

■ 3. In appendix C to part 4022, Rate Set 164, as set forth below, is added to the table.

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

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
164	6-1-07	7-1-07	3.00	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

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

■ 5. In appendix B to part 4044, a new entry for June 2007, as set forth below, is added to the table.

Appendix B to Part 4044—Interest Rates Used To Value Benefits

* * * * *

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 2007	.0514	1-20	.0481	>20	N/A	N/A

Issued in Washington, DC, on this 10th day of May 2007.

Vincent K. Snowbarger,

Interim Director, Pension Benefit Guaranty Corporation.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP SAVANNAH 06-160]

RIN 1625-AA87

Security Zone, Elba Island LNG Mooring Slip, Savannah River, Savannah, GA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent security zone due to recent changes in Liquefied Natural Gas (LNG) tankship mooring arrangements following the activation of two new berths within a slip at the Southern LNG Facility on the Savannah River. The Security zone includes all the waters from surface to bottom of the northeastern most mooring dolphin, located at approximately 32°05.01' N, 080°59.38' W, to the southeastern most mooring dolphin, located at approximately 32°04.79' N, 080°59.35'

W, and continues west along the North and South shoreline of the mooring slip to the shoreline of the right descending bank of the Savannah River. This regulation is necessary to protect life and property on the navigable waters of the Savannah River and within the LNG slip due to potential security risks associated with the LNG Facility.

DATES: This rule is effective June 14, 2007.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [COTP Savannah 06-160], and are available for inspection or copying at Marine Safety Unit Savannah, Juliette Gordon Low Federal Building, Suite 1017, 100 W. Oglethorpe, Savannah, Georgia 31401, between 7:30 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Robert Webb, Waterways Management Officer, Marine Safety Unit Savannah; (912) 652-4353.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On January 9, 2007, we published an interim rule with request for comments titled Security Zone, Elba Island LNG Mooring Slip, Savannah River, Savannah, GA in the **Federal Register** (72 FR 907). We received one comment on the rule. No public meeting was requested, and none was held.

Background and Purpose

In May of 2002, Southern LNG, Inc., submitted a letter of intent to expand the LNG facility on Elba Island that would nearly double the LNG storage capacity and substantially increase the number of LNG tankship arrivals. The expansion project, completed in early 2006, resulted in the creation of two new berths within a slip at the Southern LNG Facility on the Savannah River. The design of the new slip inadvertently creates a safe refuge off the Savannah River with unrestricted access to LNG berths. As a result, the LNG facility and arriving LNG vessels are put at risk of sabotage or other adverse action that could result in significant damage to property and loss of life.

This concern was confirmed by a recent incident where on June 6, 2006, a sailing vessel entered the LNG slip and anchored for six hours, one day before the scheduled arrival of an LNG carrier. This incident raised security concerns and prompted the LNG facility to conduct a visual inspection of the above water mooring features and a complete underwater survey, in turn delaying the LNG vessel. The visual inspection and underwater survey was necessary to ensure no objects that could potentially harm the vessel or facility were left in the slip. Although

the incident did not result in any harm to the facility or vessel, it was recognized by the Coast Guard that a potential vulnerability exists in the security of the LNG slip.

Additionally, as the demand for natural gas continues to grow, Southern LNG plans to expand its current operation, potentially increasing both the size and frequency of LNG vessel arrivals and further concerns over a potential accidental spill or intentional release of LNG. The risks and hazards from an LNG spill will vary depending on the size of the spill, environmental conditions, and the site at which the spill occurs. Hazards can include cryogenic burns to the ship's crew and people nearby or potential damage to the LNG ship from contact with the cryogenic LNG. Vaporization of the liquid LNG can occur once a spill occurs and subsequent ignition of the vapor cloud could cause fires and overpressures that could injure people or cause damage to the tanker's structure, other LNG tanks, or nearby structures.

Therefore, the recent incident of June 6, 2006, discussed above, the hazards associated with the transportation of LNG, and the expansion of Elba Island LNG facility necessitates this rule. Additionally, this security zone is necessary to protect the berths and moored LNG vessels within the LNG slip from potential sabotage and unauthorized access prior to a LNG ship arrival.

Discussion of Comments and Changes

We received one comment concerning the position of the southeastern most mooring dolphin. The published position of the mooring dolphin was 32[deg]04.49' North, 080[deg]59.20' West. This was an incorrect position, and should have been 32[deg]04.79' North, 080[deg]59.35' West. The final rule has been revised to reflect the correct position of the southeastern most mooring dolphin.

