

# Rules and Regulations

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 14 CFR Part 1215

RIN 2700-AA29

#### Tracking and Data Relay Satellite System (TDRSS)

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule.

**SUMMARY:** NASA is revising Appendix A to reflect the estimated service rates in 1996 dollars for Tracking and Data Relay Satellite System (TDRSS) standard services, based on NASA escalation estimates. 14 CFR part 1215 sets forth the policy governing the Tracking and Data Relay Satellite System (TDRSS) services provided to non-U.S. Government users and the reimbursement for rendering such services. The TDRSS represents a major investment by the U.S. Government with the primary goal of providing improved communications and tracking services to spacecraft in low earth orbit or to mobile terrestrial users such as aircraft or balloons.

**EFFECTIVE DATE:** May 15, 1995.

**ADDRESSES:** Office of Space Communications, Code O, NASA Headquarters, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Wilson Lundy, 202-358-2030.

**SUPPLEMENTARY INFORMATION:** This regulation was first published in the *Federal Register* on March 9, 1983 (48 FR 9845). Each year since that time, 14 CFR part 1215 has been amended by revising Appendix A to reflect the rate changes for the appropriate calendar years (CY). Since this revision of Appendix A to 14 CFR part 1215 reflects the rate changes for CY 1996 and involves NASA management procedures and decisions, no public comment is required.

The National Aeronautics and Space Administration has determined that this rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it will not exert a significant economic impact on a substantial number of small entities, and it is not a major rule as defined in Executive Order 12291.

#### List of Subjects in 14 CFR Part 1215

Satellites, Tracking and Data Relay Satellite System, Communications equipment, Government contract.

For reasons set out in the preamble, 14 CFR part 1215 is amended as follows:

#### PART 1215—TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS)

1. The authority citation for 14 CFR part 1215 continues to read as follows:

**Authority:** Sec. 203, Pub. L. 85-568, 72 Stat. 429, as amended; 42 U.S.C. 2473.

2. Appendix A is revised to read as follows:

#### Appendix A—[Amended]

Appendix A to Part 1215—Estimated Service Rates in 1996 Dollars for TDRSS Standard Services (Based on NASA Escalation Estimate) TDRSS user service rates for services rendered in CY-96 based on current projections in 1996 dollars are as follows:

1. *Single Access Service*—Forward command, return telemetry, or tracking, or any combination of these, the base rate is \$186.00 per minute for non-U.S. Government users.

2. *Multiple Access Forward Service*—Base rate is \$42.00 per minute for non-U.S. Government users.

3. *Multiple Access Return Service*—Base rate is \$13.00 per minute for non-U.S. Government users.

Dated: April 13, 1995.

**Charles T. Force,**

*Associate Administrator for Space Communications.*

[FR Doc. 95-11824 Filed 5-12-95; 8:45 am]

BILLING CODE 7510-01-M

## DEPARTMENT OF STATE

### 22 CFR Part 94

[Public Notice 2201]

#### Office of Overseas Citizens Services; International Child Abduction

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Central Authority for the Hague Abduction Convention has been changed from the Office of Citizens Consular Services to the Office of Children's Issues.

**EFFECTIVE DATE:** May 15, 1995.

**FOR FURTHER INFORMATION CONTACT:** Beth H. Cooper, Office, Office of Policy Review and Interagency Liaison, Overseas Citizens Services, tele: (202) 647-3666, fax: (202) 647-6201.

#### List of Subjects in 22 CFR Part 94

Infants and Children, Treaties.

For the reasons set out in the preamble, 22 CFR part 94 is amended as follows:

#### PART 94—INTERNATIONAL CHILD ABDUCTION

1. The authority citation for 22 CFR Part 94 continues to read as follows:

**Authority:** Hague Convention on the Civil Aspects of International Child Abduction; The federal "International Child Abduction Remedies Act," Pub. L. 100-300.

2. Section 94.2 is revised to read as follows:

#### § 94.2 Designation of central authority.

The Office of Children's Issues in the Bureau of Consular Affairs is designated as the U.S. Central Authority to discharge the duties which are imposed by the Convention and the International Child Abduction Remedies Act upon such authorities.

Dated: April 28, 1995.

