

Justification for No Material or Nonsubstantive Change to Currently-Approved Collection

AGENCY: Pension Benefit Guaranty Corporation (PBGC)

TITLE: Application for Special Financial Assistance (29 CFR part 4262)

STATUS: OMB control number 1212-0074; expires 05/31/2027

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The Pension Benefit Guaranty Corporation (PBGC) is making changes that are not material to the currently-approved information collection for multiemployer plans applying for special financial assistance (SFA) under section 4262 of the Employee Retirement Income Security Act of 1974 and part 4262 of PBGC's regulations.

Under § 4262.11(d) of PBGC's SFA regulation, a filer may withdraw an SFA application at any time before PBGC denies or approves the application. PBGC's SFA instructions provide for an amendment procedure that a plan may use under certain circumstances to withdraw an application and request expedited review of a revised application. This procedure is available to a plan in specific circumstances, such as to correct inaccurate information and assumption changes, and if a plan meets certain requirements. The requirements include that less than 100 days have elapsed since the plan filed its previous application. This requirement was specified to provide PBGC time to complete its review of a plan's revised application on an expedited schedule, meaning usually within 20 days of the revised application filing date.

The amendment procedure provides a cost-effective mechanism for a plan to make changes to its SFA application. However, the language specifying "small and moderate" assumption changes has caused confusion about what changes may be permitted. Also, PBGC has determined that for certain corrections, PBGC is able to complete expedited review in less than 20 days. Therefore, PBGC is making non-substantive changes to clarify the changes that may be made using the amendment procedure and to clarify that PBGC may waive the requirement that less than 100 days have elapsed since the plan filed its previous application. These changes are consistent with PBGC's administration of the amendment procedure and are being made for transparency. They are not expected to change the burden estimate of the information collection.

Specifically, PBGC is modifying its SFA instructions and the SFA application amendment cover letter with changes shown in ~~strikeout~~ and red font as follows:

SFA Instructions (page 27)

Under certain circumstances, a filer may request an "amendment," meaning that the plan is withdrawing its most recently filed application for SFA and seeking expedited review of a revised application. This procedure to request an amendment is available to a plan if the revised application is ~~only~~ changing as a result of: inaccurate information, arithmetic errors, input errors, formula errors, and ~~small to moderate~~ assumption **or other** changes reflecting feedback from PBGC staff on the assumptions **and information** used in the application.

A plan may submit an amendment if it meets the following requirements.

- The plan has not yet withdrawn its most recently filed application;
- Less than 100 days have elapsed since the plan filed its previous application (**unless waived by PBGC**); and
- The revised application is submitted when the previous application is withdrawn.

SFA Application Amendment Cover Letter (page 1)

The procedure to request an amendment is available to a plan if the revised application is ~~only~~ changing as a result of: inaccurate information, arithmetic errors, input errors, formula errors, and ~~small to moderate~~ assumption **or other** changes reflecting feedback from PBGC staff on the assumptions **and information** used in the application.

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If a plan meets these requirements and files an amendment according to these instructions, PBGC will complete its review of the plan’s revised application for SFA on an expedited schedule, meaning usually within 20 days of the revised application filing date. **If a plan does not meet these requirements because 100 or more days have elapsed since the plan filed its previous application, but otherwise files an amendment according to these instructions, PBGC, in its discretion, may waive this requirement and inform the plan of the expedited schedule.**

SFA Application Amendment Cover Letter (page 3)

(3) The plan meets the following requirements:

- Less than 100 days have elapsed since the plan filed its previous application (**unless waived by PBGC**); and
- The plan’s application filed on _____ [*filing date*] is withdrawn and the plan’s revised application is submitted.