

PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during September 2010, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

PBGC has determined that this action is not a “significant regulatory action” under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

**List of Subjects in 29 CFR Part 4022**

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

■ In consideration of the foregoing, 29 CFR Part 4022 is amended as follows:

**PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS**

■ 1. The authority citation for Part 4022 continues to read as follows:

**Authority:** 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to Part 4022, Rate Set 203, is added to the table, as set forth below:

**Appendix B to Part 4022—Lump Sum Interest Rates For PBGC Payments**

\* \* \* \* \*

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$
*	*		*	*	*	*	*	*
203	9-1-10	10-1-10	2.25	4.00	4.00	4.00	7	8

■ 3. In appendix C to Part 4022, Rate Set 203, is added to the table, as set forth below:

**Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments**

\* \* \* \* \*

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$
*	*		*	*	*	*	*	*
203	9-1-10	10-1-10	2.25	4.00	4.00	4.00	7	8

Issued in Washington, DC, on this 6th day of August 2010.

**Vincent K. Snowbarger,**

*Deputy Director for Operations, Pension Benefit Guaranty Corporation.*

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**BILLING CODE 7709-01-P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Parts 1, 114, 115, 116, 117, and 118**

[Docket No. USCG-2010-0351]

RIN 1625-ZA25

**Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Bridges**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** This rule makes non-substantive changes throughout our regulations. The purpose of this rule is to make conforming amendments and technical corrections to Coast Guard bridge and navigable waters regulations. This rule will have no substantive effect on the regulated public.

**DATES:** This final rule is effective August 13, 2010.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-2010-0351 and are available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also

find this docket on the Internet by going to <http://www.regulations.gov>, inserting USCG-2010-0351 in the “Keyword” box, and then clicking “Search.”

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or e-mail Diane LaCumsky, Coast Guard; telephone 202-372-1025, e-mail [Diane.M.LaCumsky@uscg.mil](mailto:Diane.M.LaCumsky@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:**

**Regulatory History**

We did not publish a notice of proposed rulemaking (NPRM) for this rule. Under 5 U.S.C. 553(b)(3)(A), the Coast Guard finds this rule is exempt from notice and comment rulemaking requirements because these changes involve rules of agency organization, procedure, or practice. In addition, the Coast Guard finds notice and comment

procedure are unnecessary under 5 U.S.C. 553 (b)(3)(B) as this rule consists only of corrections and editorial, organizational, and conforming amendments and these changes will have no substantive effect on the public.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that, for the same reasons, good cause exists for making this rule effective upon publication in the **Federal Register**.

#### **Basis and Purpose**

This rule makes technical and editorial corrections to title 33 parts 1, 114, 115, 116, 117, and 118 in the Code of Federal Regulations. This rule does not create any substantive requirements on the public.

#### **Discussion of Rule**

This rule amends 33 CFR part 1 to reflect changes in agency organization by removing § 1.01–60 (a)(1)(iii). The Coast Guard is no longer under the Department of Transportation (DOT), therefore DOT Order 5610.1C (Procedures for Considering Environmental Impacts) referenced in this section no longer applies. However, paragraph (a)(1)(ii) will remain until it is confirmed that there are no longer any DOT 4(f) determinations requiring Coast Guard attention.

This rule amends 33 CFR parts 115 and 116 to clarify the regulations by replacing the word “hearing” with the word “meeting” in § 115.60(c), and the word “evidence” with “information” in § 116.01(d). This change has no substantive effect on how the Coast Guard currently announces or gathers public opinion or other information regarding bridge matters, nor will it change the substance of the public’s involvement in the process. The terms “hearing” and “evidence” have definitive legal definitions which are not applicable in these instances. Changing the terms to “meeting” and “information” better represents established Coast Guard procedures regarding the public’s role in commenting on proposed bridge actions set forth in these regulations and reduces confusion among members of the public. Additionally, “meeting” and “information” are the terms used throughout 33 CFR parts 115 and 116, and this change conforms the regulations with the remainder of the Parts.

