

of living adjustment is applied to the total benefit. In Variation 2, the federal cost of living adjustment is applied to the Federal Benefit Payment and the District cost of living adjustment is applied to the District benefit payment. A new federal percentage equal to the ratio of the Federal Benefit Payment to the total benefit is established after the adjustments.

**EXAMPLE 14H—TEACHERS COLA**  
[Pre-96 hire]

**Benefit Computation (at retirement)**  
**Total Annuity Computation**

Birth date: 11/04/48  
Hire date: 03/01/86  
Separation date: 02/28/2013  
Department service: 27/00/00  
Other service paid in 1995: 06/07/28  
Excess LWOP in 1990: 00/03/18  
.015 service: 5  
.0175 service: 5  
.02 service: 23.333333  
Average salary: \$53,121.00  
Total: \$33,421.96  
Total/month: \$2,785.00

**Benefit Computation (at retirement)**  
**Federal Benefit Payment Computation**

Birth date: 11/04/48  
Hire date: 03/01/86  
Freeze date: 06/30/1997  
Department service: 11/04/00  
Other service paid in 1995: 06/07/28  
Excess LWOP in 1990: 00/03/18  
.015 service: 5  
.0175 service: 5  
.02 service: 7.666667  
Average salary: \$53,121.00  
Total: \$16,777.38  
Total/month: \$1,398.00  
Federal percentage: 0.501975

**COLA Computation Variations**  
**Variation 1**

District COLA rate 5% applied to total benefit:  
Total COLA: \$139.00  
New total benefit/month: \$2,924.00  
Federal COLA rate 4%  
Federal COLA: \$56.00  
New federal benefit/month: \$1,454.00  
New federal percentage: 0.497264

**Variation 2**

District COLA rate 5% applied to District benefit:  
Old District benefit/month: \$1,387.00  
District COLA: \$69.00  
New District benefit/month: \$1,456.00  
Federal COLA rate 4%:  
Federal COLA: \$56.00  
New federal benefit/month: \$1,454.00  
New total benefit/month: \$2,910.00  
New federal percentage: 0.499656

**Retroactive Payment of Accrued Annuity**  
**Example**

**Example 15: Accrual of Federal Benefit Payment**

The Federal Benefit Payment begins to accrue on the annuity commencing date, regardless of whether the employee is added to the annuity roll in time for the regular payment cycle. If the employee is due a retroactive payment of accrued annuity, the portion of the retroactive payment that would have been a Federal Benefit Payment (if it were made in the regular payment cycle) is still a Federal Benefit Payment. In this example, a teacher retired effective September 11, 1998. She was added to the retirement rolls on the pay date November 1, 1998 (October 1 to October 31 accrual cycle). Her Federal Benefit Payment is \$3000 per month and her total benefit payment is \$3120 per month. Her initial check is \$5200 because it includes a prorated payment for 20 days (September 11 to September 30). The Federal Benefit Payment is \$5000 of the initial check (\$3000 for the October cycle and \$2000 for the September cycle).

**EXAMPLE 15—TEACHERS ACCRUED BENEFIT**  
[Pre-96 hire]

**Total Annuity Computation**

Birth date: 11/01/42  
Hire date: 09/01/66  
Separation date: 09/10/98  
Department service: 32/00/10  
.015 service: 5  
.0175 service: 5  
.02 service: 22  
Average salary: \$62,150.00  
Total: \$37,445.38  
Total/month: \$3,120.00  
Sept 11–30: \$2,080.00  
Oct 1–31: \$3,120.00  
Nov 1–30: \$3,120.00

**Federal Benefit Payment Computation**

Birth date: 11/01/42  
Hire date: 09/01/66  
Freeze date: 06/30/97  
Department service: 30/10/00  
.15 service: 5  
.0175 service: 5  
.02 service: 20.833333  
Average salary: \$62,150.00  
Total: \$35,995.21  
Total/month: \$3,000.00  
Sept 11–30: \$2,000.00  
Oct 1–31: \$3,000.00  
Nov 1–30: \$3,000.00

Dated: November 4, 2010.

