

**DEPARTMENT OF LABOR****Pension and Welfare Benefits Administration****Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Delinquent Filer Voluntary Compliance Program**

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) (Pub. L. 104-13, 44 U.S.C. Chapter 35). 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 the impact of collection requirements on respondents can be properly assessed. Currently, the Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of a currently approved collection of information, the Delinquent Filer Voluntary Compliance Program. A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the addresses section of the notice.

**DATES:** Written comments must be submitted to the office listed in the addresses section below on or before September 8, 1998. The Department of Labor 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.

**ADDRESSES:** Gerald B. Lindrew, Office of Policy and Research, U.S. Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, Room N-5647, Washington, DC 20210. Telephone: 202-219-4782 (this is not a toll-free number). Fax: 202-219-4745.

**SUPPLEMENTARY INFORMATION:****I. Background**

The Secretary of Labor has the authority, under section 502(c)(2) of the Employee Retirement Income Security Act of 1974 (ERISA), to assess civil penalties of up to \$1,000 a day against plan administrators who fail or refuse to file complete and timely annual reports (Form 5500 Series Annual Return/Reports) as required under section 101(b)(4) of ERISA and the Secretary's regulations codified in 29 CFR part 2520. Pursuant to 29 CFR 2560.502c-2 and 2570.60 *et seq.*, PWBA has maintained a program for the assessment of civil penalties for noncompliance with the annual reporting requirements. Under this program, plan administrators filing annual reports after the date on which the report was required to be filed may be assessed \$50 per day for each day an annual report is filed after the date on which the report(s) was required to be filed, without regard to any extensions for filing. Plan administrators who fail to file an annual report may be assessed a penalty of \$300 per day, up to \$30,000 per year, until a complete annual report is filed. Penalties are applicable to each annual report required to be filed under Title I of ERISA. The Department may, in its discretion, waive all or part of a civil penalty assessed under section 502(c)(2) upon a showing by the administrator that there was reasonable cause for the failure to file a complete and timely annual report.

The Department has determined that the possible assessment of the above described civil penalties may deter certain delinquent filers from voluntarily complying with the annual reporting requirements under Title I of ERISA. In an effort to encourage annual reporting compliance, therefore, the Department implemented the Delinquent Filer Voluntary Compliance (DFVC) Program (the Program) on April 27, 1995 (60 FR 20873). Under the Program, administrators otherwise subject to the assessment of higher civil penalties are permitted to pay reduced civil penalties for voluntarily complying with the annual reporting requirements under Title I of ERISA.

This ICR covers the requirement of providing data necessary to identify the plan along with the penalty payment. This data is the only means by which each penalty payment is associated with the relevant plan. With respect to most pension plans and welfare plans, the requirement is satisfied by sending, along with the penalty payment, a copy of the first page of the delinquent annual report, which under current procedures is sent to the IRS.

Under current procedures, certain pension plans for highly compensated employees, commonly called "top hat" plans, and apprenticeship plans may file a one-time statement in lieu of annual reports. With respect to such plans for information collection requirements of the Program are satisfied by sending a completed first page of an annual report form along with the penalty payment. The one-time statements are required to be sent to a different address within the Department. The Program is designed to allow the processing of all penalty payments at a single location within the Department.

**II. Current Actions**

The Pension and Welfare Benefits Administration proposes to extend the currently approved ICR included in the Delinquent Filer Voluntary Compliance Program. This Program is intended to encourage, through the use of reduced civil penalties, delinquent plan administrators to comply with their annual reporting obligations under Title I of the ERISA. The only ICR included in the Program is the requirement of providing data necessary to identify the plan along with the penalty payment. The identifying data allows the penalty to be associated with the relevant plan. Participation of the Program has ranged from approximately 3,400 to 3,000 plans in each year since the Program was implemented.

*Type of Review:* Extension of a currently approved collection.

*Agency:* U.S. Department of Labor, Pension and Welfare Benefits Administration.

