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Description of document:	Three (3) indices to the Pension Benefit Guaranty Corporation (PBGC) Manual of Opinion Letters, 1974-2002
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Included records:	Index to Pension Benefit Guaranty Corporation Manual of Opinion Letters, Sep 2, 1974-Dec 31, 2002 (26 pages) Topical Index to Pension Benefit Guaranty Corporation Manual, Sep 2, 1974-May 31, 1992 (79 pages) Index to Pension Benefit Guaranty Corporation Manual Letters by Numbers, 1974-1990 (14 pages)
Source of document:	FOIA Request Disclosure Officer Pension Benefit Guaranty Corporation 1200 K Street, N.W., Suite 11123 Washington, D.C. 20005 Fax: (202) 326-4042, (Attn: Disclosure Officer)

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Pension Benefit Guaranty Corporation
1200 K Street, N.W., Washington, D.C. 20005-4026

VIA EMAIL

PBGC 2017-001508

September 12, 2017

Re: Request for the Pension Benefit Guaranty Corporation's Legal Opinion Manual

I am responding to your Freedom of Information Act (FOIA) request submitted to the Pension Benefit Guaranty Corporation (PBGC) via the Disclosure Mailbox on August 16, 2017. You requested a digital/electronic copy of the PBGC's Opinion Manual, which you indicated includes a variety of legal materials. You authorized fees in the amount of \$25.00. Your request was processed in accordance with the Freedom of Information Act (FOIA) and the PBGC's implementing regulation.

Pursuant to your request, the Disclosure Division conducted a search of agency records and located two (2) volumes of opinion letters. The two volumes, combined, contain approximately 1,000 pages each. One volume groups the letters by the subject matter and the other one groups the letters chronologically, between September 2, 1974 to 2002. In our attempt to effectively respond to your request, Gordon Johnson, of my staff, called you on September 11, 2017. During that call, you limited and narrowed your request for the Legal Opinion Manual to only the Topical Index. During our subsequent search, we located three indexes consisting of 119 pages:

1. Index to Pension Benefit Guaranty Corporation Manual of Opinion Letters, September 2, 1974 – December 31, 2002 (26 pages);
2. Topical Index to Pension Benefit Guaranty Corporation Manual, September 2, 1974 – May 31, 1992 (79 pages¹); and
3. Index to Pension Benefit Guaranty Corporation Manual Letters by Numbers, 1974-1990 (14 pages).

¹ We were unable to locate pages 1 and 36 of the Topical Index, which is the 81-page document Gordon described during your call with him.

Per your request, these documents are being provided to you electronically, black and white scan, and at 300 dpi resolution. This production is our best attempt to provide you with a high quality digital deliverable. If you have issues reading this version, we will provide you a hard copy of this production, upon request.

Although this response is not a denial of your records request, I am providing you with your FOIA appeal rights should you wish to avail yourself of this process. The FOIA provides at 5 U.S.C. § 552(a)(6)(A)(I) (2014) amended by FOIA Improvement Act of 2016, Pub. L. No. 114-185, 130 Stat. 538 that if a disclosure request is denied in whole or in part by the Disclosure Officer, the requester may file a written appeal within 90 days from the date of the denial or, if later (in the case of a partial denial), 90 days from the date the requester receives the disclosed material. The PBGC's FOIA regulation provides at 29 C.F.R. § 4901.15 (2017) that the appeal shall state the grounds for appeal and any supporting statements or arguments, and shall be addressed to the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, N.W., Washington, D.C. 20005. To expedite processing, the words "FOIA Appeal" should appear on the letter and prominently on the envelope.

In the alternative, you may contact the Disclosure Division's Public Liaison at 202-326-4040 for further assistance and to discuss any aspect of your request. You also have the option to contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

This completes processing of your request. Your request has been categorized as "Other." Other requesters are assessed search and duplication fees with the first 2 hours of search and the first 100 pages of duplication provided free of charge. Since the cost to process your request is below the PBGC's nominal threshold of \$25.00, no fees have been assessed.

You may submit future requests for PBGC records by accessing FOIAonline, our electronic FOIA processing system, at <https://foiaonline.regulations.gov>, or by email to Disclosure@pbgc.gov. However, most of the opinion letters are available for review and inspection on the PBGC's website at: <https://www.pbgc.gov/prac/other-guidance/opinion-letters>.

Sincerely,



D. Camilla Perry
Disclosure Officer

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Plan Trustee's claim for unpaid employer contributions	79-9	4042
<u>BENEFITS</u>		
Based on individual account:		
. . .general	75-17	4021 (b) (1)
	75-110	4021 (b) (1)
. . .excluded from coverage	74-3	4021 (b) (12)
	74-16	4021 (b) (12)
	74-17	4021 (b) (12)
Defined benefit plan:		
. . .collective bargaining plan	75-106	4021 (b) (1)
	75-108	4021 (b) (1)
	75-110	4021 (b) (1)
. . .guaranteed minimum benefit	76-28	4021 (b) (1)
. . .specific formula	75-85	3 (35)
Effect of reduction:		
. . .as amendment	75-113	4021 (a)
Guaranteed by PBGC (See Guaranteed Benefits)		
In pay status, covered	74-28	4022 (a)
Life insurance as	76-114	4043 (b) (2)
Lump sum payment as	77-133	4044 (a) (2)

11-30-87

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Multiemployer plans after 9/26/81 - See Part B		
Recapture	80-6	4045
Retroactive reduction	80-7	4041(a)
<u>BIFURCATED PLAN</u> (See Partial Individual Account Plan)		
<u>BOND OR ESCROW</u>		
Withdrawal of substantial employer	75-96 81-22	4063(a) 4063
C. <u>CHURCH PLAN</u>		
IRS ruling controls	74-22 76-22 78-1	4021(b)(3) 4021(b)(3) 4021(b)(3)
Unrelated trades or businesses	82-3	4021(b)(3)
<u>COLLECTIVE BARGAINING PLAN</u> (See Multiemployer Plan)		
Dispute, standard termination suspended	87-10	4041(a)(3)
Employer liability at termination	76-36 77-125 77-156	4062(a) 4062 4062
Employer obligation to contribute:		
. . .promised benefit	76-86	4021(b)(1)
. . .specified benefit formula	75-106	4021
Unilateral termination by employer	76-87	4041(a)

07-31-86

<u>Subject</u>	<u>Letter. Number</u>	<u>ERISA/Reg. Section No.</u>
<u>CONTINGENT LIABILITY COVERAGE - CELI</u>		
General	79-4	4023 (d)
Coverage for period since 9/2/74	74-30	4023 (d)
Premium payments:		
. . .general	76-15	4023
	76-27	4023 (c)
. . .for 60 months	75-22	4022 (b) (1)
	75-24	4023 (c)
	75-120	4023 (d)
Private insurance	74-30	4023 (c)
	75-120	4023 (e)
	77-165	4023
<u>CONTRIBUTION OBLIGATION</u> (See Part B)		
<u>CONTRIBUTIONS BY EMPLOYEES</u>		
Salary reduction plan	77-133	4044 (a) (2)
<u>CONTRIBUTIONS BY EMPLOYER</u>		
Effect of cessation	75-106	4007 (a)
Effect of reduction:		
. . .coverage status	75-113	4021 (a)
. . .reportable event	75-27	4043 (b) (5)
Funds withheld and forwarded to another plan as	80-1	4021 (b)
No provision for:		
. . .plan excluded from coverage	74-23	4021 (b) (5)

07-31-86

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Temporary cessation	78-12	4041
Withdrawal payments as	78-11	4064 (a)
<u>COURTS, JURISDICTION</u>	83-1	4003 (f)
<u>COVERAGE DATE</u>		
Premiums due within 30 days of	74-8 74-11	4007 (a) 4007 (a)
<u>COVERAGE OF PBGC GUARANTEE</u> (See Defined Benefit Plan)		
General	75-12	4021
Apportionment of gains and losses	75-30 77-161 83-3	4044 (c) 4044 (c) 4044 (c)
<u>Bona fide</u> pension plan	81-7	4021
Exclusions from coverage (See subject this index)		
Insured plans:		
. . .no exemption	75-2 75-12 75-48 77-172	Misc. 4021 4021 4021 (a) (2)
IRS Qualification:		
. . .general	75-16 76-57 81-4 84-2	4021 (a) 4021 (a) 4021 (a) 4021 (a)
. . .communicated to participants	76-56	4021 (a)

