

of the Notice of Intent to Discipline filed by DHS shall be forwarded to the EOIR disciplinary counsel, who may submit a written request to the Board or the adjudicating official requesting that any discipline imposed upon a practitioner that restricts his or her authority to practice before DHS also apply to the practitioner's authority to practice before the Board and the Immigration Courts. Proof of service on the practitioner of any request to broaden the scope of the proposed discipline must be filed with the adjudicating official.

\* \* \* \* \*

- 5. Amend § 1003.106 by:
- a. Revising paragraph (a)(1);
  - b. Adding paragraph (a)(2) introductory text; and by
  - c. Removing from the first sentence in paragraph (a)(2)(ii) the words “Except as provided in §§ 1003.105(c)(3), upon” and adding in their place “Upon”.

The addition and revision read as follows:

**§ 1003.106 Right to be heard and disposition.**

(a) \* \* \*

(1) *Summary disciplinary proceedings.* A practitioner who is subject to summary disciplinary proceedings pursuant to § 1003.103(b) must make a prima facie showing to the Board in his or her answer that there is a material issue of fact in dispute with regard to the basis for summary disciplinary proceedings, or with one or more of the exceptions set forth in § 1003.103(b)(2)(i) through (iii). If the practitioner files a timely answer and the Board determines that there is a material issue of fact in dispute with regard to the basis for summary disciplinary proceedings, or with one or more of the exceptions set forth in § 1003.103(b)(2)(i) through (iii), then the Board shall refer the case to the Chief Immigration Judge for the appointment of an adjudicating official. If the practitioner fails to make such a prima facie showing, the Board shall retain jurisdiction over the case and issue a final order. Notwithstanding the foregoing, the Board shall refer any case to the Chief Immigration Judge for the appointment of an adjudicating official in which the practitioner has filed a timely answer and the case involves a charge or charges that cannot be adjudicated under the summary disciplinary proceedings provisions in § 1003.103(b). The Board shall refer such a case regardless of whether the practitioner has requested a hearing.

(2) *Procedure.* The procedures of paragraphs (b) through (d) of this section apply to cases in which the

practitioner files a timely answer to the Notice of Intent to Discipline, with the exception of cases in which the Board issues a final order pursuant to § 1003.105(d)(2) or § 1003.106(a)(1).

\* \* \* \* \*

**§ 1003.107 [Amended]**

- 6. Amend § 1003.107 by:
  - a. Removing from the section heading the word “expulsion” and adding in its place the word “disbarment”.
  - b. Removing from paragraph (a) the words “the Service” and adding in their place the term “DHS”;
  - c. Removing from the first sentence of paragraph (b) introductory text the word “expelled” and adding in its place the word “disbarred”;
  - d. Removing from the third sentence of paragraph (b) introductory text the word “expelled” and adding in its place the word “disbarred”;
  - e. Removing from the second sentence of paragraph (b)(1) the word “expelled” and adding in its place the word “disbarred”; and by
  - f. Removing from the second sentence of paragraph (b)(1) the word “expulsion” and adding in its place the word “disbarment”.

**PART 1292—REPRESENTATION AND APPEARANCES**

- 7. The authority citation for part 1292 continues to read as follows:

**Authority:** 8 U.S.C. 1103, 1252b, 1362.

- 8. Section 1292.3 is revised to read as follows:

**§ 1292.3 Professional conduct for practitioners—Rules and procedures.**

Attorneys and representatives practicing before the Board, the Immigration Courts, or DHS are subject to the imposition of disciplinary sanctions as provided in 8 CFR part 1003, subpart G, § 1003.101 *et seq.* See also 8 CFR 292.3 (pertaining to practice before DHS).

Dated: January 3, 2012.

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

*Attorney General.*

[FR Doc. 2012-602 Filed 1-12-12; 8:45 am]

**BILLING CODE 4410-30-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 33**

[Docket No. NE130; Special Conditions No. 33-008-SC]

**Special Conditions: Pratt and Whitney Canada Model PW210S Turboshift Engine**

*Correction*

In rule document 2011-14113 appearing on pages 33981-33982 in the issue of Friday, June 10, 2011, make the following correction:

On page 33981, in the first column, in the heading, Special Conditions No. “33-008-SCI” should read “33-008-SC”.

[FR Doc. C1-2011-14113 Filed 1-12-12; 8:45 am]

**BILLING CODE 1505-01-D**

**PENSION BENEFIT GUARANTY CORPORATION**

**29 CFR Part 4022**

**Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Pension Benefit Guaranty Corporation's regulation on Benefits Payable in Terminated Single-Employer Plans to prescribe interest assumptions under the regulation for valuation dates in February 2012. The interest assumptions are used for paying benefits under terminating single-employer plans covered by the pension insurance system administered by PBGC.

