

- (A) Paragraph (b) of § 32.6; or  
(B) The Act, at 34 U.S.C. 10281(f).

\* \* \* \* \*

#### § 32.34 [Amended]

- 24. In paragraph (c) of § 32.34, remove “abandoned.” and add in its place “abandoned, as though never filed.”

#### § 32.36 [Amended]

- 25. In paragraph (a) of § 32.36, remove “42 U.S.C. 3796d–1(a)(2),” and add in its place “34 U.S.C. 10302(a)(2),”.

#### § 32.43 [Amended]

- 26. In paragraph (a) of § 32.43, remove “42 U.S.C. 3787” and add in its place “34 U.S.C. 10225”.

- 27. Revise paragraph (b) of § 32.44 to read as follows:

#### § 32.44 Hearing Officer determination.

\* \* \* \* \*

(b) Upon a Hearing Officer’s approving or denying a claim, the PSOB Office shall serve notice of the same simultaneously upon the claimant (and upon any other claimant who may have filed a claim with respect to the same public safety officer). Such notice shall—

(1) Specify the Hearing Officer’s factual findings and legal conclusions that support it; and

(2) In the event of a denial, provide information as to Director appeals.

\* \* \* \* \*

- 28. Amend § 32.45 as follows:

- a. In paragraph (d)(1), remove “; and”.

- b. In paragraph (d)(2), remove the period and add in its place “; and”.

- c. Add paragraph (d)(3).

The addition reads as follows:

#### § 32.45 Hearings.

\* \* \* \* \*

(d) \* \* \*

(3) Shall (unless the Director should direct or allow otherwise) be the only individual (other than the claimant’s representative, if any) who may examine the claimant.

\* \* \* \* \*

#### § 32.51 [Amended]

- 29. In § 32.51, remove “42 U.S.C. 3796c–1” and add in its place “34 U.S.C. 10286”.

#### § 32.52 [Amended]

- 30. In paragraph (b) of § 32.52, remove “nonphysical” and add in its place “non-physical”.

- 31. Effective June 14, 2018, amend § 32.53 as follows:

- a. In paragraph (b)(2), remove “42 U.S.C. 3796c–1” and add in its place “34 U.S.C. 10286”.

- b. Add paragraph (d).

The addition reads as follows:

#### § 32.53 Review.

\* \* \* \* \*

(d) The Director may reconsider a claim under subparts B or C of this part that has been denied in a final agency determination if—

(1) The public safety officer was a WTC responder;

(2) The claim was based on the allegation that—

(i) The WTC responder sustained an injury that was the direct and proximate cause of his death or of his permanent and total disability; and

(ii) The WTC responder’s injury was sustained in the course of performance of line of duty activity or a line of duty action that exposed him to airborne toxins, other hazards, or other adverse conditions resulting from the September 11, 2001, attacks;

(3) The sole ground of the denial was that the claim did not establish that—

(i) The WTC responder sustained an injury in the course of performance of line of duty activity or a line of duty action; or

(ii) The injury allegedly sustained by the WTC responder was the direct and proximate cause of his death or permanent and total disability;

(4) The alleged injury on which the claim was based is a WTC-related health condition; and

(5) The claimant files with the PSOB Office a motion for such reconsideration before the later of—

(i) Two years after the earlier of—

(A) The date on which the WTC-related physical health condition, if any, is determined by the September 11th Victim Compensation Fund, for the WTC responder, to meet the definition at section 104.2(i) of this title (as in effect on January 17, 2017); or

(B) The date on which the WTC-related health condition, if any, is certified, for the WTC responder, under (as applicable) 42 U.S.C. 300mm–22(b)(1)(B)(ii) or 42 U.S.C. 300mm–22(b)(2)(A)(ii); or

(ii) June 14, 2020.

- 32. Effective June 14, 2020, revise paragraph (d)(5) of § 32.53, to read as follows:

#### § 32.53 Review.

\* \* \* \* \*

(d) \* \* \*

(5) The claimant files with the PSOB Office a motion for such reconsideration before the earlier of two year—

(i) The date on which the WTC-related physical health condition, if any, is determined by the September 11th Victim Compensation Fund, for the

WTC responder, to meet the definition at section 104.2(i) of this title (as in effect on January 17, 2017); or

(ii) The date on which the WTC-related health condition, if any, is certified, for the WTC responder, (as applicable) 42 U.S.C. 300mm–22(b)(1)(B)(ii) or 42 U.S.C. 300mm–22(b)(2)(A)(ii).

- 33. Amend § 32.54 as follows:

- a. Revise paragraph (a).

- b. In paragraph (c) introductory text, remove “may—” and add in its place “may (among other things)—”.

The revision reads as follows:

#### § 32.54 Director determination.

(a) Upon the Director’s approving or denying a claim, the PSOB Office shall serve notice of the same simultaneously upon the claimant (and upon any other claimant who may have filed a claim with respect to the same public safety officer), and upon any Hearing Officer who made a determination with respect to the claim. Such notice shall—

(1) Specify the factual findings and legal conclusions that support it; and

(2) In the event of a denial, provide information as to judicial appeals.

