

associated with energy audits and advertising and promotion of conservation and renewable resources.

**In order to be included in Contract System Costs, the renewable resources acquired by the recipient must be included in the Utility's Integrated Resource Plan or similar document and, in the case of dispatchable resources, must be included in the Utility's resource stack. Bonneville will treat expenditures of Public Purchase Charge funds similar to Utility conservation costs.**

**i/ If a Utility has a ruling from its Regulatory Body that separates its transmission and distribution lines using the Commission's seven factor test contained in Order 888, as amended by Order 890, and its FERC Form 1 filing is consistent with the Regulatory Body's order, the Utility will include the transmission-related costs and wheeling revenues directly from its FERC Form 1 filing. However, if a Utility is not required to file a FERC Form 1, or it has not received an order from its Regulatory Body separating its lines between transmission and distribution, then it must perform a Direct Analysis on its transmission costs and wheeling revenues. The Direct Analysis must allocate transmission costs and wheeling revenues so that only the costs and revenues of transmission lines rated at 115kV or above are included as transmission. Alternatively, the Direct Analysis may use the Commission's seven factor test for separating transmission and distribution lines to determine the costs attributable to transmission.**

**j/ All revenues associated with the production and transmission function of a Utility will be functionalized to production or transmission respectively.**

**Note:** The following Appendix will not be published in the *Code of Federal Regulations*.

#### Appendix—List of Commenters

Association of Public Agency Customers (APAC)  
Avista Corporation (Avista)  
Idaho Power Company (Idaho Power)  
Idaho Public Utilities Commission (Idaho PUC)  
PacifiCorp  
Pacific Northwest Investor-Owned Utilities (IOU)  
Portland General Electric Company (Portland General)  
Public Utility District No. 1 of Clark County, Washington and Public Utility District No. 1 of Grays Harbor County, Washington, Public Utility District No. 1 of Snohomish County, Washington (Districts)  
Puget Sound Energy, Inc. (Puget Sound)  
Washington Utilities and Transportation Commission (WUTC)

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## DEPARTMENT OF JUSTICE

### 28 CFR Part 0

[Docket No. AG Order No. 3108-2009]

#### The Attorney General's Advisory Committee of United States Attorneys

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the Department of Justice regulation concerning the Attorney General's Advisory Committee of United States Attorneys. The amendments will provide the Attorney General greater flexibility in determining the size of the Committee, and will provide that the Attorney General will select the Committee's leadership.

**DATES:** *Effective Date:* September 15, 2009.

**FOR FURTHER INFORMATION CONTACT:** Norman Wong, Deputy Director and Counsel to the Director, Executive Office for United States Attorneys, Department of Justice, 950 Pennsylvania Avenue, Washington, DC 20530 (202) 514-2121.

**SUPPLEMENTARY INFORMATION:** This regulation recognizes that the United States Attorneys, as Presidential appointees having responsibilities mandated by Congress (28 U.S.C. 547), should be afforded an appropriate and formal means for contributing to the development of Department of Justice policies and procedures. The Attorney General's Advisory Committee of United States Attorneys ("Committee") aids the improvement of communication between federal and state law enforcement officials, the promotion of greater consistency in the application of legal standards, and the improvement of the criminal justice system at all levels of government. Under the existing

regulation, the Committee is composed of fifteen members designated by the Attorney General, and the Committee is charged with selecting its leadership. Under the revised regulation, the Attorney General will determine the number of Committee members and will select from the membership a chairperson and vice-chairperson. The United States Attorney for the District of Columbia will serve as an *ex officio* member.

#### Administrative Procedure Act

This rule is a rule of agency organization and procedure, and relates to the internal management of the Department of Justice. It is therefore exempt from the requirements of notice and comments and a delayed effective date. 5 U.S.C. 553(b), (d).

#### Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities because it pertains to personnel and administrative matters affecting the Department. Further, a Regulatory Flexibility Analysis was not required to be prepared for this final rule since the Department was not required to publish a general notice of proposed rulemaking for this matter.

**Regulatory Order 12866—Regulatory Planning and Review**

This action has been drafted and reviewed in accordance with Executive Order 12866, Regulatory Planning and Review, § 1(b), Principles of Regulation. This rule is limited to agency organization, management and personnel as described by Executive Order 12866 § 3(d)(3) and, therefore, is not a “regulation” or “rule” as defined by that Executive Order. Accordingly, this action has not been reviewed by the Office of Management and Budget.

**Executive Order 12988—Civil Justice Reform**

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

**Executive Order 13132—Federalism**

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federal 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 the provisions of the Unfunded Mandates Reform Act of 1995.

**Congressional Review Act**

This action pertains to agency management, personnel and organization and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a “rule” as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

**List of Subjects in 28 CFR Part 0**

Authority delegations (government agencies), Government employees, Organization and functions (government agencies), Whistleblowing.

■ By virtue of the authority vested in me by 28 U.S.C. 509 and 510, and 5 U.S.C.

301, Subpart B of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

**PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE**

■ 1. The authority citation of Part 0 continues to read as follows:

**Authority:** 5 U.S.C. 301; 28 U.S.C. 209, 510, 515–519.

■ 2. In § 0.10, paragraphs (a) and (c) are revised to read:

**§ 0.10 Attorney General’s Advisory Committee of United States Attorneys.**

(a) The Attorney General’s Advisory Committee of United States Attorneys shall consist of an appropriate number of United States Attorneys, designated by the Attorney General. The membership shall be selected to represent the various geographic areas of the Nation and various sized United States Attorneys’ Offices. Members shall serve at the pleasure of the Attorney General, but such service normally shall not exceed three years and shall be subject to adjustment by the Attorney General so as to assure the annual rotation of approximately one-third of the Committee’s membership. The United States Attorney for the District of Columbia shall serve as an *ex officio* member of the Committee. The Attorney General may designate additional personnel from United States Attorneys’ Offices to serve as members of the Committee.

\* \* \* \* \*

(c) The Attorney General will select from the Committee’s membership a chairperson and a vice-chairperson. The Attorney General may establish such subcommittees as deemed necessary to carry out the Committee’s objectives. The Committee, in consultation with the Director of the Executive Office for United States Attorneys, will select chairpersons for such subcommittees. United States Attorneys who are not members of the Committee may be included in the membership of subcommittees.

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Dated: September 4, 2009.

**Eric H. Holder, Jr.,**

*Attorney General.*

[FR Doc. E9–22124 Filed 9–14–09; 8:45 am]

**BILLING CODE 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 amends the asset allocation regulation to adopt interest assumptions for plans with valuation dates in the fourth quarter of 2009 and amends the benefit payments regulation to adopt interest assumptions for plans with valuation dates in October 2009. Interest assumptions are also published on PBGC’s Web site (<http://www.pbgc.gov>).

**DATES:** Effective October 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 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 fourth quarter (October through December) of 2009 and updates the assumptions under the