

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.

### III. Current Actions

The Office of Management and Budget's (OMB) approval of this ICR will expire on July 31, 2008. After considering comments received in response to this notice, the Department intends to submit the ICR to OMB for continuing approval. No change to the existing ICR is proposed or made at this time.

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.

*Agency:* Employee Benefits Security Administration, Department of Labor.

*Title:* Consent to Receive Employee Benefit Plan Disclosure Electronically.

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

*OMB Number:* 1210-0121.

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

*Respondents:* 1,000.

*Responses:* 41,000.

*Average Response time:* 2 hours and one minute.

*Estimated Total Burden Hours:* 683.

*Dated:* March 27, 2008.

**Joseph S. Piacentini,**

*Deputy Director, Office of Policy and Research, Employee Benefits Security Administration.*

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**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Proposed Extension of Information Collection Request Submitted for Public Comment; Application for EFAST Electronic Signature and Codes for EFAST Transmitters and Software Developers

**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 continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95). 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 Employee Benefits Security Administration (EBSA) is soliciting comments on the proposed extension of the Application for EFAST Electronic Signature and Codes for EFAST Transmitters and Software Developers (Form EFAST-1).

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addresses section of this notice or at <http://www.RegInfo.gov>. The Form EFAST-1 is also available for viewing and downloading through the Department of Labor's Internet site (<http://www.efast.dol.gov>).

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before June 2, 2008.

**ADDRESSES:** Mr. G. Christopher Cosby, Office of Policy and Research, U.S. Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Room N-5647, Washington, DC 20210. Telephone: (202) 693-8410. Fax: (202) 693-4745 (These are not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Under part 1 of Title I of the Employee Retirement Income Security Act of 1974 (ERISA), Title IV of ERISA, and the Internal Revenue Code of 1986, as amended, administrators of pension and welfare benefit plans (collectively, employee benefit plans) subject to those provisions and employers sponsoring certain fringe benefit plans and other plans of deferred compensation are required to file returns/reports annually concerning the financial condition and operations of the plans. These reporting requirements are satisfied generally by filing the Form 5500 Series in accordance with its instructions and the related regulations.

Beginning with the 1999 plan year, the Agency announced the availability of computer scannable forms and the development of electronic filing technologies. The computer scannable formats were developed to facilitate the implementation of a computerized system designed to process the Form

5500 and the IRS Form 5500-EZ—the ERISA Filing and Acceptance System, or EFAST. The Form 5500 and Form 5500-EZ may also be filed electronically via modem, magnetic tape, floppy diskette, or CD-ROM.

In order to participate in the electronic filing program, applicants are required to submit an Application for EFAST Electronic Signature and Codes for EFAST Transmitters and Software Developers (Form EFAST-1), the subject of this ICR. Applicants who may file the Form EFAST-1 include: (1) Individuals applying for an electronic signature to sign a Form 5500 or 5500-EZ as, or on behalf of, plan administrators, employers/plan sponsors, or Direct Filing Entities (DFEs) using modem, magnetic tape, floppy diskette, or CD-ROM to file electronically; (2) transmitters (a company, trade, business, or other person) applying for codes to transmit Forms 5500 and/or Forms 5500-EZ for electronic filing using modem, magnetic tape, floppy diskette, or CD-ROM; and, (3) software developers (a company, trade, business, or other person that creates, programs, or otherwise modifies computer software) applying for codes required to develop EFAST-compliant computer software for electronically preparing and filing the Form 5500 and/or Form 5500-EZ. Applicants provide some or all of the following information depending on applicant type: Name and title of applicant, mailing address, Employer Identification Number (EIN), telephone number, facsimile number and e-mail address (optional), contact person if different than applicant, and a signed agreement concerning the terms and conditions of the electronic filing program. Applicants receive, depending on applicant type, some or all of the following codes: Electronic signature; filer identification number; personal identification number; encryption key; electronic filing identification number; password; and software developer ID. Applicants use these codes, as applicable, in connection with electronic filing, electronic transmission, or the development of EFAST software for the Form 5500 and 5500-EZ.