**DATES:** Effective February 1, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Catherine B. Klion  
(*Klion.Catherine@pbgc.gov*), 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 regulation on Benefits Payable in Terminated Single-Employer Plans (29 CFR Part 4022) prescribes actuarial assumptions—including interest assumptions—for paying plan benefits

under terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions in the regulation are also published on PBGC's Web site (<http://www.pbgc.gov>).

PBGC uses the interest assumptions in Appendix B to Part 4022 to determine whether a benefit is payable as a lump sum and to determine the amount to pay. Appendix C to Part 4022 contains interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using PBGC's historical methodology. Currently, the rates in Appendices B and C of the benefit payment regulation are the same.

The interest assumptions are intended to reflect current conditions in the financial and annuity markets. Assumptions under the benefit payments regulation are updated monthly. This final rule updates the benefit payments interest assumptions for February 2012.<sup>1</sup>

The February 2012 interest assumptions under the benefit payments regulation will be 1.25 percent for the

period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. In comparison with the interest assumptions in effect for January 2012, these interest assumptions are unchanged.

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 current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the payment of benefits under plans with valuation dates during February 2012, PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

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 in 29 CFR Part 4022**

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

In consideration of the foregoing, 29 CFR part 4022 is 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.

■ 2. In appendix B to part 4022, Rate Set 220, as set forth below, is added to the table.

**Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments**

\* \* \* \* \*

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$
* 220	* 2-1-12	* 3-1-12	* 1.25	* 4.00	* 4.00	* 4.00	* 7	* 8

■ 3. In appendix C to part 4022, Rate Set 220, 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		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$
* 220	* 2-1-12	* 3-1-12	* 1.25	* 4.00	* 4.00	* 4.00	* 7	* 8

<sup>1</sup> Appendix B to PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR Part 4044) prescribes interest assumptions for valuing

benefits under terminating covered single-employer plans for purposes of allocation of assets under

ERISA section 4044. Those assumptions are updated quarterly.

Issued in Washington, DC, on this 10th day of January 2012.

**Laricke Blanchard,**

*Deputy Director for Policy, Pension Benefit Guaranty Corporation.*

[FR Doc. 2012-586 Filed 1-12-12; 8:45 am]

BILLING CODE 7709-01-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR PART 165

[Docket No. USCG-2011-1161]

RIN 1625-AA00

#### Safety Zone; Ice Rescue Exercise; Green Bay, Dyckesville, WI

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the waters of Green Bay near Dyckesville, Wisconsin. This zone is intended to restrict vessels and persons from a portion of Green Bay due to a large scale ice rescue exercise that will involve multiple State and Federal agencies. This temporary safety zone is necessary to protect the surrounding public and vessels from the hazards associated with the ice rescue exercise.

**DATES:** This rule is effective between 7 a.m. on January 17, 2012, and 7 a.m. on January 20, 2012.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2011-1161 and are available online by going to [www.regulations.gov](http://www.regulations.gov), inserting USCG-2011-1161 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 temporary rule, contact or email BM1 Adam Kraft, U.S. Coast Guard Sector Lake Michigan, at (414) 747-7148 or

[Adam.D.Kraft@uscg.mil](mailto:Adam.D.Kraft@uscg.mil). If you have questions on viewing 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 an agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under U.S.C. 553 (b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this. The final details for the ice rescue exercise were not received by the Coast Guard in sufficient time for a comment period to run before the start of the event. Thus, waiting for a comment period to run would inhibit the Coast Guard from performing its statutory function of protecting life on navigable waters during the ice rescue exercise and thus would be impractical and contrary to the public interest.

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**. For the same reasons discussed in the preceding paragraph, a 30 day notice period would be impractical and contrary to the public interest.

### Background and Purpose

Local, state, and federal officials have set up an ice rescue exercise on the waters of Green Bay. This exercise will provide a realistic simulation of a large scale ice rescue response that would include the efforts of multiple local, State, and Federal agencies. These exercises are meant to establish and maintain continuity in the response efforts of multiple agencies. The Captain of the Port Sector Lake Michigan has determined that this ice rescue exercise will pose hazards to the public.

### Discussion of Rule

With the aforementioned hazards in mind, the Captain of the Port Sector Lake Michigan has determined that it is necessary to establish a temporary safety zone to protect people and vessels. The safety zone will encompass all U.S. navigable waters of Green Bay within the arc of a circle with a 2000-yard radius of the Red River county park with its center point located with its center in the approximate position 44°40'00" N, 087°45'00" W. [DATUM: NAD 83]. This safety zone will be effective and enforce between 7 a.m. on

January 17, 2012 and 7 a.m. on January 20, 2012.

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port, Sector Lake Michigan, or his or her designated representative. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port, Sector Lake Michigan, or his or her designated representative. The Captain of the Port, Sector Lake Michigan, or his or her designated representative may be contacted via VHF Channel 16.

### 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 Executive Order 12866. The Office of Management and Budget has not reviewed it under that Order.

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and exist for relatively short time. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule will 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