

July 2007, at which time he was age 60 and had 20 years of service, and began receiving the subsidized early retirement benefit. The participant has no benefit in priority category 3, because he was not eligible to retire three or more years before the June 2008 bankruptcy filing date.

§ 4044.14 [Amended]

■ 26. Amend § 4044.14 by removing “basic-type benefits that do not exceed the guarantee limits set forth in subpart B of part 4022 of this chapter” and adding in its place “guaranteed benefits”.

§ 4044.41 [Amended]

■ 27. Amend § 4044.41, paragraph (a)(2), by removing from the second sentence the words “with respect to which PBGC has issued a Notice of Sufficiency” and removing from the end the parenthetical “(See Note at beginning of part 4044.)”.

§ 4044.71 [Amended]

■ 28. Amend § 4044.71 by removing “under the qualifying bid”.

§ 4044.72 [Amended]

■ 29. Amend § 4044.72, paragraph (a)(2), by removing “pursuant to § 2617.4(c) of this chapter” and “(See Note at beginning of part 4044.)”.

§ 4044.73 [Amended]

■ 30. In § 4044.73:

■ a. In paragraph (b), first sentence, remove “pursuant to § 2617.12 of part 2617 of this chapter”.

■ b. At the end of the section, remove “(See Note at beginning of part 4044.)”.

§ 4044.75 [Amended]

■ 31. In 4044.75:

■ a. In paragraph (a), remove “qualifying bid” and add in its place “irrevocable commitment”.

■ b. At the end of the section, remove “(See Note at beginning of part 4044.)”.

Issued in Washington, DC, this 3rd day of June 2011.

Joshua Gotbaum,

Director, Pension Benefit Guaranty Corporation.

Issued on the date set forth above pursuant to a resolution of the Board of Directors authorizing publication of this final rule.

Judith R. Starr,

Secretary, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc. 2011-14241 Filed 6-13-11; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2011-0235]

RIN 1625-AA08

**Special Local Regulation;
Monongahela River, Morgantown, WV**

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary special local regulation from mile marker 101.0 (Morgantown Highway Bridge) to mile marker 102.0 (Morgantown Lock and Dam) on the Monongahela River, extending the entire width of the river. The special local regulation is being established to safeguard participants of the Mountaineer Triathlon from the hazards of marine traffic. Entry into, movement within, and departure from this Coast Guard regulated area is prohibited unless authorized by the Captain of the Port or a designated representative.

DATES: This proposed rule is effective from 5:45 a.m. until 10 a.m. on June 26, 2011.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG-2011-0235 and are available online by going to <http://www.regulations.gov>, inserting USCG-2011-0235 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 proposed rule, call or e-mail ENS Robyn Hoskins, Marine Safety Unit Pittsburgh, Coast Guard; telephone 412-644-5808 Ext. 2140, e-mail

Robyn.G.Hoskins@uscg.mil. If you have questions on viewing or submitting material to 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). Publishing a NPRM would be impracticable with respect to this rule based on the short notice given the Coast Guard for this event. Immediate action is needed to safeguard participants during the Mountaineer Triathlon marine event from the hazards imposed by marine traffic.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Publishing an NPRM and delaying its effective date would be impracticable based on the short notice received for the event. Immediate action is needed to provide safety and protection during the Mountaineer Triathlon marine event that will occur in the city of Morgantown, WV.

Basis and Purpose

The Coast Guard is establishing a temporary special local regulation from mile marker 101.0 (Morgantown Highway Bridge) to mile marker 102.0 (Morgantown Lock and Dam) on the Monongahela River, extending the entire width of the river. The special local regulation is being established to safeguard participants of the Mountaineer Triathlon from the hazards of marine traffic.

Discussion of Rule

The Captain of the Port Pittsburgh is establishing a temporary special local regulation from mile marker 101.0 (Morgantown Highway Bridge) to mile marker 102.0 (Morgantown Lock and Dam) on the Monongahela River, extending the entire width of the river. The special local regulation is being established to safeguard participants of the Mountaineer Triathlon from the hazards of marine traffic that will occur in the city of Morgantown, WV. Persons or vessels shall not enter into, depart from, or move within the regulated area without permission from the Captain of the Port Pittsburgh or his authorized representative. They may be contacted on VHF-FM Channel 13 or 16, or through Coast Guard Sector Ohio Valley at 1-800-253-7465. This rule is effective from 5:45 a.m. to 10 a.m. on June 26, 2011. The Captain of the Port Pittsburgh will inform the public

through broadcast notices to mariners of the enforcement period for the special local regulation as well as any changes in the planned schedule.

