

Pension Benefit Guaranty Corporation

76-33

March 5, 1976

REFERENCE:

[*1] 4043(b)(8) Reportable Events. Mergers, Consolidations & other Transfers of Plan Assets

OPINION:

This is in response to your letter of February 10, 1976. You indicate that four corporations are merging into two corporations and that, subsequently, the single employer, defined benefit plans of each of the corporations are merging into two plans. That is, the assets and liabilities of the merging corporations' plans are being transferred into a single plan to be maintained by the resultant single corporation. You ask whether this constitutes a reportable event or plan termination under Title IV of the Employee Retirement Income Security Act of 1974 (the "Act"). We assume that the plans are covered by § 4021 of the Act.

As * * * of my staff indicated by telephone on February 27, 1976, there appear to be two plan mergers reportable under § 4043 (b) (8) of the Act. Accordingly, notices must be submitted of the Office of Program Operations - Division of Plan Review of the Pension Benefit Guaranty Corporation ("PBGC") within 30 days after the plan administrator knows or has reason to know of the events' occurrences. But the mergers described in your letter and on the telephone to * * * do [*2] not constitute "terminations" under Title IV of the Act.

We hope this is of assistance. Enclosed, pursuant to your discussion with * * * is a copy of the Notice of Intent to Terminate Regulation.

George B. Driesen
Deputy General Counsel