This rule amends 33 CFR part 117 to correct: the name change of the Leon C. Simon Blvd. (Seabrook) bridge to the Senator Ted Hickey bridge in § 117.458(c), and a typographical error in § 117.557 changing mile marker 0.9 to 1.0.

This rule updates various addresses for Coast Guard offices throughout title 33 parts 114, 116, and 118 in order to conform to new mailing addresses and mailing address formats that came into use June 15, 2009. This rule updates internal Coast Guard office designators, as well as certain personnel titles throughout title 33 parts 114, 116 and 118. Changes in personnel titles included in this rule are only technical revisions reflecting changes in agency procedure and organization, and do not indicate new authorities.

#### **Regulatory Analyses**

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

#### **Regulatory Planning and Review**

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Because this rule involves non-substantive changes and internal agency practices and procedures, it will not impose any additional costs on the public.

#### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

We estimate this rule will not impose any additional costs and should have little or no impact on small entities because the provisions of this rule are technical and non-substantive, and will have no substantive effect on the public and will impose no additional costs. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

#### **Collection of Information**

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### **Federalism**

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

#### **Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### **Taking of Private Property**

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### **Civil Justice Reform**

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### **Protection of Children**

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

#### **Indian Tribal Governments**

This rule does not have Tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

#### **Energy Effects**

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That

Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

**Technical Standards**

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

**Environment**

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded under section 2.B.2, figure 2–1, paragraph (34)(a) of the Instruction. This rule involves regulations which are editorial and/or procedural, such as those updating addresses or establishing application procedures. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under ADDRESSES.

**List of Subjects**

33 CFR Part 1

Administrative practice and procedure, Authority delegations

(Government agencies), Freedom of information, Penalties.

*33 CFR Parts 114, 115, 116, 117 and 118*  
Bridges.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 parts 1, 114, 115, 116, 117 and 118.

**PART 1—GENERAL PROVISIONS**

■ 1. The authority citation for part 1 continues to read as follows:

**Authority:** 14 U.S.C. 633; 33 U.S.C. 401, 491, 525, 1321, 2716, and 2716a; 42 U.S.C. 9615; 49 U.S.C. 322; Department of Homeland Security Delegation No. 0170.1; section 1.01–70 also issued under the authority of E.O. 12580, 3 CFR, 1987 Comp., p. 193; and sections 1.01–80 and 1.01–85 also issued under the authority of E.O. 12777, 3 CFR, 1991 Comp., p. 351.

**§ 1.01–60 [Amended]**

■ 2. In § 1.01–60, remove paragraph (a)(1)(iii).

**PART 114—GENERAL**

■ 3. The authority citation for part 114 continues to read as follows:

**Authority:** 33 U.S.C. 401, 406, 491, 494, 495, 499, 502, 511, 513, 514, 516, 517, 519, 521, 522, 523, 525, 528, 530, 533, and 535(c), (e), and (h); 14 U.S.C. 633; 49 U.S.C. 1655(g); Pub. L. 107–296, 116 Stat. 2135; 33 CFR 1.05–1 and 1.01–60, Department of Homeland Security Delegation Number 0170.1.

■ 4. Revise § 114.05(l) to read as follows:

**§ 114.05 Definitions.**

\* \* \* \* \*

(l) *Deputy Commandant for Operations.* The term “Deputy Commandant for Operations” means the officer of the Coast Guard designated by the Commandant as the staff officer in charge of “Operations” (DCO), U.S. Coast Guard Headquarters.

\* \* \* \* \*

**§ 114.50 [Amended]**

■ 5. In § 114.50, remove the phrase “Administrator, Bridge Administration Programs (CG–5411), 2100 2nd St., SW., Stop 7581, Washington, DC 20593–7581” and add, in its place, the phrase “Administrator, Office of Bridge Programs, (CG–551), 2100 2nd St., SW., Stop 7683, Washington, DC 20593–7683”.

