

Annual Return/Report of Employee Benefit Plan (Form 5500)
OMB Number 1212-0057
September 2009

Justification for Nonmaterial/Nonsubstantive Change

The Pension Benefit Guaranty Corporation (PBGC) is submitting these updated cost and hour burden estimates as a non-material/non-substantive change request for the 2009 and 2010 Form 5500 package (“Forms”). Please note that as agreed to by OMB, the instructions for the 2010 Schedules MB and SB are not included with this submission, because they will not be available until April or May of 2010. PBGC will clear the 2010 Schedule MB and SB instructions with OMB when they are available.

On July 17, 2007 PBGC submitted a regular change request to OMB for approval of a three-year renewal period for the ICRs contained under OMB Control Number 1212-0057. At that time, PBGC and OMB agreed that PBGC would file a non-material, non-substantive change request for the 2008 Forms (and in 2009 for the 2009 Forms), as long as no additional program changes were made. OMB approved the three-year renewal on September 27, 2007.

In November 2008, PBGC submitted a non-material, non-substantive change request for the 2008 Form 5500 and Instructions, which was approved by OMB on November 10, 2008. There have been no program changes to the Forms and Schedules for 2009 and 2010 from what was published in the Federal Register in 2007, and although there have been some language changes, no material or substantive changes have been made to the instructions. Therefore, there have been no changes in burden from what was originally submitted and approved. In addition, there will be no change in burden for the 2010 Forms and Instructions that now are being submitted.

Background on changes to the Forms is provided below.

- The main difference from the 2008 Forms are: (a) plans will be required to submit forms electronically; (b) Schedule E and Schedule SSA will be removed; (c) the new Short Form 5500 (5500-SF) will be implemented; (d) the special limited reporting rules for Code section 403(b) plans will be eliminated; (e) Schedule C will be revised; (f) additional data elements to Schedule R will be implemented; and (g) various smaller technical revisions to the Schedule A, Schedule H, and Schedule I will be implemented.