

Supporting Statement for Paperwork Reduction Act Submission

AGENCY: Pension Benefit Guaranty Corporation

TITLE: Procedures for PBGC Approval of Plan Amendments (29 CFR Part 4220)

STATUS: Request for regular review and extension of currently approved collection (OMB control number 1212-0031; expires March 31, 2008)

CONTACT: Donald F. McCabe (326-4223 x3872) or Catherine B. Klion (326-4223 x3041)

1. Need for collection. This collection of information is necessary for proper performance of agency functions under section 4220 of the Employee Retirement Income Security Act of 1974, as amended (AERISA®). That section requires the plan sponsor of a multiemployer pension plan covered by Title IV of ERISA to submit for PBGC review certain optional plan amendments authorized by ERISA sections 4201-4219. Plans may within certain limits adopt special plan rules regarding when a withdrawal from a multiemployer plan occurs and how the withdrawing employer=s withdrawal liability is determined. Any such special plan rule is effective only if, within 90 days after receiving notice and a copy of the special rule, PBGC either approves or fails to disapprove the rule (section 4220(a)). PBGC may disapprove an amendment only if it determines that the amendment creates an unreasonable risk of loss to plan participants and beneficiaries or to PBGC (section 4220(c)).

PBGC=s regulation on Procedures for PBGC Approval of Plan Amendments (29 CFR Part 4220) includes, in ' 4220.3, rules for requesting PBGC=s approval of an amendment. PBGC needs the required information to identify the plan and determine whether to approve or disapprove a plan amendment. The regulation also permits the plan sponsor to submit other information that is pertinent to the request.

2. Use of information. PBGC uses the information collected in evaluating the risk of loss, if any, posed by a plan amendment.

3. Information technology. No consideration has been given to the use of improved information technology to reduce burden. The reporting volume under the regulation is too low to warrant the use of high technology.

4. Duplicate or similar information. The regulation imposes a special purpose information submission requirement that is triggered by a unique event (the adoption at a specific time by a specific plan of a specific amendment), and this is the only such requirement imposed by PBGC for that event.

The actuarial reports called for by the regulation are routinely prepared for other purposes (but not otherwise routinely sent to PBGC). The plan amendments are not timely available from any other source.

5. Reducing the burden on small entities. Inapplicable.

6. Consequence of reduced collection. PBGC has reduced collections under the regulation by granting class approval for four types of amendments as to which it has determined that adoption by any plan will not create an unreasonable risk of loss and for which, therefore, no submission is necessary (see ' 4220.1(c)). As to other amendments covered by ERISA section 4220, each one is unique and triggers only a single submission of information under the regulation. If the information were not collected, PBGC would be significantly hindered in the performance of its statutory duties.

7. Consistency with guidelines. The information collection is not conducted in a manner inconsistent with 5 CFR ' 1320.5(d)(2).

8. Outside input. PBGC published two Federal Register notices soliciting public comment on this and other collections of information, one pursuant to 5 CFR ' 1320.8(d) (November 26, 2007, at 72 FR 65989), and the other pursuant to 5 CFR ' 1320.5(a)(1)(iv) (February 25, 2008, at 73 FR 10071). No public comments were received in response to the November 2007 notice.

9. Payment to respondents. PBGC provides no payments or gifts to respondents in connection with this collection of information.

10. Confidentiality. The regulation gives no assurance of confidentiality, but information submitted to PBGC under the regulation is accessible only in accordance with applicable law and regulations. PBGC's rules providing and restricting access to its records are set forth in 29 CFR Part 4901.

11. Personal questions. The regulation does not call for submission of information of a sensitive nature.

12. Hour burden on the public. PBGC estimates that 3 plan amendment approval requests are submitted each year. PBGC estimates preparation time at 30 minutes of managerial time per request, for a total of 1 hour and 30 minutes per year, with an estimated cost to respondents of \$173.

13. Cost burden on the public. The estimated annual cost burden of the collection of information is \$0.

14. Cost to the government. As discussed in item 12, PBGC processes about 3 submissions annually under the regulation. PBGC's estimated cost to process a request is \$792 (8 hours of professional staff time at \$99 per hour), for a total annual cost of \$2,376.

15. Explanation of burden changes. There is no change in the burden of this collection of information.

16. Publication plans. PBGC does not intend to publish the results of this collection of information.

17. Display of expiration date. PBGC is not seeking approval to not display the expiration date for OMB approval of this information collection.

18. Exceptions to certification statement. There are no exceptions to the certification statement.