**Mary A. Ryan,**

*Assistant Secretary of State for Consular Affairs.*

[FR Doc. 95-11835 Filed 5-12-95; 8:45 am]

BILLING CODE 4710-06-M

## PENSION BENEFIT GUARANTY CORPORATION

### 29 CFR Parts 2619 and 2676

#### Valuation of Plan Benefits in Single-Employer Plans; Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal; Amendments Adopting Additional PBGC Rates

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Pension Benefit Guaranty Corporation's regulations on Valuation of Plan Benefits in Single-Employer Plans and Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal. The former regulation contains the interest assumptions that the PBGC uses to value benefits under terminating single-employer plans. The latter regulation contains the interest assumptions for valuations of multiemployer plans that have undergone mass withdrawal. The amendments set out in this final rule adopt the interest assumptions applicable to single-employer plans with termination dates in June 1995, and to multiemployer plans with valuation dates in June 1995. The effect of these amendments is to advise the public of the adoption of these assumptions.

**EFFECTIVE DATE:** June 1, 1995.

**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 (202-326-4179 for TTY and TDD).

**SUPPLEMENTARY INFORMATION:** This rule adopts the June 1995 interest assumptions to be used under the Pension Benefit Guaranty Corporation's regulations on Valuation of Plan Benefits in Single-Employer Plans (29 CFR part 2619, the "single-employer regulation") and Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676, the "multiemployer regulation").

Part 2619 sets forth the methods for valuing plan benefits of terminating single-employer plans covered under title IV of the Employee Retirement Income Security Act of 1974, as amended. Under ERISA section 4041(c), all single-employer plans wishing to terminate in a distress termination must value guaranteed benefits and "benefit liabilities," *i.e.*, all benefits provided under the plan as of the plan termination date, using the formulas set forth in part 2619, subpart C. (Plans terminating in a standard termination may, for purposes of the Standard Termination Notice filed with PBGC, use these formulas to value benefit liabilities, although this is not required.) In addition, when the PBGC terminates an underfunded plan involuntarily pursuant to ERISA section 4042(a), it uses the subpart C formulas to determine the amount of the plan's underfunding. Part 2676 prescribes rules for valuing benefits and certain assets of multiemployer plans under

sections 4219(c)(1)(D) and 4281(b) of ERISA.

Appendix B to part 2619 sets forth the interest rates and factors under the single-employer regulation. Appendix B to part 2676 sets forth the interest rates and factors under the multiemployer regulation. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

The PBGC issues two sets of interest rates and factors, one set to be used for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. The same assumptions apply to terminating single-employer plans and to multiemployer plans that have undergone a mass withdrawal. This amendment adds to appendix B to parts 2619 and 2676 sets of interest rates and factors for valuing benefits in single-employer plans that have termination dates during June 1995 and multiemployer plans that have undergone mass withdrawal and have valuation dates during June 1995.

For annuity benefits, the interest rates will be 6.80% for the first 20 years following the valuation date and 5.75% thereafter. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 5.50% for the period during which benefits are in pay status, 4.75% during the seven-year period directly preceding the benefit's placement in pay status, and 4.0% during any other years preceding the benefit's placement in pay status. The above annuity interest assumptions represent a decrease (from those in effect for May 1995) of .10 percent for the first 20 years following the valuation date and are otherwise unchanged. The lump sum interest assumptions are unchanged from those in effect for May 1995.

Generally, the interest rates and factors under these regulations are in effect for at least one month. However, the PBGC publishes its interest assumptions each month regardless of whether they represent a change from the previous month's assumptions. The assumptions normally will be published in the **Federal Register** by the 15th of the preceding month or as close to that date as circumstances permit.

The PBGC has determined that notice and public comment on these amendments are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest rates and factors promptly so that the rates and factors can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in single-employer plans whose termination dates fall during June 1995, and in multiemployer plans that have undergone mass withdrawal and have valuation dates during June 1995, the PBGC finds that good cause exists for making the rates and factors set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866, because it will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles 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 2619

Employee benefit plans, Pension insurance, and Pensions.

##### 29 CFR Part 2676

Employee benefit plans and Pensions.

