PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Data To Study Multiemployer Plan Guaranty Program

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) approve, under the Paperwork Reduction Act, a voluntary collection of information to assist PBGC in modeling potential outcomes of pension plans insured under its multiemployer program. This notice informs the public of the PBGC’s request and solicits public comment on the collection of information.

DATES: Comments should be submitted by August 21, 2013.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at OIRA_DOCKET@omb.eop.gov or by fax to (202) 395–6974.

Copies of the request (including the collection of information) may be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026 or by visiting the Disclosure Division or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.) The Disclosure Division will email, fax, or mail the requested information to you, as you request. The request will also be posted on PBGC’s Web site at http://www.pbgc.gov/res/laws-and-regulations/information-collections-umb-omb-review.html.

FOR FURTHER INFORMATION CONTACT: Dan Liebman Attorney, Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026, liebman.daniel@pbgc.gov or 202–326–4400, ext. 6510. (For TTY and TDD, call 800–877–8339 and request connection to 202–326–4000, ext. 6779.)

SUPPLEMENTARY INFORMATION: The Pension Protection Act of 2006 (Pub. L. 109–280) (PPA) requires the actuary of a multiemployer plan in effect on July 16, 2006 to certify the plan’s status within certain zones established under PPA to the plan’s trustees and the Secretary of the Treasury within 90 days after the beginning of each plan year. The certification must state whether or not the plan meets any of the tests to be in critical status or endangered status and for a plan already in critical or endangered status, whether the plan is progressing as scheduled toward the applicable statutory target for improved funding. Plans in endangered and critical status are restricted with respect to the types of actions they may take and the types of amendments they may adopt, as well as required to follow special rules during the adoption period of collective bargaining agreements.

PBGC is researching the effects of potential changes to its multiemployer program. PBGC’s objective is to quantify the effect of potential policy proposals on multiemployer plans that are or could enter critical status with respect to projected dates of insolvency. As a result, PBGC would require to be provided, and the benefit changes plan participants would experience. To assist in this research, PBGC is requesting that OMB approve an information collection request of multiemployer pension plans, their actuarial service providers, and their stakeholders, including unions and relevant professional and trade organizations.

PBGC would request the following types of information (which are routinely provided to plan actuaries):

- The most recent actuarial valuation report.
- The most recent cash flow projections that the plan actuary developed in connection with the plan’s rehabilitation plan annual update and a summary of the actuarial assumptions utilized in the projections.
- Participant census data, including accrued benefit, date of birth, date credited service began (for both active and inactive participants, if available), gender, form of payment and other data for participants in pay status, and any plan specific data needed to replicate actuarial valuation results.

PBGC believes the data requested would be readily available and there would be no need to assemble new information. PBGC would not ask for any personally identifiable information (such as name, address, social security number, etc.) in the participant census data.

This information collection would be voluntary on the part of respondents and any information provided in response to this request would not be used for any PBGC enforcement activities. Instead, such information will be used only for research into policy alternatives and would be subject to PBGC’s standard confidentiality agreement. The names of the plans submitting data in support of PBGC’s research would not appear in any report distributed outside of PBGC.

PBGC is requesting that OMB approve this collection of information for 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.

PBGC estimates that between 40 to 50 plans would respond to this collection of information. PBGC further estimates that the average burden of this collection of information would be four hours and $1,280 per plan, with an average total burden of 180 hours and $57,600.
SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request


Extension: Rule 303.

SEC File No. 270–450; OMB Control No. 3235–0505.


Regulation ATS sets forth a regulatory regime for "alternative trading systems" ("ATSs"), which are entities that carry out exchange functions but which are not required to register as national securities exchanges under the Act. In lieu of exchange registration, an ATS can instead opt to register with the Commission as a broker-dealer and, as a condition to not having to register as an exchange, must instead comply with Regulation ATS. Rule 303 of Regulation ATS (17 CFR 242.303) describes the record preservation requirements for ATSs. Rule 303 also describes how such records must be maintained, what entities may perform this function, and how long records must be preserved.

Under Rule 303, ATSs are required to preserve all records made pursuant to Rule 302, which includes information relating to subscribers, trading summaries, and time-sequenced order information. Rule 303 also requires ATSs to preserve any notices provided to subscribers, including, but not limited to, notices regarding the ATSs operations and subscriber access. For an ATS subject to the fair access requirements described in Rule 301(b)(5)(ii) of Regulation ATS, Rule 303 further requires the ATS to preserve at least one copy of its standards for access to trading, all documents relevant to the ATS’s decision to grant, deny, or limit access to any person, and all other documents made or received by the ATS in the course of complying with Rule 301(b)(5) of Regulation ATS. For an ATS subject to the capacity, integrity, and security requirements for automated systems under Rule 301(b)(6) of Regulation ATS, Rule 303 requires an ATS to preserve all documents made or received by the ATS related to its compliance, including all correspondence, memoranda, papers, books, notices, accounts, reports, test scripts, test results and other similar records. As provided in Rule 303(a)(1), ATSs are required to keep all of these records, as applicable, for a period of at least three years, the first two in an easily accessible place. In addition, Rule 303 requires ATSs to preserve records of partnership articles, articles of incorporation or charter, minute books, stock certificate books, copies of reports filed pursuant to Rule 301(b)(2), and records made pursuant to Rule 301(b)(5) for the life of the ATS.

The information contained in the records required to be preserved by Rule 303 will be used by examiners and other representatives of the Commission, state securities regulatory authorities, and the self-regulatory organizations ("SROs") to ensure that ATSs are in compliance with Regulation ATS as well as other applicable rules and regulations. Without the data required by the Rule, regulators would be limited in their ability to comply with their statutory obligations, provide for the protection of investors, and promote the maintenance of fair and orderly markets.

Respondents consist of ATSs that choose to register as broker-dealers and comply with the requirements of Regulation ATS. There are currently 92 respondents. To comply with the record preservation requirements of Rule 303, these respondents will spend approximately 1.380 hours per year (92 respondents at 15 burden hours/respondent). At an average cost per burden hour of $104.20, the resultant total related cost of compliance for these respondents is $143,796 per year (1,380 burden hours multiplied by $104.20/hour).

Compliance with Rule 303 is mandatory. The information required by Rule 303 is available only for the examination of the Commission staff, state securities authorities and the SROs. Subject to the provisions of the Freedom of Information Act, 5 U.S.C. 552 ("FOIA"), and the Commission’s rules thereunder (17 CFR 200.80(b)(4)(iiii)), the Commission does not generally publish or make available information contained in any reports, summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an examination or inspection of the books and records of any person or any other investigation.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information Under the PRA unless it displays a currently valid OMB control number. The public may view background documentation for this information collection at the following Web site: www.reginfo.gov. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: Shagufta.Ahmed@omb.eop.gov; and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: PRA_Mailbox@sec.gov. Comments must be submitted within 30 days of this notice.

Dated: July 16, 2013.

Kevin M. O’Neill,
Deputy Secretary.

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request


Extension: Rule 20a–1.

OMB Control No. 3235–0158; SEC File No. 270–132

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 20a–1 (17 CFR 270.20a–1) was adopted under Section 20(a) of the Investment Company Act of 1940 (1940 Act) (15 U.S.C. 80a–19(d)) and concerns the solicitation of proxies, consents, and authorizations with...