adopt the interim rule as a final rule without change.

The Regulatory Flexibility Act and Executive Order 12866

As discussed in the interim rule, since the amendments are not subject to the notice and public procedure requirements of the Administrative Procedure Act (5 U.S.C. 553), they are not subject to the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Also, because this document involves a foreign affairs function of the United States and implements an international agreement, it is not subject to the provisions of E.O. 12866.

Paperwork Reduction Act

The collections of information involved in this interim rule have already been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) and assigned OMB Control Numbers 1515–0065 (Entry summary and continuation sheet) and 1515–0214 (General recordkeeping and record production requirements). This rule does not propose any substantive changes to the existing approved information collections.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by OMB.

List of Subjects

19 CFR Part 132

Agriculture and agricultural products, Customs duties and inspection, Quotas, Reporting and recordkeeping requirements.

19 CFR Part 163

Administrative practice and procedure, Customs duties and inspection, Imports, Reporting and recordkeeping requirements.

Amendments to the Regulations

Accordingly, the interim rule amending 19 CFR parts 132 and 163, which was published in the Federal Register at 65 FR 5430 on February 4, 2000, is adopted as a final rule without change.

Raymond W. Kelly,
Commissioner of Customs.

Approved: June 14, 2000.

John P. Simpson,
Deputy Assistant Secretary of the Treasury.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 821, 895, and 900

[Docket No. 00N–1361]

Code of Federal Regulations; Technical Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations to correct some errors that have become incorporated into the regulations. This action is being taken to improve the accuracy of the regulations.

DATES: This rule is effective July 14, 2000.

FOR FURTHER INFORMATION CONTACT: LaJuana D. Caldwell, Office of Policy, Planning, and Legislation (HF–927), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–7010.

SUPPLEMENTARY INFORMATION: FDA has discovered that errors have been incorporated into the agency’s codified regulations for 21 CFR parts 821, 895, and 900. This document corrects those errors. Publication of this document constitutes final action under the Administrative Procedure Act (5 U.S.C. 553). FDA has determined that notice and public comment are unnecessary because this amendment is nonsubstantive.

List of Subjects

21 CFR Part 821

Imports, Medical devices, Reporting and recordkeeping requirements.

21 CFR Part 895

Administrative practice and procedure, Labeling, Medical devices.

21 CFR Part 900

Electronic products.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 821, 895, and 900 are amended as follows:

PART 821—MEDICAL DEVICE TRACKING REQUIREMENTS

1. The authority citation for 21 CFR part 821 continues to read as follows:

Authority: 21 U.S.C. 331, 351, 352, 360, 360e, 360h, 360i, 371, 374.

§ 821.50 [Amended]

2. Section 821.50 Availability is amended in paragraph (a) by removing “Form FD 482” and by adding in its place “Form FDA 482”.

PART 895—BANNED DEVICES

3. The authority citation for 21 CFR part 895 continues to read as follows:


§ 895.21 [Amended]

4. Section 895.21 Procedures for banning a device is amended in the fourth sentence of paragraph (d)(8) by removing “201(y)” and by adding in its place “201(x)”.

PART 900—MAMMOGRAPHY

5. The authority citation for 21 CFR part 900 continues to read as follows:

Authority: 21 U.S.C. 360i, 360nm, 374(e); 42 U.S.C. 263b.

§ 900.12 [Amended]

6. Section 900.12 Quality standards is amended in paragraph (e)(5)(iii)(A)(1) by removing “Cycles/millimeters” and by adding in its place “Cycles/millimeter”, and in the third sentence of paragraph (I)(3) by removing “results and notifying” and by adding in its place “results and notifying”.


Margaret M. Dotzel,
Associate Commissioner for Policy.

[FR Doc. 00–17811 Filed 7–13–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[DEA–187F]

RIN 1117–AA51

Schedules of Controlled Substances: Exempt Anabolic Steroids Products

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final rule.

SUMMARY: The Drug Enforcement Administration (DEA) published an interim rule with request for comments (65 FR 3124, Jan. 20, 2000, as corrected at 65 FR 5024, Feb. 2, 2000) which identified six anabolic steroid products as being exempt from certain regulatory provisions of the Controlled Substances Act (21 U.S.C. 801 et seq.) (CSA). No
comments were received. Therefore, the interim rule is being adopted without change.

**EFFECTIVE DATE:** July 14, 2000.

**FOR FURTHER INFORMATION CONTACT:**

**SUPPLEMENTARY INFORMATION:**

What Does This Rule Accomplish and by What Authority Is It Being Issued?

