B are in the aggregate reasonably related to the experience of the plan and to reasonable expectations, and represent his or her best estimate of anticipated experience under the plan and to the best of his or her knowledge the report is complete and accurate. In addition, the actuary may offer any other comments related to the information contained in Schedule B.

9. Under the shortfall method of funding, the Normal Cost in the funding standard account, is the charge per unit of production (or per unit of service) multiplied by the actual number of units of production (or units of service) which occurred during the plan year. Each amortization installment in the funding standard account is similarly calculated. For a plan maintained by more than one employer, the amortization of the shortfall gain (loss) and the actuarial gain (loss) may be deferred. See regulations under section 412 of the Code.

9(b). If no valuation was made for the current year, enter the normal cost calculated in the most recent actuarial valuation, or the estimated cost for the current year based on such valuation. If amounts are not as of the date of the most recent actuarial valuation, indicate in the Statement of Actuarial Assumptions how the amounts shown were determined.

10(a). If the entry age normal cost method was not used to determine the entries in item 9, the alternative minimum funding standard account may not be used.

10(c). The value of accrued benefits should exclude benefits accrued for the current plan year. The market value of assets should be reduced by the amount of any contributions for the current plan year.

11. Enter only the primary method used. If the plan uses one actuarial cost method in one year as the basis of establishing an accrued liability for use under the frozen initial liability method in subsequent years, answer as if the frozen initial liability method were used in all years.

12. Complete all blanks. Enter "N/A" if not applicable. If the assumptions, listed under columns A and B differ, explain, in an attached Statement of Actuarial Assumptions, the reasons for the differences.

If unisex tables are used enter the values in both the male and female columns.

12(a). Check "Yes" if rates in contract were used (e.g. purchase rates at retirement).

12(b). Enter Code as follows:

Table	Code
1937 Standard Annuity	1
a-1949 Table	2
Progressive Annuity Table	3
1951 Group Annuity	4
1971 Group Annuity Mortality	5
1971 Individual Annuity Mortality	6
UP-1984	7
Other	8
None	9

Where an indicated table consists of separate tables for males and females, add F to the female table (e.g., 4F). When a projection is used with a table, follow the code with "P" and the year of projection (omit year if projection unrelated to a single calendar year); the identity of the projection scale should be omitted. When an age set-back or set-forward is used, indicate with "−" or "+" and the years. For example, if for females the 1951 Group Annuity Table with Projection C to 1971 is used with a 5-year setback, enter "4P71−5." If the table is not one of those listed, enter "8" with no further notation. If the valuation assumes a maturity value to provide the post-retirement income without separately identifying the mortality, interest and expense elements, under "post-retirement" enter on 12(b) the value of $1.00 of monthly pension beginning at the age shown on 12(d) assuming the normal form of annuity for an unmarried person; in this case enter "N/A" on 12(c) and 12(e).

12(c). Enter assumption as to expected interest rate (investment return). If the assumed rate varies with the year, enter the weighted average of the assumed rate for 20 years following the valuation date.

12(d). If each participant is assumed to retire at his normal retirement age, enter "NRA"; otherwise enter the assumed retirement age. If the valuation uses rates of retirement at various ages, enter the estimated average whole age at which participants are assumed to retire.

12(e). If there is no expense loading, enter 0. If there is a single expense loading not separately identified as pre-retirement or post-retirement, enter it under pre-retirement and enter "N/A" under post-retirement. Where expenses are assumed other than as a percent of plan costs or liabilities, enter the assumed expense as a percent of the calculated normal cost.

12(f). Enter rates to nearest 0.1%. If select and ultimate rates which vary with both age and years of service are used, enter rates for a new participant at the age shown and enter "S" before the rate.

12(g). Enter salary ratio for the age indicated to the nearest 1%.

12(h). Attach a statement of actuarial assumptions used (if not fully described by item 12), actuarial methods used to calculate (i) the figures shown in items 6, 8, 9, 10 (if not fully described by item 11) and (ii) the value of assets shown on line 8(b). The statement is to include a summary of the principal eligibility and benefit provisions upon which the valuation was based, an identification of benefits not included in the calculation, and other facts, such as any change in actuarial assumptions or cost methods and justifications for any such change. Include also such other information, if any, needed to fully and fairly disclose the actuarial position of the plan.

