

- New subpart B tells you what methods you may use to issue a notice or otherwise provide information to any person other than us. These new rules will apply to any issuance (except a payment) under our regulations where the particular regulation calls for their application.

- New subpart C tells you how we will determine the date you send us a filing and the date you provide an issuance to someone other than us (such as a participant). These new rules will apply to any filing or issuance under our regulations where the particular regulation calls for their application.

- New subpart D tells you how to compute time periods. These new rules will apply to any time period under our regulations (e.g., for filings with us and issuances to third parties) where the particular regulation calls for their application.

- New subpart E tells you how to comply with any recordkeeping requirement under our regulations using electronic means.

Existing Part 4000's distribution and derivation tables, which show the changes that occurred as a result of the PBGC's July 1, 1996, reorganization and renumbering of its regulations (61 FR 32574), will be moved to the PBGC's Web site at <http://www.pbgc.gov>, and combined with similar tables showing the changes that occurred as a result of the PBGC's June 29, 1981, reorganization and renumbering of its regulations (46 FR 32574). A note at the beginning of the PBGC's regulations will refer users to the PBGC's Web site for the tables.

Method of Filing

We are trying to provide as much flexibility as possible in filing methods. The proposed rules allow you to file any submission with us by hand, mail, or commercial delivery service, and refer you to our Web site, <http://www.pbgc.gov>, for current information on electronic filing, including permitted methods, fax numbers, and e-mail addresses. The instruction booklets and forms used for certain filings with us also will describe electronic and other filing methods, as appropriate, and will be available on our Web site.

Where To File

Under the proposed rule, we are removing the filing addresses from our regulations and putting them on our Web site, <http://www.pbgc.gov>, and in the instructions to our forms; addresses will also be available through our Customer Service Center, 1-800-400-7242 (for participants), or 1-800-736-2444 (for practitioners). (TTY/TDD users

may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to the appropriate number.) Because we have different addresses for different types of filings, you should make sure to use the appropriate address for your type of filing. For example, some filings (such as premium payments) must be sent to a bank, while other filings (such as the Standard Termination Notice (Form 500)) must be sent to the appropriate department at our offices in Washington, DC.

Method of Issuance

The proposed rules on methods of issuance permit you to use any method of issuance, provided you use measures reasonably calculated to ensure actual receipt of the material by the intended recipient. Posting is not a permissible method of issuance under the rules of this part. (However, for certain issuances, posting is specifically permitted by the regulation governing the particular issuance.)

The proposed rules include a safe-harbor method for providing an issuance by electronic media. The proposed safe-harbor method generally tracks the Department of Labor's final rules (67 FR 17264 (April 9, 2002)) concerning disclosure of certain employee benefit plan information through electronic media, as set out at 29 CFR 2520.104b-1. Our safe-harbor method would be available to any person using electronic media to satisfy issuance obligations under our regulations.

These proposed rules on methods of issuance do not address compliance with the Electronic Signatures in Global and National Commerce Act, Pub. L. 106-229, 114 Stat. 464 (2000) (codified at 15 U.S.C. 7001-7006) ("E-SIGN").

Date of Filing or Issuance

The proposed rules tell you how we will determine the date you filed your submission with us and the date you provided your issuance to someone other than us (such as a participant). In some cases, other PBGC rules relating to issuances to third parties refer to when an issuance is *received*. (For instance, when there is a request for abatement (regulation § 4207.3), interest is credited to the employer if the plan sponsor does not issue a revised payment schedule reflecting the credit or make the required refund within 60 days after receipt by the plan sponsor of a complete abatement application action.) These proposed rules would not affect those other receipt rules for issuances to third parties. Similarly, these proposed rules would not affect any receipt rule for filings with the PBGC, except to the

extent these rules describe how to determine when a document is received (for instance, filings received by the PBGC after 5 p.m. are treated as received on the next business day).

Date of Filing in General

Under the proposed rule, we will treat most types of submissions as filed on the date you send the submission to us if you comply with certain requirements. The requirements vary depending on the method of filing you use. We may ask you for evidence of when you sent a submission to us.

There are a few types of submissions to us that we always treat as filed when received (not when sent), no matter what method you use: (1) Applications for benefits and related submissions (unless the instructions for the applicable forms provide for an earlier date), (2) advance notices of reportable event (under subpart C of section 4043), (3) notices of missed contributions exceeding \$1 million (under subpart D of section 4043), and (4) requests for approval of a multiemployer plan amendment. The "filed-when-received" rule is necessary for these submissions because we may need to act quickly to provide benefit payments, to protect participants or premium payers, or to act within a statutory time frame.

In these cases, as well as cases where you do not meet the requirements for your filing date to be the date you send your submission, your filing date is the date we receive your submission. However, if we receive your submission after 5 p.m. (our time) on a business day, or anytime on a weekend or Federal holiday, we will treat it as received on the next business day.

Date of Issuance in General

Under the proposed rule, we will treat most types of issuances to third parties as provided on the date you send the issuance if you comply with certain requirements. The requirements vary depending on the method of issuance you use. The proposed rules for determining the date of an issuance generally track the proposed rules for determining the date of a filing; however, there are some differences for issuances using electronic means. An electronic issuance meeting the proposed safe harbor will have the benefit of the "send-date" rule. An electronic issuance that meets the general standard for issuances (i.e., using measures reasonably calculated to ensure actual receipt), but not the safe harbor, will be deemed issued on the date received by the intended recipient.