

Pension Benefit Guaranty Corporation

81-15

May 28, 1981

REFERENCE:

[\*1] 4041(a) Termination by Plan Administrator. Filing of Notice of Intent to Terminate

OPINION:

In response to your telephone conversation with \* \* \* of this office on May 19, 1981, concerning the \* \* \* and \* \* \* Pension Plan, PBGC agrees to consider your notice of intent to terminate the plan as withdrawn. The reason for this decision is as follows.

On December 26, 1979, PBGC received a notice of intent to terminate the plan effective February 29, 1980. You have informed us that no further action was taken to terminate the plan and that the plan continues to be operated as an on-going plan. Thus employers continue to make, and the plan accepts, contributions pursuant to their collective bargaining agreements; and plan participants continue to receive credit under the plan for service with contributing employers. Therefore, the plan has not terminated. You indicated to that you considered it appropriate to withdraw the notice of intent to terminate, subject to PBGC's approval. Under the circumstances you have described, it is consistent with Title IV of ERISA to permit the withdrawal of your notice of intent to terminate the plan.

On September 26, 1980, Congress amended ERISA by the Multiemployer [\*2] Pension Plan Amendments Act of 1980, Pub. L. 96-364, 94 Stat. 1208. These amendments, which substantially altered the law with respect to multiemployer plans, will apply to your plan. If you have further questions concerning this matter, please contact \* \* \* at (202) 254-4873.

Henry Rose  
General Counsel