In consideration of the foregoing, parts 2619 and 2676 of chapter XXVI, title 29, Code of Federal Regulations, are hereby amended as follows:

#### PART 2619—[AMENDED]

1. The authority citation for part 2619 continues to read as follows:

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

2. In appendix B, Rate Set 20 is added to Table I, and a new entry is added to Table II, as set forth below. The introductory text of both tables is republished for the convenience of the reader and remains unchanged.

**Appendix B to Part 2619—Interest Rates Used to Value Lump Sums and Annuities**

*Lump Sum Valuations*

In determining the value of interest factors of the form  $v^{0:n}$  (as defined in § 2619.49(b)(1)) for purposes of applying the formulas set forth in § 2619.49 (b) through (i) and in determining the value of any interest factor used in valuing benefits under this subpart to be paid as lump sums (including the return of accumulated employee

contributions upon death), the PBGC shall employ the values of  $i_t$  set out in Table I hereof as follows:

- (1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply.
- (2) For benefits for which the deferral period is  $y$  years ( $y$  is an integer and  $0 < y \leq n_1$ ), interest rate  $i_1$  shall apply from the valuation date for a period of  $y$  years; thereafter the immediate annuity rate shall apply.
- (3) For benefits for which the deferral period is  $y$  years ( $y$  is an integer and

$n_1 < y \leq n_1 + n_2$ ), interest rate  $i_2$  shall apply from the valuation date for a period of  $y - n_1$  years, interest rate  $i_1$  shall apply for the following  $n_1$  years; thereafter the immediate annuity rate shall apply.

(4) For benefits for which the deferral period is  $y$  years ( $y$  is an integer and  $y > n_1 + n_2$ ), interest rate  $i_3$  shall apply from the valuation date for a period of  $y - n_1 - n_2$  years, interest rate  $i_2$  shall apply for the following  $n_2$  years, interest rate  $i_1$  shall apply for the following  $n_1$  years; thereafter the immediate annuity rate shall apply.

TABLE I  
[Lump Sum Valuations]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$
20	6-1-95	7-1-95	5.50	4.75	4.00	4.00	7	8

*Annuity Valuations*

In determining the value of interest factors of the form  $v^{0:n}$  (as defined in § 2619.49(b)(1)) for purposes of applying the formulas set forth in § 2619.49 (b) through (i) and in determining the value of any interest factor used in valuing annuity benefits under this subpart, the plan administrator shall use the values of  $i_t$  prescribed in Table II hereof.

The following table tabulates, for each calendar month of valuation ending after the effective date of this part, the interest rates (denoted by  $i_1, i_t, \dots$ , and referred to generally as  $i_t$ ) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.

TABLE II  
[Annuity Valuations]

For valuation dates occurring in the month—	The values of $i_t$ are:					
	$i_t$	for $t=$	$i_t$	for $t=$	$i_t$	for $t=$
June 1995	.0680	1-20	.0575	>20	N/A	N/A

**PART 2676—[AMENDED]**

3. The authority citation for part 2676 continues to read as follows:

**Authority:** 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), 1441(b)(1).

4. In appendix B, Rate Set 20 is added to Table I, and a new entry is added to Table II, as set forth below. The introductory text of both tables is republished for the convenience of the reader and remains unchanged.

**Appendix B to Part 2676—Interest Rates Used to Value Lump Sums and Annuities**

*Lump Sum Valuations*

In determining the value of interest factors of the form  $v^{0:n}$  (as defined in § 2676.13(b)(1)) for purposes of applying the formulas set forth in § 2676.13 (b) through (i) and in determining the value of any interest factor used in valuing benefits under this subpart to be paid as lump sums, the PBGC shall use the values of  $i_t$  prescribed in Table I hereof. The interest rates set forth in Table I shall be used by the PBGC to calculate benefits payable as lump sum benefits as follows:

- (1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply.

(2) For benefits for which the deferral period is  $y$  years ( $y$  is an integer and  $0 < y \leq n_1$ ), interest rate  $i_1$  shall apply from the valuation date for a period of  $y$  years; thereafter the immediate annuity rate shall apply.

(3) For benefits for which the deferral period is  $y$  years ( $y$  is an integer and  $n_1 < y \leq n_1 + n_2$ ), interest rate  $i_2$  shall apply from the valuation date for a period of  $y - n_1$  years, interest rate  $i_1$  shall apply for the following  $n_1$  years; thereafter the immediate annuity rate shall apply.

