

PENSION BENEFIT GUARANTY CORPORATION**29 CFR Ch. XL****Agenda of Regulations Under Development**

AGENCY: Pension Benefit Guaranty Corporation (PBGC).

ACTION: Semiannual regulatory agenda.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's regulatory agenda issued under Executive Order 12866 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or review or that PBGC expects to have under development or review during the next 12 months. The effect of this agenda is to advise the public of PBGC's current and future regulatory activities.

ADDRESSES: Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005-4026.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact John H. Hanley, Director, Legislative and Regulatory Department, (202) 326-4024. (For TTY/TDD users, call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to (202) 326-4024.) For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's order on Regulatory Planning and Review, Executive Order 12866, each agency is required to prepare an agenda of all regulations under development or review. The Regulatory Flexibility Act, Public Law 98-354, 5 U.S.C. 601, has a similar agenda requirement. Under that law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next 12 months and provide certain specified information on each regulation.

PBGC's complete regulatory agenda is available online at www.reginfo.gov.

Dated: March 6, 2009.

NAME: Vincent K. Snowbarger,
Acting Director, Pension Benefit Guaranty Corporation.

The 12 Regulatory Agendas

Pension Benefit Guaranty Corporation - Proposed Rule

Title	Regulation Identifier Number
Reportable Events; Pension Protection Act of 2006	1212-AB06
Missing Participants; Pension Protection Act of 2006	1212-AB13
Cash Balance and Other Hybrid Plans; Pension Protection Act of 2006	1212-AB17
Phase-In of Guarantee of Unpredictable Contingent Event Benefits; Pension Protection Act of 2006	1212-AB18
USERRA Benefits Under Title IV of ERISA	1212-AB19

Pension Benefit Guaranty Corporation - Final Rule

Title	Regulation Identifier Number
Bankruptcy Filing Date Treated as Plan Termination Date for Certain Purposes; Guaranteed Benefits; Allocation of Plan Assets; Pension Protection Act of 2006	1212-AA98
Assessment Of and Relief From Information Penalties	1212-AB04

Pension Benefit Guaranty Corporation - Long-term Action

Title	Regulation Identifier Number
Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets	1212-AA55
Interest on Premium Overpayments; Pension Protection Act of 2006	1212-AB16

Pension Benefit Guaranty Corporation - Completed Action

Title	Regulation Identifier Number
Methods for Computing Withdrawal Liability; Reallocation Liability Upon Mass Withdrawals; Pension Protection Act of 2006	1212-AB07
Annual Financial and Actuarial Information Reporting; Pension Protection Act of 2006	1212-AB09
Disclosure of Termination Information; Pension Protection Act of 2006	1212-AB14

Pension Benefit Guaranty Corporation (PBGC)

RIN: 1212-AB06

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Title: Reportable Events; Pension Protection Act of 2006

Abstract: The PBGC proposes to amend its current regulation on Reportable Events and Certain Other Notification Requirements (part 4043) to conform to changes under the Pension Protection Act of 2006 and PBGC's regulations on Premium Rates (part 4006).

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 4010; 29 CFR 4043; 29 CFR 4047 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1343; 29 USC 1302(b)(3)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/00/2009	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Energy Affected: No

RIN Information URL: www.pbgc.gov/regs

Related RINs: Split From 1212-AB01

Agency Contact: Deborah C. Murphy
Attorney

Pension Benefit Guaranty Corporation

Legislative and Regulatory Department 1200 K Street NW

Washington , DC 20005-4026

Phone: 202 326-4223 Extension: 3451

TDD Phone: 800 877-8339

FAX: 202 326-4224

E-Mail: murphy.deborah@pbgc.gov

Government Levels Affected: No

Federalism: No

Public Comment URL: www.pbgc.gov/regs

Pension Benefit Guaranty Corporation (PBGC)

RIN: 1212-AB13

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Title: Missing Participants; Pension Protection Act of 2006

Abstract: This is a proposed rule to implement section 410 of the Pension Protection Act of 2006, which allows certain terminating plans not covered by the existing Missing Participants program to participate in that program. Once final regulations are issued, the program will cover multiemployer plans, small professional service employer plans (25 or fewer active participants), and individual account plans.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 29 CFR 4050 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1350

