

Pension Benefit Guaranty Corporation

§ 4003.1

§ 4002.10 Emergency procedures.

(a) An emergency exists if a quorum of the Corporation's Board cannot readily be assembled or act through written contact because of the declaration of a government-wide emergency. These emergency procedures shall remain in effect during the emergency and upon the termination of the emergency shall cease to be operative unless and until another emergency occurs. The emergency procedures shall operate in conjunction with the PBGC Continuity of Operations Plan ("COOP Plan") of the current year, and any government-wide COOP protocols in effect.

(b) During an emergency, the business of the PBGC shall continue to be managed in accordance with its COOP Plan. The functions of the Board of Directors will be carried out by those Members of the Board of Directors in office at the time the emergency arises, or by persons designated by the agencies' COOP plans to act in place of the Board Members, who are available to act during the emergency. If no such persons are available, then the authority of the Board shall be transferred to the Board Representatives who are available. If no Board Representatives are available, then the Director of the Corporation shall perform essential Board functions.

(c) During an emergency, meetings of the Board may be called by any available Member of the Board. The notice thereof shall specify the time and place of the meeting. To the extent possible, notice shall be given in accordance with these bylaws. Notice shall be given to those Board Members whom it is feasible to reach at the time of the emergency, and notice may be given at a time less than 24 hours before the meeting if deemed necessary by the person giving notice.

§ 4002.11 Seal.

The seal of the Corporation shall be in such form as may be approved from time to time by the Board.

§ 4002.12 Amendments.

These bylaws may be amended or new bylaws adopted by unanimous vote of the Board.

PART 4003—RULES FOR ADMINISTRATIVE REVIEW OF AGENCY DECISIONS

Subpart A—General Provisions

- Sec.
- 4003.1 Purpose and scope.
- 4003.2 Definitions.
- 4003.3 PBGC assistance in obtaining information.
- 4003.4 Extension of time.
- 4003.5 Non-timely request for review.
- 4003.6 Representation.
- 4003.7 Exhaustion of administrative remedies.
- 4003.8 Request for confidential treatment.
- 4003.9 Method and date of filing.
- 4003.10 Computation of time.

Subpart B—Initial Determinations

- 4003.21 Form and contents of initial determinations.
- 4003.22 Effective date of determinations.

Subpart C—Reconsideration of Initial Determinations

- 4003.31 Who may request reconsideration.
- 4003.32 When to request reconsideration.
- 4003.33 Where to submit request for reconsideration.
- 4003.34 Form and contents of request for reconsideration.
- 4003.35 Final decision on request for reconsideration.

Subpart D—Administrative Appeals

- 4003.51 Who may appeal or participate in appeals.
- 4003.52 When to file.
- 4003.53 Where to file.
- 4003.54 Contents of appeal.
- 4003.55 Opportunity to appear and to present witnesses.
- 4003.56 Consolidation of appeals.
- 4003.57 Appeals affecting third parties.
- 4003.58 Powers of the Appeals Board.
- 4003.59 Decision by the Appeals Board.
- 4003.60 Referral of appeal to the Director.
- 4003.61 Action by a single Appeals Board member.

AUTHORITY: 29 U.S.C. 1302(b)(3).

SOURCE: 61 FR 34012, July 1, 1996, unless otherwise noted.

Subpart A—General Provisions

§ 4003.1 Purpose and scope.

(a) *Purpose.* This part sets forth the rules governing the issuance of all initial determinations by the PBGC on