

# Rules and Regulations

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## DEPARTMENT OF LABOR

### Office of Workers' Compensation Programs

#### 20 CFR Chapter VI

RIN 1290-AA24

#### Technical Amendment

**AGENCY:** Office of Workers' Compensation Programs, Labor.

**ACTION:** Final rule.

**SUMMARY:** The Department of Labor is revising its regulations to reflect the Secretary's delegation of authority to administer the Longshore and Harbor Workers Compensation Act and its extensions (LHWCA) and the Black Lung Benefits Act (BLBA) to the Director, Office of Workers' Compensation Programs (OWCP). This authority previously resided with the Employment Standards Administration (ESA), which has now been dissolved.

**DATES:** Effective October 15, 2010.

**FOR FURTHER INFORMATION CONTACT:** Shelby Hallmark, Director, Office of Workers' Compensation Programs, U.S. Department of Labor, Room S-3524, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 693-0031 (this is not a toll-free number). TTY/TDD callers may dial toll free 1-800-877-8339 for further information.

#### SUPPLEMENTARY INFORMATION:

#### I. Background of This Rulemaking

Prior to November 8, 2009, the Secretary had delegated her statutory authority to administer the LHWCA and the BLBA to the Assistant Secretary for the Employment Standards Administration. Secretary's Order 13-71, 36 FR 8755 (May 12, 1971). The Assistant Secretary, in turn, delegated authority to administer both programs to OWCP, one of ESA's sub-agencies.

On November 8, 2009, the Secretary dissolved ESA into its constituent

components. See Secretary's Order 10-2009, 74 FR 58834 (Nov. 13, 2009). The Secretary then delegated her authority to administer the LHWCA and the BLBA directly to the Director, OWCP. *Id.* The changes made by this rule simply reflect this administrative reorganization and do not change any substantive rule governing administration of these statutes.

#### II. Summary of the Rule

##### A. Revision of 20 CFR Chapter VI Heading

This rule revises the heading of 20 CFR chapter VI, which contains regulations governing the administration of the LHWCA and the BLBA. (A full list of citations for the statutes addressed by 20 CFR chapter VI is set forth at 20 CFR 701.101.) The rule replaces the title "Employment Standards Administration, Department of Labor" with "Office of Workers' Compensation Programs, Department of Labor." The heading change reflects the abolition of ESA and the Secretary's current delegation of administrative authority over the LHWCA and the BLBA to OWCP.

##### B. Section 701.201 Office of Workers' Compensation Programs

This rule has been revised to remove references and cross-references to the now-dissolved ESA and to clarify the Secretary's delegation of authority for the administration of the LHWCA and the BLBA to OWCP.

#### III. Statutory Authority

Section 39(a) of the LHWCA (33 U.S.C. 939(a)) and sections 411(b) and 426(a) of the BLBA (30 U.S.C. 921(b) and 936(a)); 5 U.S.C. 301 (Departmental Regulations); 29 U.S.C. 551 *et seq.* (Establishment of Department; Secretary; Seal); and Reorganization Plan No. 6 1950 (5 U.S.C. App. 1 Reorg. Plan 6 1950) authorize the Secretary of Labor to prescribe rules and regulations necessary for the administration and enforcement of the LHWCA and the BLBA.

#### IV. Rulemaking Analyses

##### Administrative Procedure Act

Section 553 of the Administrative Procedure Act (APA) exempts "rules of agency organization, procedure, or practice" from proposed rulemaking (*i.e.*, notice-and-comment rulemaking).

5 U.S.C. 553(b)(3)(A). Rules are also exempt when an agency finds "good cause" that notice and comment rulemaking procedures would be "impracticable, unnecessary, or contrary to the public interest." 5 U.S.C. 553(b)(3)(B). An agency may similarly make the rule effective upon publication when it determines that delaying the effective date of the rule, as normally required by 5 U.S.C. 553, is unnecessary and good cause exists to make the rule effective immediately. 5 U.S.C. 553(d)(3).

Here, the Department has determined that this rulemaking meets the notice-and-comment exemption requirements in 5 U.S.C. 553(b)(3)(A) and (b)(3)(B). The Department's revisions to the 20 CFR chapter VI heading and § 701.201 pertain solely to the delegation of administrative authority within the Department, and do not alter any substantive standard. The Department does not believe public comment is necessary for these minor revisions. For these reasons, the Department also finds that good cause exists under 5 U.S.C. 553(d)(3) to make the revisions effective immediately upon publication in the **Federal Register**.