01-31-87

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
. . .in writing	75-55 79-15	4021(a) 4021(a)
. . .must be specifically revoked	76-118 77-155	4021(a) 4021(a) (2)
. . .not required if qualified in practice	77-172 78-30 81-10 85-19 81-16	4021(a) (2) 4007 General 4021(a) 4021(a) (1) 4021(a)
. . .permanent plan required		
. . .successor plan as counting rule	79-15	4021(a)
. . .unfunded plan	75-14 76-63	4021(a) 4021(a)
Multiemployer plan (See subject in this Part A and Part B)		
Partial termination:		
. . .benefits not protected	75-84	4022(a)
Taft-Hartley Plans	77-146	4021
D. <u>DATE OF TERMINATION</u>		
Determined by PBGC	75-70 75-118 76-19 76-76 76-100 76-102 78-19	4048 4048 4048 4048 4041(a) 4048 4048
Discontinuance of:		
. . .accruals and/or contributions	75-25 75-71 76-47	4048 4048 4048

08-31-87

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
. . .contributions	76-100 80-22	4048 4041A
Distribution of assets	75-25	4048
Established by agreement	78-6 78-25	4048 4041(a)
Multiemployer plans after 9/26/81 - See Part B		
Not extended by later accruals	77-157	4082(b)
Notice to participants	75-70 81-6 82-25	4048 4048 4041(a)
Plan provisions, effect of 81-6	78-19 4048	4048
Retroactive date of termination	82-25	4048
<u>DEATH BENEFITS</u>	75-33 76-73 76-99 76-103 76-114 78-24	4022(a) 4022(a) 4044(a) 4022(a) 4043(b)(2) 4044
<u>DECISIONS OF PBGC</u>		
Constitute final agency action	76-84	Misc.
Effect of opinion letters	87-7	Misc.
Forum for resolution of disputes	76-113	4003(f)

05-31-92

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
<u>DEFINED BENEFIT PLAN</u>		
Amendment:		
. . .effect on status	75-58	4021
. . .reportable event	75-58	4021
Based on promised benefit	76-23	4001(a) (3)
	76-86	4021(b) (1)
	76-88	4062(a)
	76-91	4041(f)
	86-28	3(35)
Bifurcated plan as	75-110	4021(b) (12)
Collective bargaining plan:		
. . .employer participation in defining benefit	75-108	4021(b) (1)
. . .specified benefit formula	75-106	4021
	75-110	4021(b) (1)
Defined	75-58	4021
	75-85	3(35)
	76-88	4062(a)
	77-146	4021
Funded by insurance or annuity policy	74-14	4021(a)
	74-16	4021(a)
	75-4	3(34)
	75-19	4021(b) (9)
Guaranteed minimum benefit on an individual account	76-28	4021(b) (1)
IRS Qualified:		
. . .general	74-14	4021(a)
	74-15	4021(a)
	74-18	4021(a)
	75-55	4021(a)
. . .mandatory coverage	76-56	4021(a)
	76-118	4021(a) (2)

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Promised benefits exceed individual account levels	76-86	4021(b) (1)
Reduction in contribution or benefit:		
. . .effect on status	75-58	4021
	75-113	4021(a)
. . .reportable event	76-39	4043
Taft-Hartley Plans	77-146	4021
Target benefit plan	74-17	4021(a)
Treated as individual account plan	74-3	3 (35)
<u>DEFINED CONTRIBUTION PLAN</u> (See Individual Account Plan)		
<u>DISABILITY PAYMENTS</u>		
	76-93	4022(a)
	76-101	4044
	77-136	4022(a)
	78-8	29 CFR 2605
<u>DISCLOSURE OF CONFIDENTIAL INFORMATION</u>		
	75-1	Misc.
<u>DISCRETIONARY COVERAGE</u>		
Multiemployer plans:		
. . .general	75-119	4082(c)
	76-15	4064(b)
	76-21	4082(c)
	76-97	4082(c)
	76-108	4082(c)
	79-4	4082(c)
. . .payments while coverage pending	76-66	4082(c)
Partial terminations	75-84	4082(c)
Power to reduce guaranteed benefits	75-119	4082(c)
Terminations before 9/2/74:		
. . .reasonable business purpose	75-37	4082(b)
	75-38	4082(b)

05-31-92

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
<u>DISTRESS TERMINATION</u>		
Action of Bankruptcy Court	86-25	4041(c)(2)(B)
Administration during interim Procedures	86-25	InterimPrcdrs
. . .during suspension of termination	89-7	4041(c)(2)(A)
. . .initiation of termination	86-25	4041(c)(2)
. . .notice to and participa- tion by affected parties	87-6	4041(c)(2)(B)(iii)
Suspension of termination		
. . .formal challenge/collec- tive bargaining agreement	87-4 89-7	4041(a)(3) 4041(a)(3)
<u>DISTRIBUTION OF ASSETS</u>		
As soon as practicable		
. . .residual assets	89-1	4041(b)(2)(D)
Bank account for missing participants	83-24 89-4	4044 4044
Benefit liabilities		
. . .satisfied by purchase of irrevocable contract	91-4	4041(b)
Complete distribution upon election of 5 year payout for transfer to new plan	82-28	4044
Employee election of benefit	76-30 76-70 76-90 76-107 77-148 79-2 81-39	4041(f) 4044 4044 4044 4041 4022 4041(b)
Improper allocation	79-17 80-7	4003(e)(1) 4041(a)

05-31-92

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Insurance policies		
. . .general	77-122	4041(a)
	77-144	4041(a)
. . .distributed to participants	76-104	4044(a)
. . .use of participating annuity contracts	85-9	4044(d)
	85-28	Joint Impl.Gdlns.
Joint implementation guidelines		
. . .annuitization and vesting required/not required	85-21	4044(d)(1)
. . .purchase of participating annuity contract	85-9	4044(d)
	85-28	Joint Impl.Gdlns.
Lump sums, valuation	86-1	29 CFR 2619.26
	91-5	29 CFR 2619.26(a)
Missing participants	83-24	4044
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Multiemployer plans after 9/26/81 - See Part B		
Pretermination liabilities	76-99	4044(a)
Requirement for termination	91-1	4022
	91-4	4041(b)
Return of employee contributions	75-66	4041
	76-2	4041(f)
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To prohibited group	75-28	4062(b)
	76-59	4043(b)(7)
	84-3	4043(b)(7)
Transfer of assets to another plan		
. . .employee election	82-19	4041A(a)
	85-10	4044
. . .spinoff/termination, single to multiemployer	85-25	Joint Impl.Gdlns.

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
<u>DUE DATE</u>		
Premium payments	74-1	4007(b)
	74-8	4007(a)
	74-11	4007(a)
	75-101	4007(a)
	76-35	4065
	77-137	4007
Waiver of premium due date	74-13	4007(b)
	75-80	4007(b)
	76-4	4007(b)
	76-6	4007(b)
	76-48	4007(b)
 E. <u>EARLY RETIREMENT</u>		
Benefit amount, plan provisions control	81-35	4022(a)
Benefits guaranteed	75-33	4022(a)
	76-31	4044
	76-64	4041(a)
	76-85	4022(a)
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Benefits not guaranteed . . .continued employment	85-26	4022
Nudge benefits	76-31	4044
	76-85	4022(a)
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Allocation in multiemployer plan	78-28	4064
Calculation of liability	76-88	4062(a)
	77-158	4062
	80-5	4062
	80-6	4062(b)

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
CELI	74-30	4023 (d)
	75-120	4023 (d)
	76-15	4023
	76-27	4023 (c)
Collectively bargained plan	76-36	4062 (a)
	77-125	4062
	77-156	4062
Date of Termination:		
. . .no manipulation		
to avoid liability	75-37	4082 (b)
	75-38	4082 (b)
. . .use of alternative date	76-120	4067
Deferred payment terms		
. . .interest rate	82-23	4067
. . .financial information		
required	82-23	4067
	82-26	4067
Extent of liability:		
. . .30% of net worth	75-95	4062 (b)
	75-121	4021
	76-38	4068 (a)
	76-62	4062 (b)
	76-67	4062 (b)
	76-88	4062 (b)
	77-174	4062
. . .based on guaranteed		
benefits	74-12	4062 (b)
	74-32	4062 (b)
	75-28	4062 (b)
	75-35	4022 (a)
. . .determination of		
maximum liability	77-158	4062
. . .provisions limiting	76-78	4067
	77-156	4062

