not authorized to work; this can only be accomplished through the secondary process.

The secondary procedure consists of a more extensive validation process, including manual paper searches, when questions arise during the primary procedure or when computerized records are not found in the SAVE data base. The secondary response from the INS indicates whether the alien's documentation ''appears valid'' or ''is not valid'' and what the alien's immigration status and work eligibility status are.

The SSA requires procedural safeguards to ensure that payments to eligible aliens are not delayed because of the verification process. Under Section 1137(d)(4)(A), SSA, aliens whose status has not been verified through primary verification must be provided a ''reasonable opportunity'' to submit evidence of satisfactory immigration status. The SESA ''may not delay, deny, reduce, or terminate an individual's eligibility for benefits'' because of immigration status until this reasonable opportunity has been provided. The SSA does not specify time limits for this reasonable opportunity. However, UIPL 12–87, Attachment III, I.E.2.a., provided that ''[t]ime periods under State law for providing information needed to determine eligibility for benefits will meet the requirement for 'reasonable opportunity' ''.

If, as a result of this reasonable opportunity, an alien whose status was not verified through primary verification submits what the SESA ''determines constitutes reasonable evidence'', then secondary verification must be initiated. (Section 1137(d)(4)(B), SSA.) During secondary verification, the SESA ''may not delay, deny, reduce, or terminate an individual's eligibility for benefits'' because of immigration status.

4. *Office of Inspector General (OIG) Study*. In 1996, the Department's OIG began studies in four States of UI benefits paid to claimants who had used unissued Social Security Numbers to establish claims. Preliminary findings revealed that SESAs had made many payments to illegal aliens, despite the INS's responses via the SAVE primary verification process that indicated mismatches between the claimants and the legal aliens registered with INS. The OIG discovered numerous cases where both the names and dates-of-birth were entirely disparate. In all such cases investigated by the OIG, the claims were found to be fraudulent.

5. *Procedures*. The findings from the OIG study indicate a need to clarify the procedural protections for verification of aliens' immigration status. A distinction needs to be recognized between material and non-material discrepancies with regard to the information provided by INS's response and that provided by the claimant. A material discrepancy exists when the claimant identity is not verified by the biographical data in the SAVE system.

A SAVE response via the primary procedure may suggest non-material discrepancies, e.g., transposition of numbers, incomplete surnames when the name includes multiple words, transposed versions of names, name change due to recent marriage, etc. At the discretion of the SESA, secondary verification may be initiated because of the questions that have arisen from the primary response. However, pending such verification, payments may not be delayed on the basis of immigration status.

Also, some SAVE primary requests will be returned without verification, i.e., neither biographical data nor status information will be provided, and the SESA will be instructed to ''institute secondary verification''. In such a situation, the SSA requires that a claimant be given a reasonable opportunity to submit evidence indicating satisfactory immigration status that the SESA can use to initiate the secondary SAVE verification process. If the SESA receives reasonable evidence of satisfactory immigration status, secondary verification must be initiated. Pending such verification, SESAs are prohibited from delaying payments.

However, when a SAVE response via the primary process indicates that the claimant is not the same person as the alien registered with INS, e.g., different name and date-of-birth, material discrepancies exist, and one of the following actions should be taken:

a. If the claimant acknowledges the accuracy of the SAVE response (i.e., the filing of a fraudulent claim), issue an immediate denial under the appropriate State provisions, e.g., monetary denial of base period wages, nonmonetary denial under the availability provision, and/or misrepresentation.

b. If the claimant disputes the accuracy of the SAVE response and submits ''reasonable evidence'' indicating satisfactory immigration status, initiate the secondary SAVE request, and do not delay payment of benefits.

c. If the claimant disputes the accuracy of the SAVE response but does not submit ''reasonable evidence'' indicating satisfactory immigration status, the SSA, Section 1137(d)(4)(A) requires that the claimant be provided ''reasonable opportunity'' to submit such evidence. The claimant must be instructed to provide the evidence within time limits established for claims filing under State law. The SESA may not delay or deny benefits until this reasonable opportunity has been provided; however, for practical purposes, this provision should have no effect on processing the claim because ''reasonable opportunity'' should, in most cases, transpire before the claimant certifies for the first week. One of the following actions should then be taken as appropriate:

- If reasonable evidence is provided, initiate the secondary SAVE request, and do not delay payment of benefits, or
- If reasonable evidence is not provided, issue a denial under the SESA provisions as in (a) above. (Reference the SSA, Section 1137(d)(5).)