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, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. This rule will only be in effect for less than one day and notifications to the marine community will be made through broadcast notice to mariners. The impacts on routine navigation are expected to be minimal.

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 that portion of the waterways from mile marker 101.0 (Morgantown Highway Bridge) to mile marker 102.0 (Morgantown Lock and Dam) on the Monongahela River, from 5:45 a.m. to 10 a.m. on June 26, 2011. The special local regulation will not have a significant economic impact on a substantial number of small entities because this rule will only be in effect for less than one day.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it,

please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive

Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have Tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a “significant energy action” under that order because it is not a “significant regulatory action” under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management

systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2-1, paragraph (34)(h), of the Instruction. This rule involves establishing a special local regulation, requiring a permit wherein an analysis of the environmental impact of the regulations was performed. Under figure 2-1, paragraph (34)(h.), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add § 100.T08-0235 to read as follows:

§ 100.T08-0235 Special Local Regulation; Monongahela River, Morgantown, WV.

(a) *Location.* The following area is a regulated area: All waters of the Monongahela River, from surface to bottom, from mile marker 101.0 (Morgantown Highway Bridge) to mile marker 102.0 (Morgantown Lock and Dam) on the Monongahela River, extending the entire width of the river. These markings are based on the USACE's *Monongahela River Navigation Charts* (Chart 1, January 2004) using North American Datum of 1983 (NAD 1983).

(b) *Periods of enforcement.* This rule will only be enforced from 5:45 a.m. through 10 a.m. on June 26, 2011. The

Captain of the Port Pittsburgh or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the regulated area as well as any changes in the planned schedule.

(c) *Regulations.* (1) In accordance with the general regulations in § 100.35 of this part, entry into this regulated area is prohibited unless authorized by the Captain of the Port Pittsburgh.

(2) Persons or vessels requiring entry into, departure from, or passage through a regulated area must request permission from the Captain of the Port Pittsburgh or a designated representative. They may be contacted on VHF-FM Channel 13 or 16, or through Coast Guard Sector Ohio Valley at 1-800-253-7465.

(3) All persons and vessels shall comply with the instructions of the Captain of the Port Pittsburgh and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel includes Commissioned, Warrant, and Petty Officers of the U.S. Coast Guard.

Dated: May 9, 2011.

R.V. Timme,

Commander, U.S. Coast Guard, Captain of the Port Pittsburgh.

[FR Doc. 2011-14624 Filed 6-13-11; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2011-0131, FRL-9317-9]

Approval and Promulgation of Air Quality Implementation Plans; State of California; Interstate Transport

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving the California Regional Haze Plan ("CRHP"), a revision to the California State Implementation Plan ("SIP") addressing Clean Air Act ("CAA" or "Act") requirements and EPA's rules for states to prevent and remedy future and existing anthropogenic impairment of visibility in mandatory Class I areas through a regional haze program. Regional haze is caused by emissions of air pollutants from many sources located over a wide geographic area. Also, EPA is approving certain portions of the CRHP and the "Interstate Transport State Implementation Plan (SIP) for 8-hour Ozone and PM_{2.5} to satisfy the Requirements of Clean Air

Act section 110(a)(2)(D)(i) for the State of California" ("2007 Transport SIP"), submitted by California on November 16, 2007, as meeting the requirements of CAA Section 110(a)(2)(D)(i)(II) regarding interference with other states' measures to protect visibility for the 1997 8-hour ozone and 1997 particulate matter (PM_{2.5}) National Ambient Air Quality Standards (NAAQS). EPA proposed to approve these SIP revisions on March 15, 2011 (76 FR 13944).

DATES: *Effective Date:* This rule is effective on July 14, 2011.

ADDRESSES: EPA has established docket number EPA-R09-OAR-2011-0131 for this action. Generally, documents in the docket for this action are available electronically at <http://www.regulations.gov> or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at <http://www.regulations.gov>, some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps, multi-volume reports), and some may not be available at either location (e.g., confidential business information (CBI)). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Jerry Wamsley, U.S. Environmental Protection Agency, Region 9, Air Division, Planning Office, Air-2, 75 Hawthorne Street, San Francisco, CA 94105; via telephone at (415) 947-4111; or via electronic mail at wamsley.jerry@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us," or "our," refer to EPA.

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I. Background

A. The Regional Haze Problem

Regional haze is visibility impairment produced by many sources and activities located across a broad geographic area that emit fine particles (PM_{2.5}) (e.g., sulfates, nitrates, organic carbon, elemental carbon, and soil dust), and their precursors (e.g., sulfur dioxide