

tanning services, which is \$142.86 ((\$150/\$1050) × \$1000). If E does not pay the tax at the time E pays for the bundled services, S is liable for the tax.

*Example 6.* G operates a full-service gym facility that offers fitness classes, multiple exercise machines (such as treadmills, stationary bicycles, weight training machines, and free weights), and has as its predominant business providing these facilities, equipment, and services to members for purposes of exercise and physical fitness. G provides its members with access to indoor tanning services, comprised of two tanning beds that meet the definition of indoor tanning services under paragraph (c)(1) of this section. G generally charges its members a fee for monthly usage of its facilities, equipment, and services, but also offers short-term or free trial memberships and allows non-members to purchase individual or a series of exercise classes. G does not charge any fee for the indoor tanning services, does not offer indoor tanning services separately from its other services, and has no membership tier or category that differs from others based on access to the indoor tanning services. G holds itself out to the public through advertising and marketing as providing equipment and services to improve physical fitness. On July 1, 2010, F pays a membership fee to G in return for use of G's facility during the month of July. Under paragraph (b)(3) of this section, no portion of F's membership fee payment is treated as a payment made for indoor tanning services, because G is a qualified physical fitness facility under paragraph (c)(4) of this section. Therefore, no liability for tax arises under section 5000B.

(h) *Effective/applicability date.* This section applies to amounts paid after June 30, 2010, for indoor tanning services.

(i) *Expiration date.* This section expires on or before June 11, 2013.

**PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT**

■ **Par. 9.** The authority citation for part 602 continues to read as follows:

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

■ **Par. 10.** In § 602.101, paragraph (b) is amended by adding the following entry in numerical order to the table to read as follows:

**§ 602.101 OMB Control numbers.**

\* \* \* \* \*  
(b) \* \* \*

CFR part or section where identified and described	Current OMB control No.
* * * * *	* * * * *
1.5000B-1 .....	1545-2177
* * * * *	* * * * *

Approved: June 9, 2010.

**Steven T. Miller,**  
*Deputy Commissioner for Services and Enforcement.*

**Michael Mundaca,**  
*Assistant Secretary of the Treasury (Tax Policy).*

[FR Doc. 2010-14398 Filed 6-11-10; 11:15 am]

**BILLING CODE 4830-01-P**

**PENSION BENEFIT GUARANTY CORPORATION**

**29 CFR Parts 4022 and 4044**

**Allocation of Assets in Single-Employer Plans; 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 regulations on Allocation of Assets in Single-Employer Plans and Benefits Payable in Terminated Single-Employer Plans prescribe interest assumptions for valuing and paying certain benefits under terminating single-employer plans. This final rule (1) amends the asset allocation regulation to adopt interest assumptions for plans with valuation dates in the third quarter of 2010 and (2) amends the benefit payments regulation to adopt interest assumptions for plans with valuation dates in July 2010. Interest assumptions are also published on PBGC's Web site (<http://www.pbgc.gov>).

**DATES:** Effective July 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 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 Allocation of Assets in Single-

Employer Plans (29 CFR part 4044) and the regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR part 4022). Assumptions under the asset allocation regulation are updated quarterly; assumptions under the benefit payments regulation are updated monthly. This final rule updates the assumptions under the asset allocation regulation for the third quarter (July through September) of 2010 and updates the assumptions under the benefit payments regulation for July 2010.

The interest assumptions prescribed under the asset allocation regulation (found in Appendix B to Part 4044) are used for the valuation of benefits for allocation purposes under ERISA section 4044. 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 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during the third quarter (July through September) of 2010, (2) 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 July 2010, and (3) 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 July 2010.

The interest assumptions that PBGC will use for valuing benefits for allocation purposes (set forth in appendix B to part 4044) will be 4.93 percent for the first 20 years following the valuation date and 4.66 percent thereafter. In comparison with the interest assumptions in effect for the second quarter of 2010, these interest assumptions represent an increase of 0.30 percent for the first 20 years following the valuation date and an increase of 0.15 percent for all years thereafter.

The interest assumptions that PBGC will use for its own lump-sum payments (set forth in appendix B to part 4022) will be 2.50 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. In comparison with the interest assumptions in effect for June 2010, these interest assumptions represent a decrease 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 July 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**

*29 CFR Part 4022*

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

*29 CFR Part 4044*

Employee benefit plans, Pension insurance, Pensions.