This rule finalizes an interim rule (65 FR 3124, Jan. 20, 2000, as corrected at 65 FR 5024, Feb. 2, 2000) which identified six products as being exempt from certain portions of the Controlled Substances Act (21 U.S.C. 801 et seq.) (CSA). Section 1903 of the Anabolic Steroids Control Act of 1990 (title XIX of Pub. L. 101–647) (ASCA) provides that the Attorney General may exempt products which contain anabolic steroids from all or any part of the CSA if the products have no significant potential for abuse. The procedure for implementing this section of the ASCA is described in 21 CFR 1308.33. Exempt status removes each product from application of the registration, labeling, records, reports, prescription, physical security, and import and export restrictions associated with Schedule III substances.

Why Did DEA Add Six Products to the List of Exempt Anabolic Steroids Products?

Manufacturers of six anabolic steroid products submitted exempt status applications to the Deputy Assistant Administrator for the DEA Office of Diversion Control in accordance with 21 CFR 1308.33. Each application delineated a set of facts which the applicant believed justified the exempt status of its product. The applicants provided information which they believed showed that because of the specific product preparation, concentration, mixture, or delivery system these products had no significant potential for abuse. Upon acceptance of the applications, the Deputy Assistant Administrator recommended from the Assistant Secretary for Health and Human Services (HHS) a recommendation as to whether these products should be considered for exemption from certain portions of the CSA. The Deputy Assistant Administrator received the determination and recommendation of the Assistant Secretary for Health and Surgeon General that there was sufficient evidence to establish that each product does not possess a significant potential for abuse.

What Anabolic Steroid Products Are Effected and When Does the Rule Become Affective?

In the interim rule, the Deputy Assistant Administrator identified the following six products as being exempt from application of sections 302 and through 309 and 1002 through 1004 of the CSA (21 U.S.C. 822–829 and 952–954) and 21 CFR 1301.13, 1301.22, and 1301.71 through 1301.76:

### EXEMPT ANABOLIC STEROID PRODUCTS

<table>
<thead>
<tr>
<th>Trade name</th>
<th>Company</th>
<th>NDC No.</th>
<th>Form</th>
<th>Ingredients</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Component E–H in process granulation.</td>
<td>Ivy Laboratories, Inc., Overland Park, KS.</td>
<td>………………………</td>
<td>Pail or drum ...</td>
<td>Testosterone propionate ...</td>
<td>10 parts</td>
</tr>
<tr>
<td>Component E–H in process pellets.</td>
<td>Ivy Laboratories, Inc., Overland Park, KS.</td>
<td>………………………</td>
<td>Pail</td>
<td>Estradiol benzoate ...</td>
<td>1 part</td>
</tr>
<tr>
<td>Component TE–S in process granulation.</td>
<td>Ivy Laboratories, Inc., Overland Park, KS.</td>
<td>………………………</td>
<td>Pail or drum ...</td>
<td>Estradiol benzoate ...</td>
<td>25 mg/pellet</td>
</tr>
<tr>
<td>Component TE–S in process pellets.</td>
<td>Ivy Laboratories, Inc., Overland Park, KS.</td>
<td>………………………</td>
<td>Pail</td>
<td>Estradiol benzoate ...</td>
<td>2.5 mg/pellet</td>
</tr>
<tr>
<td>Testoderm with Adhesive 4 mg/d.</td>
<td>Alza Corp., Palo Alto, CA ...</td>
<td>Export only ...</td>
<td>Patch ...</td>
<td>Estradiol USP ...</td>
<td>1 part</td>
</tr>
<tr>
<td>Testosterone Ophthalmic Solutions.</td>
<td>Allergan, Irvine, CA ...</td>
<td>Ophthalmic Solutions.</td>
<td>...</td>
<td>Testosterone ...</td>
<td>24 mg/pellet</td>
</tr>
</tbody>
</table>

The interim rule became immediately effective on publication in the Federal Register, January 20, 2000, in order to provide a health benefit to the public by more expeditiously increasing the access to these anabolic steroid products and to reduce regulatory restrictions that DEA (in consultation with HHS) has determined to be an unnecessary burden on the businesses manufacturing these products.

What Comments to the Interim Rule Were Received?

Comments to the interim rule were requested, none were received.

