

§ 4221.6 Hearing.

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(b) After the time and place for the hearing have been established, the arbitrator shall serve a written notice of the hearing on the parties by hand, by certified or registered mail, or by any other method that includes verification or acknowledgment of receipt and meets the requirements of § 4000.14 of this chapter.

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55. Revise § 4221.12 to read as follows:

§ 4221.12 Calculation of periods of time.

The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period under this part.

56. Revise § 4221.13 to read as follows:

§ 4221.13 Filing and issuance rules.

(a) *Method and date of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part. The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

(b) *Where to file.* See § 4000.4 of this chapter for information on where to file.

(c) *Method and date of issuance.* The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of issuance under this part. The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that an issuance under this part was provided.

§ 4221.14 PBGC-approved arbitration procedures. [Amended]

57. Revise the third sentence of paragraph (c) of § 4221.14 to read: "The application shall include:".

PART 4231—MERGERS AND TRANSFERS BETWEEN MULTIPLE EMPLOYER PLANS

58. The authority citation for part 4231 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1411.

59. Amend § 4231.8 by revising paragraphs (a), (c), and (d) to read as follows:

§ 4231.8 Notice of merger or transfer.

(a) *Filing of request.* (1) *When to file.* Except as provided in paragraph (f) of this section, a notice of a proposed merger or transfer must be filed not less than 120 days before the effective date of the transaction. For purposes of this part, the effective date of a merger or transfer is the earlier of—

(i) The date on which one plan assumes liability for benefits accrued under another plan involved in the transaction; or

(ii) The date on which one plan transfers assets to another plan involved in the transaction.

(2) *Method of filing.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part.

(3) *Computation of time.* The PBGC applies the rules in subpart D of part 4000 of this chapter to compute any time period for filing under this part.

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(c) *Where to file.* See § 4000.4 of this chapter for information on where to file.

(d) *Date of filing.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC. For purposes of paragraph (a) of this section, the notice is not considered filed until all of the information required by paragraph (e) of this section has been submitted.

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PART 4245—NOTICE OF INSOLVENCY

60. The authority citation for part 4245 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1426(e).

61. Amend § 4245.3 as follows:

a. In the first sentence of paragraph (a) remove the words "interested parties, as defined in paragraph (d) of this section" and add in their place the words "interested parties, as defined in paragraph (e) of this section".

b. Redesignate paragraph (d) as paragraph (e).

c. Revise paragraph (c) and add new paragraph (d) to read as follows:

§ 4245.3 Notice of insolvency.

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(c) *Delivery to PBGC; filing date.* (1) *Method of delivery.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part.

(2) *Filing date.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

(d) *Delivery to interested parties; issuance date.* (1) *Method of delivery.* The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of delivery for the notice of insolvency. In addition to the methods permitted under subpart B of part 4000, the plan

sponsor may notify interested parties, other than participants and beneficiaries who are in pay status when the notice is required to be delivered, by posting the notice at participants' work sites or publishing the notice in a union newsletter or in a newspaper of general circulation in the area or areas where participants reside. Notice to a participant shall be deemed notice to that participant's beneficiary or beneficiaries.

(2) *Issuance date.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that the notice of insolvency was issued.

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§ 4245.4 [Amended]

62. Amend the introductory language of paragraph (b) by removing the words "an interested party, as defined in § 4245.3(d)" and adding in their place the words "interested parties, as defined in § 4245.3(e)".

§ 4245.5 [Amended]

63. Amend § 4245.5 as follows:

a. In the first sentence of paragraph (a) remove the words "interested parties, as defined in § 4245.3(d)" and add in their place the words "interested parties, as defined in § 4245.3(e)".

b. Revise paragraph (d) and add paragraph (e) to read as follows:

§ 4245.5 Notice of insolvency benefit level.

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(d) *Method of delivery to PBGC; filing date.* (1) *Method of delivery.* The PBGC applies the rules in subpart A of part 4000 of this chapter to determine permissible methods of filing with the PBGC under this part.

(2) *Filing date.* The PBGC applies the rules in subpart C of part 4000 of this chapter to determine the date that a submission under this part was filed with the PBGC.

(e) *Method of delivery to interested parties; issuance date.* (1) *Method of delivery.* The PBGC applies the rules in subpart B of part 4000 of this chapter to determine permissible methods of delivery for the notice of insolvency benefit levels. In addition to the methods permitted under subpart B of part 4000, the plan sponsor may notify interested parties, other than participants and beneficiaries who are in pay status or reasonably expected to enter pay status during the insolvency year for which the notice is given, by posting the notice at participants' work sites or publishing the notice in a union newsletter or in a newspaper of general circulation in the area or areas where participants reside. Notice to a participant shall be deemed notice to