

notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.”

This rulemaking is exempt from normal notice-and-comment procedures because it is a technical change intended to reflect restructuring of Bureau of Prisons functions within the agency. We are also modifying our rule to permit inmates a more direct and efficient route of appeal of decisions/determinations made by Bureau entities other than institution-level staff.

Because the regulations still reflect current Bureau policy, and because the regulations are being changed only to accommodate a restructuring of Bureau functions, we find that normal notice-and-comment rulemaking is unnecessary. We are, however, allowing the public to comment on this rule change by publishing it as an interim final rule.

Executive Order 12866

This rule falls within a category of actions that the Office of Management and Budget (OMB) has determined to constitute a “significant regulatory action” under section 3(f) of Executive Order 12866 and, accordingly, it was reviewed by OMB.

The Bureau has assessed the costs and benefits of this rule as required by Executive Order 12866 Section 1(b)(6) and has made a reasoned determination that the benefits of this rule justify its costs. This rule will have the benefit of eliminating confusion in the courts that has been caused by the changes in the Bureau’s statutory interpretation, while allowing us to continue to operate in compliance with the revised statute. There will be no new costs associated with this rulemaking.

Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, under Executive Order 13132, we determine

that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Director of the Bureau of Prisons, under the Regulatory Flexibility Act (5 U.S.C. 605(b)), reviewed this regulation and by approving it certifies that it will not have a significant economic impact upon a substantial number of small entities for the following reasons: This rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, and its economic impact is limited to the Bureau’s appropriated funds.

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.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by § 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.

List of Subjects in 28 CFR Part 542

Prisoners.

Harley G. Lappin,
Director, Bureau of Prisons.

■ Under rulemaking authority vested in the Attorney General in 5 U.S.C 301; 28 U.S.C. 509, 510 and delegated to the

Director, Bureau of Prisons in 28 CFR 0.96, we amend 28 CFR part 542 as set forth below.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 542—ADMINISTRATIVE REMEDY

■ 1. The authority citation for 28 CFR part 542 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984, as to offenses committed after that date), 5039; 28 U.S.C. 509, 510.

■ 2. Add a new paragraph (d)(5) to § 542.14 to read as follows:

§ 542.14 Initial filing.

* * * * *

(d) * * *

(5) *Other requests for formal review of decisions not originating from the Warden.* Other than the exceptions listed above, formal administrative remedy requests regarding initial decisions that did not originate with the Warden, or his/her staff, may be initially filed with the Bureau office which made the original decision, and appealed directly to the General Counsel.

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DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2578

Rules and Regulations for Abandoned Individual Account Plans

CFR Correction

In Title 29 of the Code of Federal Regulations, Part 1927 to End, revised as of July 1, 2009, on pages 664 and 665, remove the second Appendix C; and on page 661, correct Appendix B to read as follows:

APPENDIX B TO § 2578.1

**NOTIFICATION OF PLAN ABANDONMENT AND INTENT TO SERVE AS
QUALIFIED TERMINATION ADMINISTRATOR**

[*Date of notice*]

Abandoned Plan Coordinator, Office of Enforcement
Employee Benefits Security Administration
U.S. Department of Labor
200 Constitution Ave., NW
Suite 600
Washington, DC, 20210

Re: <u>Plan Identification</u>	<u>Qualified Termination Administrator</u>
[<i>Plan name and plan number</i>]	[<i>Name</i>]
[<i>EIN</i>]	[<i>Address</i>]
[<i>Plan account number</i>]	[<i>E-mail address</i>]
[<i>Address</i>]	[<i>Telephone number</i>]
[<i>Telephone number</i>]	[<i>EIN</i>]

Abandoned Plan Coordinator:

Pursuant to 29 CFR 2578.1(b), we have determined that the subject plan is or may become abandoned by its sponsor. We are eligible to serve as a Qualified Termination Administrator for purposes of terminating and winding up the plan in accordance with 29 CFR 2578.1, and hereby elect to do so.

We find that {*check the appropriate box below and provide additional information as necessary*}:

- There have been no contributions to, or distributions from, the plan for a period of at least 12 consecutive months immediately preceding the date of this letter. Our records indicate that the date of the last contribution or distribution was {*enter appropriate date*}.
- The following facts and circumstances suggest that the plan is or may become abandoned by the plan sponsor {*add description below*}:

We have also determined that the plan sponsor {check appropriate box below}:

- No longer exists
- Cannot be located
- Is unable to maintain the plan

We have taken the following steps to locate or communicate with the known plan sponsor and have received no objection {provide an explanation below}:

Part I – Plan Information

1. Estimated number of individuals (participants and beneficiaries) with accounts under the plan: number
2. Plan assets held by Qualified Termination Administrator:
 - A. Estimated value of assets: value
 - B. Months we have held plan assets, if less than 12: number
 - C. Hard to value assets {select "yes" or "no" to identify any assets with no readily ascertainable fair market value, and include for those identified assets the best known estimate of their value}:

	Yes	No	
(a) Partnership/joint venture interests	<input type="checkbox"/>	<input type="checkbox"/>	<u>value</u>
(b) Employer real property	<input type="checkbox"/>	<input type="checkbox"/>	<u>value</u>
(c) Real estate (other than (b))	<input type="checkbox"/>	<input type="checkbox"/>	<u>value</u>
(d) Employer securities	<input type="checkbox"/>	<input type="checkbox"/>	<u>value</u>
(e) Participant loans	<input type="checkbox"/>	<input type="checkbox"/>	<u>value</u>
(f) Loans (other than (e))	<input type="checkbox"/>	<input type="checkbox"/>	<u>value</u>
(g) Tangible personal property	<input type="checkbox"/>	<input type="checkbox"/>	<u>value</u>

3. Name and last known address and telephone number of plan sponsor:

4. Other:

Part II – Known Service Providers of the Plan

<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1. _____		
2. _____		
3. _____		

Part III – Services and Related Expenses to be Paid

<u>Services</u>	<u>Service Provider</u>	<u>Estimated Cost</u>
1. _____		
2. _____		
3. _____		

Part IV – Investigation

In the past 24 months {check one box}:

Neither we nor our affiliates are or have been the subject of an investigation, examination, or enforcement action by the Department, Internal Revenue Service, or Securities and Exchange Commission concerning such entity's conduct as a fiduciary or party in interest with respect to any plan covered by the Act.

We or our affiliates are or have been the subject of an investigation, examination, or enforcement action by the Department, Internal Revenue Service, or Securities and Exchange Commission concerning such entity's conduct as a fiduciary or party in interest with respect to any plan covered by the Act.

Part V – Contact Person {enter information only if different from signatory}:

[Name]
[Address]
[E-mail address]
[Telephone number]

Under penalties of perjury, I declare that I have examined this notice and to the best of my knowledge and belief, it is true, correct and complete.

[Signature]

[Title of person signing on behalf the Qualified Termination Administrator]

[Address, e-mail address, and telephone number]