

Pension Benefit Guaranty Corporation

82-16

May 20, 1982

REFERENCE:

[\*1] 4043. Reportable Events

29 CFR 2617 (now 29 CFR 2615). Reporting and Notification Requirements for Reportable Events

OPINION:

The newly appointed Executive Director of the Pension Benefit Guaranty Corporation ("PBGC"), Edwin M. Jones, has referred to me your letter concerning PBGC News Release No. 82-14. You question whether reportable events must be reported to PBGC if the 30 day reporting requirement under Section 4043 of the Employee Retirement Income Security Act of 1974 ("ERISA"), as amended, has been waived. This question is significant because the News Release stated that revised Form 5500 no longer provides for the recording of reportable events.

Revised Form 5500 was issued in anticipation of the revision of PBGC's "Reportable Events" regulation, 29 C.F.R. Part 2615, a process that is currently underway. However, the regulation was not completed in time for concurrent issuance with the revised Form 5500. Since the revised regulation will reduce the paperwork burden of plan administrator, PBGC determined that it was appropriate to implement the policy underlying the regulation prior to its issuance.

Thus, as stated in the News Release, a plan administrator must still notify PBGC, [\*2] in accordance with 29 C.F.R. § 2615.3, of those reportable events for which the 30 day notice requirement is not waived. However, with respect to those reportable events for which the 30 day notice requirement is waived, PBGC does not require any notification. We realize that 29 C.F.R. § 2615.4 in its present form does not embody the current policy. The revised Reportable Events regulation, which will reflect the policy that has now been implemented, will be issued in the near future.

I trust that this is responsive to your inquiry.

Mitchell L. Strickler  
Deputy General Counsel