



UMWA HEALTH AND RETIREMENT FUNDS

2121 K Street, NW • Suite 350 • Washington, DC 20037 • Telephone: 202.521.2200

2009 NOV -3 PM 8:08
EBSA PUBLIC DISCLOSURE

October 28, 2009

U.S. Department of Labor
Employee Benefits Security Administration
Public Disclosure Room, N-1513
200 Constitution Avenue, NW
Washington, DC 20210

Re: UMWA 1974 Pension Plan: Notice of Election to Retain Prior Year Zone Status

To Whom It May Concern:

Pursuant to Section 204 of the Worker, Retiree and Employer Recovery Act, enclosed is a copy of the plan sponsor's notice of election to retain the UMWA 1974 Pension Plan's Code section 432 status as neither endangered nor critical for the plan year beginning on July 1, 2009.

If you have any questions, please contact me at (202) 521-2200.

Sincerely,

A handwritten signature in cursive script that reads "Lorraine Lewis".

Lorraine Lewis
Executive Director

LL/cod
Enclosure

SPECIAL NOTICE OF ZONE STATUS

For United Mine Workers of America 1974 Pension Plan Plan Year 2009

This notice includes important information about the United Mine Workers of America 1974 Pension Plan (the "Plan"). It is being provided in accordance with the Worker, Retiree, and Employer Recovery Act of 2008 ("WRERA"), which made some temporary changes to the multiemployer plan funding rules enacted under the Pension Protection Act of 2006 ("PPA").

Under the PPA, a multiemployer plan's actuary must certify the plan's funded status for the plan year and provide notice to the plan sponsor and federal government. The PPA sets forth "zones" that represent the plan's financial status: "endangered," "seriously endangered," "critical" or "neither critical nor endangered." If the Plan is certified to be endangered, seriously endangered or critical, the plan sponsor must notify participants and employers and take specific steps designed to improve the plan's financial status over a set period of time.

WRERA permits plan sponsors to temporarily avoid applying the PPA's requirements for improving the plan's financial status by electing to retain the plan's prior year zone status. This is called a "freeze election." It gives the sponsor additional time to develop a strategy to improve the plan's funded status, should one become necessary when the actuary certifies the plan's zone for 2010.

On October 16, 2009, pursuant to WRERA, the BCOA and the UMWA elected to retain the Plan's 2008 funded status of "neither critical nor endangered" for the plan year beginning on July 1, 2009. If this freeze election had not been made, the Plan's zone status for 2009 as certified by the Plan's actuary would have been "seriously endangered" and the sponsors would have been required to develop a funding improvement plan. The election only applies for the current plan year. If the plan is certified to be in endangered, seriously endangered or critical status for the year beginning July 1, 2010, you will be provided with a notice of that status, and the plan sponsor will begin taking the required steps under the PPA to improve the Plan's funded status. Those steps may include reductions in future benefit accruals and increases in employer contributions.

This election to retain the Plan's 2008 zone status **does not affect the terms of the Plan or any benefits you have earned under the Plan.** For more information about this notice, you may contact the Board of Trustees, c/o Lorraine Lewis, Executive Director, at (202) 521-2200. The mailing address of the Plan is UMWA 1974 Pension Trust, 2121 K Street NW suite 350 Washington DC 20037. For identification purposes, the official plan number is 002, the Plan's employer identification number ("EIN") of the UMWA 1974 Pension Plan and the Board of Trustees is 52-1050282.

