

The plan administrator is personally liable for the payment of civil penalties assessed under section 502(c)(2) of ERISA; therefore, civil penalties, including amounts paid under this DFVC Program, shall not be paid from the assets of an employee benefit plan.

#### **Section 4—Plan Administrators Filing Notices for Apprenticeship and Training Plans and Statements for “Top Hat” Plans**

.01 *General.* Administrators of apprenticeship and training plans, described in 29 CFR 2520.104–22, and administrators of pension plans for a select group of management or highly compensated employees, described in 29 CFR 2520.104–23(a) (“top hat plans”), who elect to file the applicable notice and statement described in 29 CFR 2520.104–22 and 29 CFR 2520.104–23, respectively, as a condition of relief from the annual reporting requirements may, in lieu of filing any past due annual report and paying otherwise applicable civil penalties, comply with the requirements of this Section 4. Administrators who have complied with the requirements of this Section 4 shall be considered as having elected compliance with the exemption(s) and/or alternative method of compliance prescribed in 29 CFR 2520.104–22 or 2520.104–23, as appropriate, for all subsequent plan years.

#### *Filing Applicable Notice or Statement With the U.S. Department Of Labor.*

The plan administrator must prepare and file a notice or statement meeting the requirements of 29 CFR 2520.104–22 or 29 CFR 2520.104–23, as appropriate.

The apprenticeship and training plan notice described in 29 CFR 2520.104–22 shall be sent to the Employee Benefits Security Administration in accordance with the instructions in that regulation.

The “top hat” plan statement described in 29 CFR 2520.104–23 shall be sent to the Employee Benefits Security Administration in accordance with the instructions in that regulation.

**Note:** A plan sponsor maintaining more than one “top hat” plan may file a single statement covering multiple plans. See 29 CFR 2520.104–23(b).

#### .03 *Payment of Applicable Penalty Amount.*

(a) The plan administrator of each such apprenticeship and training or “top hat” plan shall pay the applicable penalty amount by submitting electronic payment in accordance with the online penalty calculator and the web payment system on the Department’s Web site. (See <http://www.dol.gov/ebsa/calculator/dfvcmain.html>). The plan

administrator may also pay the penalty by mailing a check to the address specified on the Department’s Web site, along with a paper copy of the most current Form 5500 with only items 1a–1b, 2a–2c, and 3a–3c completed. Use plan number 888 for all top hat plans and 999 for all apprenticeship and training plans. The Form 5500 prepared for DFVCP payment verification purposes should *not* be filed with EFAST2.

**Note:** A paper submission of the Form 5500 to the DFVC program is in addition to the submission of the statement described in regulation section 29 CFR § 2520.104–22 or 29 CFR 2520.104–23 that is filed directly with the Department.

(b) The applicable penalty amount for apprenticeship and training and “top hat” plans is \$750 for each DFVC Program submission, without regard to the number of plans maintained by the same plan sponsor for which notices and statements are filed pursuant to Section 4 and without regard to the number of plan participants covered under such plan or plans.

#### .04 *Liability for Applicable Penalty Amount.*

The plan administrator is personally liable for the payment of civil penalties assessed under section 502(c)(2) of ERISA; therefore, civil penalties, including amounts paid under this DFVC Program, shall not be paid from the assets of an employee benefit plan.

#### **Section 5—Waiver of Right to Notice, Abatement of Assessment and Plan Status**

.01 Payment of a penalty under the terms of this DFVC Program constitutes, with regard to the filings submitted under the Program, a waiver of an administrator’s right both to receive notices of intent to assess a penalty under 29 CFR 2560.502c–2 from the Department and to contest the Department’s assessment of the penalty amount.

.02 Although this Notice does not provide relief from late filing penalties under the Code, the IRS has provided the Department with the following information. The Code and the regulations thereunder require information to be filed on the Form 5500 Series Annual Return/Report and provide the IRS with authority to impose or assess penalties for failing or refusing to timely file an annual return/report. The IRS expects to issue separate guidance to provide certain penalty relief under the Code for delinquent Form 5500 and Form 5500–SF Annual Returns/Reports filed for Title I plans where:

(a) The conditions of this DFVC Program have been satisfied (including filing Schedules E, P, R, and T, as applicable); and

(b) Any requirements imposed by the IRS in such separate guidance are satisfied.

The relief under this notice is available only to the extent that a Form 5500 is required under Title I of ERISA. Plans that are not subject to Title I of ERISA are ineligible to participate in the DFVC Program.

.03 Although this Notice does not provide relief from late filing penalties under Title IV of ERISA, the Pension Benefit Guaranty Corporation (PBGC) has provided the Department with the following information. Title IV of ERISA and the regulations thereunder require information to be filed on the Form 5500 and Form 5500–SF Annual Returns/Reports and provide the PBGC with authority to assess penalties against a plan administrator under ERISA section 4071 for late filing of the Form 5500 Series Annual Return/Report. The PBGC has agreed that it will not assess a penalty against a plan administrator under ERISA section 4071 for late filing of a Form 5500 or Form 5500–SF Annual Return/Report, as appropriate, filed for a Title I plan where the conditions of this DFVC Program have been satisfied.

.04 Acceptance by the Department of a filing and penalty payment made pursuant to this DFVC Program does not represent a determination by the Department as to the status of the arrangement as a plan, the particular type of plan under Title I of ERISA, the status of the plan sponsor under the Code, or a determination by the Department that the provisions of 29 CFR 2520.104–22 or 29 CFR 2520.104–23 have been satisfied.

Signed at Washington, DC, this 18th day of January 2013.