\* \* \* \* \*

- 34. Revise § 32.55 to read as follows:

#### § 32.55 Judicial appeal.

Consistent with § 32.8, no administrative action other than an approval or denial described in § 32.54(a) shall constitute a final agency determination for purposes of the Act, at 34 U.S.C. 10287.

Dated May 2, 2018.

**Alan R. Hanson,**

*Principal Deputy Assistant Attorney General.*

[FR Doc. 2018–09640 Filed 5–14–18; 8:45 am]

BILLING CODE 4410–18–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.

**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 June 2018. The interest assumptions are used for paying benefits under

terminating single-employer plans covered by the pension insurance system administered by PBGC.

**DATES:** Effective June 1, 2018.

**FOR FURTHER INFORMATION CONTACT:** Hilary Duke (*duke.hilary@pbgc.gov*), Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005, 202-326-4400 ext. 3839. (TTY users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4400, ext. 3839.)

**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 terminated 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 website (*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 June 2018.<sup>1</sup>

The June 2018 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 May 2018, these assumptions represent an increase of 0.25 percent in the immediate rate and are otherwise 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 June 2018, 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 296 is added at the end of the table to read as follows:

**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>i</i> <sub>1</sub>	<i>i</i> <sub>2</sub>	<i>i</i> <sub>3</sub>	<i>n</i> <sub>1</sub>	<i>n</i> <sub>2</sub>
296	6-1-18	7-1-18	1.25	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 296 is added at the end of the table to read as follows:

**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>i</i> <sub>1</sub>	<i>i</i> <sub>2</sub>	<i>i</i> <sub>3</sub>	<i>n</i> <sub>1</sub>	<i>n</i> <sub>2</sub>
296	6-1-18	7-1-18	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.

**Hilary Duke,**

*Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.*

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BILLING CODE 7709-02-P

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Parts 100, 117, 147, and 165**

[USCG-2018-0276]

**2018 Quarterly Listings; Safety Zones, Security Zones, Special Local Regulations, Drawbridge Operation Regulations and Regulated Navigation Areas**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notification of expired temporary rules issued.

**SUMMARY:** This document provides notification of substantive rules issued by the Coast Guard that were made temporarily effective but expired before they could be published in the **Federal Register**. This document lists temporary safety zones, security zones, special local regulations, drawbridge operation regulations and regulated navigation areas, all of limited duration and for which timely publication in the **Federal Register** was not possible.

**DATES:** This document lists temporary Coast Guard rules that became effective, primarily between January 2018 and March 2018, unless otherwise indicated,

and were terminated before they could be published in the **Federal Register**.

**ADDRESSES:** Temporary rules listed in this document may be viewed online, under their respective docket numbers, using the Federal eRulemaking Portal at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions on this document contact Yeoman First Class David Hager, Office of Regulations and Administrative Law, telephone (202) 372-3862.

**SUPPLEMENTARY INFORMATION:** Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. *Safety zones* may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. *Security zones* limit access to prevent injury or damage to vessels, ports, or waterfront facilities. *Special local regulations* are issued to enhance the safety of participants and spectators at regattas and other marine events. *Drawbridge operation regulations* authorize changes to drawbridge schedules to accommodate bridge repairs, seasonal vessel traffic, and local public events. *Regulated Navigation Areas* are water areas within a defined boundary for which regulations for vessels navigating within the area have been established by the regional Coast Guard District Commander.

Timely publication of these rules in the **Federal Register** may be precluded

when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, often informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Because **Federal Register** publication was not possible before the end of the effective period, mariners were personally notified of the contents of these safety zones, security zones, special local regulations, regulated navigation areas or drawbridge operation regulations by Coast Guard officials on-scene prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary safety zones, security zones, special local regulations, regulated navigation areas and drawbridge operation regulations. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

The following unpublished rules were placed in effect temporarily during the period between January 2018 and March 2018 unless otherwise indicated. To view copies of these rules, visit [www.regulations.gov](http://www.regulations.gov) and search by the docket number indicated in the following table.

Docket No.	Type	Location	Effective date
USCG-2012-1036.	Safety Zones .....	Long island Sound Zone .....	11/25/2017
USCG-2017-1103.	Safety Zones .....	Sandusky, OH .....	12/31/2017
USCG-2018-0001.	Safety Zones .....	Bellaire, OH .....	1/6/2018
USCG-2018-0021.	Safety Zones .....	Palm Beach, FL .....	1/11/2018
USGC-2018-0018.	Security Zones .....	Palm Beach, FL .....	1/12/2018
USCG-2017-1088.	Security Zones .....	Detroit, MI .....	1/13/2018
USCG-2017-1096.	Safety Zones .....	Piti, GU .....	1/17/2018
USCG-2018-0053.	Safety Zones .....	Thebes, IL .....	1/18/2018
USCG-2017-1110.	Safety Zones .....	Harbor, GU .....	1/24/2018
USCG-2018-0062.	Special Local Regulations .....	New York Zone .....	1/26/2018
USCG-2017-1029.	Special Local Regulations .....	San Diego Captain of the Port .....	1/27/2018