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Deborah Forbes

Legislative and Policy Counsel

Pension Benefit Guaranty Corporation

Legislative and Regulatory Department 1200 K Street NW

Washington , DC 20005

Phone: 202 326-4024

TDD Phone: 800 877-8339

FAX: 202 326-4224

E-Mail: forbes.deborah@pbgc.gov

Pension Benefit Guaranty Corporation (PBGC)

RIN: 1212-AB17

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Title: Cash Balance and Other Hybrid Plans; Pension Protection Act of 2006

Abstract: PBGC proposes to amend its regulations to prescribe rules on valuing benefits in terminating cash balance and other hybrid plans. The proposed amendments also prescribe rules on how PBGC determines benefits payable in terminating cash balance and other hybrid plans that it trustees. The proposed amendments take into account provisions of the Pension Protection Act of 2006.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 4001; 29 CFR 4022; 29 CFR 4041; 29 CFR 4044 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 109-280

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Constance Markakis Pension Benefit Guaranty Corporation
1200 K Street NW

Washington , DC 20005-4026

Phone: 202 326-4223 Extension: 6779

E-Mail: markakis.constance@pbgc.gov

Pension Benefit Guaranty Corporation (PBGC)

RIN: 1212-AB18

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Title: Phase-In of Guarantee of Unpredictable Contingent Event Benefits; Pension Protection Act of 2006

Abstract: This is a proposed rule to amend PBGC's regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022). That regulation sets forth rules on PBGC's guarantee of pension plan benefits, including rules on the phase-in of the guarantee. The amendments would implement section 403 of the Pension Protection Act of 2006, which provides that the phase-in period for the guarantee of a benefit payable solely by reason of an "unpredictable contingent event," such as a plant shutdown, starts no earlier than the date of the shutdown or other unpredictable contingent event.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 29 CFR 4022 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 109-280

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No
 Agency Contact: Bernard Klein
 Attorney
 Pension Benefit Guaranty Corporation
 1200 K Street NW
 Washington , DC 20005
 Phone: 202 326-4223 Extension: 3879
 E-Mail: klein.bernard@pbgc.gov

Pension Benefit Guaranty Corporation (PBGC)

RIN: 1212-AB19

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Title: USERRA Benefits Under Title IV of ERISA

Abstract: The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) provides that an individual who leaves his or her job to serve in the uniformed services is generally entitled to reemployment by his or her previous employer and, upon reemployment, to receive credit for benefits, including employee pension plan benefits, that would have accrued but for the employee's absence due to military service. This proposed rule would amend PBGC's benefit payments regulation to deem a participant who is in military service on the plan's termination date to satisfy the reemployment condition for entitlement to USERRA benefits as of the plan's termination date, so long as the participant is reemployed after the termination date in accordance with USERRA requirements.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 103-353; 29 USC 1322

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Constance Markakis

Legislative and Policy Counsel

Pension Benefit Guaranty Corporation

Legislative and Regulatory Department 1200 K Street NW

Washington , DC 20005-4026

Phone: 202 326-4024

TDD Phone: 800 877-8339

FAX: 202 326-4224

E-Mail: markakis.constance@pbgc.gov

Pension Benefit Guaranty Corporation (PBGC)

RIN: 1212-AA98

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Title: Bankruptcy Filing Date Treated as Plan Termination Date for Certain Purposes; Guaranteed Benefits; Allocation of Plan Assets; Pension Protection Act of 2006

Abstract: This is a final rule to implement section 404 of the Pension Protection Act of 2006. Section 404 amended title IV of ERISA to provide that when an underfunded, PBGC-covered, single-employer pension plan terminates while its contributing sponsor is in bankruptcy, sections 4022 and 4044(a)(3) of ERISA are to be applied by treating the date the sponsor's

bankruptcy petition was filed as the termination date of the plan. Section 4022 determines which benefits are guaranteed by PBGC, and section 4044(a)(3) determines which benefits are entitled to priority in "priority category 3" in the statutory hierarchy for allocating the assets of a terminated plan. Thus, under the 2006 amendments, when a plan terminates while the sponsor is in bankruptcy, the amount of benefits guaranteed by PBGC and the amount of benefits in priority category 3 are fixed at the date of the bankruptcy filing rather than at the plan termination date. This will, in most cases, reduce the amount of guaranteed benefits and the amount of benefits in priority category 3.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 4022; 29 CFR 4044 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322; 29 USC 1344