**Phyllis C. Borzi,**

*Assistant Secretary, Employee Benefits Security Administration, U.S. Department of Labor.*

[FR Doc. 2013–01616 Filed 1–28–13; 8:45 am]

**BILLING CODE 4510–29–P**

## **OFFICE OF MANAGEMENT AND BUDGET**

### **Discount Rates for Cost-Effectiveness Analysis of Federal Programs**

**AGENCY:** Office of Management and Budget.

**ACTION:** Revisions to Appendix C of OMB Circular A–94.

**SUMMARY:** The Office of Management and Budget revised Circular A-94 in 1992. The revised Circular specified certain discount rates to be updated annually when the interest rate and inflation assumptions used to prepare the Budget of the United States Government were changed. These discount rates are found in Appendix C of the revised Circular. The updated discount rates are shown below. The discount rates in Appendix C are to be used for cost-effectiveness analysis, including lease-purchase analysis, as specified in the revised Circular. They do not apply to regulatory analysis.

**DATES:** The revised discount rates will be in effect through December 2013.

**FOR FURTHER INFORMATION CONTACT:** Gideon F. Lukens, Office of Economic Policy, Office of Management and Budget, (202) 395-3316.

**Michael C. Falkenheim,**  
*Acting Associate Director for Economic Policy, Office of Management and Budget.*

#### Appendix C

(Revised December 2012)

#### Discount Rates for Cost-Effectiveness, Lease Purchase, and Related Analyses

*Effective Dates.* This appendix is updated annually. This version of the appendix is valid for calendar year 2013. A copy of the

updated appendix can be obtained in electronic form through the OMB home page at [http://www.whitehouse.gov/omb/circulars\\_a094/a94\\_appx-c/](http://www.whitehouse.gov/omb/circulars_a094/a94_appx-c/). The text of the Circular is found at [http://www.whitehouse.gov/omb/circulars\\_a094/](http://www.whitehouse.gov/omb/circulars_a094/), and a table of past years' rates is located at <http://www.whitehouse.gov/sites/default/files/omb/assets/a94/dischist.pdf>. Updates of the appendix are also available upon request from OMB's Office of Economic Policy (202-395-3381).

*Nominal Discount Rates.* A forecast of nominal or market interest rates for calendar year 2013 based on the economic assumptions for the 2014 Budget is presented below. These nominal rates are to be used for discounting nominal flows, which are often encountered in lease-purchase analysis.

#### NOMINAL INTEREST RATES ON TREASURY NOTES AND BONDS OF SPECIFIED MATURITIES

[In percent]

3-Year	5-Year	7-Year	10-Year	20-Year	30-Year
0.5	1.1	1.5	2.0	2.7	3.0

*Real Discount Rates.* A forecast of real interest rates from which the inflation premium has been removed and based on the

economic assumptions from the 2014 Budget is presented below. These real rates are to be used for discounting constant-dollar flows, as

is often required in cost-effectiveness analysis.

#### REAL INTEREST RATES ON TREASURY NOTES AND BONDS OF SPECIFIED MATURITIES

[In percent]

3-Year	5-Year	7-Year	10-Year	20-Year	30-Year
-1.4	-0.8	-0.4	0.1	0.8	1.1

Analyses of programs with terms different from those presented above may use a linear interpolation. For example, a four-year project can be evaluated with a rate equal to the average of the three-year and five-year rates. Programs with durations longer than 30 years may use the 30-year interest rate. [FR Doc. 2013-01843 Filed 1-28-13; 8:45 am]

**BILLING CODE P**

#### OFFICE OF NATIONAL DRUG CONTROL POLICY

##### Paperwork Reduction Act; Notice of Intent To Collect; Comment Request

**AGENCY:** Office of National Drug Control Policy.

**ACTION:** The Office of National Drug Control Policy (ONDCP) seeks public comment on its proposed collection of information.

**SUMMARY:** ONDCP proposes the extension of three existing data collection instruments used in the production of advertising for the National Youth Anti-Drug Media Campaign and for advertising tracking.

*Purpose:* The existing data collection instruments are critical to the continuity and improvement of the National Youth Anti-Drug Media Campaign.

*Type and Title of Collections:* Qualitative Research, OMB 3201-0011, uses focus groups. Copy Testing, OMB 3201-0006, consists of 15-minute online interviews. Tracking Study, OMB 3201-0010, consists of 15-minute online interviews.

*Frequency:* Qualitative Research and Copy Testing performed quarterly. Tracking Study performed weekly.

*Affected Public:* Teenagers and adult influencers of teenagers.

*Estimated Burden:* Qualitative Research, \$19,800; Copy Testing, \$16,500; Tracking Study, \$37,700.

*Additional information:* Collection instruments similar to those proposed are available at the Information Collection Review section of <http://www.reginfo.gov/public/jsp/Utilities/index.jsp>.

*Contact:* Address comments or questions to Andrew Hertzberg through any of the following: Executive Office of the President, Office of National Drug Control Policy, Washington DC 20503;

[AHertzberg@ondcp.eop.gov](mailto:AHertzberg@ondcp.eop.gov); (202) 395-6721 (fax); or, (202) 395-6353 (voice).

Signed in Washington DC on January 23, 2013.

**Daniel R. Petersen,**  
*Deputy General Counsel.*

[FR Doc. 2013-01762 Filed 1-28-13; 8:45 am]

**BILLING CODE 3180-02-P**

#### NATIONAL SCIENCE FOUNDATION

##### Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** National Science Foundation.  
**ACTION:** Notice.

**SUMMARY:** Under the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3501 et seq.), and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public and other Federal agencies to comment on this proposed information collection.

**DATES:** Written comments on this notice must be received by April 1, 2013 to be