**PART 115—BRIDGE LOCATIONS AND CLEARANCE; ADMINISTRATIVE PROCEDURES**

■ 6. The authority citation for part 115 continues to read as follows:

**Authority:** c. 425, sec. 9, 30 Stat. 1151 (33 U.S.C. 401); c. 1130, sec. 1, 34 Stat. 84 (33 U.S.C. 491); sec. 5, 28 Stat. 362, as amended (33 U.S.C. 499); sec. 11, 54 Stat. 501, as amended (33 U.S.C. 521); c. 753, Title V, sec. 502, 60 Stat. 847, as amended (33 U.S.C. 525); 86 Stat. 732 (33 U.S.C. 535); 14 U.S.C. 633; sec. g(6), 80 Stat. 941 (49 U.S.C. 1655(g)); 49 CFR 1.46(c).

**§ 115.60 [Amended]**

■ 7. In § 115.60(c), remove the word “hearings” and add in its place, the word “meeting”.

**PART 116—ALTERATION OF UNREASONABLY OBSTRUCTIVE BRIDGES**

■ 8. The authority citation for part 116 continues to read as follows:

**Authority:** 33 U.S.C. 401, 521; 49 U.S.C. 1655(g); 49 CFR 1.4, 1.46(c).

**§ 116.01 [Amended]**

■ 9. In § 116.01(d), remove the phrase “offer evidence” and add in its place, the phrase “provide information”.

**§ 116.10 [Amended]**

■ 10. In § 116.10 paragraph (c), remove the words “Administrator, Bridge Administration Programs” and add, in their place, the words “Administrator, Office of Bridge Programs”.

**§ 116.15 [Amended]**

■ 11. In § 116.15 paragraphs (c) and (d), remove the words “Administrator, Bridge Administration Program” and add, in their place, the words “Administrator, Office of Bridge Programs”.

**§ 116.20 [Amended]**

■ 12. In § 116.20 paragraphs (a) and (b), remove the words “Administrator, Bridge Administration Program” and add, in their place, the words “Administrator, Office of Bridge Programs”.

**§ 116.25 [Amended]**

■ 13. In § 116.25(a), remove the words “Administrator, Bridge Administration Program” and add, in their place, the words “Administrator, Office of Bridge Programs”.

**§ 116.30 [Amended]**

■ 14. In the heading and paragraphs (a), (d), (e) and (g) of § 116.30, remove the words “Administrator, Bridge Administration Program” and add, in their place, the words “Administrator, Office of Bridge Programs”.

**§ 116.35 [Amended]**

■ 15. In § 116.35(c), remove the words “Administrator, Bridge Administration

Program” and add, in their place, the words “Administrator, Office of Bridge Programs”.

**§ 116.40 [Amended]**

■ 16. In § 116.40 paragraphs (a), (b), and (c) remove the words “Administrator, Bridge Administration Program” and add, in their place, the words “Administrator, Office of Bridge Programs”.

**§ 116.45 [Amended]**

■ 17. In § 116.45(a), remove the words “Administrator, Bridge Administration Program” and add, in their place, the words “Administrator, Office of Bridge Programs”.

**§ 116.55 [Amended]**

■ 18. Amend § 116.55 as follows:

■ a. In paragraph (a), remove the phrase “Administrator, Bridge Administration Program” and add in its place “Administrator, Office of Bridge Programs”; and

■ b. In paragraph (b), remove the phrase “Administrator’s, Bridge Administration Program” and add in its place “Administrator, Office of Bridge Programs”; and

■ c. In paragraph (b), remove the phrase “Assistant Commandant for Operations, U.S. Coast Guard, (CG–3), 2100 2nd Street, SW., Washington, DC 20593–7238” and add, in its place, the phrase “Deputy Commandant of Operations, U.S. Coast Guard,(CG–DCO), 2100 2nd St., SW., Stop 7355, Washington, DC 20593–7355”; and

■ d. In paragraph (b), remove the phrase “Assistant Commandant for Operations” from the last sentence and add in its place, the phrase “Deputy Commandant of Operations”.

