

**PART 145—COMMISSION RECORDS AND INFORMATION**

■ 11. The authority citation for part 145 continues to read as follows:

**Authority:** Public Law 99–570, 100 Stat. 3207; Public Law 89–554, 80 Stat. 383; Public Law 90–23, 81 Stat. 54; Public Law 98–502, 88 Stat. 1561–1564 (5 U.S.C. 552); Sec. 101(a), Public Law 93–463, 88 Stat. 1389 (5 U.S.C. 4a(j)), unless otherwise noted.

■ 12. Section 145.9 is amended by revising paragraph (b) to read as follows:

**§ 145.9 Petition for confidential treatment of information submitted to the Commission.**

\* \* \* \* \*

(b) *Scope.* The provisions of this section shall apply only where the Commission has not specified that an alternative procedure be utilized in connection with a particular study, report, investigation, or other matter. See 40.8 for procedures to be utilized in connection with filing information required to be filed pursuant to 17 CFR parts 40 and 41.

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Issued in Washington, DC on April 3, 2009 by the Commission.

**David Stawick,**

*Secretary of the Commission.*

[FR Doc. E9–8024 Filed 4–14–09; 8:45 am]

**BILLING CODE 6351–01–P**

**PENSION BENEFIT GUARANTY CORPORATION****29 CFR Part 4022****Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** Pension Benefit Guaranty Corporation's regulation on Benefits Payable in Terminated Single-Employer Plans prescribes interest assumptions for valuing and paying certain benefits under terminating single-employer plans. This final rule amends the benefit payments regulation to adopt interest assumptions for plans with valuation dates in May 2009. Interest assumptions are also published on PBGC's Web site (<http://www.pbgc.gov>).

**DATES:** *Effective Date:* May 1, 2009.

**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 regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

These interest assumptions are found in two PBGC regulations: The regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022) and the regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044). Assumptions under the asset allocation regulation are updated quarterly; assumptions under the benefit payments regulation are updated monthly. This final rule updates only the assumptions under the benefit payments regulation.

Two sets of interest assumptions are prescribed under the benefit payments regulation: (1) A set for PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by PBGC (found in Appendix B to Part 4022), and (2) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology (found in Appendix C to Part 4022).

This amendment (1) adds to Appendix B to Part 4022 the interest assumptions for PBGC to use for its own lump-sum payments in plans with valuation dates during May 2009, and (2) adds to Appendix C to Part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology for valuation dates during May 2009.

The interest assumptions that PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 3.50 percent for the period during which a benefit is in pay status

and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions represent an increase (from those in effect for April 2009) of 0.25 percent in the immediate annuity rate and are otherwise unchanged. For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

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 May 2009, 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, the entry for Rate Set 187 is added to the table to read as follows:

**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 <sub>1</sub>	i <sub>2</sub>	i <sub>3</sub>	n <sub>1</sub>	n <sub>2</sub>
187	5-1-09	6-1-09	3.25	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, the entry for Rate Set 187 is added to the table to read as follows:

**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 <sub>1</sub>	i <sub>2</sub>	i <sub>3</sub>	n <sub>1</sub>	n <sub>2</sub>
187	5-1-09	6-1-09	3.25	4.00	4.00	4.00	7	8

Issued in Washington, DC, on this 10th day of April 2009.

**Vincent K. Snowbarger,**

*Acting Director, Pension Benefit Guaranty Corporation.*

[FR Doc. E9-8674 Filed 4-14-09; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[USCG-2009-0234]

#### Drawbridge Operation Regulations; Intracoastal Waterway (ICW); Albany Avenue, Atlantic City, NJ

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Fifth Coast Guard District, has issued a temporary deviation from the regulations governing the operation of the US40-322 Albany Avenue Bridge, at ICW mile 70.0, across Inside Thorofare at Atlantic City, NJ. This deviation is necessary to facilitate traffic control during the Atlantic City Air Show. This deviation will cause the bridge to be maintained in the closed-to-navigation position for a brief period of time.

**DATES:** This deviation is effective from 10 a.m. to 5 p.m. on August 19, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0234 and are available online at [www.regulations.gov](http://www.regulations.gov). They are also

available for inspection or copying at two locations: 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, and the Commander (dpb), Fifth Coast Guard District, Federal Building, 1st Floor, 431 Crawford Street, Portsmouth, VA 23704-5004 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Sandra S. Elliott, Bridge Management Specialist, Fifth Coast Guard District, at (757) 398-6557.

**SUPPLEMENTARY INFORMATION:**

The Greater Atlantic City Chamber of Commerce on behalf of the bridge owner, the New Jersey Department of Transportation, has requested a temporary deviation for the current operating regulation set out in 33 CFR 117.733 (f) to close the US40-322 (Albany Avenue) Bridge to navigation for the sole purpose of traffic control during the Atlantic City Air Show scheduled for Wednesday, August 19, 2009, from 10 a.m. to 5 p.m.

The US40-322 (Albany Avenue Bridge) at ICW mile 70.0, across Inside Thorofare at Atlantic City, NJ, is a lift drawbridge and has a vertical clearance in the closed position of 10 feet, above mean high water. The current operating regulation set out in 33 CFR 117.733 (f) requires the draw shall open on signal except that: Year-round from 11 p.m. to 7 a.m. and from November 1 through March 31 from 3 p.m. to 11 p.m., the draw need only open if at least four hours notice is given, From June 1

through September 30: from 9 a.m. to 4 p.m. and from 6 p.m. to 9 p.m., the draw need only open on the hour and half hour; and from 4 p.m. to 6 p.m., the draw need not open.

During the event, vessel operators with mast height lower than 10 feet will continue to be able to transit through the drawbridge. The Atlantic Ocean is an alternate route for vessels with a mast height greater than 10 feet. In the event of a maritime emergency, the drawbridge will be available for vessel openings.

The Coast Guard will inform the users of the waterway through our Local and Broadcast Notices to Mariners of the closure period for the bridge so that vessels can arrange their transits and to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 1, 2009.

**Waverly W. Gregory, Jr.,**

*Chief, Bridge Administration Branch Fifth Coast Guard District.*

[FR Doc. E9-8618 Filed 4-14-09; 8:45 am]

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