

under one or more nonqualified deferred compensation plans as matching amounts or other similar amounts contingent on such elective deferrals, pre-tax contributions, or after-tax contributions, provided that the total of such matching or contingent amounts, as applicable, never exceeds 100 percent of the matching or contingent amounts that would be provided under the qualified employer plan absent any plan-based restrictions that reflect limits on qualified plan contributions under the Internal Revenue Code.

\* \* \* \* \*

#### **§ 1.409A-6 [Corrected]**

■ **Par. 5.** Section 1.409A-6 is amended by revising paragraphs (a)(3)(i) and (ii) and (a)(4)(iv) to read as follows:

#### **§ 1.409A-6 Application of section 409A and effective dates.**

\* \* \* \* \*

(a) \* \* \*

(3) \* \* \*

(i) \* \* \* The amount of compensation deferred before January 1, 2005, under a nonqualified deferred compensation plan that is a nonaccount balance plan (as defined in § 1.409A-1(c)(2)(i)(C)), equals the present value of the amount to which the service provider would have been entitled under the plan if the service provider voluntarily terminated services without cause on December 31, 2004, and received a payment of the benefits available from the plan on the earliest possible date allowed under the plan to receive a payment of benefits following the termination of services, and received the benefits in the form with the maximum value. \* \* \*

(ii) \* \* \* The amount of compensation deferred before January 1, 2005, under a nonqualified deferred compensation plan that is an account balance plan (as defined in § 1.409A-1(c)(2)(i)(A)), equals the portion of the service provider's account balance as of December 31, 2004, the right to which was earned and vested (as defined in paragraph (a)(2) of this section) as of December 31, 2004, plus any future contributions to the account, the right to which was earned and vested (as defined in paragraph (a)(2) of this section) as of December 31, 2004, to the extent such contributions are actually made.

\* \* \* \* \*

(4) \* \* \*

(iv) \* \* \* With respect to an account balance plan (as defined in § 1.409A-1(c)(2)(i)(A)), it is not a material modification to change a notional investment measure to, or to add to an

existing investment measure, an investment measure that qualifies as a predetermined actual investment within the meaning of § 31.3121(v)(2)-1(d)(2) of this chapter or, for any given taxable year, reflects a reasonable rate of interest (determined in accordance with § 31.3121(v)(2)-1(d)(2)(i)(C) of this chapter). \* \* \*

\* \* \* \* \*

**Guy R. Traynor,**

*Federal Register Liaison, Legal Processing Division, Publication & Regulations Branch, Associate Chief Counsel (Procedure & Administration).*

[FR Doc. E7-14624 Filed 7-30-07; 8:45 am]

**BILLING CODE 4830-01-P**

## **DEPARTMENT OF JUSTICE**

### **Office of the Attorney General**

#### **28 CFR Part 0**

**[A.G. Order No. 2897-2007]**

#### **Organization; Office of the Deputy Attorney General, Office of the Associate Attorney General**

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the regulations that describe the structure, functions, and responsibilities of the Offices of the Deputy Attorney General and Associate Attorney General, United States Department of Justice.

**EFFECTIVE DATE:** July 31, 2007.

#### **FOR FURTHER INFORMATION CONTACT:**

Stuart Frisch, General Counsel, Justice Management Division, U.S. Department of Justice, Washington, DC 20530, (202) 514-3452.

**SUPPLEMENTARY INFORMATION:** This rule removes paragraph (h) of 28 CFR 0.15 and paragraph (d) of 28 CFR 0.19, which reserve certain personnel administration authorities within the Department of Justice to the Attorney General. These paragraphs are reserved for future use. This rule only makes changes to the Department's internal organization and structure and does not affect the rights or obligations of the general public.

#### **Administrative Procedure Act**

This rule relates to matters of agency management and personnel, and is therefore exempt from the requirements of prior notice and comment and a 30-day delay in the effective date. See 5 U.S.C. 553(a)(2), (b)(3)(A), (d)(3).

#### **Regulatory Flexibility Act**

The Attorney General, in accordance with the Regulatory Flexibility Act, 5

U.S.C. 605(b), has reviewed this rule and, by approving it, certifies that this regulation will not have a significant economic impact on a substantial number of small entities because it pertains to personnel and administrative matters affecting the Department. Further, a Regulatory Flexibility Analysis was not required to be prepared for this final rule because the Department was not required to publish a general notice of proposed rulemaking for this matter.

#### **Executive Order 12866**

This rule has been drafted and reviewed in accordance with Executive Order 12866, Regulatory Planning and Review, § 1(b), Principles of Regulation. This rule is limited to agency organization, management, and personnel as described by Executive Order 12866 § 3(d)(3) and, therefore, is not a "regulation" or "rule" as defined by that Executive Order. Accordingly, this rule has not been reviewed by the Office of Management and Budget.

#### **Executive Order 13132**

This rule 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, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### **Executive Order 12988**

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

#### **Unfunded Mandates Reform Act of 1995**

This rule will not result in the expenditure by State, local, and tribal government, 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, 2 U.S.C. 1501 *et seq.*

#### **Small Business Regulatory Enforcement Fairness Act of 1996**

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100 million or

more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

#### **Congressional Review Act**

The Department has determined that this action pertains to agency management, personnel, and organizations and, accordingly, is not a "rule" as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

#### **List of Subjects in 28 CFR Part 0**

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies).

■ Accordingly, by virtue of the authority vested in me as Attorney General, including 5 U.S.C. 301 and 28 U.S.C. 509 and 510, part 0 of title 28 of the Code of Federal Regulations is amended as follows:

#### **PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE**

■ 1. The authority citation for part 0 continues to read as follows:

**Authority:** 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

##### **§ 0.15 Deputy Attorney General.**

■ 2. Remove and reserve paragraph (h) of § 0.15.

##### **§ 0.19 Associate Attorney General.**

■ 3. Remove and reserve paragraph (d) of § 0.19.

Dated: July 25, 2007.

**Alberto R. Gonzales,**

*Attorney General.*

[FR Doc. E7–14707 Filed 7–30–07; 8:45 am]

**BILLING CODE 4410–19–P**

#### **DEPARTMENT OF HOMELAND SECURITY**

#### **COAST GUARD**

#### **33 CFR Part 165**

[CGD08–07–007]

RIN 1625–AA11

#### **Regulated Navigation Area; Mississippi River, Eighty-One Mile Point**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard has amended the regulated navigation area (RNA) for the Lower Mississippi River (LMR) mile marker (MM) 233.9 through South and South West Passes by establishing mandatory check-in procedures for vessels transiting on the waters of the Mississippi River between (MM) 167.5 LMR and 187.9 LMR. This rule is needed to minimize the risk of collisions, allisions, and groundings occurring as a result of vessels meeting unanticipated traffic in the vicinity of Eighty-One Mile Point, MM 178 LMR. This rule requires vessels, subject to the Bridge to Bridge Radiotelephone Act (33 U.S.C. 26), to notify Vessel Traffic Center Lower Mississippi River, New Orleans (VTC New Orleans) prior to entering or getting underway in this section of the RNA.

**DATES:** This rule is effective August 30, 2007.

**ADDRESSES:** Documents indicated in this preamble as being in the docket, are part of docket [CGD08–07–007] and are available for inspection or copying at U.S. Coast Guard Marine Safety Unit Baton Rouge, 6041 Crestmount Drive, Baton Rouge, LA 70809 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Todd Peterson, Marine Safety Unit Baton Rouge, at (225) 298–5400.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory Information**

On April 5, 2007 we published a notice of proposed rulemaking (NPRM) entitled Regulated Navigation Area; Mississippi River, Eighty-One Mile Point in the *Federal Register* (72 FR 65). We received no comments on the proposed rule. No public meetings were requested and none were held.

##### **Background and Purpose**

From 1999 to 2006 there have been 64 reported collisions, allisions, or groundings on the Lower Mississippi River between MM 167.5 and 187.9. There have been 21 allisions, 2 barge breakaways, 13 collisions and 28 groundings. Of these 64 casualties, 3 were categorized by 46 CFR part 4 as serious marine incidents and 5 as major marine casualties. These casualties have involved all sectors of the maritime industry including deep draft shipping, towing vessels, and barge fleets and have occurred at high, normal and low water conditions.

A waterways user group subcommittee of the Lower Mississippi

River Waterway Safety Advisory Committee (LMRWSAC) examined marine casualties on the LMR in the vicinity of 81 Mile Point. This subcommittee consisted of members of the pilots association, towing vessel industry, barge fleets and the Coast Guard. This subcommittee reviewed the location and marine investigation associated with each casualty and subjectively examined river conditions within this RNA. This committee determined that existing waterways management tools may not be sufficient to safely navigate in the vicinity of 81 Mile Point. Providing position reports to VTC New Orleans would allow the Coast Guard to track vessels in this RNA and provide advice to mariners about upcoming traffic in an effort to eliminate meeting and overtaking scenarios at Eighty-One Mile Point.

##### **Discussion of Comments and Changes**

There were no comments received on this rule change. No public meetings were requested and none were held.

##### **Regulatory Evaluation**

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 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.

This rule does not prohibit vessel transits, barge fleeting, or towboat operations within the RNA, but merely requires checking in with VTS New Orleans using existing equipment. 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 does not have a significant economic impact on a substantial number of small entities. This RNA will not have an impact on a substantial number of small entities because this rule will not obstruct the regular flow of commercial vessel traffic conducting business within the RNA. It does not require the purchase of additional equipment and instead uses