

**DELAWARE RIVER BASIN COMMISSION**

**18 CFR Parts 401 and 420**

**Regulatory Program Fees and Water Charges Rates**

**AGENCY:** Delaware River Basin Commission.

**ACTION:** Final rule.

**SUMMARY:** Notice is provided of the Commission’s regulatory program fees and schedule of water charges for the fiscal year beginning July 1, 2017. The Commission is also correcting two footnotes in the regulations which cite incorrectly to the applicable CPI data series.

**DATES:** This final rule is effective July 1, 2017.

**FOR FURTHER INFORMATION CONTACT:** Elba L. Deck, CPA, Director of Administration and Finance, 609–883–9500, ext. 201.

**SUPPLEMENTARY INFORMATION:** The Delaware River Basin Commission (“DRBC” or “Commission”) is a Federal-interstate compact agency charged with managing the water resources of the Delaware River Basin on a regional basis without regard to political boundaries. Its members are the governors of the four basin states—Delaware, New Jersey, New York and Pennsylvania—and on behalf of the federal government, the North Atlantic

Division Commander of the U.S. Army Corps of Engineers.

In accordance with 18 CFR 401.43(c), on July 1 of every year beginning July 1, 2017, the Commission’s regulatory program fees as set forth in Tables 1, 2, and 3 of that section are subject to an annual adjustment, commensurate with any increase in the annual April 12-month Consumer Price Index (CPI) for Philadelphia published by the U.S. Bureau of Labor Statistics during that year. Pursuant to 18 CFR 420.43(c), the same indexed adjustment applies to the Commission’s schedule of water charges for consumptive and non-consumptive withdrawals of surface water within the basin. The referenced April 12-month CPI for 2017 showed an increase of 1.27%. Commensurate adjustments are thus required.

This notice is made in accordance with 18 CFR 401.42(c) and 18 CFR 420.42(c), which provide that a revised fee schedule will be published in the **Federal Register** by July 1. The revised fees also may be obtained by contacting the Commission during business hours or by checking the Commission’s Web site.

The Commission is also correcting two footnotes in the regulations which cite incorrectly to the applicable CPI data series as CWURA102SA0. The correct data series number is CUUA102SA0. The regulations are thus incorrect and in need of amendment, as set forth below.

**List of Subjects**

*18 CFR Part 401*

Administrative practice and procedure, Project review, Water pollution control, Water resources.

*18 CFR Part 420*

Water supply.

For the reasons set forth in the preamble, the Delaware River Basin Commission amends parts 401 and 420 of title 18 of the Code of Federal Regulations as set forth below:

**PART 401—RULES OF PRACTICE AND PROCEDURE**

■ 1. The authority citation for part 401 continues to read as follows:

**Authority:** Delaware River Basin Compact (75 Stat. 688), unless otherwise noted.

**Subpart C—Project Review Under Section 3.8 of the Compact**

■ 2. In § 401.43, revise footnote 1 and Tables 1, 2, and 3 to read as follows:

**§ 401.43 Regulatory program fees.**

\* \* \* \* \*

<sup>1</sup> Consumer Price Index –U/ Series ID: CUURA102SA0/Not Seasonally Adjusted/Area: Philadelphia-Wilmington-Atlantic City, PA–NJ–DE–MD/Item: All items/Base Period 1982–84=100.

\* \* \* \* \*

**TABLE 1 TO § 401.43—DOCKET APPLICATION FILING FEE**

Project type	Docket application fee	Fee maximum
Water Allocation .....	\$405 per million gallons/month of allocation, <sup>1</sup> not to exceed \$15,190. <sup>1</sup> Fee is doubled for any portion to be exported from the basin.	Greater of: \$15,190 <sup>1</sup> or Alternative Review Fee.
Wastewater Discharge	Private projects: \$1,013 <sup>1</sup> ..... Public projects: \$506 <sup>1</sup> .....	Alternative Review Fee.
Other .....	0.4% of project cost up to \$10,000,000 plus 0.12% of project cost above \$10,000,000 (if applicable), not to exceed \$75,951 <sup>1</sup> .	Greater of: \$75,951 <sup>1</sup> or Alternative Review Fee.

<sup>1</sup> Subject to annual adjustment in accordance with paragraph (c) of this section.

**TABLE 2 TO § 401.43—ANNUAL MONITORING AND COORDINATION FEE**

	Annual fee		Allocation	
Water Allocation .....	<sup>1</sup> \$304		<4.99 mgm.	
	<sup>1</sup> 456		5.00 to 49.99 mgm.	
	<sup>1</sup> 658		50.00 to 499.99 mgm.	
	<sup>1</sup> 835		500.00 to 9,999.99 mgm.	
	<sup>1</sup> 1,013		>or = to 10,000 mgm.	
	Annual fee		Discharge design capacity	
Wastewater Discharge .....	<sup>1</sup> \$304		<0.05 mgd.	
	<sup>1</sup> 618		0.05 to 1 mgd.	
	<sup>1</sup> 830		1 to 10 mgd.	