Additionally, the Interim Rule with request for comments incorrectly referred to 33 CFR 165.13 as the cite for Security Zone General Regulations. The correct citation for Security Zone General Regulations is 33 CFR 165.33. The final rule is changed to reflect the correct General Regulation citation.

Aside from these two changes, we have adopted the interim rule as final.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs

and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Homeland Security.

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 security zone will only restrict access to a limited area, immediately surrounding a LNG facility, where vessels should not be operating due to the danger associated with the facility.

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 or more in any one year. This interim rule would not result in such an expenditure.

Taking of Private Property

This rule will not effect 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 might 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. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs 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 Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, 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 that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. A final “Environmental Analysis Checklist” and a final “Categorical Exclusion Determination” are available in the docket where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

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

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 165.751 to read as follows:

§ 165.751 Security Zone: LNG mooring slip, Savannah River, Savannah, Georgia.

(a) *Security Zone.* The following area is a security zone: All the waters from surface to bottom of the northeastern most mooring dolphin located at approximately 32[deg]05.01' North, 080[deg]59.38' West, to the southeastern most mooring dolphin located at approximately 32[deg]04.79' North, 080[deg]59.35' West, and continues west along the North and South shoreline of the mooring slip to the shoreline of the right descending bank of the Savannah River. All marine traffic is prohibited from entering this zone unless authorized by the Captain of the Port (COTP).

(b) *Applicability.* This section applies to all vessels including naval and other public vessels, except vessels that are engaged in the following operations:

- (1) Law enforcement, security, or search and rescue;
- (2) Servicing aids to navigation;
- (3) Surveying, maintenance, or improvement of waters in the security zone; or
- (4) Actively engaged in escort, maneuvering, or support duties for an LNG tankship.

(c) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Savannah or vessels engaged in activities defined in paragraph (b).

(d) *Reporting of Violations.* Violations of this section should be reported to the Captain of the Port, Savannah, at (912) 652–4353.

Dated: April 23, 2007.

D.W. Murk,

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

[FR Doc. E7–9230 Filed 5–14–07; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 2

RIN 2900–AM61

Change in Secretary's Delegation of Authority and Clarification of that Authority

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) delegation regulation, which authorizes a VA official to take final action on complaints of employment discrimination when the Office of Employment Discrimination Complaint Adjudication (OEDCA) recuses itself due to a conflict of interest. The amendment provides that the Secretary of Veterans Affairs has delegated authority to take such action to the Chairman, Board of Veterans' Appeals, and clarifies that such authority includes awarding remedial relief in cases where there has been a finding of discrimination.

DATES: *Effective Date:* May 15, 2007.

FOR FURTHER INFORMATION CONTACT: Charles R. Delobe, Director, Office of Employment Discrimination Complaint Adjudication (00D), Department of Veterans Affairs, 810 Vermont Ave., NW., Washington, DC 20420 (Tel. 202–254–0063).

SUPPLEMENTARY INFORMATION: Under 38 U.S.C. 319 and 38 CFR 2.6(i), OEDCA

has authority to take final action on complaints of employment discrimination filed by VA employees, former employees, and applicants for employment. Under 38 U.S.C. 501, the Secretary has authority to prescribe rules and regulations necessary to carry out the laws administered by VA. Further, under 38 U.S.C. 512, the Secretary may delegate authority to officers and employees of the Department as the Secretary deems necessary. In cases where OEDCA recuses itself due to an actual, apparent, or potential conflict of interest, the Secretary delegates authority to another official in the Department to take such action. In the past, that authority was delegated to the Chairman, Board of Contract Appeals, under current 38 CFR 2.6(j). This document amends § 2.6(j) to reflect the change in this delegation of authority to the Chairman, Board of Veterans' Appeals. The change in delegated authority is necessary because there has been a transfer of functions and personnel of the VA Board of Contract Appeals to the General Services Administration, which occurred on January 6, 2007. The amendment also clarifies that the delegated authority includes the authority to grant all appropriate remedies and relief in cases where there is a finding of discrimination.

Administrative Procedures Act

This final rule concerns VA agency organization, procedure, and practice, specifically delegation of authority to offices or employees of the Department to perform certain acts or render decisions. Accordingly, the prior notice and comment and delayed effective date provisions of 5 U.S.C. 553 do not apply to this rule.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Regulatory Flexibility Act

The initial and final regulatory flexibility analysis requirements of sections 603 and 604 of the Regulatory Flexibility Act, 5 U.S.C. 601–612, are not applicable to this rule because a notice of proposed rulemaking is not required for this rule. Even so, the Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act. This final rule would not affect any small entities. Only VA employees, former employees, and