

## § 4002.11

### § 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.

## 29 CFR Ch. XL (7–1–11 Edition)

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 cases pending before it involving the matters set forth in paragraph (b) of this section and the procedures for requesting and obtaining administrative review by the PBGC of those determinations. Subpart A contains general provisions. Subpart B sets forth rules governing the issuance of all initial determinations of the PBGC on matters covered by this part. Subpart C establishes procedures governing the reconsideration by the PBGC of initial determinations relating to the matters set forth in paragraphs (b)(1) through (b)(4). Subpart D establishes procedures governing administrative appeals from initial determinations relating to the matters set forth in paragraphs (b)(5) through (b)(10).

(b) *Scope.* This part applies to the following determinations made by the PBGC in cases pending before it and to the review of those determinations:

(1) Determinations that a plan is covered under section 4021 of ERISA;

(2) Determinations with respect to premiums, interest and late payment penalties pursuant to section 4007 of ERISA;

(3) Determinations with respect to voluntary terminations under section 4041 of ERISA, including—

(i) A determination that a notice requirement or a certification requirement under section 4041 of ERISA has not been met,

(ii) A determination that the requirements for demonstrating distress under section 4041(c)(2)(B) of ERISA have not been met, and

(iii) A determination with respect to the sufficiency of plan assets for benefit liabilities or for guaranteed benefits;

(4) Determinations with respect to allocation of assets under section 4044 of ERISA, including distribution of excess assets under section 4044(d);