(4) For benefits for which the deferral period is  $y$  years ( $y$  is an integer and  $y > n_1 + n_2$ ), interest rate  $i_3$  shall apply from the valuation date for a period of  $y - n_1 - n_2$  years, interest rate  $i_2$  shall apply for the following  $n_2$  years, interest rate  $i_1$  shall apply for the following  $n_1$  years; thereafter the immediate annuity rate shall apply.

TABLE I  
[Lump Sum Valuations]

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>
20	6-1-95	7-1-95	5.50	4.75	4.00	4.00	7	8

Annuity Valuations

In determining the value of interest factors of the form  $v^{0:n}$  (as defined in §2676.13(b)(1)) for purposes of applying the formulas set forth in §2676.13 (b) through (i) and in determining the value of any interest factor used in valuing annuity benefits under this subpart, the plan administrator shall use the values of  $i_t$  prescribed in the table below.

The following table tabulates, for each calendar month of valuation ending after the effective date of this part, the interest rates (denoted by  $i_1, i_2, \dots$ , and referred to generally as  $i_t$ ) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.

TABLE II  
[Annuity Valuations]

For valuation dates occurring in the month—	The values of $i_t$ are:					
	$i_t$	for t=	$i_t$	for t=	$i_t$	for t=
June 1995	.0680	1-20	.0575	>20	N/A	N/A

Issued in Washington, DC, on this 10th day of May 1995.

**Martin Slate,**

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 95-11896 Filed 5-12-95; 8:45 am]

BILLING CODE 7708-01-M

SMCRA and the implementing Federal regulations.

**EFFECTIVE DATE:** May 15, 1995.

**FOR FURTHER INFORMATION CONTACT:** Thomas E. Ehmert, Telephone: (505) 766-1486.

**SUPPLEMENTARY INFORMATION:**

**I. Background on the Colorado Program**

On December 15, 1980, the Secretary of the Interior conditionally approved the Colorado program. General background information on the Colorado program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Colorado program can be found in the December 15, 1980, **Federal Register** (45 FR 82173). Subsequent actions concerning Colorado's program and program amendments can be found at 30 CFR 906.11, 906.15, 906.16, and 906.30.

**II. Proposed Amendment**

By letter dated March 18, 1994, Colorado submitted a proposed amendment to its program pursuant to SMCRA (administrative record No. CO-604). Colorado submitted the proposed amendment in response to a letter dated April 7, 1993 (administrative record No. CO-539), that OSM sent to Colorado in accordance with 30 CFR 732.17(c). The amendment consisted of a MOU dated February 9, 1994, between DMG and WQCD for water quality management at

coal mines. Colorado proposed that this MOU would replace a January 21, 1985, MOU.

OSM announced receipt of the proposed MOU in the April 7, 1994, **Federal Register** (59 FR 16578), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. CO-606). Because no one requested a public hearing or meeting, none was held. The public comment period ended on May 9, 1994.

During its review of the proposed MOU, OSM identified concerns relating to certain provisions of item No. 2 of the "Enforcement" section of the proposed MOU. These concerns pertain to Colorado's reliance on referenced 2 Code of Colorado Regulations (CCR) 407.2, Rule 4.05, which provides general authority for the enforcement of Federal and State water quality laws, but does not provide specific enforcement authority for effluent limitation violations under 40 CFR Part 434. OSM notified Colorado of the concerns by letter dated June 16, 1994 (administrative record No. CO-627).

Colorado responded to OSM's concerns in a letter dated June 23, 1994, by submitting additional explanatory information (administrative record No. CO-629). Based upon the additional explanatory information for the proposed MOU submitted by Colorado,

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 906**

**Colorado Regulatory Program**

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** OSM is approving a proposed amendment to the Colorado regulatory program (hereinafter referred to as the "Colorado program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Colorado proposed revisions to a memorandum of understanding (MOU) between the Division of Minerals and Geology (DMG) of the Colorado Department of Natural Resources and the Water Quality Control Division (WQCD) of the Colorado Department of Health for water quality management at coal mines. The amendment revises the Colorado program to be consistent with