PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This rule amends the Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans by substituting a new table for determining expected retirement ages for participants in pension plans undergoing distress or involuntary termination with valuation dates falling in 2020. This table is needed to compute the value of early retirement benefits and, thus, the total benefits of a plan.

DATES: This rule is effective January 1, 2020.

FOR FURTHER INFORMATION CONTACT: Gregory Katz (katz.gregory@pbgc.gov), Attorney, Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005, 202–326–4400, ext. 3829. (TTY users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4400, ext. 3829.)

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation (PBGC) administers the pension plan termination insurance program under title IV of the Employee Retirement Income Security Act of 1974 (ERISA). PBGC’s regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) sets forth (in subpart B) the methods for valuing plan benefits of terminating single-employer plans covered under title IV. Guaranteed benefits and benefit liabilities under a plan that is undergoing a distress termination must be valued in accordance with subpart B of part 4044. In addition, when PBGC terminates an underfunded plan involuntarily pursuant to ERISA section 4042(a), it uses the subpart B valuation rules to determine the amount of the plan’s underfunding.

Under § 4044.51(b) of the asset allocation regulation, early retirement benefits are valued based on the annuity starting date, if a retirement date has been selected, or the expected retirement age, if the annuity starting date is not known on the valuation date. Sections 4044.55 through 4044.57 set forth rules for determining the expected retirement ages for plan participants entitled to early retirement benefits. Appendix D of part 4044 contains tables to be used in determining the expected early retirement age.

Table I in appendix D (Selection of Retirement Rate Category) is used to determine whether a participant has a low, medium, or high probability of retiring early. The determination is based on the year a participant would reach “unreduced retirement age” (i.e., the earlier of the normal retirement age or the age at which an unreduced benefit is first payable) and the participant’s monthly benefit at the expected retirement age. These tables are based on IRS tables that are updated annually by PBGC to reflect changes in the cost of living, etc.

Tables II–A, II–B, and II–C (Expected Retirement Ages for Individuals in the Low, Medium, and High Categories respectively) are used to determine the expected retirement age after the probability of early retirement has been determined using Table I. These tables establish, by probability category, the expected retirement age based on both the earliest age a participant could retire under the plan and the unreduced retirement age. This expected retirement age is used to compute the value of the early retirement benefit and, thus, the total value of benefits under the plan.

This document amends appendix D to replace Table I–19 with Table I–20 to provide an updated correlation, appropriate for calendar year 2020, between the amount of a participant’s benefit and the probability that the participant will elect early retirement.

PBGC has determined that this action is not a “significant regulatory action” under the criteria set forth in Executive Order 12866 and Executive Order 13771.

Because no general notice of proposed rulemaking is required for this regulation, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

List of Subjects in 29 CFR Part 4044

Employee benefit plans, Pension insurance.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 2. Appendix D to part 4044 is amended by removing Table I–19 and adding in its place Table I–20 to read as follows:

Appendix D to Part 4044—Tables Used To Determine Expected Retirement Age
TABLE I–20—SELECTION OF RETIREMENT RATE CATEGORY

[For valuation dates in 2020]¹

<table>
<thead>
<tr>
<th>If participant reaches URA in year—</th>
<th>Participant's retirement rate category is—</th>
<th>Low² if monthly benefit at URA is less than—</th>
<th>Medium³ if monthly benefit at URA is—</th>
<th>High⁴ if monthly benefit at URA is greater than—</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>From—</td>
<td>To—</td>
<td></td>
</tr>
<tr>
<td>2021</td>
<td></td>
<td>672</td>
<td>2,839</td>
<td></td>
</tr>
<tr>
<td>2022</td>
<td></td>
<td>688</td>
<td>2,905</td>
<td></td>
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<tr>
<td>2023</td>
<td></td>
<td>704</td>
<td>2,971</td>
<td></td>
</tr>
<tr>
<td>2024</td>
<td></td>
<td>720</td>
<td>3,040</td>
<td></td>
</tr>
<tr>
<td>2025</td>
<td></td>
<td>736</td>
<td>3,110</td>
<td></td>
</tr>
<tr>
<td>2026</td>
<td></td>
<td>753</td>
<td>3,181</td>
<td></td>
</tr>
<tr>
<td>2027</td>
<td></td>
<td>771</td>
<td>3,254</td>
<td></td>
</tr>
<tr>
<td>2028</td>
<td></td>
<td>788</td>
<td>3,329</td>
<td></td>
</tr>
<tr>
<td>2029</td>
<td></td>
<td>806</td>
<td>3,406</td>
<td></td>
</tr>
<tr>
<td>2030 or later</td>
<td></td>
<td>825</td>
<td>3,484</td>
<td></td>
</tr>
</tbody>
</table>

¹ Applicable tables for valuation dates before 2020 are available on PBGC's website (www.pbgc.gov).
² Table II–A.
³ Table II–B.
⁴ Table II–C.

DATES: The regulations in the table to 33 CFR 165.506 at (a)(16) will be enforced from 5:45 p.m. through 6:30 p.m. on December 31, 2019, and from 11:45 p.m. on December 31, 2019, through 12:30 a.m. on January 1, 2020.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, you may call or email Petty Officer Thomas Welker, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone 215–271–4814, email Thomas.J.Welker@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone in the Table to 33 CFR 165.506, entry (a)(16), for the Delaware River Waterfront Corporation New Year’s Eve Fireworks displays. This action is necessary to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after the fireworks displays. Our regulation for safety zones of fireworks displays within the Fifth Coast Guard District, table to § 165.506, entry (a)(16) specifies the location of the regulated area as all waters of Delaware River, adjacent to Penn’s Landing, Philadelphia, PA, within 500 yards of a fireworks barge at approximate position latitude 39°56′49″ N, longitude 075°08′11″ W. During the enforcement periods, as reflected in § 165.506(d), vessels may not enter, remain in, or transit through the safety zones unless authorized by the Captain of the Port or on scene designated Coast Guard patrol personnel.

In addition to this notice of enforcement in the Federal Register, the Coast Guard plans to provide notification of this enforcement period via broadcast notice to mariners.

Dated: November 29, 2019.
Scott E. Anderson,
Captain, U.S. Coast Guard, Captain of the Port, Delaware Bay.

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2019–0486]

Safety Zones; Fireworks Displays in the Fifth Coast Guard District

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Penn’s Landing, Delaware River, Philadelphia, PA, safety zone from 5:45 p.m. through 6:30 p.m. on December 31, 2019, and from 11:45 p.m. on December 31, 2019, through 12:30 a.m. on January 1, 2020. This is to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after the fireworks displays. Our regulation for safety zones of fireworks displays within the Fifth Coast Guard District identifies the area for this event at Penn’s Landing in Philadelphia, PA. During the enforcement periods vessels may not enter, remain in, or transit through the safety zones unless authorized by the Captain of the Port or on scene designated Coast Guard patrol personnel.

DATES: This rule is effective without actual notice from December 9, 2019 through December 1, 2020. For the purposes of enforcement, actual notice will be used from December 3, 2019 through December 9, 2019.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to https://www.regulations.gov, type USCG–2019–