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
4049 Trust		
. . .predecessor employer's liability	86-16	4049
Funding deficiency		
. . .liability to 4049 trustee	86-16	4042
Indemnification agreement	77-125 77-138 78-3 81-29	4062 4063 4063(e) 4063(e)
Insurance company insolvency:		
. . .no employer liability	75-12	4062(a)
Interest on	79-16	4062
Liability imposed:		
. . .at time of plan termination	76-115	4062(a)
. . .sale of assets	77-147	4062(e)
. . .upon restoration of plan	77-132	4047
Lien		
. . .general	79-16 81-5	4068 4068(c) (1)
. . .where filed	75-76	4068(c) (4)
Maintaining a plan	77-164 78-11	4064 4062
Merger:		
. . .successor liability	76-92	4062(d)
Multiemployer plans	75-9 75-95 75-98 76-23 76-27 79-4 80-22	4064(a) 4062(a) 4064 4064 4062(a) 4063 4041A

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Multiple employer plans . . .effect of election under §4403	81-1	4403
Multiple terminations	76-62	4062 (b)
Net worth:		
. . .date determined	81-10	4062
. . .determined by PBGC	76-51	4062 (c)
	76-105	4062 (b)
Partitioned plan	79-10	4064
	80-8	4063
Payment terms	76-78	4067
	76-120	4067
	77-131	4067
	77-158	4067
Predecessor employer, and controlled group, when liable if:		
. . .plan sufficient or successor financially sound at date of sale	77-167	4062
	78-7	4062 General
	78-9	4062
	78-29	4062 (e)
	80-6	4062 (b)
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	81-36	4062
	82-29	4062
	82-30	4062
	85-8	4062 (b)
	86-13	4062
	86-16	4062
. . .purchaser assumes liability	81-17	4062
. . .spinoff	85-8	4062 (b)
	86-13	4062

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
. . . subsidiary sold to unrelated corporation	82-31	4062
. . . successor satisfies employer liability	77-127	4062(a)
Purchaser of assets, when liable if:		
. . . plan, plan assets assumed/not assumed	81-9	4062
. . . prior termination of plan	81-7	4062
. . . sale for fair market value	81-5	4062(a)
. . . transfer of business assets only	81-25	4062
Purchase of annuities to satisfy	76-116	4062 General
Trades or businesses under common control:		
. . . treated as single employer	76-38	4041(c)
	76-105	4062(b)
	81-5	4062(a)
	81-17	4062
	81-41	4203
Substantial employer withdrawal		
. . . general	76-8	4063
. . . escrow/bonding	77-173	4063
Waiver	75-9	4004(f)
	76-49	4004(f)(4)
	76-68	4004(f)(4)
	76-108	4004(f)(4)
	78-13	4004(f)(4)
	80-5	4004(f)(4)

07-31-86

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
<u>EXCLUSIONS FROM COVERAGE</u>		
Church plan		
. . . IRS ruling controls	74-22	4021(b) (3)
	76-22	4021(b) (3)
	78-1	4021(b) (3)
. . . Unrelated trades or businesses	82-3	4021(b) (3)
Foreign plan:		
. . . established and maintained abroad	74-6	4021(b) (7)
	74-25	4021(b) (7)
	75-53	4021(a)
	76-109	4021(a)
	78-14	4021(b) (7)
	85-19	4021(a) (2)
. . . Puerto Rican employees not aliens	82-36	4021(a)
. . . substantial number of foreign participants	74-25	4021(b) (7)
	75-42	4021(b) (7)
. . . work location of employees	80-19	4021(b) (7)
Government plan:		
. . . general	75-18	4021(b) (2)
	81-23	4021(b) (2)
	81-37	4021(b) (2)
. . . governmental agency or instrumentality	81-40	4021(b) (2)
. . . guaranteed through government funds	76-95	4021(b) (2)
	77-126	4021(b) (2)
	77-140	4021(b) (2)
	78-26	4021(b) (2)
	79-6	4021(b) (2)

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
. . .maintained by government entity	75-44	4021(b) (2)
	75-45	4021(b) (2)
	77-152	4021(b) (2)
	78-25	4021(b) (2)
	81-13	4021(b) (2)
	81-30	4021(b) (2)
	81-31	4021(b) (2)
. . .maintained by government and private entities	77-169	4021(b) (2)
	81-2	4021(b) (2)
. . .maintained for government employees	81-12	4021(b) (2)
. . .plan maintained by government contractor not excluded	83-16	4021(b) (2)
. . .public employer sponsor	75-41	4021(b) (2)
. . .sponsored by government entity	75-46	4021(b) (2)
Indian Tribal Council plan	81-3	4021(b) (2)
Individual account plans:		
. . .general	74-20	4021(b) (1)
	75-5	4021(b) (1)
	75-110	4021(b) (1)
	76-7	4021(b) (1)
	76-74	4021(b) (1)
. . .funded by insurance	75-4	4021(a)
	75-12	4021
. . .money purchase plan	75-17	4021(b) (1)
	76-58	4022(b)
. . .profit sharing	74-5	4021(b) (1)
	74-21	4021(b) (1)
. . .target benefit plan	74-17	4021(b) (12)
Individual Retirement Accounts	75-13	4021(a)
Keogh trust accounts	75-54	4021(a)

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Partial Individual Account plan	74-3	4021(b) (12)
	74-16	4021(b) (12)
	74-17	4021(b) (12)
	75-110	4021(b) (12)
Plans not qualified under §401(a) of the Code	78-23	4021 General
Plans with no provision for employer contributions	74-23	4021(b) (5)
	74-24	4021(b) (5)
. . .provision but no contributions	77-164	4041
	81-4	4021(b) (5)
	81-7	4021(b) (5)
Plans terminating prior to 9/2/74	76-13	4082 (a)
	78-17	4021(b) (1)
	79-1	4082 (b)
Puerto Rican plans	78-23	4021 General
	82-36	4021 (a)
Professional service employer plan:		
. . .established and maintained by professional employer	74-17	4021(b) (13)
	76-61	4021(b) (13)
	76-106	4021(b) (13)
. . .maximum of 25 active participants	74-17	4021(b) (13)
	74-26	4021(b) (13)
	75-49	4021(b) (13)
. . .must provide a professional service	74-27	4021(b) (13)
	75-19	4021(b) (13)
	76-96	4021(b) (13)
	77-150	4021(b) (2) (A)

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
. . .owned and controlled by professionals	74-17	4021(b) (13)
	75-104	4021(b) (13)
	77-154	4021(c) (2) (A)
	77-163	4021(c) (2) (B)
. . .owners and members in same profession	75-19	4021(b) (13)
	75-20	4021(b) (13)
	75-49	4021(b) (13)
	75-104	4021(b) (13)
	76-106	4021(b) (13)
. . .principle business is professional service	75-107	4021(c) (2) (A)
	77-145	4021(c) (2) (B)
	77-150	4021(c) (2) (B)
	77-154	4021(c) (2) (B)
	77-163	4021(c) (2) (B)
	77-168	4021(c) (2) (A)
	78-21	4021(b) (13)
	82-1	4021(b) (13)
. . .professional defined	74-26	4021(c) (2)
	75-107	4021(c) (2) (A)
	76-96	4021(c) (2) (A)
	76-106	4021(c) (2) (B)
	77-145	4021(c) (2) (B)
	80-9	4021(c) (2) (B)
	80-10	4021(c) (2) (B)
	80-11	4021(c) (2) (B)
	80-12	4021(c) (2) (B)
	80-13	4021(c) (2) (B)
	80-14	4021(c) (2) (B)
	80-15	4021(c) (2) (B)

10-31-90

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
. . .type of individual:		
Actuary	75-49	4021(b) (13)
Advertising and Public Relations	80-13	4021(b) (13)
Artist-Designer	80-11	4021(b) (13)
Bio-mechanic	77-145	4021(c) (2) (B)
Chemist	77-150	4021(c) (2) (B)
Embalmer/Funeral Director	78-21	4021(b) (13)
Engineer, Registered Public	77-154	4021(c) (2) (B)
Food Broker	80-10	4021(b) (13)
Forester	80-14	4021(b) (13)
Insurance Agent	76-106	4021(b) (13)
Laboratory Bio-analyst	77-163	4021(c) (2) (B)
Optician	80-9	4021(b) (13)
Pharmacist	75-107	4021(c) (2) (A)
	82-1	4021(b) (13)
Physician	74-26	4021(b) (13)
	76-61	4021(b) (13)
	76-106	4021(b) (13)
Physician as Administrator	76-96	4021(c) (2) (A)
Pilot, River Boat	80-15	4021(b) (13)
Planner, Licensed Pro- fessional	79-12	4021(c) (2) (B)
Psychologist, Clinical	79-13	4021(c) (2) (B)
Real Estate Broker	80-12	4021(b) (13)
Veterinary, Licensed	75-20	4021(b) (13)
	75-104	4021(b) (13)
Railroad Retirement Act, plan financed under	77-149	4021(b) (2)
Substantial owner plan:		
. . .established <u>or</u> maintained	90-6	4021(b) (9)
. . .exclusively for substantial owner	75-19	4021(b) (9)
	75-39	4021(b) (9)
	75-43	4021(b) (9)
	77-128	4021(b) (9)
	77-139	4021(b) (9)
	90-6	4021(b) (9)
. . .50-person partnership	89-10	4021(b) (9)
. . .substantial owner defined	90-6	4022(b) (5)

