

Pension Benefit Guaranty Corporation

75-60

December 1, 1975

REFERENCE:

[*1] 4041 Termination by Plan Administrator

OPINION:

This is in response to your inquiry of November 19, 1975. Your letter raises the question whether Section 4041 of the Employee Retirement Income Security Act of 1974 (hereinafter the "Act"), which requires notification to this Corporation in the event a covered plan proposes to * * * terminate, applies to plans terminated prior to * * * September 2, 1974, the effective date of the Act.

The provisions of Title IV, in general, became effective on the date of enactment of the Act, September 2, 1974. Consequently, the termination of a plan prior to * * * September 2, 1974 does not require notice to the Pension Benefit Guaranty Corporation pursuant to Section 4041 of the Act. The latter section requires notice of a proposed termination only from covered plans terminating subsequent to September 2, 1974.

George B. Driesen
Deputy General Counsel