

Pension Benefit Guaranty Corporation

75-88

August 22, 1975

REFERENCE:

[*1] 4041 Termination by Plan Administrator

4043. Reportable Events

4082(b). Effective Date; Special Rules. Applicability of Title IV to Plan Terminations Occurring Between July 1, 1974 and September 2, 1974

OPINION:

We have reviewed the additional information which you forwarded regarding the notice of termination submitted on behalf of the * * * Salaried Employees Pension Plan.

Our tentative determination was based on the fact that the plan had experienced a reduction of participants between July 31, and September 2, 1974 and the contention that such participant reduction constituted a covered termination under Section 4082(b) of the Employee Retirement Income Security Act of 1974 (the "Act"). We tentatively concluded that this reduction of participants did not constitute a termination under Title IV of the Act. The fact that the plan thereafter experienced further reductions of participants, the aggregate number of which constituted a reportable event, does not change our determination. A reportable event may or may not constitute grounds for the PBGC to take action under Title IV of the Act.

We intend to close the above referenced pre-enactment termination case absent the submission of [*2] additional information within 30 days of receipt of this letter. However, by this letter, we are not closing the reportable events cases regarding this plan, which are currently before the Corporation.

Henry Rose
General Counsel