EXPENSES

Administrative expenses in terminating plan

-27-

83-2 4044
81-10 4044
77-160 4044
77-151 4044
75-65 4044 07-31-86

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Unfunded plan ... "pay as you go"	77-63	4021(a)
Union plan/association plan: ... member contributions	74-24 77-171	4021(b) (5) 4021(b) (5)
... no employer contribution	74-23	4021(b) (4)
U.S. District Court ... no jurisdiction if plan not covered	75-103	4021
Welfare benefit plans ... excluded	75-40 76-7	4021(a) 4021(b) (1)

F. FIDUCIARY DUTIES

Plan Administrator	76-76	4048
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FOREIGN PLAN

Exclusion from coverage: ... general	74-6 74-25 75-53	4021(b) (7) 4021(b) (7) 4021(a)
... requirements for	75-42 76-109 78-14 80-19 85-19	4021(b) (7) 4021(a) 4021(b) (7) 4021(b) (7) 4021(b) (7)

4049 TRUST

Liability of predecessor/ successor employer	86-16	4049
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07-31-86

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
G. <u>GOVERNMENT PLAN</u>		
General	75-18 81-23	4021(b) (2) 4021(b) (2)
Excluded from coverage:		
. . .guaranteed through government funds	76-95 77-126 77-140 78-26 79-6	4021(b) (2) 4021(b) (2) 4021(b) (2) 4021(b) (2) 4021(b) (2)
. . .maintained by government entity	75-44 75-45 77-152 78-25 81-13 81-30 81-31	4021(b) (2) 4021(b) (2) 4021(b) (2) 4021(b) (2) 4021(b) (2) 4021(b) (2) 4021(b) (2)
. . .maintained by government and private entities	77-169 81-2	4021(b) (2) 4021(b) (2)
. . .public employee participants	75-41	4021(b) (2)
. . .sponsored by government entity	75-46	4021(b) (2)
<u>GROUP PARTICIPATION BY EMPLOYER</u>		
Considered as one employer	75-96	4001(a) (2)
Withdrawal from plan	75-96	4063(a)

06-30-90

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
<u>GUARANTEED BENEFITS</u>		
Amendments:		
. . .5-year phase-in	75-22	4022(b)(1)
	75-23	4022(b)(8)
	75-111	4022(b)(1)&(8)
	76-37	4022(b)(8)
	76-85	4022(b)(8)
	77-135	4022(b)(1)&(8)
	77-166	4022(b)(1)&(8)
Annuities purchased from insurance company		
. . .not guaranteed	90-3	4022; 4022A
Benefits accruing after layoff	83-6	4022
	83-9	4022
Benefits cancellable upon withdrawal	79-10	4022
Benefits in pay status	74-28	4022(a)
Benefits not guaranteed:		
. . .accruals after IRS disqualification	75-113	4022(b)(7)
. . .nonbasic benefits	78-20	4022 General
. . .nonforfeitable solely by termination	76-85	4022(a)
. . .notice filed late	75-36	4082(b)
. . .partial termination	75-84	4022(a)
. . .pension annuity purchased from insurance company	90-3	4022; 4022A
. . .plan terminated prior to July 1, 1974	75-72	4048
	75-118	4082(b)
. . .plan terminated within one year	74-12	4022(b)(8)
. . .severance pay	76-73	4022(a)
. . .single installment	89-6	29 CFR 2613.8
Credited service		
. . .after plan termination	83-9	4022
. . .effect of "make-whole" order	88-10	4022
Death benefits	75-33	4022(a)
	76-73	4022(a)
	78-24	29 CFR 2605

10-31-90

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Disability payments	76-93 77-136 78-8	4022(a) 4022(a) 29 CFR 2605
Distribution of insurance policy:		
. . .net cash value	75-35	4022(a)
Early retirement:		
. . .general	75-33	4022(a)
. . .actuarial reduction of phased-in benefit	79-7	4022(b)(8)
. . .benefit amount, plan provisions control	81-35	4022(a)
. . .continued employment	85-26	4022
. . .nudge benefits	76-31 76-85	4044 4022(a)
Effect of waiver of minimum funding standards	78-18	4022
Election of optional nonguaranteed form	77-148	4041
Improper allocation, effect of	79-17	4021(a)
Limited by terms of plan	80-20	4022(a)
Lump-sum death benefits	76-103	4022(a)
Lump-sum payment of small benefits	90-5	29 CFR 2613.8(b)(1)
Maximum guarantee	76-17 86-28	4022(b)(3) 4022(b)(3)
Partial restoration of benefits	76-103	4022(a)
Payable/not payable		
. . .annuity form	77-161 77-162 78-24	4044 29 CFR 2605 29 CFR 2605
. . .as lump sum	90-5	29 CFR 2613.8(b)(1)
. . .employment in business continues	86-26	4022

10-31-90

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Recoupment of benefits in excess of guarantee	82-25	4044
Reduction in benefits: . . .effect on guarantee	75-113	4022(a)
Requirements for guarantee: . . .between 6/30/74 and 9/2/74, reasonable business purpose for termination	75-38	4082(b)
. . .entitlement	76-64	4041(a)
	76-69	4022(a)
	76-85	4022(a)
	76-136	4022(a)
. . .nonforfeitable	74-29	4022(a)
	75-21	4022(a)
	75-35	4022(a)
	76-72	4022(a)
	76-112	4022(a)
	77-164	29 CFR 2605
	78-8	29 CFR 2605
	83-9	4022
	88-10	4022
. . .pension benefit	76-37	4022(a)
	76-73	4022(a)
	76-103	4022(a)
	77-133	4044(a) (2)
	77-141	4022(a)
	77-162	4022
	83-9	4022
. . .periodic installment	76-58	4022(a)
Supplemental	76-14	4022(a)
	76-37	4022(a)
Termination of employment . . .effect of reemployment	86-26	4022
. . .nonforfeitable benefits guaranteed	74-29	4022(a)
Valuation of benefit	90-5	29 CFR 2619.43
Vested solely on termination or partial termination	76-8	4063
	84-4	4022(a)

10-31-90

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Waiver of benefit;		
. . .by participant	75-34	4022(a)
. . .by substantial owner	76-107	4044
	77-125	4044
. . .employee indemnification	77-125	4044
Waiver of minimum funding standard, effect of	78-18	4022
I. <u>INDEMNITY AGREEMENTS</u>	76-20	4062(e)
	77-125	4062
	77-138	4063
	78-3	4063(e)
	81-29	4063(e)
<u>INDIVIDUAL ACCOUNT PLAN</u>		
Benefits based on amounts contributed	74-20	4021(b) (1)
	75-5	4021(b) (1)
	75-17	4021(b) (1)
Benefits based on plan formula, effect of	86-28	3(34)
Defined	75-4	3(17)
	76-23	4001(a) (3)
Excluded from coverage:		
. . .general	75-2	Misc.
	75-5	4021(b) (1)
	76-7	4021(b) (1)
. . .defined benefit plan treated as	74-3	4021(b) (12)
	74-16	4021(b) (12)
	74-17	4021(b) (12)
	75-110	4021(b) (1)
. . .money purchase plan	75-17	4021(b) (1)
	76-58	4022(a)
. . .profit sharing	74-5	4021(b) (1)
	74-21	4021(b) (1)
. . .target benefit plan	74-17	4021(b) (1)
Maintain individual accounts	76-58	4022
	76-74	4021(b) (1)

01-31-87

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Notice of intent to terminate	75-15	4021(a)
<u>INDIVIDUAL RETIREMENT ACCOUNTS</u>		
Excluded from coverage	75-13	4021(a)
<u>INSURANCE POLICIES</u>		
As partial payment of benefit	86-28	4044
As plan asset:		
. . .valuation and allocation	77-159	4044
Conversion on plan termina- tion	77-122 77-144	4041(a) 4041(a)
Defined benefit plan, funding	74-14 75-19	4021(a) 4021(b) (9)
Distribution on plan termina- tion:		
. . .general	77-122 77-144	4041(a) 4041(a)
. . .distributed to participants	76-104	4044(a)
. . .net cash value	75-35	4022(a)
Partial Individual Account plan	74-16	4021(a)
Premiums on life insurance during 90-day period	75-64	4041
<u>IRS QUALIFICATION REQUIREMENTS</u>		
General	75-12 75-14 76-14 76-57 76-79 81-4	4021 4021(a) 4021(a) 4021(a) 4021(a) (1) 4021(a)

