

regulations, the notice is due at least 30 days before the effective date of the event. To determine your deadline, count December 15 as day 1, December 14 as day 2, December 13 as day 3, and so on. Therefore, November 16 is day 30. Since November 16, 2003, is a Sunday, you will have until Monday, November 17, 2003, to file the notice.

If a time period is measured in months, you would first identify the day of the calendar month on which you start counting (*i.e.*, the date of the act, event, or default that triggers the period). Then you would look to the corresponding day of the calendar month in which you stop counting. For example, a one-month period measured from January 15 ends (if counting forward) on February 15 or (if counting backward) on December 15. In this example, as in most cases where you are counting months, the day of the calendar month in which the period starts (the 15th) corresponds to the same numbered day of the calendar month in which the period ends. There are two special rules that apply where you start counting on a day that is at or near the end of a calendar month:

- If you start counting on the last day of a calendar month, the corresponding day of any later (or earlier) calendar month is the last day of that calendar month. For example, for a three-month period measured from November 30, the corresponding day (if counting forward) is the last day of February (the 28th or 29th) or (if counting backward) the last day of August (the 31st).

- If you start counting on the 29th or 30th of a calendar month, the corresponding day of February is the last day of February. For example, for a one-month period measured from January 29, the corresponding day is the last day of February (the 28th or 29th).

Electronic Means of Record Retention

The proposed rule provides guidance on record maintenance and retention using electronic means. The proposed rule generally tracks the Department of Labor's final rules (67 FR 17264 (April 9, 2002)) for retaining records by electronic means, set out at 29 CFR 2520.107-1.

You remain responsible for following our electronic recordkeeping rules, even if you rely on others for help. For example, if a service provider to a plan administrator creates, maintains, retains, prepares, or keeps physical custody of the plan's records, the plan administrator must ensure that the service provider complies with these rules.

The proposed recordkeeping requirements are consistent with the

goals of E-SIGN and are designed to facilitate voluntary use of electronic records while ensuring continued accuracy, integrity and accessibility of records required to be kept under our regulations. The requirements are justified by the importance of the records involved, are substantially equivalent to the requirements imposed on records that are not electronic records, will not impose unreasonable costs on the acceptance and use of electronic records, and do not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic records.

Paperwork Reduction Act

Under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501-3520, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The information collection requirements related to the regulations that would be affected by this proposed action were previously approved by OMB. We are requesting OMB's approval of the proposed changes in our filing, issuance, computation-of-time, and recordkeeping rules.

The proposed rules will promote the use of appropriate automated, electronic, or other technological collection techniques or other forms of information technology in connection with the approved information collections. Although the proposed rules are expected to make the information collections more convenient to the public by allowing use of electronic means, expanding the choice of filing, issuance, and recordkeeping methods, and giving the benefit of a "when-sent" filing or issuance date for most types of submissions, we do not expect the changes to materially affect burden and are therefore not revising the annual burden estimates currently approved by OMB for each of our regulations.

We invite comment from the public on any issues arising under the Paperwork Reduction Act relating to this proposed rule. We specifically seek public comments to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Compliance With Rulemaking Guidelines

The PBGC has determined, in consultation with the Office of Management and Budget, that this proposed rule is not a "significant regulatory action" under Executive Order 12866.

We certify under section 605(b) of the Regulatory Flexibility Act that the proposed rule will not have a significant economic impact on a substantial number of small entities. The proposed rule does not affect the underlying requirements (*e.g.*, to file a submission with us, provide an issuance to a third party, or retain records) to which the proposed rules would apply. Nor does the final rule require any plan or other entity to make use of electronic media for either disclosure or recordkeeping purposes or to change the method it currently uses. Entities may avoid both any marginal cost and any beneficial impacts by simply retaining their existing paper-based or electronic methods of compliance with disclosure requirements or existing paper-based methods of compliance with recordkeeping requirements. (For those entities that already use electronic media for recordkeeping purposes, any expense associated with conforming their procedures to the minimum standards in this proposal would be marginal.) We do not expect the economic impact (if any) associated with the proposed changes to be significant for entities of any size, and therefore certify that the proposed rule would not have a significant economic impact on a substantial number of small entities. Accordingly, sections 603 and 604 of the Regulatory Flexibility Act do not apply.