*Title:* Delinquent Filer Voluntary Compliance Program.

*OMB Number:* 1210-0089.

*Affected Public:* Business or other for-profit; Not-for-profit institutions.

*Frequency:* On occasion.

*Average Burden Hours/Minutes Per Response:* 21 minutes.

*Number of Respondents:* 3,100.

*Total Annual Responses:* 3,100.

*Total Annual Burden Hours:* 1,085.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB

approval of the information collection request; they will also become a matter of public record.

Dated: July 7, 1998.

**Gerald B. Lindrew,**

*Deputy Director, Pension and Welfare Benefits Administration, Office of Policy and Research.*

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## NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

### Proposed Collection, Comment Request

**AGENCY:** Institute of Museum and Library Services.

**ACTION:** Notice.

**SUMMARY:** The Institute of Museum and Library Services 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 1994 (PRA95) [44 U.S.C. 3508©(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 the impact of collection requirements on respondents can be properly assessed. Currently the Institute of Museum and Library Services is soliciting comments concerning the proposed annual report for Library Services and Technology Act Grants to States.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the addressee section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before September 8, 1998.

IMLS is particularly interested in comments which help the agency 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 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.

**ADDRESSES:** Send comments to: Jane Heiser, Director of State Programs, Institute of Museum and Library Services, 1100 Pennsylvania Ave., NW, Room 802, Washington, D.C. 20506. Ms. Heiser can be reached on (202) 606-5395 or at [jheiser@imls.fed.us](mailto:jheiser@imls.fed.us)

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Public Law 104-208 enacted on September 30, 1996 contains the Library Services and Technology Act, a reauthorization and refocusing of federal library programs. This legislation retains the state-based approach to library programs and sharpens the focus to two key priorities: information access through technology and information empowerment through special services.

Public Law 104-208 authorizes the Director of the Institute of Museum and Library Services to make grants to States to assist them to—

- (1) Consolidate Federal library service programs;
- (2) Stimulate excellence and promote access to learning and information resources in all types of libraries for individuals of all ages;
- (3) Promote library services that provide all users access to information through State, regional, national and international electronic networks;
- (4) Provide linkages among and between libraries;
- (5) Promote targeted library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited functional literary or information skills.

##### II. Current Actions

This is a new information collection. The annual report is needed to assess outcome of awards as needed for compliance with the Government Performance and Results Act. The report will also facilitate information sharing and identify promising practices among the states to help them implement their state plans.

**Agency:** Institute of Museum and Library Services.

**Title:** Library Services and Technology Act State Grants Annual Reports.

**OMB Number:**

**Agency Number:** 3137.

**Frequency:** Once/year.

**Affected Public:** State Library Administrative Agencies.

**Number of Respondents:** 56.

**Estimated Time Per Respondent:** 20 hours.

**Total Burden Hours:** 1,120.

**Total Annualized capital/startup costs:** 0.

**Total Annual Costs:** 0.

#### FOR FURTHER INFORMATION CONTACT:

Mamie Bittner, Director Public and Legislative Affairs, Institute of Museum and Library Services, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, telephone (202) 606-4646.

**Mamie Bittner,**

*Director, Public and Legislative Affairs.*

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## NATIONAL SCIENCE FOUNDATION

### Submission for OMB Review; Comment Request; Title of Collection: EHR Impact Database

**AGENCY:** National Science Foundation.

**ACTION:** Notice.

**SUMMARY:** The National Science Foundation (NSF) is announcing plans to request renewal of this collection, OMB control number 3145-0136, the EHR (Directorate for Education and Human Resources) Database. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have provided an opportunity for public comment on this action. Such a notice was published **Federal Register** 23810, dated April 30, 1998. No comments were received.

The materials are now being sent to OMB for review. Send any written comments to Desk Officer, OMB, 3145-0136, OIRA, OMB, Washington, D.C. 20503. Comments should be received by July 31, 1998.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology.