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11. Memorandum for FAP 9M4697 from K. Morehouse, FDA, to L. Highbarger, FDA, dated February 20, 2008.*
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14. Memorandum from Food Additives Evaluation Branch, FDA (HFS–156), to C. Takaguchi, Petition Control Branch, FDA, December 28, 1982.*
15. Memorandum to the file for FAP 4M4428, from D. Hattan, FDA, dated November 18, 1997.*
16. Underdal, B., J. Nordal, G. Lunde, and B. Eggum, "The Effect of Ionizing Radiation on the Nutritional Value of Fish (Cod) Protein," *Lebensmittel Wissenschaft Technologie*, 6:90–93, 1973.
17. Diehl, J.F., "Nutritional Adequacy of Irradiated Foods," pp. 241–282, in *Safety of Irradiated Foods*, Marcel Dekker, New York, 1995.
18. Internal Memorandum for FAP 9M4696 from J. Newland, FDA, to the file, dated July 7, 2000.*
19. Firstenberg-Eden, R., D.B. Rowley, and G.E. Shattuck, "Factors Affecting Growth and Toxin Production by Clostridium Botulinum Type E on Irradiated (0.3 Mrad) Chicken Skins." *Journal of Food Protection*, 47:867–870, 1982.
20. Matilla-Sandholm, T. and E. Skytta. "The Effect of Spoilage Flora on the Growth of Food Pathogens in Minced Meat Stored at Chilled Temperature." *Lebensmittel-Wissenschaft Technologie*, 24:116–120, 1991.

List of Subjects in 21 CFR Part 179

Food additives, Food labeling, Food packaging, Radiation protection, Reporting and recordkeeping requirements, Signs and symbols.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 179 is amended as follows:

PART 179—IRRADIATION IN THE PRODUCTION, PROCESSING AND HANDLING OF FOOD

■ 1. The authority citation for 21 CFR part 179 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 343, 348, 373, 374.

■ 2. Section 179.26 is amended in the table in paragraph (b) by revising entry "6." under the headings "Use" and "Limitations" to read as follows:

§ 179.26 Ionizing radiation for the treatment of food.

*	*	*	*	*	*
(b)	*	*	*	*	*

Use	Limitations
* * * * *	
6. For control of food-borne pathogens in fresh (refrigerated or unrefrigerated) or frozen, uncooked poultry products that are: (1) Whole carcasses or disjointed portions (or other parts) of such carcasses that are "ready-to-cook poultry" within the meaning of 9 CFR 381.(b) (with or without nonfluid seasoning; includes, e.g., ground poultry), or (2) mechanically separated poultry product (a finely comminuted ingredient produced by the mechanical deboning of poultry carcasses or parts of carcasses).	Not to exceed 4.5 kGy for non-frozen products; not to exceed 7.0 kGy for frozen products.
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Dated: November 27, 2012.
Leslie Kux,
Assistant Commissioner for Policy.
 [FR Doc. 2012–28968 Filed 11–29–12; 8:45 am]
BILLING CODE 4160–01–P

PENSION BENEFIT GUARANTY CORPORATION
29 CFR Part 4044
Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age
AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.
SUMMARY: This rule amends the Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans by substituting a new table for determining expected retirement ages for participants in pension plans undergoing distress or involuntary termination with valuation dates falling in 2013. This table is needed in order to compute the value of early retirement benefits and, thus, the total value of benefits under a plan.
DATES: *Effective Date:* January 1, 2013.
FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Assistant General Counsel for Regulatory Affairs, 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: The Pension Benefit Guaranty Corporation (PBGC) administers the pension plan termination insurance program under Title IV of the Employee Retirement Income Security Act of 1974 (ERISA). PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) sets forth (in subpart B) the methods for valuing plan benefits of terminating single-employer plans covered under Title IV. Guaranteed benefits and benefit liabilities under a

plan that is undergoing a distress termination must be valued in accordance with subpart B of part 4044. In addition, when PBGC terminates an underfunded plan involuntarily pursuant to ERISA section 4042(a), it uses the subpart B valuation rules to determine the amount of the plan's underfunding.

Under § 4044.51(b) of the asset allocation regulation, early retirement benefits are valued based on the annuity starting date, if a retirement date has been selected, or the expected retirement age, if the annuity starting date is not known on the valuation date. Sections 4044.55 through 4044.57 set forth rules for determining the expected retirement ages for plan participants entitled to early retirement benefits. Appendix D of part 4044 contains tables to be used in determining the expected early retirement ages.

Table I in appendix D (Selection of Retirement Rate Category) is used to determine whether a participant has a low, medium, or high probability of retiring early. The determination is based on the year a participant would reach "unreduced retirement age" (*i.e.*, the earlier of the normal retirement age or the age at which an unreduced benefit is first payable) and the participant's monthly benefit at unreduced retirement age. The table applies only to plans with valuation dates in the current year and is updated

annually by the PBGC to reflect changes in the cost of living, etc.

Tables II–A, II–B, and II–C (Expected Retirement Ages for Individuals in the Low, Medium, and High Categories respectively) are used to determine the expected retirement age after the probability of early retirement has been determined using Table I. These tables establish, by probability category, the expected retirement age based on both the earliest age a participant could retire under the plan and the unreduced retirement age. This expected retirement age is used to compute the value of the early retirement benefit and, thus, the total value of benefits under the plan.

This document amends appendix D to replace Table I–12 with Table I–13 in order to provide an updated correlation, appropriate for calendar year 2013, between the amount of a participant's benefit and the probability that the participant will elect early retirement. Table I–13 will be used to value benefits in plans with valuation dates during calendar year 2013.

PBGC has determined that notice of and public comment on this rule are impracticable and contrary to the public interest. Plan administrators need to be able to estimate accurately the value of plan benefits as early as possible before initiating the termination process. For that purpose, if a plan has a valuation date in 2013, the plan administrator needs the updated table being

promulgated in this rule. Accordingly, the public interest is best served by issuing this table expeditiously, without an opportunity for notice and comment, to allow as much time as possible to estimate the value of plan benefits with the proper table for plans with valuation dates in early 2013.

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 regulation, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

List of Subjects in 29 CFR Part 4044

Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

PART 4044—[AMENDED]

- 1. The authority citation for part 4044 continues to read as follows:

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

- 2. Appendix D to part 4044 is amended by removing Table I–12 and adding in its place Table I–13 to read as follows:

Appendix D to Part 4044—Tables Used To Determine Expected Retirement Age

TABLE I–13—SELECTION OF RETIREMENT RATE CATEGORY
[For plans with valuation dates after December 31, 2012, and before January 1, 2014]

If participant reaches URA in year—	Participant's retirement rate category is—			
	Low ¹ if monthly benefit at URA is less than—	Medium ² if monthly benefit at URA is—		High ³ if monthly ben- efit at URA is greater than—
		From—	To—	
2014	599	599	2,531	2,531
2015	611	611	2,582	2,582
2016	623	623	2,633	2,633
2017	636	636	2,688	2,688
2018	649	649	2,745	2,745
2019	663	663	2,803	2,803
2020	677	677	2,861	2,861
2021	691	691	2,922	2,922
2022	706	706	2,983	2,983
2023 or later	720	720	3,046	3,046

¹ Table II–A.
² Table II–B.
³ Table II–C.

* * * * *

Issued in Washington, DC, this 20th day of November, 2012.

Laricke Blanchard,

Deputy Director for Policy, Pension Benefit Guaranty Corporation.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 63

[EPA-HQ-OAR-2009-0234; EPA-HQ-OAR-2011-0044; FRL-9733-2]

RIN 2060-AR62

Reconsideration of Certain New Source and Startup/Shutdown Issues: National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rules; notice of public hearing.

SUMMARY: On February 16, 2012, pursuant to sections 111 and 112 of the Clean Air Act (CAA), the EPA published the final rules titled “National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units.” The National Emission Standards for Hazardous Air Pollutants (NESHAP) rule issued pursuant to CAA section 112 is referred to as the Mercury and Air Toxics Standards (MATS), and the New Source Performance Standards rule issued pursuant to CAA section 111 is referred to as the Utility NSPS. The Administrator received petitions for reconsideration of certain aspects of MATS and the Utility NSPS. In this notice, the EPA is announcing reconsideration of certain new source standards for MATS, the requirements applicable during periods of startup and shutdown for MATS, the startup and shutdown provisions related to the particulate matter (PM) standard in the Utility NSPS, and certain revisions to the definitional and monitoring provisions of the Utility NSPS. We are

also proposing certain technical corrections to both MATS and the Utility NSPS.

We seek comment only on the aspects of the final MATS and Utility NSPS rules specifically identified in this notice. We are not opening for reconsideration any other provisions of MATS or the Utility NSPS at this time.

DATES: *Comments.* Comments must be received on or before December 31, 2012. Because of the need to resolve the issues identified in this notice in a timely manner, the EPA does not intend to grant requests for extensions beyond this date.

Public Hearing. If anyone contacts the EPA by December 10, 2012 requesting to speak at a public hearing, the EPA will hold a public hearing on December 18, 2012. If a public hearing is held, it will be held from 9:00 a.m. to 7:00 p.m., Eastern time, in Room 1153 EPA East Hearing room, 1201 Constitution Avenue NW., Washington, DC 20460, (202) 564-1657. For further information on the public hearing and requests to speak, see the **ADDRESSES** section of this preamble.

ADDRESSES: *Comments.* Submit your comments, identified by Docket ID. No. EPA-HQ-OAR-2011-0044 (NSPS action) or Docket ID No. EPA-HQ-OAR-2009-0234 (NESHAP/MATS action), by one of the following methods:

- <http://www.regulations.gov>. Follow the instructions for submitting comments.

- <http://www.epa.gov/oar/docket.html>. Follow the instructions for submitting comments on the EPA Air and Radiation Docket Web Site.

- *Email:* Comments may be sent by electronic mail (email) to a-and-r-docket@epa.gov, Attention EPA-HQ-OAR-2011-0044 (NSPS action) or EPA-HQ-OAR-2009-0234 (NESHAP/MATS action).

- *Fax:* Fax your comments to: (202) 566-9744, Docket ID No. EPA-HQ-OAR-2011-0044 (NSPS action) or Docket ID No. EPA-HQ-OAR-2009-0234 (NESHAP/MATS action).

- *Mail:* Send your comments on the NESHAP/MATS action to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, Docket ID No. EPA-HQ-OAR-2009-0234. Send your comments on the NSPS action to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, Docket ID. EPA-HQ-OAR-2011-0044. Please include a total of two copies. In addition, please

mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, OMB, Attn: Desk Officer for EPA, 725 17th St. NW., Washington, DC 20503.

- *Hand Delivery or Courier:* Deliver your comments to: EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460. Please include a total of two copies. Such deliveries are only accepted during the Docket’s normal hours of operation (8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holiday), and special arrangements should be made for deliveries of boxed information.

Instructions. All submissions must include agency name and respective docket number or Regulatory Information Number (RIN) for this rulemaking. All comments will be posted without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or email. The <http://www.regulations.gov> Web site is an “anonymous access” system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through <http://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Public Hearing. If anyone contacts EPA by December 10, 2012 requesting to speak at a public hearing, the EPA will hold a public hearing on December 18, 2012. If a public hearing is held, it will be held from 9:00 a.m. to 7:00 p.m., Eastern time in Room 1153 EPA East Hearing room, 1201 Constitution