PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Liability for Termination of Single-Employer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intention to request extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation ("PBGC") intends to request that the Office of Management and Budget ("OMB") extend approval, under the Paperwork Reduction Act, of a collection of information contained in its regulation on Liability for Termination of Single-Employer Plans, 29 CFR Part 4062 (OMB control number 1212-0017; expires September 30, 1998). This notice informs the public of the PBGC's intent and solicits public comment on the collection of information.

DATES: Comments should be submitted by July 6, 1998.

ADDRESSES: Comments may be mailed to the Office of the General Counsel, suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, or delivered to that address between 9 a.m. and 4 p.m. on business days. Written comments will be available for public inspection at the PBGC's Communications and Public Affairs Department, suite 240 at the same address, between 9 a.m. and 4 p.m. on business days.

Copies of the collection of information may be obtained without charge by writing to the PBGC's Communications and Public Affairs Department at the address given above or calling 202-326-4040. (For TTY and TDD, call 800-877-8339 and request connection to 202-326-4040). The regulation on Liability for Termination of Single-employer Plans can be accessed on the PBGC's home page at http://www.pbgc.gov.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, or Catherine B. Klion, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, 202-326-4024. (For TTY and TDD, call 800-877-8339 and request connection to 202-326-4024).

SUPPLEMENTARY INFORMATION: Section 4062 of the Employee Retirement Income Security Act of 1974 provides that the contributing sponsor of a single-employer pension plan and members of the sponsor's controlled group ("the employer") incur liability ("employer liability") if the plan terminates with assets insufficient to pay benefit liabilities under the plan. The PBGC's statutory lien for employer liability and the payment terms for employer liability are affected by whether and to what extent employer liability exceeds 30 percent of the employer's net worth.

Section 4062.6 of the PBGC's employer liability regulation (29 CFR 4062.6) requires a contributing sponsor or member of the contributing sponsor's controlled group who believes employer liability upon plan termination exceeds 30 percent of the employer's net worth to so notify the PBGC and to submit net worth information. This information is necessary for the PBGC to determine whether and to what extent employer liability exceeds 30 percent of the employer's net worth.

The collection of information under the regulation has been approved by OMB under control number 1212-0017 through September 30, 1998. The PBGC intends to request that OMB extend its approval for another three years. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The PBGC estimates that an average of 13 contributing sponsors or controlled group members per year will respond to this collection of information. The PBGC further estimates that the average annual burden of this collection of information will be 12 hours and $1800 per respondent, with an average total annual burden of 156 hours and $23,400.

The PBGC is soliciting public comments to—

• evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

• evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

• enhance the quality, utility, and clarity of the information to be collected; and

• minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Disclosure to Participants

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intention to request extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation ("PBGC") intends to request that the Office of Management and Budget ("OMB") extend approval, under the Paperwork Reduction Act, of the collection of information under its regulation on Disclosure to Participants, 29 CFR Part 4011 (OMB control number 1212-0050; expires September 30, 1998). This notice informs the public of the PBGC's intent and solicits public comment on the collection of information.

DATES: Comments should be submitted by July 6, 1998.

ADDRESSES: Comments may be mailed to the Office of the General Counsel, suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, or delivered to that address between 9 a.m. and 4 p.m. on business days. Written comments will be available for public inspection at the PBGC's Communications and Public Affairs Department, suite 240 at the same address, between 9 a.m. and 4 p.m. on business days.

Copies of the collection of information may be obtained without charge by writing to the PBGC's Communications and Public Affairs Department at the address given above or calling 202-326-4040. (For TTY and TDD, call 800-877-8339 and request connection to 202-326-4040). The regulation on Disclosure to Participants can be accessed on the PBGC's home page at http://www.pbgc.gov.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, or Catherine B. Klion, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, 202-326-4024. (For TTY and TDD, call 800-877-8339 and request connection to 202-326-4024).
II. Background and Description

The purpose of the proposed rule change is to prohibit floor brokers from representing or executing "go along" orders (as further described below) on the floor of the Exchange. The Exchange will consider the representation or execution of such orders an act inconsistent with just and equitable principles of trade pursuant to Exchange Rule 4.1. The Exchange proposes to set forth the prohibition against the representation of "go along" orders in a regulatory circular describing the types of conduct which would be considered to be violative of just and equitable principles of trade. The proposed regulatory circular will state the following:

Definition of "Go Along" Orders

A "go along" order, or a "not held with the crowd" order, is an order that instructs a floor broker to bid or offer (as appropriate for the type of order) on a contract only (i) when a particular market-makers in the trading crowd are bidding or offering on the contract and (ii) at the price or prices established by such market-makers in the trading crowd. The prohibition of "go along" orders does not limit a floor broker's use of discretion in representing an order on behalf of a customer. Instead, the prohibition is intended to prohibit a floor broker from accepting a specific instruction to trade in a manner that mimics the trading behavior of one or more market-makers.

Generally, customers submitting "go along" orders to floor brokers will specify whether the order is to buy or sell, the number of contracts, the series, and the strike price. Typically, the floor broker will be instructed to buy when instructed to bid or offer when one or more participating in the trading crowd are bidding or offering. Second, the floor broker must be instructed to bid or offer at the price established by the other participants in the trading crowd. Furthermore, the Exchange is proposing to add a sentence to make clear that the prohibition against "go along" orders is not intended to prohibit a floor broker from properly exercising discretion in the representation of an order.

Amendment No. 2 further clarifies the definition of "go along" order to state that the floor broker must be instructed to bid (offer) on a contract only when particular market-makers in the trading crowd are bidding (offering) on that contract, that the floor broker must be instructed to bid (offer) at the prices established by such market-makers in the trading crowd. Amendment No. 2 also amends the last sentence of the first paragraph of the definition section to state that the prohibition against "go along" orders (as further described below) on the floor of the Exchange. The Exchange expects to issue its members. Amendment No. 1 deletes "generally" from the first sentence of the circular entitled "Definition of Go Along Orders." In addition, Amendment No. 1 clarifies the definition of go along orders (as further described below) on the floor of the Exchange. The Exchange expects to issue its members. Amendment No. 1 deletes "generally" from the first sentence of the circular entitled "Definition of Go Along Orders." In addition, Amendment No. 1 clarifies the definition by explaining there are two elements that an instruction to a floor broker must meet before those instructions make an order a "go along" order. First, the floor broker must be