The information provided by the applicants on EFAST-1, combined with the codes supplied to the applicants by the program, allow EFAST to verify a filer, transmitter, or software developer's standing as a qualified participant in the EFAST electronic filing program for the Form 5500 and 5500-EZ. EFAST-1 information also establishes a means of contact between the EFAST program and filers,

transmitters, and software developers for information exchange.

## II. Review Focus

The Department of Labor (Department) 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 submissions of responses.

## III. Current Actions

The Department is requesting an extension of the currently approved ICR pertaining to the Application for EFAST Electronic Signature and Codes for EFAST Transmitters and Software Developers (Form EFAST-1). The Department is not proposing or implementing changes to the existing ICR at this time.

*Title:* Application for EFAST Electronic Signature and Codes for EFAST Transmitters and Software Developers.

*Agency:* Department of Labor, Employee Benefits Security Administration.

*Type of Review:* Extension of currently approved collections.

*OMB Numbers:* 1210-0117.

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

*Form Number:* EFAST-1.

*Total Respondents:* 5,200.

*Total Responses:* 5,200.

*Frequency of Response:* On occasion.

*Estimated Burden Hours:* 1,716.

*Estimated Burden Cost (Operating and Maintenance):* \$2,000.

Comments submitted in response to this request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 27, 2008.

**Joseph S. Piacentini,**

*Director, Office of Policy and Research,  
Employee Benefits Security Administration.*  
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**BILLING CODE 4510-29-P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Alternative Method of Compliance for Certain SEPs pursuant to 29 CFR 2520.104-49

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

**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 continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95). 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 Employee Benefits Security Administration is soliciting comments on the proposed extension of the collection of information included in the alternative method of compliance for certain simplified employee pensions regulation (29 CFR 2520.104-49).

A copy of the information collection request (ICR) can be obtained by contacting the individual shown in the **ADDRESSES** section of this notice or at <http://www.RegInfo.gov>.

**DATES:** Written comments must be submitted to the office shown in the **ADDRESSES** section on or before June 2, 2008.

**ADDRESSES:** G. Christopher Cosby, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 693-8410, FAX (202) 693-4745 (these are not toll-free numbers).

**SUPPLEMENTARY INFORMATION:**

## I. Background

Section 110 of the Employment Retirement Income Security Act (ERISA) authorizes the Secretary to prescribe alternative methods of compliance with the reporting and disclosure requirements of Title I of ERISA for pension plans. Simplified employee pensions (SEPs) are established in section 408(k) of the Internal Revenue Code (Code). Although SEPs are primarily a development of the Code and subject to its requirements, SEPs are also pension plans subject to the reporting and disclosure requirements of Title I of ERISA.

The Department previously issued a regulation under the authority of section 110 of ERISA (29 CFR 2520.104-49) that intended to relieve sponsors of certain SEPs from ERISA's Title I reporting and disclosure requirements by prescribing an alternative method of compliance. These SEPs are, for purposes of this Notice, referred to as "non-model" SEPs because they exclude (1) those SEPs which are created through use of Internal Revenue Service (IRS) Form 5305-SEP, and (2) those SEPs in which the employer limits or influences the employees' choice to IRAs into which employers' contributions will be made and on which participant withdrawals are prohibited. The disclosure requirements in this regulation were developed in conjunction with the Internal Revenue Service (IRS Notice 81-1). Accordingly, sponsors of "non-model" SEPs that satisfy the limited disclosure requirements of the regulation are relieved from otherwise applicable reporting and disclosure requirements under Title I of ERISA, including the requirements to file annual reports (Form 5500 Series) with the Department, and to furnish summary plan descriptions and summary annual reports to participants and beneficiaries.

This ICR includes four separate disclosure requirements. First, at the time an employee becomes eligible to participate in the SEP, the administrator of the SEP must furnish the employee in writing specific and general information concerning the SEP; a statement on rates, transfers and withdrawals; and a statement on tax treatment. Second, the administrator of the SEP must furnish participants with information concerning any amendments. Third, the administrator must notify participants of any employer contributions made to the IRA. Fourth, in the case of a SEP that provides integration with Social Security, the administrator shall provide participants with a statement on Social