TABLE 2 TO § 401.43—ANNUAL MONITORING AND COORDINATION FEE—Continued

	Annual fee	Discharge design capacity
	<sup>1</sup> 1,013	>10 mgd.

<sup>1</sup> Subject to annual adjustment in accordance with paragraph (c) of this section.

TABLE 3 TO § 401.43—ADDITIONAL FEES

Proposed action	Fee	Fee maximum
Emergency Approval Under 18 CFR 401.40 .....	\$5,000 .....	Alternative Review Fee.
Late Filed Renewal Surcharge .....	\$2,000 .....	
Modification of a DRBC Approval .....	At Executive Director's discretion, Docket Application Fee for the appropriate project type.	Alternative Review Fee.
Name change .....	\$1,013 <sup>1</sup> .....	
Change of Ownership .....	\$1,519 <sup>1</sup> .....	

<sup>1</sup> Subject to annual adjustment in accordance with paragraph (c) of this section.

**PART 420—BASIN REGULATIONS—WATER SUPPLY CHARGES**

■ 3. The authority citation for part 420 continues to read as follows:

**Authority:** Delaware River Basin Compact, 75 Stat. 688.

■ 4. In § 420.41, revise paragraphs (a) and (b) and footnote 1 to read as follows:

**§ 420.41 Schedule of water charges.**

\* \* \* \* \*

(a) \$81.01 per million gallons for consumptive use, subject to paragraph (c) of this section; and

(b) \$0.81 per million gallons for non-consumptive use, subject to paragraph (c) of this section.

\* \* \* \* \*

<sup>1</sup> Consumer Price Index—U/Series ID: CUURA102SA0/Not Seasonally Adjusted/Area: Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD/Item: All items/Base Period 1982–84=100.

Dated: June 7, 2017.

**Pamela M. Bush,**  
*Commission Secretary.*

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**PENSION BENEFIT GUARANTY CORPORATION**

**29 CFR Part 4901**

**RIN 1212–AB43**

**Examination and Copying of PBGC Records**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** In accordance with the FOIA Improvement Act of 2016, this rule amends the regulation of the Pension

Benefit Guaranty Corporation that governs the examination and copying of PBGC records.

**DATES:**

*Effective date:* June 13, 2017.

*Applicability date:* Like the provisions of the FOIA Improvement Act of 2016 that this rule incorporates, and which PBGC has been following since the Act became effective on June 30, 2016, the amendments in this rule apply to requests for records under the Freedom of Information Act that are made after June 30, 2016.

**FOR FURTHER INFORMATION CONTACT:**

Samantha M. Lowen (*lowen.samantha@pbgc.gov*), Attorney, Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026; 202–326–4400, extension 3786. (TTY and TDD users may call the Federal relay service toll-free at 800–877–8339 and ask to be connected to 202–326–4400, extension 3786.)

**SUPPLEMENTARY INFORMATION:**

**Executive Summary**

*Purpose of the Rule*

This rule is needed to incorporate changes to the Freedom of Information Act made by the FOIA Improvement Act of 2016. Authority for this rule is provided by section 4002(b)(3) of the Employee Retirement Income Security Act of 1974 and the FOIA Improvement Act of 2016.

*Major Provisions of the Rule*

This rule provides for an electronic reading room for records, expands the categories of records in the reading room, updates the standard for disclosure, requires additional notice to requesters about FOIA resources, extends the appeal deadline, and places restrictions on fees.

**Background**

The Pension Benefit Guaranty Corporation (PBGC) is amending its regulation on Examination and Copying of PBGC Records (29 CFR part 4901) (FOIA regulation) to incorporate statutory changes to the Freedom of Information Act (5 U.S.C. 551 *et seq.*) (FOIA). The majority of the regulatory changes are specifically required by the FOIA Improvement Act of 2016 (2016 Act). Section 3 of the 2016 Act requires federal agencies to review their FOIA regulations and to make conforming amendments, as necessary, to incorporate the 2016 Act's changes to the FOIA. In addition to the changes required under the 2016 Act, PBGC is making one other amendment to its FOIA regulation that incorporates a previous statutory change under the Open Government Act of 2007 (2007 Act).

**Regulatory Changes**

*Electronic Reading Room*

PBGC is amending §§ 4901.3, 4901.4, and 4901.5 of its FOIA regulation by replacing the references to PBGC's "public reference room" with references to its "electronic reading room."

Before the 2016 Act, the FOIA required agencies to affirmatively make certain categories of records "available for public inspection and copying" without prompting by formal request. Like most agencies, PBGC complied with this requirement by maintaining a physical "reference room" to house these records (and indices thereto), which members of the public could inspect and copy in person. The e-FOIA Amendments of 1996 (1996 Act) provided that agencies could supplement or entirely replace their physical reading rooms with electronic reading rooms, where members of the public could access the affirmatively