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

(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, 2520.104–23, respectively, as a condition of relief under the Code for delinquent return filings and refusal to timely file an annual return/report. The IRS 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.
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.


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/. The text of the Circular is found at 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

<table>
<thead>
<tr>
<th></th>
<th>3-Year</th>
<th>5-Year</th>
<th>7-Year</th>
<th>10-Year</th>
<th>20-Year</th>
<th>30-Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Real Discount Rates</td>
<td>0.4</td>
<td>0.8</td>
<td>0.4</td>
<td>0.1</td>
<td>0.8</td>
<td>1.1</td>
</tr>
</tbody>
</table>

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.

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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.