

Lack of Jurisdiction and attachments). We will consider the legal arguments set forth in those documents.

If these parties wish to supplement the arguments made therein, they may submit further briefs to the Commission by May 15. In addition, interested persons are invited to submit amicus curiae briefs by May 15. Briefs should be no longer than 30 pages and should be submitted electronically (or by other means to ensure that receipt by the Secretary of Commission by the due date), with paper copies to follow. Briefs in excess of 10 pages must contain a table of contents, with page references, and a table of cases (alphabetically arranged), statutes, regulations, and other authorities cited, with references to the pages of the brief where they are cited. Page limitations are exclusive of pages containing a table of contents, table of cases, and any addendum containing statutes, rules, regulations, and like material.

IV. Conclusion

For the foregoing reasons, the request for a stay of proceedings is denied, the petition for rulemaking is deferred, Commission review of the NWPB issue is granted, and the adjudicatory parties and any interested amicus curiae are authorized to file briefs as set out above.

It is so ordered.

Dated at Rockville, MD this 3rd day of April, 2002.

For the Commission.¹³

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 02-9081 Filed 4-12-02; 8:45 am]

BILLING CODE 7590-01-P

OFFICE OF MANAGEMENT AND BUDGET

Public Availability of Year 2001 Agency Inventories Under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270) ("FAIR Act")

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of public availability of agency Inventory of Activities That Are Not Inherently Governmental.

SUMMARY: The Department of Defense inventory of activities that are not Inherently Governmental is now available to the public, in accordance with the "Federal Activities Inventory Reform Act of 1998" (Public Law 105-

270) ("FAIR Act"). This is the fourth and final release of the 2001 FAIR Act inventories. The Office of Federal Procurement Policy has also made available a summary FAIR Act User's Guide through its Internet site: <http://www.whitehouse.gov/OMB/procurement/index.html>. This User's Guide will help interested parties review 2001 FAIR Act inventories, and will also include the web-site addresses to access agency inventories.

The FAIR Act requires that OMB publish an announcement of public availability of agency Inventories of Activities that are not Inherently Governmental upon completion of OMB's review and consultation process concerning the content of the agencies' inventory submissions. OMB has now completed this process for the year 2001.

Those interested in reviewing the Department of Defense year 2001 FAIR Act inventory may contact the Department's FAIR Act hotline at (703) 824-2692 or may access the inventory through the website address at: <http://web.lmi.org/fairnet/>.

The Department of Defense mail service, post September 11, 2001, has experienced significant delays due to new security requirements. Therefore, interested parties are encouraged to use the FAX to submit challenges and appeals regarding the content of the inventory, as provided for by the FAIR Act. The FAX number for each Departmental component (Army, Navy, Air Force, Marines, etc) is provided on the above website.

Mitchell E. Daniels, Jr.,
Director.

[FR Doc. 02-8992 Filed 4-12-02; 8:45 am]

BILLING CODE 3110-01-P

PENSION BENEFIT GUARANTY CORPORATION

Required Interest Rate Assumption for Determining Variable-Rate Premium; Interest on Late Premium Payments; Interest on Underpayments and Overpayments of Single-Employer Plan Termination Liability and Multiemployer Withdrawal Liability; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to

be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or can be derived from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Included in this notice are required interest rates for determining the variable-rate premium for premium payment years beginning in January through April 2002. Interest rates are also published on the PBGC's Web site (<http://www.pbgc.gov>).

DATES: The required interest rates for determining the variable-rate premium under part 4006 apply to premium payment years beginning in January through April 2002. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in May 2002. The interest rates for late premium payments under part 4007 and for underpayments and overpayments of single-employer plan termination liability under part 4062 and multiemployer withdrawal liability under part 4219 apply to interest accruing during the second quarter (April through June) of 2002.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, 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:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate (the "required interest rate") in determining a single-employer plan's variable-rate premium. The required interest rate is described as the "applicable percentage" of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the "premium payment year").

The Treasury Department has suspended issuance of 30-year Treasury securities and, effective February 18, 2002, ceased supplying the Federal Reserve Board with an estimate of the annual yield on 30-year Treasury securities, which until then had been published in Federal Reserve Statistical Release H.15. However, the Internal Revenue Service in Notice 2002-26

¹³ Commissioner Diaz was not present for the affirmation of this Order. If he had been present, he would have approved it.

(scheduled for publication in Internal Revenue Bulletin 2002-15) announced that it had determined the rate of interest on 30-year Treasury securities for February 2002 and that it would determine and publish the rate of interest on 30-year Treasury securities for succeeding months pending enactment of legislative changes that address the discontinuance of 30-year Treasury securities. The PBGC has concluded that it is appropriate to use the February rate announced in Notice 2002-26, and future rates determined in the manner described in that notice, in setting the required interest rate for purposes of calculating the variable-rate premium.

