

Annual Return/Report of Employee Benefit Plan (Form 5500)
OMB Number 1212-0057
April 2010

Justification for Non-material/Non-substantive Change

The Pension Benefit Guaranty Administration (PBGC) is hereby submitting Technical Update 10-1. Technical Update 10-1 provides guidance on the 2009 instructions to Form 5500 (Annual Return/Report of Employee Benefit Plan), specifically to the instructions for Line 14 of Schedule R (Retirement Plan Information). Line 14 requires multiemployer plans to report the number of inactive participants whose employers have withdrawn from the plan, in connection with Pension Protection Act of 2006 amendments to section 103(f)(2)(C) of ERISA (Annual Reports). Technical Update 10-1 clarifies the “last employer rule” under the Schedule R Instructions, and provides reporting relief for the 2009 plan year for “a reasonable approximation” of the number of participants required to be reported (e.g., based on sampling) and an alternative method of compliance based on the number of withdrawn employers. This guidance is provided in response to practitioner concerns about the reporting requirement.