**PART 117—DRAWBRIDGE OPERATION REGULATION**

■ 19. The authority citation for part 118 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

**§ 117.458 [Amended]**

■ 20. In § 117.458(c) change the name of the bridge from the “Leon C. Simon Blvd. (Seabrook) bridge” to the “Senator Ted Hickey Bridge”.

**§ 117.557 [Amended]**

■ 21. In § 117.557, remove the number “0.9” and add, in its place, the number “1.0”.

**PART 118—BRIDGE LIGHTING AND OTHER SIGNALS**

■ 22. The authority citation for part 118 continues to read as follows:

**Authority:** 33 U.S.C. 494; 14 U.S.C. 85, 633; Department of Homeland Security Delegation No. 0170.1.

**§ 118.3 [Amended]**

■ 23. In § 118.3(b), remove the phrase “Administrator, Bridge Administration Program, room 3500, (CG–5411), 2100 2nd St., SW., Stop 7581, Washington, DC 20593–7581” and add, in its place, the phrase “Administrator, Office of Bridge Programs, (CG–551), 2100 2nd St. SW., Stop 7683, Washington, DC 20593–7683”.

Dated: August 6, 2010.

**Steve Venckus,**

*Chief, Office of Regulations and Administrative Law, United States Coast Guard.*

[FR Doc. 2010–19890 Filed 8–12–10; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 138**

[USCG–2008–0007]

RIN 1625–AB25

**Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability—Vessels and Deepwater Ports**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Rule; information collection approval.

**SUMMARY:** On July 1, 2009, the Coast Guard amended the Oil Pollution Act of 1990 limits of liability for vessels and deepwater ports to reflect significant increases in the Consumer Price Index. The amendment triggered information collection requirements affecting vessel operators required to establish evidence of financial responsibility. This notice announces that the collection of information has been approved by the Office of Management and Budget (OMB) and may now be enforced. The OMB Control Number is 1625–0046.

**DATES:** The collection of information requirement under 33 CFR 138.85 will be enforced from August 13, 2010.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this document contact Mr. Benjamin White, National Pollution Funds Center, Coast Guard, telephone 202–493–6863, e-mail

*Benjamin.H.White@uscg.mil*. If you have questions on viewing the docket (USCG–2005–21780), call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:** On July 1, 2009, the Coast Guard published an interim rule entitled “Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability—Vessels and Deepwater Ports” (74 FR 31357) (CPI interim rule). This interim rule amended the Oil Pollution Act of 1990 limits of liability for vessels and deepwater ports under 33 CFR part 138 subpart B to reflect significant increases in the Consumer Price Index as required by 33 U.S.C. 2704(d)(4). These limit of liability amendments triggered information collection requirements under 33 CFR 138.85. This provision requires operators of vessels to establish evidence of financial responsibility under OPA 90, 33 U.S.C. 2716, acceptable to the Director, National Pollution Funds Center, in an amount equal to or greater than the total applicable amounts determined under 33 CFR 138.80(f). The total applicable amounts are, in turn, determined by reference to the limits of liability in 33 CFR part 138, subpart B. On January 6, 2010, the Coast Guard published a final rule adopting the interim rule without change (75 FR 750).

With the exception of this collection of information, the CPI interim rule limit of liability amendments became effective on July 31, 2009. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the preambles to the interim rule and the final rule stated that the Coast Guard would not enforce the collection of information requirements occurring under 33 CFR 138.85 until the collection of information request was approved by OMB, and also stated that the Coast Guard would publish a notice in the **Federal Register** announcing that OMB approved and assigned a control number for the requirement.

The Coast Guard submitted the information collection request to OMB for approval in accordance with the Paperwork Reduction Act of 1995. On June 18, 2010, OMB approved the collection of information and assigned the collection OMB Control Number 1625–0046 entitled “Financial Responsibility for Water Pollution (Vessels).” The approval for this collection of information expires on July 31, 2012. A copy of the OMB notice of action is available in our online docket at <http://www.regulations.gov>.