

## **Justification for Nonmaterial / Nonsubstantive Change**

**AGENCY:** Pension Benefit Guaranty Corporation (PBGC)

**TITLE:** Payment of Premiums (29 CFR Part 4007) and PBGC forms and instructions thereunder (PBGC paper Form 1-ES, Form 1-EZ, Form 1 and Schedule A to Form 1, and related instructions; and electronic premium filing forms and instructions); Disclosure to Participants (29 CFR Part 4011)

**STATUS:** OMB control number 1212-0009; expires April 30, 2008

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The information collection documents that PBGC is submitting show the paper version of changes PBGC is making to its forms and instructions for estimated premium payments for 2008. Changes to PBGC's electronic filing application, "My Pension Administration Account" ("My PAA") will track the paper changes.

PBGC needs these changes approved quickly so that we can make available in January 2008 the 2008 plan year forms and instructions for estimated premium payments. Large-plan filers (i.e., plans that were required to pay premiums for 500 or more participants for the prior plan year) are required to pay PBGC's flat-rate premium early in the premium payment year. Because the participant count often is not available until later in the premium payment year, PBGC permits filers to make estimated flat-rate premium filings. Large-plan, calendar-year 2008 filers will owe flat-rate premiums by February 29, 2008, and most of these filers will have to make estimated flat-rate premium filings.

The 2008 Form 1-ES and related instructions are almost the same as the 2007 Form 1-ES and related instructions. The following is a list of the nonmaterial changes from 2007 that PBGC is making in this collection:

- Changed the per-participant flat-rate premium amount due from \$31 to \$33 for single-employer plans, and from \$8 to \$9 for multiemployer plans, as required by the Deficit Reduction Act of 2005.
- Changed the "Survey Results and Service Improvement Effort" section to reflect information gleaned from the 2007 customer satisfaction survey.
- Added language in the "Paperwork Reduction Act Notice" information box to make clear that PBGC is requesting this premium information to determine the amount of estimated premium due, along with identifying the plan and plan year for which an estimated premium is paid to PBGC.
- Changed references to "First Filing Due Date" in 2007 to "Estimated Filing Due Date" to conform to 2008 terminology changes tied to due date changes.
- Page 8 of instructions ("Reconciling" section): Added language clarifying new reconciliation filing terminology, e.g., a "final filing" in 2007 will be called a "comprehensive premium filing" in 2008.

- Page 12 of instructions (item 7): Deleted language in the first bullet re: “any other available credits” entitled to be claimed. This is to clarify that only this year’s and the prior year’s credit can be claimed; credits from earlier years are refunded.
- Deleted references to the Estimated Premium Payment Package being available at Employee Benefits Security Administration (EBSA) offices because hard copies will no longer be available there; they are available on PBGC’s Web site or by calling PBGC. Similarly, the option allowing administrators to order earlier PBGC payment packages is no longer available; the packages are available on PBGC’s Web site or by calling PBGC.
- PBGC states on the cover page that premium instructions will no longer be mailed out starting in 2009, but will continue to be available on PBGC’s Web site and within PBGC’s e-filing application, My PAA. Accordingly, the option on prior Form 1-ES filing forms for administrators to check regarding non-receipt of future paper instructions has been deleted on the 2008 Form 1-ES because it is no longer necessary.
- Made editorial and formatting changes.