On occasion, an alien applying for UI may present immigration documentation that appears to be counterfeit or altered. In such instances, the SESA should initiate the secondary verification process immediately, in lieu of the primary process, because the alien has not submitted the documentation described in the SSA, Section 1137(d)(2). Although the SESA must provide the claimant the opportunity to present satisfactory documentation as required by the SSA, Section 1137(d)(4)(A), the SESA should, if appropriate, issue an immediate denial under the State law provision for misrepresentation. This action does not fall within the protections of the SSA since the denial is for reasons related to fraud, not immigration status.

6. *Action Required*. SESA Administrators are requested to provide copies of this UIPL to appropriate staff and ensure that effective procedures are implemented to establish eligibility for benefits.

7. *Inquiries*. Questions should be directed to the appropriate Regional Office.

[FR Doc. 98–10288 Filed 4–17–98; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–98–19]

Agency Information Collection Activities; Proposed Collection; Comment Request; Commercial Diving Operations (29 CFR Part 1910, Subpart T)

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration (OSHA) is soliciting comments concerning the proposed extension of the information collection requirements contained in the standard on Commercial Diving Operations (29 CFR part 1910, subpart T). The Agency is particularly interested in comments which:

- 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 Agency's 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 submissions of responses.

DATES: Written comments must be submitted on or before June 19, 1998.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR–98–19, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 219–7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219–5046.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3605, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 219–8061. A copy of the referenced information collection request is available for inspection and copying in the Docket Office and will be mailed to persons who request copies by telephoning Theda Kenney at (202) 219–8061, extension 100, or Barbara Bielaski at (202) 219–8076, extension 142. For electronic copies of the Information Collection Request on Commercial Diving Operations, contact OSHA's WebPage on the Internet at http://www.osha.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Occupational Safety and Health Act of 1970 (the Act) authorizes the promulgation of such health and safety standards as are necessary or appropriate to provide safe or healthful employment and places of employment. The statute specifically authorizes information collection by employers as necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents.

In 29 CFR part 1910, Commercial Diving Operations, the information to be collected is designed to minimize the possibility of a commercial diver being injured or killed (e.g., by gas embolism, decompression sickness) due to poor planning. Without the records required in the standard, necessary safeguards that have proven extremely effective in protecting commercial divers against inherent and obvious hazards underwater would be removed and, as a result, the fatality and injury/illness rate for this industry could rise. Consequences of accidents in diving can be severe due to the environment in which divers work.

II. Current Actions

This notice requests Office of Management and Budget (OMB) approval of the information collection requirements contained in the Commercial Diving Operations standard.

Type of Review: Extension of a Currently Approved Collection.

Agency: U.S. Department of Labor, Occupational Safety and Health Administration.

Title: Commercial Diving Operations (29 CFR part 1910, Subpart T).

OMB Number: 1218–0069.

Agency Number: Docket Number ICR–98–19.

Affected Public: State or local governments; Business or other for-profit.

Number of Respondents: 3,000.

Frequency: On Occasion.

Average Time per Response: 1 hour.

Estimated Total Burden Hours: 91,152.

Total Annualized Capital/Startup Costs: $0.

Signed at Washington, DC, this 10th day of April 1998.

Charles N. Jeffress,

Assistant Secretary, Occupational Safety and Health Administration.

[FR Doc. 98–10285 Filed 4–17–98; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–98–21]

Agency Information Collection Activities; Proposed Collection; Comment Request; Welding, Cutting and Brazing (29 CFR Part 1910)

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration (OSHA) is soliciting comments concerning the proposed extension of the information collection requirement contained in the standard on Welding, Cutting and Brazing (29 CFR part 1910). The Agency is particularly interested in comments which:

• 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 Agency's 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 submissions of responses.

DATES: Written comments must be submitted on or before June 19, 1998.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR–98–21, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW, Washington, DC 20210. Telephone: (202) 219–7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219–5046.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3605, 200 Constitution Avenue, NW, Washington, DC 20210, telephone: (202) 219–8061. A copy of the referenced information collection request is available for inspection and copying in the Docket Office and will be mailed to