■ In consideration of the foregoing, 29 CFR parts 4022 and 4044 are 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 201, as set forth below, is added to the table.

**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		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$	
*	*		*	*	*	*	*	*	*
201	7-1-10	8-1-10	2.50	4.00	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 201, as set forth below, is added to the table.

**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		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$	
*	*		*	*	*	*	*	*	*
201	7-1-10	8-1-10	2.50	4.00	4.00	4.00	4.00	7	8

**PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS**

■ 4. The authority citation for part 4044 continues to read as follows:

**Authority:** 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry for July—September 2010, as set forth below, is added to the table.

**Appendix B to Part 4044—Interest Rates Used to Value Benefits**

\* \* \* \* \*

For valuation dates occurring in the months—	The values of $i_t$ are:					
	$i_t$	for $t =$	$i_t$	for $t =$	$i_t$	for $t =$
*	*	*	*	*	*	*
July–September 2010 .....	0.0493	1–20	0.0466	>20	N/A	N/A

Issued in Washington, DC, on this 8th day of June 2010.

Vincent K. Snowbarger,

Acting Director, Pension Benefit Guaranty Corporation.

[FR Doc. 2010-14299 Filed 6-14-10; 8:45 am]

BILLING CODE 7709-01-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2010-0443]

RIN 1625-AA00

#### Safety Zone, Lights on the River Fireworks Display, Delaware River, New Hope, PA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the Delaware River in New Hope, PA. The safety zone will restrict vessel traffic on the Delaware River from operating within 400 yards of a fireworks barge located at 40°21'49" N./074°56'54" W. The safety zone will protect life and property while preventing vessel traffic from navigating on the Delaware River near the Bridge Street Bridge and for 800 feet downriver of the bridge in New Hope, PA.

**DATES:** This rule is effective from June 15, 2010 through July 30, 2010. This rule may be enforced with actual notice starting on the signature date.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2010-0443 and are available online by going to <http://www.regulations.gov>, inserting USCG-2010-0443 in the "Keyword" box, and then clicking "Search." They are also 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.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call or e-mail Ensign Gary George, Chief Waterways Management, Sector Delaware Bay, Coast Guard; telephone 215-271-4851, e-mail [gary.e.george@uscg.mil](mailto:gary.e.george@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 Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. Delaying action on this rulemaking to allow for a comment period would be contrary to the public interest in allowing this event to go on as scheduled. Furthermore, the location of the event and short duration (one hour once each week, in the evening) mean that the chance of significant impact on or interest by the boating public is small.

Under 5 U.S.C. 553(d)(3), the Coast Guard further finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** for the same reason as above. Delaying the establishment of the safety zone could result in mariners approaching the fireworks barge, creating a hazardous scenario with potential for loss of life and property.

### Basis and Purpose

The New Hope Chamber of Commerce has contracted Garden State Fireworks Inc. for a fireworks display to reoccur once a week on Friday evenings from May 21, 2010 to July 30, 2010. The establishment of this safety zone will prevent vessels from entering the fireworks fallout area, located on the Delaware River at 40°21'49" N./074°56'54" W. This safety zone will help protect both life and property on the Delaware River.

### Discussion of Rule

The Coast Guard is establishing a temporary safety zone which will be enforced May 21, 2010 from 8 p.m. to 9 p.m. and then every Friday from May 28, 2010 through July 30, 2010 from 9 p.m. until 10 p.m.

Except for persons or vessels authorized by the Captain of the Port, no person or vessel may enter or remain in the regulated area during the enforcement period. The safety zone is necessary to protect life and property operating on the navigable waterways of the Delaware River in New Hope, PA.

## 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. Although this regulation restricts vessel traffic on the navigable waters of the Delaware River, the effect of this regulation will not be significant due to the limited duration that the safety zone will be in effect. While the safety zone will be reoccurring on a weekly basis, the enforcement window lasts for only an hour in an area that is bordered downriver by rapids, minimizing local traffic that might pass through the affected area.

### 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit in a portion of the Delaware River, New Hope, PA Fridays from May 28, 2010 through July 30, 2010 from 9 p.m. until 10 p.m.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will be enforced for a maximum duration of one hour. Vessel traffic may pass through the affected area on the Delaware River during time periods other than the time needed to enforce the safety zone in during the "Lights on the River" fireworks shows.

### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement