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## **PENSION BENEFIT GUARANTY CORPORATION**

### **Submission of Information Collections for OMB Review; Comment Request; Payment of Premiums; Termination Premium**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of request for extension of OMB approval of collection of information.

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**SUMMARY:** The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of the collection of information for the termination premium under its regulation on Payment of Premiums (29 CFR Part 4007) (OMB control number 1212-0064; expires December 31, 2013), with minor changes. This notice informs the public of PBGC's request and solicits public comment on the collection of information.

**DATES:** Comments should be submitted by [insert date 30 days after publication in the **Federal Register**].

**ADDRESSES:** Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at [OIRA\\_DOCKET@omb.eop.gov](mailto:OIRA_DOCKET@omb.eop.gov) or by fax to 202-395-6974.

The currently approved collection of information (Form T and instructions) and PBGC's premium payment regulation may be found on PBGC's Web site at <http://www.pbgc.gov/prac/prem/termination-premiums.html>. Copies of the proposed collection of information and PBGC's request are posted at <http://www.pbgc.gov/res/laws-and-regulations/information-collections-under-omb-review.html>. They may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC,

1200 K Street NW., Washington DC 20005, or by visiting the Disclosure Division or calling 202□326□4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 800□877□8339 and ask to be connected to 202□326□4040.)

**FOR FURTHER INFORMATION CONTACT:** Deborah C. Murphy, Deputy Assistant General Counsel for Regulatory Affairs, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005□4026, 202□326□4024 or Murphy.Deborah@pbgc.gov. (TTY and TDD users may call the Federal relay service toll-free at 800□877□8339 and ask to be connected to 202□326□4024.)

**SUPPLEMENTARY INFORMATION:**

The Pension Benefit Guaranty Corporation (PBGC) administers the pension plan termination insurance program under title IV of the Employee Retirement Income Security Act of 1974 (ERISA). Section 4006(a)(7) of ERISA provides for a “termination premium” (in addition to the flat-rate and variable-rate premiums under section 4006(a)(3) and (8) of ERISA) that is payable for three years following certain distress and involuntary plan terminations. PBGC’s regulations on Premium Rates (29 CFR part 4006) and Payment of Premiums (29 CFR part 4007) implement the termination premium. Sections 4007.3 and 4007.13(b) of the premium payment regulation require the filing of termination premium information and payments with PBGC. PBGC has promulgated Form T and instructions for paying the termination premium.

In general, the termination premium applies where a single-employer plan terminates in a distress termination under ERISA section 4041(c) (unless contributing sponsors and controlled group members meet the bankruptcy liquidation requirements of ERISA section 4041(c)(2)(B)(i)) or in an involuntary termination under ERISA section 4042, and the termination date under section 4048 of ERISA is after 2005. The termination premium does not

apply in certain cases where termination occurs during a bankruptcy proceeding filed before October 18, 2005.

The termination premium is payable for three years. The same amount is payable each year. The amount of each payment is based on the number of participants in the plan as of the day before the termination date. In general, the amount of each payment is equal to \$1,250 times the number of participants. However, the rate is increased from \$1,250 to \$2,500 in certain cases involving commercial airline or airline catering service plans. The termination premium is due on the 30th day of each of three consecutive 12-month periods. The first 12-month period generally begins shortly after the termination date or after the conclusion of bankruptcy proceedings in certain cases.

The termination premium and related information must be filed by a person liable for the termination premium. The persons liable for the termination premium are contributing sponsors and members of their controlled groups, determined on the day before the plan termination date. Interest on late termination premiums is charged at the rate imposed under section 6601(a) of the Internal Revenue Code, compounded daily, from the due date to the payment date. Penalties based on facts and circumstances may be assessed both for failure to timely pay the termination premium and for failure to timely file required related information and may be waived in appropriate circumstances. A penalty for late payment will not exceed the amount of termination premium paid late. Section 4007.10 of the premium payment regulation requires the retention of records supporting or validating the computation of premiums paid and requires that the records be made available to PBGC.

OMB has approved the termination premium collection of information (Form T and instructions) under control number 1212-0064 through December 31, 2013. PBGC is requesting that OMB extend approval of this collection of information for three years, with minor changes. PBGC is eliminating from Form T and instructions the requirement to report the method of payment and making minor editorial changes to the form and instructions. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

PBGC estimates that it will each year receive an average of about 25 filings for the first year a termination premium is due, 20 filings for the second year a termination premium is due, and 15 filings for the third year a termination premium is due, from a total of about 60 respondents. PBGC estimates that the total annual burden of the collection of information will be about ten hours and \$8,800.

Issued in Washington, DC, this 13th day of November, 2013.

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**Judith Starr**, General Counsel  
Pension Benefit Guaranty Corporation

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