07-31-86

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Communicated to participants	76-56	4021(a)
Disqualification	76-57	4021(a)
Must be specifically revoked	75-113 76-118 77-155	4022(b) (7) 4021(a) (2) 4021(a) (2)
Plan reduced to writing	75-55 76-25 79-15	4021(a) 4021(a) 4021(a)
Successor plan as counting rule	79-15	4021
Trust created or organized in U.S.	75-53 76-109	4021(a) 4021(a)

L. LATE PREMIUM PAYMENT

Interest charge	75-11 75-100 76-5 76-6 76-48	4007(b) 4007 4007 4007(b) 4007(b)
Penalty charge	74-1 75-80 75-100 76-5 76-6 76-35 76-48	4007(b) 4007(b) 4007 4007 4007(b) 4065 4007(b)
Waiver of penalty	75-11 76-4 76-6	4007(b) 4007(b) 4007(b)

01-31-87

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
<u>LIEN</u>		
General	75-121 81-5	4068 4068 (c) (1)
Where to file	75-76	4068 (c) (4)
<u>LIABILITY</u> (See Employer Liability)		
<u>LIMITATION ON GUARANTEED BENEFITS</u> (See Maximum Guarantee; Phase-in Rule)		
M. <u>MAINTAINING A PLAN</u>		
Contribution obligation	75-98 75-99 77-164	4064 (a) 4064 4064
Withdrawal payments as	78-11	4062
<u>MAXIMUM GUARANTEE</u>	76-17 86-28	4022 (b) (3) 4022 (b) (3)
<u>MERGER; TRANSFER OF PLAN ASSETS; SPINOFF</u>		
Allocation on termination basis . . .temporary rule: split assets according to historical asset maintenance	85-2	4021
As termination or reportable event	76-33 76-40 76-46 78-9 81-20 85-8 86-13	4043 (b) (8) 4043 (b) (3) 4043 (b) (8) 4041 (4043) 29 CFR 2617 4043 (b) 4043 (b) (8)

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Successor plan	80-16 81-7	4021(a) 4021
<u>MONEY PURCHASE PLAN</u>	75-17	4021(b)(1)
<u>MULTIEMPLOYER PLAN</u>		
Based on collective bargaining agreement	74-4	4001(a)(3)
Discretionary coverage	75-9 75-84 75-119 76-15 76-21 76-97	4082(c) 4082(c) 4082(c) 4064(b) 4082(c) 4082(c)
50% ceiling	75-8	1015
Individual employer contributions	75-99	4064
IRS determination controls	78-16	4001(a)(3)
Liability:		
. . .general	76-36	4064
. . .apportionment of	76-15 76-23 76-108 78-28	4064(b) 4064 4064 4064(b)
. . .indemnification by employees	77-125	4064
Maintaining a plan:		
. . .contribution obligation	75-98 75-99	4064(a) 4064
Mergers:		
. . .intervention by PBGC	76-75	208
. . .retroactive application of regulations	75-93	208; 1015

01-31-87

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
. . .single employer plan into multiemployer	75-94	208
Partition, effect of	79-10	4063(d)
Premium payments	75-95	4006(a)(3)
Single employer plan if: . . .75% or more aggregate contributions	75-99	4062(a)
Termination notice . . .filed by	80-22	4041A
. . .requirement of	75-119	4041(a)
Withdrawal by participating employer	75-96 76-14	4063(a) 4063

MULTIPLE EMPLOYER PLAN

Aggregate of single plans if: . . .use of funds restricted to employees of particular employer	75-116 79-3 84-2 85-2	4063 4062 4042 4021
Single plan if: . . .assets available to pay benefits of all employees covered by fund on ongoing basis	78-15 78-16 78-27 79-14 85-2	4041 General 1015; 414(f) 1015; 414(l) 4041 4021

07-31-86

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Withdrawal liability		
. . .bond or escrow required	81-22	4063
. . .effect of election under §4403	81-1	4403
N. <u>NONBASIC BENEFIT PROGRAM</u>	78-20	4022 (c)
<u>NONFORFEITABLE BENEFITS</u>		
Definition of	74-29 76-72	4022 (a) 4022 (a)
Limited by terms of plan	75-21 79-10 80-20	4022 (a) 4022 (a) 4022 (a)
<u>NONRESIDENT PARTICIPANTS</u> (See also Foreign Plan)		
Counted for premium payments	74-6 75-42	4006 (a) (3) 4021 (b) (7)
<u>NUDGE BENEFITS</u> (See Early Retirement)		
P. <u>PARTIAL INDIVIDUAL ACCOUNT PLAN</u>		
Coverage:		
. . .fixed minimum benefit	75-19	4021 (b) (9)
. . .to extent it is not an individual account plan	74-3 74-16 74-17 75-110	4021 (b) (12) 4021 (b) (12) 4021 (b) (12) 4021 (b) (12)
Individual account participants excluded	75-10 75-110	4006 (a) (3) 4007 (a)
Treated as two plans	75-87	4021 (b) (12)

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
<u>PARTIAL TERMINATION</u>		
Benefits not protected	75-84	4022(a)
	76-21	4082(c)
Section 4044 allocation	75-92	4044
Vesting for guarantee purposes	76-8	4063
	84-4	4022(a)
<u>PARTICIPANTS</u>		
Basis for premium payments	74-4	4007(a)
	75-110	4007(a)
	79-11	4006
Decrease in numbers of: . . .reportable event	75-92	4043(b)(3)
	76-52	4043(b)(3)
	76-89	4043(b)(3)
	76-121	4043(b)(3)
Defined	74-7	4006(a)(3)
	75-3	3(7)
	75-56	4043(b)(3)
	76-82	4006
	80-17	4007
	80-21	4007
	83-14	4007
	87-9	4006
	88-4	4006(a)(3)(A)
Effect of plan definition	83-14	4007
Nonresident	74-6	4006(a)(3)
Partitioned plans	79-10	4063(d)
Professional service employer plan: . . .maximum 25 participants	75-49	4021(b)(13)

07-31-86

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Withdrawal liability		
. . .bond or escrow required	81-22	4063
. . .effect of election under §4403	81-1	4403
N. <u>NONBASIC BENEFIT PROGRAM</u>	78-20	4022(c)
<u>NONFORFEITABLE BENEFITS</u>		
Definition of	74-29	4022(a)
	76-72	4022(a)
Limited by terms of plan	75-21	4022(a)
	79-10	4022(a)
	80-20	4022(a)
<u>NONRESIDENT PARTICIPANTS</u> (See also Foreign Plan)		
Counted for premium payments	74-6	4006(a) (3)
	75-42	4021(b) (7)
<u>NUDGE BENEFITS</u> (See Early Retirement)		
P. <u>PARTIAL INDIVIDUAL ACCOUNT PLAN</u>		
Coverage:		
. . .fixed minimum benefit	75-19	4021(b) (9)
. . .to extent it is not an individual account plan	74-3	4021(b) (12)
	74-16	4021(b) (12)
	74-17	4021(b) (12)
	75-110	4021(b) (12)
Individual account participants excluded	75-10	4006(a) (3)
	75-110	4007(a)
Treated as two plans	75-87	4021(b) (12)

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
<u>PARTIAL TERMINATION</u>		
Benefits not protected	75-84 76-21	4022(a) 4082(c)
Section 4044 allocation	75-92	4044
Vesting for guarantee purposes	76-8 84-4	4063 4022(a)
<u>PARTICIPANTS</u>		
Basis for premium payments	74-4 75-110 79-11	4007(a) 4007(a) 4006
Decrease in numbers of: . . .reportable event	75-92 76-52 76-89 76-121	4043(b)(3) 4043(b)(3) 4043(b)(3) 4043(b)(3)
Defined	74-7 75-3 75-56 76-82 80-17 80-21 83-14 87-9 88-4 83-14	4006(a)(3) 3(7) 4043(b)(3) 4006 4007 4007 4007 4006 4006(a)(3)(A) 4007
Effect of plan definition		
Nonresident	74-6	4006(a)(3)
Partitioned plans	79-10	4063(d)
Professional service employer plan: . . .maximum 25 participants	75-49	4021(b)(13)