**Nancy Ostrowski,**  
*Director, Office of DC Pensions.*

[FR Doc. 2010–29152 Filed 11–19–10; 8:45 am]

**BILLING CODE 4825–10–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[Docket No. USCG–2010–0972]

RIN 1625–AA09

**Drawbridge Operation Regulations; Bayou Liberty, Mile 2.0, St. Tammany Parish, Slidell, LA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a notice of proposed rulemaking to change the regulation governing the operation of the S433 bridge over Bayou Liberty, mile 2.0, St. Tammany Parish, Slidell, LA. It will allow the bridge to remain unmanned during most of the day by requiring a two-hour notice for an opening of the draw. This proposed rule change will be in conjunction with a temporary deviation to test the rule change and allow for public comment. **DATES:** Comments and related material must be received by the Coast Guard on or before January 21, 2011.

**ADDRESSES:** You may submit comments identified by docket number USCG–2010–0972 using any one of the following methods:

(1) *Federal eRulemaking Portal:*  
<http://www.regulations.gov>.

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or e-mail Jim Wetherington; Bridge Administration Branch, Eighth Coast Guard District, telephone 504–671–2128, e-mail [james.r.wetherington@uscg.mil](mailto:james.r.wetherington@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:****Public Participation and Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided.

**Submitting Comments**

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–0972), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (<http://www.regulations.gov>), or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via <http://www.regulations.gov>, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, click on the “submit a comment” box, which will then become highlighted in blue. In the “Keyword” box insert “USCG–2010–0972,” click “Search,” and then click on the balloon shape in the “Actions” column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

**Viewing Comments and Documents**

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, click on the “read comments” box, which will then become highlighted in blue. In the “Keyword” box insert “USCG–2010–

0972” and click “Search.” Click the “Open Docket Folder” in the “Actions” column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

**Privacy Act**

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

**Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact Jim Wetherington at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

**Basis and Purpose**

Due to a lack of required openings requested by mariners, the bridge owner requested a modification of the regulation governing the operation of the S433 bridge over Bayou Liberty, mile 2.0, St. Tammany Parish, Slidell, LA. This change would allow for the bridge owner to open the bridge for the passage of vessels while minimizing his requirements to staff and maintain the bridge. The bridge has a vertical clearance of 7.59 feet (2.31m) above the 2% flowline, elevation 2.5 feet (0.76m) NAVD 1988 in the closed-to-navigation position and unlimited in the open-to-navigation position. In accordance with 33 CFR 469, the draw of the S433 Bridge, mile 2.0, at Slidell, shall open on signal, except that between 7 p.m. and 7 a.m., the draw shall open on signal if at least two hours notice is given.

**Discussion of Proposed Rule**

The owner is requesting a new regulation to open with two hours notice because this will reduce the time that the owner is required to maintain a bridge tender. After the study of the bridge logs, it was shown that there was an average of less than one opening per month which is a marked decrease from an average of 70 per month the previous year. This is because the bridge for which the regulation was in place (a pontoon bridge) no longer exists. With the completion of the new bridge (a swing bridge), there is enough vertical clearance to require very few bridge openings.

**Regulatory Analyses**

We developed this proposed 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 proposed 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.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary.

The public would need to notify the bridge owner of a required opening two hours in advance rather than on signal.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: The owners or operators of vessels needing to transit the bridge with less than 14-days advance notice. There have been no requests for bridge openings in several years so this proposed rule would not affect a substantial number of small entities. Vessels that can safely transit under the bridge may do so at any time. Before the effective period, we will issue maritime advisories widely available to users of the river.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see ADDRESSES*) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or e-mail Jim Wetherington; Bridge Administration Branch, Eighth Coast Guard District, telephone 504–671–2128, e-mail [james.r.wetherington@uscg.mil](mailto:james.r.wetherington@uscg.mil). The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

#### Collection of Information

This proposed rule would call 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 proposed 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 proposed 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 proposed rule would 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 proposed 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 proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01, and Commandant Instruction M16475.ID which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment because it simply promulgates the operating regulations or procedures for drawbridges. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

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

2. § 117.469 is revised to read as follows:

**§ 117.469 Liberty Bayou.**

The draw of the S433 Bridge, mile 2.0, at Slidell, shall open on signal with a two hour notice.