##### Regulatory Flexibility Act

Because the Department has concluded that this action is not subject to the Administrative Procedure Act's proposed rulemaking requirements, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

##### Unfunded Mandates Reform Act

This action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate (2 U.S.C. 1531 *et seq.*).

##### Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

##### Executive Order 12866

This action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735 (Oct. 4, 1993)).

Executive Order 13132 (Federalism)

The Department has reviewed this proposed rule in accordance with Executive Order 13132 regarding federalism, and has determined that it does not have "federalism implications." The rule will not "have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

Executive Order 12988 (Civil Justice Reform)

This rule meets the 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.

List of Subjects in 20 CFR Part 701

Longshore and harbor workers, Organization and functions (government agencies), Workers' compensation.

Based on the authority and reasons set forth in the preamble, 20 CFR chapter VI is amended to read as follows:

CHAPTER VI—OFFICE OF WORKERS' COMPENSATION PROGRAMS, DEPARTMENT OF LABOR

1. Revise the chapter heading of 20 CFR chapter VI to read as shown above.

PART 701—GENERAL; ADMINISTERING AGENCY; DEFINITIONS AND USE OF TERMS

2. The authority citation for part 701 is revised to read as follows:

Authority: 5 U.S.C. 301 and 8171 et seq.; 33 U.S.C. 939; 36 D.C. Code 501 et seq.; 42 U.S.C. 1651 et seq.; 43 U.S.C. 1331; Reorganization Plan No. 6 of 1950, 15 FR 3174, 3 CFR, 1949–1953 Comp., p. 1004, 64 Stat. 1263; Secretary's Order 10–2009, 74 FR 58834 (Nov. 13, 2009).

3. Revise § 701.201 to read as follows:

§ 701.201 Office of Workers' Compensation Programs.

The Office of Workers' Compensation Programs is responsible for administering the LHWCA and its extensions.

Signed at Washington, DC, this 5th day of October 2010.

Seth D. Harris,

Deputy Secretary.

[FR Doc. 2010–25521 Filed 10–14–10; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9502]

RIN 1545–BF90

Exclusions From Gross Income of Foreign Corporations; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to final regulations (TD 9502) that were published in the Federal Register on Friday, September 17, 2010 (75 FR 56858) under section 883(a) and (c) of the Internal Revenue Code, concerning the exclusion from gross income of income derived by certain foreign corporations from the international operation of ships or aircraft.

DATES: This correction is effective on October 15, 2010, and is applicable on September 17, 2010.

FOR FURTHER INFORMATION CONTACT: Patricia A. Bray, (202) 622–3880 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9502) that are the subject of this document are under section 883 of the Internal Revenue Code.

Need for Correction

As published, the final regulations (TD 9502) contain errors that may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 \* \* \*

Par. 2. Section 1.883–2 is amended by revising paragraph (f)(4)(ii)(C) to read as follows:

§ 1.883–2 Treatment of publicly-traded corporations.

\* \* \* \* \*

(f) \* \* \*  
(4) \* \* \*  
(ii) \* \* \*

(C) The number of days during the taxable year of the foreign corporation that such qualified shareholders owned, directly or indirectly, their shares in the closely held block of stock.

\* \* \* \* \*

Par. 3. Section 1.883–5 is amended by revising the heading of paragraph (d) to read as follows:

§ 1.883–5 Effective/applicability dates.

\* \* \* \* \*

(d) Effective/applicability dates.

\* \* \*

LaNita Van Dyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2010–25950 Filed 10–14–10; 8:45 am]

BILLING CODE 4830–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4022

Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends Pension Benefit Guaranty Corporation's regulation on Benefits Payable in Terminated Single-Employer Plans to prescribe interest assumptions under the regulation for valuation dates in November 2010. Interest assumptions are also published on PBGC's Web site (http://www.pbgc.gov).

DATES: Effective November 1, 2010.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: PBGC's regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) prescribes actuarial assumptions—including interest assumptions—for paying plan benefits under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974.