

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration****29 CFR Part 1926**

[Docket No. OSHA–2012–0025]

RIN 1218–AC75

**Cranes and Derricks in Construction: Revising the Exemption for Digger Derricks****AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** OSHA published a direct final rule and a companion notice of proposed rulemaking on November 9, 2012, to broaden the exemption for digger derricks in its construction standard for cranes and derricks. OSHA received a significant adverse comment on the direct final rule and is, therefore, withdrawing the direct final rule. OSHA will issue a final rule at a later date based on the notice of proposed rulemaking.

**DATES:** OSHA published the direct final rule for revising the exemption for digger derricks on November 9, 2012 (77 FR 67270), and is withdrawing that direct final rule as of February 7, 2013.

**FOR FURTHER INFORMATION CONTACT:**

*General information and press inquiries:* Mr. Frank Meilinger, Director, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–1999.

*Technical information:* Mr. Garvin Branch, Directorate of Construction, Room N–3468, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–2020; fax: (202) 693–1689.

**SUPPLEMENTARY INFORMATION:** On November 9, 2012, OSHA published a direct final rule (77 FR 67270) and a companion notice of proposed rulemaking (77 FR 67313) to broaden the exemption for digger derricks in its construction standard for cranes and derricks. In those documents, OSHA stated that if it received a significant adverse comment, the Agency would “publish a timely withdrawal of this direct final rule” and determine whether to proceed with the rulemaking on the basis of the proposed rule. OSHA received one significant adverse comment on the direct final rule (Docket ID OSHA–2012–0025–0008) and is, therefore, withdrawing the direct final rule. The Agency will treat the comment on the direct final rule as a comment on

the proposed rule and publish a final rule at a later date.

**Authority and Signature**

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, authorized the withdrawal of the direct final rule. OSHA is withdrawing the direct final rule pursuant to 29 U.S.C. 653, 655, and 657, 40 U.S.C. 3701 *et seq.*, 5 U.S.C. 553, Secretary of Labor’s Order 1–2012 (77 FR 3912), and 29 CFR part 1911.

Signed at Washington, DC on February 1, 2013.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2013–02777 Filed 2–6–13; 8:45 am]

**BILLING CODE 4510–26–P****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; correction.

**SUMMARY:** The Pension Benefit Guaranty Corporation published in the **Federal Register** of January 15, 2013, a final rule amending PBGC’s regulation on Benefits Payable in Terminated Single-Employer Plans to prescribe interest assumptions under the regulation for valuation dates in February 2013. This document corrects an inadvertent error in that final rule.

**DATES:** Effective February 7, 2013 and applicable beginning February 1, 2013.

**FOR FURTHER INFORMATION CONTACT:**

Catherine B. Klion (*Klion.Catherine@pbgc.gov*), 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:** PBGC published in the **Federal Register** of January 15, 2013 (78 FR 2881), a final rule amending PBGC’s regulation on Benefits Payable in Terminated Single-Employer Plans to prescribe interest assumptions under the regulation for valuation dates in February 2013. The

effective date for that rule was February 1, 2013. This document corrects the Code of Federal Regulations accordingly.

**List of Subjects in 29 CFR Part 4022**

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

Therefore, the PBGC amends 29 CFR part 4022 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.

**Appendix C to Part 4022 [Amended]**

■ 2. In the table for Appendix C to Part 4022, in the entry for Rate Set 232, under “On or after”, remove the date “2–1–12”, and add, in its place, the date “2–1–13”.

Issued in Washington, DC, on this 1st day of February 2013.

**Laricke Blanchard,**

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

[FR Doc. 2013–02689 Filed 2–6–13; 8:45 am]

**BILLING CODE 7709–01–P****DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 111207737–2141–02]

RIN 0648–XC482

**Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for pollock in Statistical Area 620 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2013 total allowable catch of pollock for Statistical Area 620 in the GOA.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), February 4, 2013, through 1200 hrs, A.l.t., March 10, 2013.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2013 total allowable catch (TAC) of pollock in Statistical Area 620 of the GOA is 16,433 metric tons (mt) as established by the final 2012 and 2013 harvest specifications for groundfish of the GOA (77 FR 15194, March 14, 2012) and inseason adjustment (78 FR 267, January 3, 2013).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the A season allowance of the 2013 TAC of pollock in Statistical Area 620 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed

fishing allowance of 16,134 mt and is setting aside the remaining 300 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 620 of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### **Classification**

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) and § 679.25(c)(1)(ii) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it

would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for pollock in Statistical Area 620 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 3, 2013.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 4, 2013.

**Kara Meckley,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2013-02774 Filed 2-4-13; 4:15 pm]

**BILLING CODE 3510-22-P**