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263-518

The final regulation set forth below is adopted pursuant to the authority in sections 101, 103, 104, 109, 110, 111(c) and 505 of ERISA, Pub. L. 93-406, 88 Stat. 840-52, 894 (29 USC 1021, 1023-24, 1029-31, 1135).

Chapter XXV of Title 29 of the Code of Federal Regulations is hereby amended so that § 2520.104-42 reads as follows:

§ 2520.104-42 Waiver of certain actuarial information in the annual report.

Under the authority of § 104(a)(2)(A) of ERISA, the requirement of section 103(d)(6) of ERISA that the annual report include as part of the actuarial statement (Schedule B) the present value of all of the plan's liabilities for nonforfeitable pension benefits allocated by termination priority categories, as set forth in section 4044 of Title IV of ERISA, and the actuarial assumptions used in these computations, is waived.

Signed at Washington, D.C. this 22nd day of January, 1979.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration.

[FR Doc. 79-2714 Filed 1-23-79; 10:37 am]

[4510-26-M]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Occupational Exposure to Lead; Administrative Stay; Reconsideration; Corrections

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of administrative stay of final standard for occupational exposure to lead; notice of reconsideration and opportunity to comment on respirator table; corrections to final standard.

SUMMARY: OSHA's final standard for occupational exposure to lead was published in the FEDERAL REGISTER on November 14 and November 21, 1978, to be effective February 1, 1979. This document gives notice of an administrative stay of the standard until February 24, 1979, to facilitate judicial consideration of motions to stay the standard pending full judicial review. In addition, OSHA has decided to reconsider the final standard's prohibition on the use of dust, mist and fume respirators in certain circumstances, and to permit use of these respirators pending reconsideration.

DATES: (1) The effective date of the standard is February 24, 1979.

(2) Comments on the respirator table must be submitted by March 1, 1979.

ADDRESS: Comments should be sent to: Docket Officer, Docket H-004, U.S. Department of Labor, Room S-6212, Washington, D.C. 20210, Telephone: (202) 523-7894.

FOR FURTHER INFORMATION CONTACT:

Gary Adams, OSHA Office of Toxic Substances, U.S. Department of Labor, Room S-5520, Washington, D.C. 20210, telephone 202-523-7177.

SUPPLEMENTARY INFORMATION: 1. *Introduction.* On November 13, 1978, the Occupational Safety and Health Administration (OSHA) promulgated a permanent standard for occupational exposure to lead. [29 CFR 1910.1025, 43 FR 52952-53014 (November 14, 1978), 43 FR 54354-54509 (November 21, 1978)]. The standard provides for a delayed effective date of February 1, 1979. Pursuant to section 6(f) of the Occupational Safety and Health Act, 29 USC 655(f), numerous petitions were filed in several U.S. Courts of Appeal challenging the validity of the standard. All petitions are being transferred to the U.S. Court of Appeals for the District of Columbia Circuit (*United Steelworkers of America, AFL-CIO-CLC* v. *Marshall*, No. 78-2452 (3rd Circuit, January 10, 1979)). Following promulgation of the standard, sixteen petitions were directed to the Assistant Secretary for Occupational Safety and Health for administrative relief requesting that OSHA either withdraw the standard for reconsideration of various issues or grant an administrative stay of the effective date pending judicial review by the U.S. Court of Appeals. Petitions were received from the following persons:

1. Lead Industries Association
2. Battery Council International
3. Ford Motor Company
4. Chrysler Corporation
5. General Motors Corporation
6. Ethyl Corporation
7. American Telephone and Telegraph Company
8. American Iron and Steel Institute
9. St. Joe Minerals Corporation
10. Corning Glass Works
11. E. I. duPont de Nemours & Company
12. Minnesota Mining and Manufacturing Company
13. National Association of Printing Ink Manufacturers
14. Southwire Company
15. National Paint and Coatings Association, Inc.
16. National Association of Recycling Industries

Some petitions were treated as requests for clarification or interpretation, but administrative relief was denied to all petitioners except the Minnesota Minning and Manufacturing Company. Copies of petitions and responses are available for inspection and copying at: OSHA Docket Office, U.S. Department of Labor, Room S-6212, Washington, D.C. 20210, Telephone (202) 523-7894.