### EXEMPT ANABOLIC STEROID PRODUCTS

<table>
<thead>
<tr>
<th>Trade Name</th>
<th>Company</th>
<th>NDC No.</th>
<th>Form</th>
<th>Ingredients</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andro-Estro 90–4</td>
<td>Rugby Laboratories, Rockville Centre, NY.</td>
<td>0536–1605</td>
<td>Vial ...</td>
<td>Testosterone enanthate ...</td>
<td>90 mg/ml</td>
</tr>
<tr>
<td>Androgyn L.A.</td>
<td>Forest Pharmaceuticals, St. Louis, MO.</td>
<td>0456–1005</td>
<td>Vial ...</td>
<td>Estradiol valerate ...</td>
<td>4 mg/ml</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Testosterone enanthate ...</td>
<td>90 mg/ml</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Estradiol valerate ...</td>
<td>4 mg/ml</td>
</tr>
<tr>
<td>Trade Name</td>
<td>Company</td>
<td>NDC No.</td>
<td>Form</td>
<td>Ingredients</td>
<td>Quantity</td>
</tr>
<tr>
<td>-----------------------</td>
<td>----------------------------------</td>
<td>----------</td>
<td>------------</td>
<td>---------------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Component E–H in process granulation.</td>
<td>Ivy Laboratories, Inc., Overland Park, KS.</td>
<td>Pail or drum</td>
<td>Testosterone propionate ..............</td>
<td>10 parts</td>
<td></td>
</tr>
<tr>
<td>Component E–H in process pellets.</td>
<td>Ivy Laboratories, Inc., Overland Park, KS.</td>
<td>Pail</td>
<td>Estradiol benzoate .................</td>
<td>1 part</td>
<td></td>
</tr>
<tr>
<td>Component TE–S in process granulation.</td>
<td>Ivy Laboratories, Inc., Overland Park, KS.</td>
<td>Pail or drum</td>
<td>Testosterone propionate .............</td>
<td>25 mg/</td>
<td></td>
</tr>
<tr>
<td>Component TE–S in process pellets.</td>
<td>Ivy Laboratories, Inc., Overland Park, KS.</td>
<td>Pail</td>
<td>Estradiol benzoate .................</td>
<td>2.5 mg/pellet</td>
<td></td>
</tr>
<tr>
<td>depANDROGYN</td>
<td>Forest Pharmaceuticals, St. Louis, MO.</td>
<td>0456–1020</td>
<td>Vial</td>
<td>Testosterone cypionate .............</td>
<td>50 mg/ml</td>
</tr>
<tr>
<td>DEPTO–T.E.</td>
<td>Quality Research Pharm., Carmel, IN.</td>
<td>52765–257</td>
<td>Vial</td>
<td>Estradiol cypionate .................</td>
<td>2 mg/ml</td>
</tr>
<tr>
<td>Depo-Testadiol</td>
<td>The Upjohn Company, Kalamazoo, MI.</td>
<td>0009–0253</td>
<td>Vial</td>
<td>Estradiol cypionate .................</td>
<td>50 mg/ml</td>
</tr>
<tr>
<td>depTESTROGEN</td>
<td>Martica Pharmaceuticals, Phoenix, AZ.</td>
<td>51698–257</td>
<td>Vial</td>
<td>Estradiol cypionate .................</td>
<td>2 mg/ml</td>
</tr>
<tr>
<td>Duomone</td>
<td>Wintec Pharmaceutical, Pacific, MO.</td>
<td>52047–360</td>
<td>Vial</td>
<td>Estradiol cypionate .................</td>
<td>50 mg/ml</td>
</tr>
<tr>
<td>DUO–SPAN II</td>
<td>Primedics Laboratories, Gardena, CA.</td>
<td>0684–0102</td>
<td>Vial</td>
<td>Estradiol cypionate .................</td>
<td>4 mg/ml</td>
</tr>
<tr>
<td>DURATESTRIN</td>
<td>W. E. Hauck, Alpharetta, GA.</td>
<td>43797–016</td>
<td>Vial</td>
<td>Estradiol cypionate .................</td>
<td>50 mg/ml</td>
</tr>
<tr>
<td>Estratest</td>
<td>Solvay Pharmaceuticals, Marietta, GA.</td>
<td>0032–1026</td>
<td>TB</td>
<td>Estradiol cypionate .................</td>
<td>2 mg/ml</td>
</tr>
<tr>
<td>Estratest HS</td>
<td>Solvay Pharmaceuticals, Marietta, GA.</td>
<td>0032–1023</td>
<td>TB</td>
<td>Estradiol cypionate .................</td>
<td>50 mg/ml</td>
</tr>
<tr>
<td>Menogen</td>
<td>Sage Pharmaceuticals, Shreveport, LA.</td>
<td>59243–570</td>
<td>TB</td>
<td>Estradiol cypionate .................</td>
<td>2.5 mg</td>
</tr>
<tr>
<td>Menogen HS</td>
<td>Sage Pharmaceutical, Shreveport, LA.</td>
<td>59243–560</td>
<td>TB</td>
<td>Estradiol cypionate .................</td>
<td>.625 mg</td>
</tr>
<tr>
<td>PAN ESTRA TEST</td>
<td>Pan American Labs., Covington, LA.</td>
<td>0525–0175</td>
<td>Vial</td>
<td>Estradiol cypionate .................</td>
<td>1.25 mg</td>
</tr>
<tr>
<td>Synovex H in-process bulk pellets.</td>
<td>Syntex Animal health, Palo Alto, CA.</td>
<td>05553–257</td>
<td>Vial</td>
<td>Estradiol cypionate .................</td>
<td>3.5 mg/pellet</td>
</tr>
<tr>
<td>Synovex Plus in-process bulk pellets.</td>
<td>Fort Dodge Animal Health, Fort Dodge, IA.</td>
<td>0536–9470</td>
<td>Vial</td>
<td>Estradiol cypionate .................</td>
<td>2 mg/ml</td>
</tr>
</tbody>
</table>
EXEMPT ANABOLIC STEROID PRODUCTS—Continued