Until March 9, 2002, the applicable percentage of the 30-year Treasury rate (to be used in determining the required interest rate) under section 4006(a)(3)(E)(iii)(II) of ERISA had been 85 percent. However, the Job Creation and Worker Assistance Act of 2002 (Public Law No. 107-147), signed into law on that date, changes the applicable percentage to 100 percent for plan years beginning after December 31, 2001, and before January 1, 2004.

Accordingly, the required interest rates to be used in determining variable-rate premiums for premium payment years beginning in January through April 2002 are 5.48 percent for January, 5.45 percent for February, 5.40 percent for March, and 5.71 percent for April (i.e., 100 percent of the 30-year Treasury rate figures for December 2001 through March 2002).

The following table lists the required interest rates to be used in determining variable-rate premiums for premium payment years beginning between May 2001 and April 2002.

| For premium payment years beginning in | The required interest rate is |
|--|-------------------------------|
| May 2001 | 4.80 |
| June 2001 | 4.91 |
| July 2001 | 4.82 |
| August 2001 | 4.77 |
| September 2001 | 4.66 |
| October 2001 | 4.66 |
| November 2001 | 4.52 |
| December 2001 | 4.35 |
| January 2002 | 5.48 |
| February 2002 | 5.45 |
| March 2002 | 5.40 |
| April 2002 | 5.71 |

Late Premium Payments; Underpayments and Overpayments of Single-Employer Plan Termination Liability

Section 4007(b) of ERISA and § 4007.7(a) of the PBGC's regulation on Payment of Premiums (29 CFR part

4007) require the payment of interest on late premium payments at the rate established under section 6601 of the Internal Revenue Code. Similarly, § 4062.7 of the PBGC's regulation on Liability for Termination of Single-employer Plans (29 CFR part 4062) requires that interest be charged or credited at the section 6601 rate on underpayments and overpayments of employer liability under section 4062 of ERISA. The section 6601 rate is established periodically (currently quarterly) by the Internal Revenue Service. The rate applicable to the second quarter (April through June) of 2002, as announced by the IRS, is 6 percent.

The following table lists the late payment interest rates for premiums and employer liability for the specified time periods:

| From | Through | Interest rates (percent) |
|--------------|----------|--------------------------|
| 4/1/96 | 6/30/96 | 8 |
| 7/1/96 | 3/31/98 | 9 |
| 4/1/98 | 12/31/98 | 8 |
| 1/1/99 | 3/31/99 | 7 |
| 4/1/99 | 3/31/00 | 8 |
| 4/1/00 | 3/31/01 | 9 |
| 4/1/01 | 6/30/01 | 8 |
| 7/1/01 | 12/31/01 | 7 |
| 1/1/02 | 6/30/02 | 6 |

Underpayments and Overpayments of Multiemployer Withdrawal Liability

Section 4219.32(b) of the PBGC's regulation on Notice, Collection, and Redetermination of Withdrawal Liability (29 CFR part 4219) specifies the rate at which a multiemployer plan is to charge or credit interest on underpayments and overpayments of withdrawal liability under section 4219 of ERISA unless an applicable plan provision provides otherwise. For interest accruing during any calendar quarter, the specified rate is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates"). The rate for the second quarter (April through June) of 2002 (i.e., the rate reported for March 15, 2002) is 4.75 percent.

The following table lists the withdrawal liability underpayment and overpayment interest rates for the specified time periods:

| From | Through | Interest rate (percent) |
|---------------|----------|-------------------------|
| 4/1/96 | 6/30/97 | 8.25 |
| 7/1/97 | 12/31/98 | 8.50 |
| 1/1/99 | 9/30/99 | 7.75 |
| 10/1/99 | 12/31/99 | 8.25 |
| 1/1/00 | 3/31/00 | 8.50 |
| 4/1/00 | 6/30/00 | 8.75 |
| 7/1/00 | 3/31/01 | 9.50 |
| 4/1/01 | 6/30/01 | 8.50 |
| 7/1/01 | 9/30/01 | 7.00 |
| 10/1/01 | 12/31/01 | 6.50 |
| 1/1/02 | 6/30/02 | 4.75 |

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in May 2002 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 9th day of April 2002.

Steven A. Kandarian,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 02-9065 Filed 4-12-02; 8:45 am]

BILLING CODE 7708-01-P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Review of a Revised Information Collection: OPM 2809

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for review of a revised information collection. OPM 2809, Health Benefits Registration Form, is used by annuitants and former spouses to elect, cancel, or change health benefits enrollment during periods other than open season.

There are approximately 30,000 changes to health benefits coverage per year. Of these, 20,000 are submitted on