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/01/2008	73 FR 37390
NPRM Comment Period End	09/02/2008	
Final Rule	07/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

RIN Information URL: www.pbgc.gov/regs

Public Comment URL: www.pbgc.gov/regs

Agency Contact: Catherine B. Klion

Manager, Regulatory and Policy Division

Pension Benefit Guaranty Corporation

Legislative and Regulatory Department 1200 K Street NW

Washington , DC 20005-4026

Phone: 202 326-4223 Extension: 3041

TDD Phone: 800 877-8339

FAX: 202 326-4224

E-Mail: klion.catherine@pbgc.gov

Pension Benefit Guaranty Corporation (PBGC)

RIN: 1212-AB04

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Title: Assessment Of and Relief From Information Penalties

Abstract: The PBGC has issued a number of policy statements about penalties over the last few years. For the convenience of the public, the PBGC is replacing those policy statements with an updated and expanded set of information penalty policies codified in its regulations.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 4003; 29 CFR 4011; 29 CFR 4071 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 28 USC 2461 note; 29 USC 1302(b)(3); 29 USC 1303(a); 29 USC 1371

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/12/2001	66 FR 2856
NPRM Comment Period End	03/13/2001	
Supplemental NPRM (Participant Notice)	05/07/2004	69 FR 25797
Supplemental NPRM Comment Period End	07/06/2004	
Interim Final Rule	08/00/2009	

Regulatory Flexibility Analysis Required: No
 Small Entities Affected: No
 Energy Affected: No
 RIN Information URL: www.pbgc.gov/regs
 Related RINs: Split From 1212-AA95
 Agency Contact: Thomas H. Gabriel
 Attorney, Legislative and Regulatory Department
 Pension Benefit Guaranty Corporation
 1200 K Street NW
 Washington , DC 20005-4026
 Phone: 202 326-4024
 TDD Phone: 800 877-8339
 FAX: 202 326-4112

Government Levels Affected: No
 Federalism: No
 Public Comment URL: www.pbgc.gov/regs

Pension Benefit Guaranty Corporation (PBGC)

RIN: 1212-AA55

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Title: Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets

Abstract: The PBGC proposes to amend its benefit valuation and asset allocation regulations by improving its valuation assumptions and methods. Chief among the modifications the PBGC is considering are modifications to the structure of its retirement assumptions.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 4044, subpart B (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341; 29 USC 1301(a); 29 USC 1344; 29 USC 1362

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	
ANPRM	03/19/1997	62 FR 12982
ANPRM Comment Period End	05/19/1997	
NPRM	03/14/2005	70 FR 12429
NPRM Comment Period End	05/13/2005	
Final Rule	12/02/2005	70 FR 72205
Final Rule Effective	01/01/2006	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

RIN Information URL: www.pbgc.gov/regs

Public Comment URL: www.pbgc.gov/regs

Agency Contact: Catherine B. Klion
 Manager, Regulatory and Policy Division
 Pension Benefit Guaranty Corporation
 Legislative and Regulatory Department 1200 K Street NW
 Washington , DC 20005-4026
 Phone: 202 326-4223 Extension: 3041
 TDD Phone: 800 877-8339
 FAX: 202 326-4224
 E-Mail: klion.catherine@pbgc.gov

Pension Benefit Guaranty Corporation (PBGC)

RIN: 1212-AB16

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Title: Interest on Premium Overpayments; Pension Protection Act of 2006

Abstract: This is a proposed rule to amend PBGC's regulation on Payment of Premiums (29 CFR part 4007) to implement section 406 of the Pension Protection Act, which authorizes PBGC to pay interest on premium overpayments refunded to designated payors, subject to PBGC regulations. Under the statute, interest is to be calculated at the same rate and in the same manner as interest is calculated for premium underpayments.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Deborah C. Murphy
Attorney