2. *Administrative stay.* Under the authority of section 10(d) of the Administrative Procedure Act (5 U.S.C. § 705) the February 1, 1979 effective date of the standard as set forth in paragraph (p) of 29 CFR 1910.1025 is stayed and amended to read February 24, 1979.

The record in the lead rulemaking proceeding demonstrates that lead has profoundly adverse effects on the health of exposed workers and that compliance with the regulation must begin immediately in order to afford workers much needed, and overdue, protection. However, the agency believes that staying the effective date of the standard until February 24, 1979 is in the public interest because it will facilitate expeditious judicial consideration of applications for stay pending judicial review filed by several parties.

The agency believes that the public interest lies in enforcement of this regulation as quickly as possible. It appears that a judicial decision on applications for stay of the standard pending review can be made by February 23, 1979, and to grant an administrative stay for this brief period of time will enable the court to fully consider the issues raised by such stay applications, and the Secretary's opposition thereto, obviating the need for emergency relief by the court before the issues are fully before it.

3. *Reconsideration.* The Minnesota Mining and Manufacturing (3M) Company petitioned OSHA on December 28, 1978 to reconsider the prohibition on the use of dust, fume, and mist respirators for concentrations of lead not in excess of 0.5 mg/m^3 This prohibition is implicit in the exclusion of these respirators from the respirator selection table of the final standard. (29 CFR 1910.1025(f)(2)(i)) 3M claimed that the evidence in the rulemaking record did not support the prohibition of these respirators and, on the contrary, supported their use. OSHA agrees that serious questions have been raised which warrant further administrative consideration. Therefore, OSHA has granted 3M's request to reconsider this issue and will permit the continued use of dust, fume and mist

respirators currently permitted under 29 CFR 1910.134 for concentrations of lead not exceeding 0.5 mg/m^3 pending consideration of the issue.

OSHA relied primarily on the recommendations of NIOSH is formulating the table and will now review the NIOSH exhibits in the record, and request an interpretation from them. In addition, affected persons may submit comments on the issue of whether dust, fume, and mist respirators should be included in the respirator selection table of the final standard for concentrations of lead not in excess of 0.5mg/m^3 or ten times the PEL. Comments must be submitted in quadruplicate on or before March 1, 1979 to the Docket Officer, Docket H-004, U.S. Department of Labor, Room S-6212, Washington, D.C. 20210. Telephone (202) 523-7894. Comments received will be available for public inspection and copying at the above address.

3. *Corrections.* The permanent standard for occupational exposure to lead, as published in the Federal Register on November 14, 1978, is corrected below. These changes are intended to correct typographical errors and inadvertent additions to or deletions from the regulation. These changes are minor and do not require public notice and comment. (29 CFR 1911.5) Corrections to the preamble of the standard and appendices to the standard will be published in a subsequent Federal Register notice.

Accordingly, pursuant to section 6 of the Occupational Safety and Health Act (29 USC 655), 29 CFR 1911.5, and section 10(d) of the Administrative Procedure Act (5 USC 705), notice is hereby given that the use of dust, fume, and mist respirators currently permitted under 29 CFR 1910.134 is permitted under the respirator selection table of the permanent standard for occupational exposure to lead (29 CFR 1910.1025 (f) (2) (i)) until reconsideration of their exclusion from the table is completed by OSHA and a determination is made.