Dated: October 26, 2010.

**Mary E. Landry,**

*Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.*

[FR Doc. 2010-29300 Filed 11-19-10; 8:45 am]

**BILLING CODE 9110-04-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**42 CFR Parts 417, 422, and 423**

[CMS-4144-CN]

RIN 0938-AQ00

**Medicare Program; Proposed Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs for Contract Year 2012 and Other Proposed Changes; Correction**

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Correction of proposed rule.

**SUMMARY:** This document corrects a technical error that appeared in the proposed rule entitled “Medicare Program; Proposed Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs for Contract Year 2012 and Other Proposed Changes” which was filed for public inspection on November 10, 2010.

**FOR FURTHER INFORMATION CONTACT:** Sabrina Ahmed, (410) 786-7499.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In FR Doc. 2010-28774 filed November 10, 2010, there was a technical error that is identified and corrected in the Correction of Errors section below.

**II. Summary of Errors**

In the **DATES** section, we inadvertently requested that the Office of the Federal Register base the comment period closing date on the date the proposed rule will appear in the **Federal Register** instead of the date of filing for public inspection. Therefore, in section III. of this correction notice, we correct this error by inserting the date that the comment period closes, which is January 11, 2011.

**III. Waiver of 60-Day Comment Period**

We ordinarily permit a 60-day comment period on notices of proposed rulemaking in the **Federal Register**, as provided in section 1871(b)(1) of the Act. The change made by this correction notice does not constitute agency rulemaking, and therefore the 60-day comment period does not apply. This correction notice merely corrects a technical error in the proposed rule and does not make substantive changes to the proposed rule that would require additional time on which to comment. Instead, this correction notice is intended to ensure the accuracy of the proposed rule.

**IV. Correction of Errors**

In FR Doc. 2010-28774 filed November 10, 2010, make the following correction:

1. In the **DATES** section, the phrase “[OFR—insert date 60 days after date of publication in the **Federal Register**]” is corrected to read “January 11, 2011.”

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: November 12, 2010.

**Barbara J. Holland,**

*Deputy Executive Secretary to the Department.*

[FR Doc. 2010-28997 Filed 11-12-10; 4:15 pm]

**BILLING CODE 4120-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 25**

[IB Docket No. 97-95; FCC 10-186]

**Allocation and Designation of Spectrum for Fixed-Satellite Services in the 37.5–38.5 GHz, 40.5–41.5 GHz and 48.2–50.2 GHz Frequency Bands**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Communications Commission (FCC) seeks comment on technical rules for the Fixed-Satellite Service in the 37.5–42.5 GHz band. The purpose of this proceeding is to ensure that satellite operators in this band can share the band with terrestrial fixed microwave services without causing harmful interference.

**DATES:** Comments are due on or before January 6, 2011 and reply comments are due on or before February 7, 2011.

**ADDRESSES:** You may submit comment, identified by WT Docket No. 07-293

and IB Docket No. 95-91, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Federal Communications Commission’s Web Site:* <http://www.fcc.gov/cgb/ecfs>. Follow the instructions for submitting comments.

People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov), phone: 202-418-0530 or TTY: 202-418-0432. For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:**

Sean O’More (202) 418-2453, or Howard Griboff, (202) 418-0657, Policy Division, International Bureau, Federal Communications Commission, Washington, DC 20554.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Third Notice of Proposed Rulemaking (*Third Notice*) in IB Docket No. 97-95, adopted October 29, 2010 and released on November 1, 2010. The full text of the Notice of Proposed Rulemaking is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. This document may also be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail [FCC@BCPIWEB.com](mailto:FCC@BCPIWEB.com).

The *Third Notice* contains proposed new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. The Commission invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in the *Third Notice*, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. Public and agency comments are due at the same time as other comments on the *Third Notice*; OMB comments are due on January 6, 2011. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s burden estimates; (c) ways to enhance