

generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219-0054. The current approval is scheduled to expire on January 31, 2013; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review.

This ICR has been classified as a revision for technical reasons. This ICR would move burden associated with information collection requirements contained in regulations 30 CFR 75-1103-5(a)(2)(ii) and 75.1103-8(b) and (c) from Control Number 1219-0145 to 1219-0054; however, the actual requirements will remain unchanged. The DOL intends to submit a corresponding non-material change under Control Number 1219-0145 to the OMB after receiving a Notice of Action approving Control Number 1219-0054 with the new burden. For additional information, see the related notice published in the **Federal Register** on September 19, 2012 (77 FR 58170).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219-0054. The OMB is particularly interested in comments that:

- 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 submission of responses.

*Agency:* DOL-MSHA.  
*Title of Collection:* Fire Protection in Underground Coal Mines.  
*OMB Control Number:* 1219-0054.  
*Affected Public:* Private Sector—businesses or other for-profits.  
*Total Estimated Number of Respondents:* 549.  
*Total Estimated Number of Responses:* 294,618.  
*Total Estimated Annual Burden Hours:* 54,809.  
*Total Estimated Annual Other Costs Burden:* \$693.

Dated: January 23, 2013.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2013-01738 Filed 1-28-13; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### **Agency Information Collection Activities; Submission for OMB Review; Comment Request; Unemployment Compensation for Ex-Servicemembers**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, "Unemployment Compensation for Ex-Servicemembers," to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.).

**DATES:** Submit comments on or before February 28, 2013.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, <http://www.reginfo.gov/public/do/PRAMain>, on the day following publication of this notice or by contacting Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202-395-6881 (this is not a

toll-free number), email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** The Unemployment Compensation for Ex-Servicemembers Act (UCXA), 5 U.S.C. 8521 et seq., provides unemployment insurance protection to former members of the Armed Forces. The UCXA requires a State Workforce Agency (SWA) to administer the Unemployment Compensation for Ex-Servicemembers (UCX) Program in accordance with the same terms and conditions of State unemployment insurance law that apply to unemployed claimants who have worked in the private sector. Each SWA must obtain certain military service information about a claimant filing for UCX benefits in order to make a benefit-eligibility determination. A SWA may record or obtain required UCX information on Form ETA-843, Request for Military Document and Information. Use of this form may be essential to the UCX claims process. Optional-use Form ETA-841, Request for Determination of Federal Military Service and Wages, is also part of this information collection. Information pertaining to the UCX claimant can only be obtained from the individual's military discharge papers, the appropriate branch of military service, or the Department of Veterans' Affairs. Without a claimant's military information, a SWA cannot adequately determine the eligibility of ex-servicemembers and would not be properly able to administer the program.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205-0176. The current approval is scheduled to expire on January 31, 2013; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review.

For additional information, see the related notice published in the **Federal Register** on September 18, 2012 (77 FR 57595).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0176. The OMB is particularly interested in comments that:

- 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 submission of responses.

*Agency:* DOL–ETA.

*Title of Collection:* Unemployment Compensation for Ex-Servicemembers.

*OMB Control Number:* 1205–0176.

*Affected Public:* State, Local, and Tribal Governments.

*Total Estimated Number of Respondents:* 53.

*Total Estimated Number of Responses:* 6,172.

*Total Estimated Annual Burden Hours:* 103.

*Total Estimated Annual Other Costs Burden:* \$0.

Dated: January 23, 2013.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2013–01850 Filed 1–28–13; 8:45 am]

**BILLING CODE 4510–FW–P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

**RIN 1210–ZA15**

#### Delinquent Filer Voluntary Compliance Program

**AGENCY:** Employee Benefits Security Administration, Labor.

**ACTION:** Notice, Changes to the Delinquent Filer Voluntary Compliance Program.

**SUMMARY:** This Notice describes changes to the Department of Labor's (Department) Delinquent Filer Voluntary Compliance Program (DFVC Program or Program). Administrators of employee benefit plans subject to Title I of the Employee Retirement Income Security Act of 1974 (ERISA) who fail to file annual reports on a timely basis can be subject to civil penalties under section 502(c)(2) of ERISA. The DFVC Program is intended to encourage delinquent plan administrators to comply with their annual reporting obligations under ERISA through the assessment of reduced civil penalties. The DFVC Program was initially adopted in 1995 and was last updated in a published **Federal Register** Notice on March 28, 2002 (2002 Notice). The Department's DFVC Program Web site has been updated periodically since 2002 to reflect the adoption of technical changes to the Program. Most recently, the DFVC Program Web site was updated to reflect the Department's final regulation mandating electronic filing of annual reports as part of the implementation of a wholly electronic ERISA Filing Acceptance System (EFAST2) for those reports. (See [www.dol.gov/ebsa](http://www.dol.gov/ebsa).) This Notice also describes an existing online penalty calculator and Internet-based payment system for the DFVC Program. (See <http://www.dol.gov/ebsa/calculator/dfvcmain.html>). This Notice is intended to be a comprehensive update and restatement of the DFVC Program that incorporates the changes that have been made in the DFVC Program since the 2002 Notice.

**DATES:** The DFVC Program described herein is effective immediately on publication, and it supersedes and replaces the DFVC Program Notice published in the **Federal Register** on March 28, 2002 (67 FR 15062).

**FOR FURTHER INFORMATION CONTACT:** For questions regarding the DFVC Program, including making an application, contact Jennifer C. Warner or Scott C. Albert, Office of the Chief Accountant,

EBSA, (202) 693–8360. (This is not a toll-free number.)

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The Secretary of Labor has the authority under section 502(c)(2) of ERISA to assess civil penalties of up to \$1,100<sup>1</sup> a day against plan administrators who fail or refuse to file complete and timely annual reports as required under section 101(b) of ERISA and the Secretary's regulations. Pursuant to 29 CFR 2560.502c–2 and 29 CFR 2570.60 *et seq.*, EBSA maintains an enforcement program for the assessment of civil penalties under section 502(c)(2) of ERISA for noncompliance with ERISA's annual reporting requirements. Under this enforcement program, 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. Plan administrators who file but file late annual reports may be assessed \$50 per day for each day an annual report is filed after the date on which the annual report was required to be filed, without regard to any extensions of time for filing. The Department may, in its discretion, waive all or part of a civil penalty assessed under section 502(c)(2) of ERISA upon a showing by the administrator that there was reasonable cause for the failure to file a complete and timely annual report or that there was reasonable cause why the penalty, as calculated, should not be assessed.

In an effort to encourage plan administrators to voluntarily comply with the annual reporting requirements under Title I of ERISA, the Department adopted the DFVC Program. The DFVC Program was initially adopted on April 27, 1995 (60 FR 20874), and amended by Notice published on March 28, 2002 (67 FR 15052). The Program permits administrators otherwise subject to the assessment of higher civil penalties for failing to file a timely annual report to pay reduced civil penalties for voluntarily complying with the requirement to file an annual report under Title I of ERISA. Eligible plan administrators have been able to avail themselves of the DFVC Program by filing their delinquent Form 5500, "Annual Return/Report of Employee Benefit Plan," together with all required schedules and attachments (Form 5500) in accordance with applicable filing

<sup>1</sup> In accordance with the requirements of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, the Department's regulation at 29 CFR 2575.502c–2 increased the maximum civil penalty from \$1,000 a day as stated in section 502(c)(2) of ERISA to \$1,100 a day for violations occurring after July 29, 1997.