In addition, pursuant to the above authority FR Doc. 78-31911, promulgating 29 CFR 1910.1025, is amended as follows:

Page	Column	Line	Correction
1. 53007	1	44	Insert "Lead." after "(g)"
2. 53007	2	34	close parenthesis after "m³"
3. 53007	2	50	insert period after "Exposure monitoring" in paragraph (d)
4. 53007	3	8-13	paragraph (d)(3)(i)(B) should read "Any previous measurements of airborne lead; and"
5. 53007	3	24	add as paragraph (d)(3)(iii): "Measurements of airborne lead made in the preceding 12 months may be used to satisfy the requirement to monitor under paragraph (d)(3)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of paragraph (d)(9) of this section."
6. 53007	3	24	insert "*and initial monitoring.* (i)" after "*Positive initial determination*" in paragraph (d)(4)
7. 53007	3	32	change "which" to "who"
8. 53007	3	34	add as paragraph (d)(4)(ii): "Measurements of airborne lead made in the preceding 12 months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of paragraph (d)(9) of this section."
9. 53007	3	36	change "paragraph" to "paragraphs"
10. 53008	1	7	change "may" to "shall"
11. 53008	1	Table 1	The entry for "all other industries" under the 100 μg/m³ column should be "not applicable"
12. 53008	2	7	add to the end of footnote 3 of Table I "This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon the effectiveness of this section."
13. 53008	2	19	insert comma after "limit" in paragraph (e)(3)(i)
14. 53008	2	20	change "appropriate" to "applicable" in paragraph (e)(3)(i)
15. 53008	3	49	change "employee's" to "employees'" in paragraph (e)(6)
16. 53009	1	4	add "negative pressure" after "wear a"
17. 53009	1	Table 2	(1) Add a footnote "3" after "filters" in lines 6 and 9 of the table. (2) Insert "PEL" after "2000x" in left column.
18. 53009	3	31	in paragraph (g)(2)(viii), delete comma and all after "air"; add period at end of sentence.
19. 53009	3	44	paragraph (h)(2)(ii) should read "Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective."
20. 53009	3	53-55	delete "skin or clothing may come in contact with fume, dust, mist, or liquids containing lead or where" in paragraph (i)(1)
21. 53009	3	68-70	delete "their skin or clothing comes into contact with fume, dust, mist, or liquids containing lead or where" in paragraph (i)(2)
22. 53010	1	9-11	delete "where their skin or clothing comes into contact with fume, dust, mist or liquids containing lead or" in paragraph (i)(3)
23. 53010	1	18	change "1910.141(a)(3)" to "1910.141(d)(3)"
24. 53010	1	28-30, 41-43	delete "their skin or clothing comes into contact with fume, dust, mist, or liquids containing lead or where" in paragraphs (i)(4)(i) and (i)(4)(iii)

Page	Column	Line	Correction
25. 53010	1	45	add "the use of" before "respirator"
26. 53010	1	60-67	delete all of paragraph (i)(6)
27. 53010	2	6	in paragraph (j)(1)(iii), insert "including multiple physician review under paragraph (j)(3)(iii)" after "required medical surveillance"
28. 53010	2	53	insert a comma and "United States Department of Health, Education and Welfare" after "Control" in paragraph (j)(2)(iii)
29. 53011	1	71-72	delete "inorganic"
30. 53011	2	25	change "an" to "the" in paragraph (j)(3)(v)(A)
31. 53012	1	12	change semicolon to period at end of paragraph (k)(1)(ii)(A)
32. 53012	1	60-61	in paragraph (k)(1)(iii)(A)(*4*), change semicolon to period; delete "and"
33. 53012	2	39	delete "-III" in paragraph (k)(1)(v)(B)
34. 53012	2	44-45	(1) delete semi colon and insert "or" after "physician;" in paragraph (k)(1)(v)(B)(2) line up ¶(2) at margin
35. 53012	2	46	change "proceeding" to "preceding"
36. 53012	3	33	insert "receives income" after "program, or"
37. 53012	3	37	change "no" to "not"
53013	1	42	change "(1)(l)(ii)" to "(l)(1)(ii)"
38. 53013	3	21	change "(1)(l)(v)" to "(l)(1)(v)"
39. 53014	2	....	The effective date in paragraph (p) is changed to February 24, 1979
40. 53014	3	26	add a new paragraph (D) to read "Quantitative fit testing required under (f)(3)(ii)—one year from effective date. Qualitative fit testing is required in the interim.

Signed at Washington, D.C. this 25th day of January, 1979.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 79-3022 Filed 1-25-79; 10:58 am]