07-31-86

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Retiree or annuitant as	75-3 75-56 76-50	4006 (a) (3) 4043 (b) (3) 4006
<u>PARTITION UPON WITHDRAWAL</u>	78-5 79-10 80-8 81-14	4063 (d) 4063 (d) 4063 (d) 4063 (d)
<u>PENALTY CHARGE</u>		
Assessed on a graduated basis	76-6	4007 (b)
Following expiration of due date	74-11	4007 (b)
Waiver	75-11 75-80 76-48	4007 (b) 4007 (b) 4007 (b)
<u>PHASE-IN RULE</u> (See also Guaranteed Benefits)		
Benefits vested upon curtailment	77-135	4022 (b) (1) & (8)
Commencement date	77-135 77-166 79-15	4022 (b) (1) & (8) 4022 (b) (1) & (8) 4022 (b) (8)
Computation	75-23	4022 (b) (8)
General	75-22	4022 (b) (1)
No actuarial reduction in early retirement	79-7	4022 (b) (8)

07-31-86

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Successor plan	79-10 80-16 81-7 86-9	4022 4022(b) (2) 4022(b) (2) 4022(b) (2)
<u>PLAN</u>		
Aggregate of single plans if: . . . use of separate funds restricted to employees of particular employer	79-3 84-2 85-2	4062 4042 4021
Single plan if: . . . assets available to pay benefits of all covered employees on ongoing basis	78-15 78-16 78-27 79-14 85-2	4041 General 1015; 414(f) 1015; 414(f) 4041 4021
<u>PLAN ADMINISTRATOR</u> (See Administrator)		
<u>PLAN SPONSOR</u>		
Several employers	74-2	3(16)
<u>PLAN YEAR</u>		
Basis for premium payments	75-101	4007(a)
Defined	75-6 75-101	3(39) 4007(a)

07-31-86

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
<u>PREMIUM PAYMENTS</u>		
Administrator's responsi- bility	74-9 74-10	4007(a) 4007(a)
After assets distributed . . .effect of bank account for missing participants	83-24	4007
. . .election of 5-year payout for transfer to new plan as distribution	82-28	4044
After contributions have ceased	75-106	4007(a)
Change in plan year	75-100	4007
Due date:		
. . .general	74-8 74-11 75-101 77-137	4007(a) 4007(a) 4007(a) 4007
. . .waiver of due date	74-1 74-13 75-11 75-80 76-4 76-6 76-48	4007(b) 4007(b) 4007(b) 4007(b) 4007(b) 4007(b) 4007(b)
Failure to make payments:		
. . .benefit still guaranteed	75-121	4021
. . .interest charge	76-4 76-48	4007(b) 4007(b)
. . .penalty charge	75-100 76-6 76-35 76-48	4007 4007(b) 4065 4007(b)

04-30-89

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
. . .60 months for full coverage	75-22 75-24 79-5	4022(b)(1) 4023(d) 4007(a)
For plan funded thru trust company	74-19	4021(a)
Multiple employer plan: . . .declaration & payment	74-4	4007(a)
Partial year's premium	75-78	4007
Source of funds	74-10	4007(a)
Year of termination	74-12 86-14	4007(a) 4007
<u>PREMIUMS</u>		
After termination	76-12 86-14	4021(b)(1) 4007
Based on number of participants	74-4 74-7 75-3 76-82 79-11	4007(a) 4006(a)(3) 4006(a)(3) 4006 4006
Bifurcated plan: . . .excluded to extent participants have individual accounts	75-10 75-110	4006(a)(3) 4007(a)
Coverage date	74-8 74-11 76-35	4006(a)(3) 4007(a) 4065
Participant defined . . .floor offset plan . . .integrated plans	88-4 87-9	4006(a)(3)(A) 4006

10-31-90

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
For individual not currently in employment covered by plan	83-14	4007
For participants covered by more than one plan		
. . .general	85-6	4006(a)(3)(B)
. . .termination/reestablish- ment of plan	86-14	4007
For retirees whose benefit is provided by insurance contract	79-5	4007(a)
Individual account participants:		
. . .excluded	75-110	4007(a)
Insured plans:		
. . .must pay premiums	75-2	Misc.
	75-48	4021
	76-28	4021(b)(1)
	86-15	4021
Integrated plan	76-82	4006
	80-21	4007
	81-28	4007
	87-9	4006
Multitemployer plan	75-95	4006(a)(3)
Multiple employer plan		
. . .effect of withdrawal of employer	80-4	4006
Plan year	75-6	4007(a)
	75-101	4007(a)
Refunds, interest not paid	78-30	4007 General
Required for defined benefit plans - tax qualified	74-14	4021(a)
	74-18	4021(a)
	74-19	4021(a)

08-31-86

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Snapshot approach		
. . .general	80-4	4006
. . .integrated plans	87-9	4006
. . .not apply when plans created upon divestiture	84-1	4007
))		
<u>PRIORITY UPON ALLOCATION</u>		
(See Allocation of Assets)		
))		
<u>PROFESSIONAL</u>		
) Defined	75-19	4021(b)(13)
	75-104	4021(b)(13)
	75-107	4021(c)(2)(A)
	76-106	4021(c)(2)(B)
	77-154	4021(c)(2)(A)
))		
<u>PROFESSIONAL SERVICE</u>		
<u>EMPLOYER PLAN</u>		
Established and maintained by professional service employer	74-17	4021(b)(13)
	74-26	4021(c)(2)
	76-61	4021(b)(13)
	76-106	4021(b)(13)
	77-154	4021(c)(2)(A)
	77-163	4021(c)(2)(A)
	82-18	4021(b)(13)
))		
Maximum of 25 participants	74-17	4021(b)(13)
	74-26	4021(b)(13)
	75-49	4021(b)(13)
))		
Must provide professional service	74-27	4021(b)(13)
	75-20	4021(b)(13)
	76-61	4021(b)(13)
	76-96	4021(c)(2)(A)
	77-145	4021(c)(2)(B)
	77-150	4021(c)(2)(B)
))		

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Owners and members in same profession	75-19	4021(b) (13)
	75-20	4021(b) (13)
	75-49	4021(b) (13)
	75-104	4021(b) (13)
	75-106	4021(b) (13)
Principle business is professional service	75-107	4021(c) (2) (A)
	77-145	4021(c) (2) (B)
	77-150	4021(c) (2) (B)
	77-154	4021(c) (2) (B)
	77-163	4021(c) (2) (B)
	77-168	4021(c) (2) (A)
	78-21	4021(b) (13)
	82-1	4021(B) (13)
	82-18	4021(c) (2) (A)
Type of individual:		
. . .Actuary	75-49	4021(b) (13)
. . .Advertising and Public Relations	80-13	4021(b) (13)
. . .Artist-Designer	80-11	4021(b) (13)
. . .Bio-mechanic	77-145	4021(c) (2) (B)
. . .Chemist	77-150	4021(c) (2) (B)
. . .Embalmer/Funeral Director	78-21	4021(b) (13)
. . .Engineer, Registered Public	77-154	4021(c) (2) (B)
. . .Food Broker	80-10	4021(b) (13)
. . .Forester	80-14	4021(b) (13)
. . .Insurance Agent	76-106	4021(b) (13)
. . .Laboratory Bio-analyst	77-163	4021(c) (2) (B)
. . .Optician	80-9	4021(b) (13)
. . .Pharmacist	75-107	4021(c) (2) (A)
	82-1	4021(b) (13)
	82-18	4021(c) (2) (B)
. . .Physician	74-26	4021(b) (13)
	76-61	4021(b) (13)
	76-106	4021(b) (13)

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
. . .Physician as Administrator	76-96	4021(c)(2)(A)
. . .Pilot, River Boat	80-15	4021(b)(13)
. . .Planner, Licensed Professional	79-12	4021(c)(2)(B)
. . .Psychologist, Clinical	79-13	4021(c)(2)(B)
. . .Real Estate Broker	80-12	4021(b)(.13)
. . .Veterinary, Licensed	75-20	4021(b)(13)
	75-104	4021(b)(13)
<u>PROFIT SHARING PLAN</u>	74-5	4021(b)(1)
	74-21	4021(b)(1)
R. <u>RAILROAD RETIREMENT ACT</u>		
Plan financed under, excluded from coverage	77-149	4021(b)(2)
<u>RECAPTURE OF BENEFITS</u>	86-28	4045
<u>RECOUPMENT OF BENEFITS IN EXCESS OF GUARANTEE</u>	82-25	4044
<u>REDUCTION IN CONTRIBUTION OR BENEFIT</u>		
Change from defined benefit to target benefit plan	75-58	4021
Effect on coverage status	75-113	4021(a)
Reportable event	75-27	4043(b)(5)
	75-106	4043(b)
	76-39	4043(b)(2)
	76-45	4043(b)(2)
	76-53	4043(b)(2)
	76-77	4043(b)(2)
	76-114	4043(b)(2)
<u>REPORTABLE EVENTS</u> (See, also, this subject in Part B)		
Accrual cessation	76-71	4043(b)(2)
	78-11	4043