Pension Benefit Guaranty Corporation

Legislative and Regulatory Department 1200 K Street NW

Washington , DC 20005-4026

Phone: 202 326-4223 Extension: 3451

TDD Phone: 800 877-8339

FAX: 202 326-4224

E-Mail: murphy.deborah@pbgc.gov

Pension Benefit Guaranty Corporation (PBGC)

RIN: 1212-AB07

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Title: Methods for Computing Withdrawal Liability; Reallocation Liability Upon Mass Withdrawals; Pension Protection Act of 2006

Abstract: This final rule implements provisions of the Pension Protection Act of 2006 (PPA) that allow for changes in the methods for computing withdrawal liability and address adjustments in withdrawal liability if a plan is in critical status. The final rule also amends PBGC's regulations pursuant to PBGC's authority to prescribe regulations (on matters unrelated to PPA) by providing for additional modifications in the withdrawal liability methods and fully allocating reallocation liability among all liable employers.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 4211; 29 CFR 4215; 29 CFR 4219; 29 CFR 4232 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1302(b)(3); 29 USC 1391(c)(1), (c)(2)(D), (c)(5)(A), (c)(5)(B), (c)(5)(D), and (f); 29 USC 1399(c)(6); 29 USC 1395; 29 USC 1412(c); 29 USC 1413

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/19/2008	73 FR 14735
NPRM Comment Period End	05/19/2008	

Final Action	12/30/2008	73 FR 79628
Final Action Effective	01/29/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.pbgc.gov/regs

Agency Contact: Constance Markakis

Legislative and Policy Counsel

Pension Benefit Guaranty Corporation

Legislative and Regulatory Department 1200 K Street NW

Washington , DC 20005-4026

Phone: 202 326-4024

TDD Phone: 800 877-8339

FAX: 202 326-4224

E-Mail: markakis.constance@pbgc.gov

Pension Benefit Guaranty Corporation (PBGC)

RIN: 1212-AB09

 [View Related Documents](#)

Title: Annual Financial and Actuarial Information Reporting; Pension Protection Act of 2006

Abstract: The Pension Protection Act of 2006 changes the rules for reporting under ERISA section 4010. The PBGC is amending its regulation on Annual Financial and Actuarial Information Reporting to implement these changes and to make clarifying changes.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 4010 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1310

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/20/2008	73 FR 9243
NPRM Comment Period End	04/21/2008	
Final Action	03/16/2009	74 FR 11022
Final Action Effective	04/15/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Catherine B. Klion

Manager, Regulatory and Policy Division

Pension Benefit Guaranty Corporation

Legislative and Regulatory Department 1200 K Street NW

Washington , DC 20005-4026

Phone: 202 326-4223 Extension: 3041

TDD Phone: 800 877-8339

FAX: 202 326-4224

E-Mail: klion.catherine@pbgc.gov

Pension Benefit Guaranty Corporation (PBGC)

RIN: 1212-AB14

 [View Related Documents](#)

Title: Disclosure of Termination Information; Pension Protection Act of 2006

Abstract: Section 506 of PPA requires plan administrators and PBGC to provide to affected parties information, such as actuarial data or agency determinations, related to the process of terminating pension plans pursuant to title IV of ERISA. The final rule will clarify procedures, rights, and responsibilities with respect to obtaining and providing this termination information.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 4041 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1341; 29 USC 1342

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/05/2007	72 FR 68542
NPRM Comment Period End	02/04/2008	
Final Action	11/18/2008	73 FR 68333
Final Action Effective	12/18/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Kenneth J. Cooper

Attorney

Pension Benefit Guaranty Corporation

Office of the General Counsel 1200 K Street NW

Washington , DC 20005

Phone: 202 326-4024

TDD Phone: 800 877-8339

FAX: 202 326-4224

E-Mail: cooper.kenneth@pbgc.gov

Agency Contact: Catherine B. Klion

Manager

Pension Benefit Guaranty Corporation

Regulatory and Policy Department 1200 K Street NW

Washington , DC 20005

Phone: 202 326-4024

TDD Phone: 800 877-8339

FAX: 202 326-4224

E-Mail: klion.catherine@pbgc.gov