

**SUPPORTING STATEMENT FOR REQUEST FOR OMB APPROVAL
UNDER THE PAPERWORK REDUCTION ACT AND 5 CFR PART 1320**

AGENCY: Pension Benefit Guaranty Corporation

TITLE: Reportable Events (29 CFR Part 4043)

STATUS: Request for renewal of a currently approved collection (with modifications) of information (OMB control no. 1212-0013; expires February 28, 2009)

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1. Need for collection. Section 4043 of the Employee Retirement Income Security Act of 1974 (ERISA) requires plan administrators and plan sponsors to report certain plan and corporate events to PBGC. The reporting requirements give PBGC timely notice of events that indicate plan or contributing sponsor financial problems.

While the reporting requirements remain the same, the instructions have been modified in light of changes made by the Pension Protection Act of 2006 (PPA '06) with respect to plan funding and premiums. Material was removed from the instructions that might be confusing or misleading given that PBGC has not yet amended its reportable events regulation—29 CFR part 4043—to reflect the changes in the law. The instructions now instead refer to interim guidance (Technical Updates) issued by PBGC. PBGC currently is developing a proposed rule that would conform its reportable events regulation to PPA '06 and make other changes to the regulation and the information collection. PBGC expects to publish the proposed rule in mid-2009 and will submit the proposed rule changes to the information collection to OMB at that time.

2. Use of information. PBGC uses the information provided in determining what, if any, action it needs to take. For example, PBGC might need to institute proceedings to terminate the plan (placing it in trusteeship) under section 4042 of ERISA to ensure the continued payment of benefits to plan participants and their beneficiaries and/or to prevent unreasonable increases in its losses.

3. Information technology. PBGC permits reportable event notices to be filed by electronic transmission to the address specified in the instructions to the appropriate form on PBGC's Web site.

4. Duplicate or similar information. Some of the required information may already be in the possession of other Federal agencies. However, there is no timely and reliable way to locate the required documents, particularly since the person reporting may have submitted to Federal agencies some, but fewer than all, of the documents required under this regulation. In most cases, it would take a respondent more time to assist PBGC in tracking down and verifying documents in other agencies' files than simply to submit the information to PBGC.

To the extent PBGC has the information pursuant to another filing, respondents may identify the other filing rather than refile the information. Furthermore, one party may file on behalf of all those who are required to file.

The reportable event notice requirement for a failure to make required minimum funding payments is satisfied if a timely and complete Form 200 is submitted with respect to the same failure (see 29 CFR § 4043.25(d)).

PBGC believes that there is no information similar to that required under the regulation that could be used instead of the required information for the purposes served by the regulation.

5. Reducing the burden on small entities. Not applicable.

6. Consequences of no or less frequent collection. The statutory requirement to notify PBGC is triggered by the occurrence of an infrequent or nonrecurring event. The regulation contains extensive waivers and reporting extensions. The waivers and extensions were developed as part of the consensus negotiated rulemaking. No reporting, or less frequent or timely notice, would impair PBGC's ability to fulfill its statutory responsibilities.

7. Special circumstances. Reporting is required whenever a reportable event occurs. In extremely rare cases, a respondent could incur several reportable events within a quarter, thereby requiring reporting more frequently than quarterly. Even in those cases, various extensions might apply, so that reporting of several events could be consolidated in a single filing for the year.

In some cases, PBGC may require the submission of additional information. In general, the submission of additional information is required within 30 days after PBGC makes a written request. However, for advance reporting, the additional information is required within 7 days of the written request. This is necessary to ensure that PBGC has sufficient time to evaluate the event and determine if action is required before the event becomes effective (*i.e.*, 30 days after the initial report). In addition, PBGC may shorten either the 30-day or 7-day time period, but only where it determines that the interests of PBGC or participants may be prejudiced by a delay in the receipt of the information.

In all other respects, this collection of information is not conducted in any manner described in item 7 of the general instructions for the supporting statement.

8. Outside input. On November 21, 2008 (73 FR 70681), PBGC published a notice soliciting public comment on this collection of information pursuant to 5 CFR § 1320.8(d). No public comments were received in response to the notice.

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

10. Confidentiality. In accordance with section 4043(f) of ERISA and 29 CFR § 4901.21(a)(3), any information or documentary material that is not publicly available and is submitted to PBGC pursuant to section 4043 is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552) (“FOIA”) and may not be made public, except as may be relevant to an administrative or judicial action or proceeding. (ERISA section 4043(f), like FOIA section 552(d), does not prevent disclosure to Congress, or to an authorized congressional committee or subcommittee.)

11. Personal questions. This collection of information does not call for submission of information of a sensitive or private nature.

12. Burden on the public. PBGC projects that there will be approximately 627 post-event reportable event filings per year. PBGC expects approximately 10 advance reportable event filings per year.

PBGC estimates that for post-event reporting (the Form 10) the average hour burden per response is approximately 4.1 hours and the annual hour burden is approximately 2,571 hours. Assuming an average rate of \$350 (including professional time, support assistance, overhead, postage and other costs), PBGC estimates an annual cost of \$1,435 per respondent, for an average total annual cost of \$899,850.

The average hour burden per response for advance reporting (the Form 10-Advance) is approximately 10.5 hours and the annual hour burden is 105 hours. Assuming the same average rate of \$350, PBGC estimates an annual cost under the Form 10-Advance of \$3,675 per respondent, for an average total annual cost of \$36,750.

13. Costs. PBGC estimates that an additional 2,676 hours (2,571 hours for post-event reporting and 105 hours for advance reporting) will be contracted out. Assuming an average rate of \$350 (including professional time, support assistance, overhead, postage and other costs), PBGC estimates the total cost will be \$936,600. The annual cost under the Form 10 for purchase of services will average \$1,435 per respondent and the total annual cost will average \$899,850; the total annual cost under the Form 10-Advance for purchase of services will average \$3,675 per respondent and the total annual cost will average \$36,750. Because reportable events occur infrequently and on a nonrecurring basis, there are no capital and start-up costs.

14. Costs to the Federal government. PBGC expects to have an annual hour burden of 2,908 hours. The total dollar cost is estimated at \$203,560 based upon a per hour cost of \$70.

15. Change in burden. The adjustment in burden is the result of a slight decrease in the number of expected filings based upon PBGC's experience in the last three years, and an increase in the hourly contracting rate from \$275 to \$350.

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

17. Approval for omitting expiration date. PBGC is not seeking OMB approval to omit the expiration date.

18. Exceptions to certification statement. There are no exceptions to the certification statement for this submission.