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Amendments	75-58 75-100 75-106	4021 4006 4043(b)
Cessation of operations at a facility	75-92 76-5 76-41 77-123	4043(b)(3) 4007 4043(b)(3) 4062(e)
Change in funding	75-115 76-46	4043 4043(b)(8)
Change of employer . . . sponsor leaves controlled group	85-8	4043(b)
Covered plans only	75-10	4043(b)(8)
Decrease in participants	75-88 75-92 76-8 76-41 76-52 76-79 76-89 76-121 77-134 77-167	4043 4043(b)(3) 4062(e) 4043(b)(3) 4043(b)(3) 4021(a)(1) 4062(e) 4043(b)(3) 4043(b)(3) 4043(b)(3)
Failure to meet minimum funding standard	75-27 75-113	4043(b)(5) 4021(a)
Merger; transfer of assets; spinoff	85-8 86-13	4043(b)(8) 4043(b)(8)
Partial termination	75-92	4043(b)(3)

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Payment to substantial owner	76-59 84-3	4043 (b) (7) 4043 (b) (7)
Reduction in benefits:		
. . .general	75-85 75-91	4043 (b) (3) 4043 (b) (2)
. . .change to individual account plan	75-106	4021
. . .decrease future benefits	75-58 76-45 76-114	4021 4043 (b) (2) 4043 (b) (2)
. . .delete disability benefit	75-100	4006
. . .freeze future benefits	76-39 76-77	4043 (b) (2) 4043 (b) (2)
. . .integration of benefits	76-53	4043 (b) (2)
Reorganization:		
. . .merger or consolidation	75-7 75-68 75-73 75-87 76-24 76-33 76-83	4043 (b) (8) 4043 (b) (8) 4043 (b) (8) 4043 (b) (8) 4043 (b) (8) 4043 (b) (8) 4043 (b) (8)
. . .transfer of assets	75-90 76-11 76-40 76-46 76-52 76-89 77-167	4043 (b) (8) 4043 (b) (8) 4043 (b) (3) 4043 (b) (8) 4043 (b) (8) 4062 (e) 4043
. . .transfer of rights and obligations	76-39	4043

02-28-89

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Requirement of Notice:		
. . .annual report as substitute for	75-100	4006
. . .annual report, report- ing of event waived	82-16	4043
. . .covered plans only	75-10	4043(b)(8)
	76-11	4043(b)(8)
. . .only events after 9/2/74	75-67	4043(b)(3)
	76-10	4043(a)
. . .waiver of 30 day notice, effect of	82-16	4043
Sale of division by parent	81-20	(4043) 29 CFR 2617
Substitution of trustee	76-80	4043(b)(8)
Temporary benefit suspension	75-84	4043(b)(6)
Transfer of assets	76-80	4043(b)(8)
	80-6	4043(b)(8)
 <u>REQUEST FOR WAIVER</u>		
By plan administrators	76-6	4007(b)
 <u>RESIDUAL ASSETS</u>		
Allocated to benefits in categories 1-6	85-10	4044
Distribution discrepancy	76-113	4044(a)
Distribution in dispute	89-1	4041(b)(2)(D)
Employee contributors	76-2	4044(d)(2)
	76-65	4044(d)(2)
	78-4	4044(d)(2)

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Joint implementation guidelines		
. . .annuitization and vesting required/not required	85-11	4044
	85-21	4044 (d) (1)
. . .not apply if no reversion	85-7	4044 (d)
. . .purchase of participating annuity contract	85-9	4044 (d)
	85-28	Joint Impl.Gdlns.
. . .spinoff of single to multiemployer	85-25	Joint Impl.Gdlns.
. . .substantial business purpose	85-25	Joint Impl.Gdlns.
. . .termination/reestablishment	86-3	Joint Impl.Gdlns.
No reversion without termination	85-25	Joint Impl.Gdlns.
	86-3	4044 (d)
Reversion to employer	76-43	4044 (d) (1)
	76-60	4044 (d) (1)
	76-81	4044 (d) (1)
	76-119	4044 (d) (1)
	77-129	4044 (d) (1)
	78-2	4044 (d) (1)
	81-4	4044 (d)
	81-18	4044 (d) (1)
	81-24	4044 (d)
	81-26	4044 (d) (1)
<u>RESTORATION OF TERMINATED PLANS</u>	78-22	4047
	80-18	4047
	82-11	4047
	83-3	4047
	83-5	4047
	86-26	4047

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
<u>RETIREE</u>		
As active participant	75-3 76-50	4006(a)(3) 4006
S. <u>SEPARATE ACCOUNT PLAN</u> (See Individual Account Plan)		
<u>SEVERANCE PAY</u>	76-73	4022(a)
<u>SPINOFF</u> (See Merger; Transfer of Plan Assets; Spinoff)		
<u>STANDARD TERMINATION</u>		
Suspension of termination		
. . .formal challenge/collec- tive bargaining agreement	87-4 89-1	4041(a)(3) 4041(a)(3)
. . .labor dispute, effect of	87-10	4041(a)(3)
. . .timely challenge	89-1	4041(a)(3)
<u>SUBSIDIARY PLAN</u>		
Common plan	76-8 76-9	4001(b) 4001(b)
Separate plan	75-105 76-9	4001(b) 4001(b)
<u>SUBSTANTIAL EMPLOYER</u>		
Affiliated group	75-96	4001(a)(2)
Based on contribution level	75-75 75-96	4001(a)(2) 4063(a)
Withdrawal:		
. . .general	76-14	4063
. . .cessation of operations	77-123	4062(e)
. . .escrow/bonding	75-95 75-96 77-173	4062(a) 4063(a) 4063
. . .group withdrawal	78-3 75-96	4063(e) 4063(a)

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
. . .indemnity agreement	76-20	4062(e)
	77-138	4063
	81-29	4063(e)
. . .liability	75-116	4063
	77-147	4062(e)
. . .no withdrawal if con- tributions continue	79-10	4063(a)
. . .notice of pending separation from employment as	75-74	4062(e)
. . .partition	79-10	4063(d)
. . .post security	75-95	4062(a)
	75-96	4063(a)
. . .sale of assets or facility	77-138	4063
	77-147	4062(e)

SUBSTANTIAL HARDSHIP

Criteria for waiver of
due date:

. . .ability to pay within 60 days	76-48	4007(b)
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SUBSTANTIAL OWNER

Payment in excess of \$10,000	76-59	4043(b) (7)
	84-3	4043(b) (7)
Plan excluded from coverage:		
. . .general	77-128	4021(b) (9)
	77-139	4021(b) (9)
. . .defined	75-19	4021(b) (9)
. . .exclusively for substantial owner	75-39	4021(b) (9)
	75-43	4021(b) (9)
Waiver of accrued benefit by substantial owner	75-83	4044
	76-107	4044
	77-153	4044

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
<u>SUCCESSOR EMPLOYER</u>		
Plan, plan assets assumed/not assumed	76-111 76-115 78-7 78-9 78-10 81-9	4062 (d) 4062 (d) 4062 General 4062 4062 (d) 4062
Transfer of business assets only	81-25	4062
<u>SUCCESSOR PLAN</u>		
Continuation of valid plan	76-47	4021 (a)
Phase-in rule	80-16	4022 (b) (2)
Successor plan test	80-16 81-7 86-9 88-7	4021 (a) 4021 (a) 4021 (a) 4021 (a)
<u>SUFFICIENCY</u>		
Certification of	76-113	4044 (a)
Distribution information required	80-2	4003 (e) (2)
T. <u>TARGET BENEFIT PLAN</u>	74-17 76-12	4021 (b) (1) 4021 (b) (1)

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
<u>TERMINATION</u>		
Acts that terminate a plan:		
. . . amendment creating individual account plan	75-62 75-89 75-106 76-2 76-12 76-91 76-116	4041(f) 4041(f) 4041(f) 4041(f) 4041(f) 4041(f) 4041(a)
. . . amendment creating target benefit plan	75-58	4021
. . . cessation of accruals and contributions	75-16 75-25 75-72 76-42	4021(a) 4041(a) 4048 4041
. . . cessation of accruals and vesting	75-71 75-118 76-47 76-54	4048 4048 4048 4041
. . . cessation of production and employment	77-157	4082(b)
. . . sale of plant; dismissal of all but 3 employees	79-1	4082(b)
. . . successor plan not adopted	76-25	4021(a)
. . . transfer of assets to individual accounts	76-30	4041(f)
. . . withdrawal by employer from group of single- employer plans	75-57 75-116	4041 4041
. . . withdrawal by sub- stantial employer	76-14 75-116	4063 4041