<table>
<thead>
<tr>
<th>Trade Name</th>
<th>Company</th>
<th>NDC No.</th>
<th>Form</th>
<th>Ingredients</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Testoderm 4 mg/d</td>
<td>Alza Corp., Palo Alto, CA</td>
<td>17314–4608</td>
<td>Patch</td>
<td>Testosterone</td>
<td>10 mg</td>
</tr>
<tr>
<td>Testoderm 6 mg/d</td>
<td>Alza Corp., Palo Alto, CA</td>
<td>17314–4609</td>
<td>Patch</td>
<td>Testosterone</td>
<td>15 mg</td>
</tr>
<tr>
<td>Testoderm with Adhesive 4 mg/d.</td>
<td>Alza Corp., Palo Alto, CA</td>
<td>17314–2836</td>
<td>Export only</td>
<td>Testosterone</td>
<td>10 mg</td>
</tr>
<tr>
<td>Testoderm with Adhesive 6 mg/d.</td>
<td>Alza Corp., Palo Alto, CA</td>
<td>17314–4608</td>
<td>Patch</td>
<td>Testosterone</td>
<td>15 mg</td>
</tr>
<tr>
<td>Testoderm in-process film</td>
<td>Alza Corp., Palo Alto, CA</td>
<td></td>
<td>Sheet</td>
<td>Testosterone</td>
<td>0.25 mg/cm²</td>
</tr>
<tr>
<td>Testoderm in-process film</td>
<td>Alza Corp., Palo Alto, CA</td>
<td></td>
<td>Sheet</td>
<td>Testosterone</td>
<td>0.25 mg/cm²</td>
</tr>
<tr>
<td>Testosterone Cypionate/Estradiol Cypionate Injection</td>
<td>Best Generics, No. Miami Beach, FL</td>
<td>54274–530</td>
<td>Vial</td>
<td>Testosterone cypionate</td>
<td>50 mg/ml</td>
</tr>
<tr>
<td>Testosterone Cypionate/Estradiol Cypionate Injection</td>
<td>Goldline Labs, Ft. Lauderdale, Fl.</td>
<td>0182–3069</td>
<td>Vial</td>
<td>Estradiol cypionate</td>
<td>2 mg/ml</td>
</tr>
<tr>
<td>Testosterone Cypionate/Estradiol Cypionate Injection</td>
<td>I.D.E.-Interstate, Amityville, NY</td>
<td>0814–7737</td>
<td>Vial</td>
<td>Estradiol cypionate</td>
<td>50 mg/ml</td>
</tr>
<tr>
<td>Testosterone Cyp 50 Estradiol Cyp 2</td>
<td>Schein Pharmaceuticals, Port Washington, NY</td>
<td>0364–6611</td>
<td>Vial</td>
<td>Estradiol cypionate</td>
<td>2 mg/ml</td>
</tr>
<tr>
<td>Testosterone Cypionate/Estradiol Cypionate Injection</td>
<td>Steris Labs. Inc., Phoenix, AZ</td>
<td>0402–0257</td>
<td>Vial</td>
<td>Testosterone cypionate</td>
<td>50 mg/ml</td>
</tr>
<tr>
<td>Testosterone Enanthate/Estradiol Valerate Injection</td>
<td>Goldline Labs, Ft. Lauderdale, Fl.</td>
<td>0182–3073</td>
<td>Vial</td>
<td>Estradiol valerate</td>
<td>2 mg/ml</td>
</tr>
<tr>
<td>Testosterone Enanthate/Estradiol Valerate Injection</td>
<td>Schein Pharmaceuticals, Port Washington, NY</td>
<td>0364–6618</td>
<td>Vial</td>
<td>Testosterone enanthate</td>
<td>90 mg/ml</td>
</tr>
<tr>
<td>Testosterone Enanthate/Estradiol Valerate Injection</td>
<td>Steris Labs. Inc., Phoenix, AZ</td>
<td>0402–0360</td>
<td>Vial</td>
<td>Estradiol valerate</td>
<td>4 mg/ml</td>
</tr>
<tr>
<td>Testosterone Enanthate/Estradiol Valerate Injection</td>
<td>Allergan, Irvine, CA</td>
<td></td>
<td>Ophthalmic solutions</td>
<td>Plastic bags</td>
<td>Plastic bags</td>
</tr>
<tr>
<td>Testosterone Ophthalmic Solutions.</td>
<td>Rangen, Inc., Buhl, ID</td>
<td></td>
<td>Plastic bags</td>
<td>Methyldiestosterone</td>
<td>60 mg/kg fish feed</td>
</tr>
</tbody>
</table>