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Acts that do not terminate plan:		
. . .asset transfer and cessation of contributions	75-117 78-9	4041 4041
. . .benefit accruals cease, vesting and contributions continue	76-39 76-71 77-135 78-11 78-17	4043 4048 4022(b) (1) & (8) 4041 4041
. . .cessation of contributions but accruals or vesting continue	75-50 76-92 76-100	4001(b) 4062(d) 4041(a)
. . .cessation of contributions, temporary or no formal action taken	76-1 77-124 78-12 81-8	4048 4041 4041 General 4041
. . .closing plant, 3%-6% of participants terminated	75-63 76-41	4041 4043(b) (3)
. . .decrease in number of participants	75-88 76-8 77-134	4041 4062(e) 4043(b) (3)
. . .distribution of assets	75-25	4048
. . .divestiture and new plans created	84-1	4007
. . .formal action taken, accruals cease, but contributions continue	80-22	4041A
. . .reduction in pension benefits	75-91	4041

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
. . .spinoff/termination without annuitization and vesting for all	84-6	4041(a)
. . .substitution of insurance carriers	75-115	4041
. . .withdrawal by employer, no spinoff	77-170	4041
. . .withdrawal by subsidiary	76-83 76-117	4041(a) 4041
Bifurcated plan	75-87	4041(f)
By PBGC	75-106	4042
Certification of Sufficiency . . .optional form	77-148	4041
Date of termination (See subject this index)		
Disclosure to participants	76-39 81-6	4043 4048
Distribution at termination: (See also Distribution of assets)		
. . .continuation of trust	76-26 76-70	4041 4041
. . .wasting trust	76-42	4041
Employee option:		
. . .election of benefit	76-70 76-90 76-107 77-148 81-39	4044 4044 4044 4044 4041(b)
. . .transfer of assets	76-12 76-26	4041(f) 4041
Expenses of	83-2 81-10 77-160 77-151 75-65	4044 4044 4044 4044 4041

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Liability (See Employer Liability)		
Limitations on termination		
. . .de facto continuation	81-11 86-27	4047 4041(a)
. . .PBGC authority to determine limitations	86-27	4047
Notice of intent to terminate:		
. . .general	76-32	4042
. . .bankruptcy pending	75-121	4042
. . .collectively bargained plan	76-87	4041(a)
. . .effect of delay	76-76	4048
. . .filed by plan administrator	76-16 76-42 76-76 76-87 77-130 81-38 83-15	4041(a) 4041 4041 4041(a) 4041(a) 4041 4041(a)
. . .intent to establish new plan, effect of	83-12	4041
. . .invalid unless filed by plan administrator	82-6	4041(a)
. . .multiemployer plans prior to 1/1/78	75-119	4082(c)
. . .not required for plans excluded from coverage	74-31 75-15	4041(a) 4041(a)
. . .not required for termi- nation before 9/2/74	75-60 76-54	4041 4041
. . .required for covered plans	75-86	4041
. . .voidable	78-6	4048
. . .waiver prohibited	76-55 76-60	4041(a) 4044(d) (1)

11-30-87

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
. . .withdrawal of notice	76-116 77-132 77-143 81-15	4041(a) 4047 4041(a) 4041(a)
Notice of withdrawal of substantial employer	75-75 76-77	4063(a) 4041(a)
Payments after notice of intent to terminate:		
. . .normal operation of plan	76-44	4041(a)
. . .payment of administra- tive expenses	75-65	4041
. . .payment of existing benefit obligations	75-26 75-65 76-44 76-64 76-66	4041(a) 4041 4041(a) 4041(a) 4041(a)
. . .payment of legal fees	77-151 77-160	4044 4044
. . .payment of life insurance premiums	75-64	4041
Plan provisions control	77-124	4041
Standard termination (See subject in this Part A)		
Surrender of insurance policies for cash	75-61	4041
Suspension of termination		
. . .formal challenge/collec- tive bargaining agreement	87-4	4041(a)(3)
Voluntary termination	76-34	4041
<u>TRADES OR BUSINESSES UNDER COMMON CONTROL</u>		
Definition applies to multiemployer plans	82-13	4001(b)

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Treated as single employer	76-38 76-105 81-5 81-17 81-41	4041(c) 4062(b) 4001(b) 4062 4203

TRUSTEESHIP

General	76-98 76-116 80-20	4041(g) 4041(a) 4042
Limited to covered plans	75-103 76-29	4041(g) 4041(g)

U. UNDERFUNDING

Prior to ERISA	75-27	4043(b) (5)
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UNION PLAN

(See also Association Plan)

Covered plan: . . .dues as employer contribution	77-171	4021(b) (5)
Excluded from coverage: . . .no employer contribu- tions	74-23 74-24	4021(b) (4) 4021(b) (5)
Union held liable as employer	75-95	4062(a)

V. VIOLATIONS OF TITLE IV

Principal purpose to evade liability	86-13	4062
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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Subpoena for distribution information	80-2	4044
W. <u>WAIVER</u>		
Of benefits:		
. . .allocation requirements not waived	75-83	4044
. . .prior to termination	75-34	4022(a)
. . .when permitted	75-83	4044
	76-107	4044
	77-125	4062
	77-153	4044
Of due date for premium payment:		
. . .filed prior to due date	75-80	4007(b)
. . .initial premium	74-1	4007(b)
. . .request by administrator	76-6	4007(b)
. . .substantial hardship	76-48	4007(b)
. . .unable to pay within 60 days	74-13	4007(b)
Of employer liability	75-9	4004(f)
	76-49	4004(f)(4)
	76-68	4004(f)(4)
	76-108	4004(f)(4)
	78-13	4004(f)(4)
	80-5	4004(f)(4)
Of minimum funding standard		
. . .effect on guaranteed benefits	78-18	4022
Of notice of intent to terminate	76-55	4041(a)

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Of penalty charge	75-80	4007(b)
	76-42	4007(b)
<u>WASTING TRUST</u>	76-39	4043
	76-42	4041
	76-70	4041
	76-90	4044
	77-171	
<u>WELFARE BENEFIT PLANS</u>	75-40	4021(a)
	76-7	3(2)
<u>WITHDRAWAL</u>		
Effect of election under §4403	81-1	4403
Group association withdrawal	75-96	4063(a)
Group of single employer plans	75-57	4041
Indemnity agreement	81-29	4063(e)
Partition of plan	78-5	4063(d)
	79-10	4063(d)
Post security	75-95	4062(a)
	75-96	4063(a)
	78-3	4063(e)
	81-22	4063
Sale of assets as §4062(e) event	82-29	4062(e)

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<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
Spinoff as §4062(e) event	85-8	4062(e)
	86-13	4062
Substantial employer	75-74	4062(e)
	75-96	4063(a)
	77-138	4063
	77-147	4062(e)
	81-29	4063(e)

08-31-90

Part B - Multiemployer Plans After 9/26/81

<u>Subject</u>	<u>Letter Number</u>	<u>ERISA/Reg. Section No.</u>
A. <u>ALLOCATION OF WITHDRAWAL LIABILITY</u>		
Alternative methods		
. . .general	81-12	4211
. . ."rolling 5" rule	82-35	4211(c)
Approval by PBGC of plan amendment	88-3	4220
De Minimus Rule	83-23	4209(c)
Determination of contributions and periods	82-14	4211(b) (3)
Presumptive method	82-34 83-19 88-1	4211 4211 4211(b)
Ratio upon partial withdrawal	85-13	4206
Reallocation upon termination		
. . .nonforfeitable benefits	89-5	4219(c) (1) (D)
. . .valuation date	90-4	4219(c) (1) (D)
<u>ARBITRATION</u>		
General	82-38 82-39	4221 4221
Default for non-payment		
. . .during arbitration	82-27	4219(c) (5)
. . .during period for plan review and arbitration	85-23	4219
Determination of withdrawal liability by plan sponsor	83-4	4219
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87-1	4203(e)		29 CFR 2648.6(c) (2)
	4205(b) (1)	88-6	4235
	4205(b) (2) (A)		4235(a)
87-2	4204		4235(b)
87-3	4217	88-7	4204(d)
	4217(a) (2)	88-8	4203(e)
			4212(a)
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89-01	4041(a) (3)	90-1	4069(b)
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89-7	4041(a) (3)	90-5	29 CFR 2613.8(b) (1)
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