Additional copies of this list may be obtained by submitting a written request to the Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537.

Plain Language Instructions
The Drug Enforcement Administration makes every effort to write clearly. If you have suggestions as to how to improve the clarity of this regulation, call or write Patricia M. Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, Telephone (202) 307–7297.

Certifications

Regulatory Flexibility Act
The Deputy Assistant Administrator, for the DEA Office of Diversion Control, in accordance with the Regulatory Flexibility Act [5 U.S.C. 605(b)], has reviewed this rule and by approving it, certifies that it will not have significant economic impact on a substantial number of small business entities. The granting of exempt status relieves persons who handle the exempt products in the course of legitimate business from the registration, labeling, records, reports, prescription, physical security, and import and export restrictions imposed by the CSA.

Executive Order 13132
This action has been analyzed in accordance with the principles and criteria in Executive Order 13132 and it has been determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act of 1995
This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996
This rule is not a major rule as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not
result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

PART 1308—[AMENDED]

Pursuant to the authority delegated to the Administrator of the DEA pursuant to 21 U.S.C. 871(a) and 28 CFR 0.100 and redelegated to the Deputy Assistant Administrator of the Drug Enforcement Administration Office of Diversion Control, pursuant to 28 CFR 0.104, appendix to subpart R, section 7(g), the Deputy Assistant Administrator of the Office of Diversion Control hereby adopts as a final rule, without change, the interim rule which was published at 65 FR 3124 on Jan. 20, 2000 and corrected at 65 FR 5024, on Feb. 2, 2000, amending the list described in 21 CFR 1308.34.


John H. King,
Deputy Assistant Administrator, Office of Diversion Control.
[FR Doc. 00±17915 Filed 7±13±00; 8:45 am]
BILLING CODE 4410±09±M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044


AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.


EFFECTIVE DATE: August 1, 2000.

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. (For TTY/TDD users, call the Federal relay service toll-free at 1±800±877±8339 and ask to be connected to 202±326±4024.)

SUPPLEMENTARY INFORMATION: The 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 used and where they are set forth in the PBGC's regulations.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to Part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in Appendix B to Part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in Appendix C to Part 4022). (See the PBGC's two final rules published March 17, 2000, in the Federal Register (at 65 FR 14752 and 14753). Effective May 1, 2000, these rules changed how the interest assumptions are used and where they are set forth in the PBGC's regulations.)

Accordingly, 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 August 2000, (2) adds to Appendix B to Part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during August 2000, 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 the PBGC's historical methodology for valuation dates during August 2000.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4022) will be 5.25 percent for the period during which a benefit is in pay status, 4.50 percent during the seven-year period directly preceding the benefit's placement in pay status, and 4.00 percent during any other years preceding the benefit's placement in pay status. These interest assumptions represent a decrease (from those in effect for July 2000) of 0.25 percent for the period during which a benefit is in pay status and for the seven-year period directly preceding the benefit's placement in pay status 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 the PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

The 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, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during August 2000, the PBGC finds that good cause exists for making the assumptions 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 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.