

## Federalism

We have examined this rule in accordance with Executive Order 13132, Federalism, and have determined that this rule will not have any negative impact on the rights, roles and responsibilities of State, local, or tribal governments.

## Civil Justice Reform

This regulation meets the applicable standard set forth in Executive Order 12988.

## Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any 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.

## Congressional Review Act

This action pertains to agency management, personnel, and organization and does not substantially affect the rights or obligations of nonagency parties 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 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

## Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

This rule involves an OMB approved collection of information subject to the PRA Application for Death Benefits (FERS)/Documentation and Elections in Support of Application for Death Benefits when Deceased was an Employee at the Time of Death (FERS), 3206–0172. The public reporting burden for this collection is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The total burden hour estimate for this

form is 16,751 hours. The systems of record notice for this collection is: OPM SORN CENTRAL–1–Civil Service Retirement and Insurance Records.

## List of Subjects in 5 CFR Part 841

Administrative practice and procedure, Air traffic controllers, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Intergovernmental relations, Law enforcement officers, Pensions, Retirement.

Office of Personnel Management.

**Alexys Stanley,**

*Regulatory Affairs Analyst.*

For the reasons stated in the preamble, the Office of Personnel Management proposes to amend 5 CFR part 841 as follows:

## PART 841—FEDERAL EMPLOYEES RETIREMENT SYSTEM—GENERAL ADMINISTRATION

■ 1. The authority citation for part 841 continues to read as follows:

**Authority:** 5 U.S.C. 8461; Sec. 841.108 also issued under 5 U.S.C. 552a; Secs. 841.110 and 841.111 also issued under 5 U.S.C. 8470(a); subpart D also issued under 5 U.S.C. 8423; Sec. 841.504 also issued under 5 U.S.C. 8422; Sec. 841.507 also issued under section 505 of Pub. L. 99–335; subpart J also issued under 5 U.S.C. 8469; Sec. 841.506 also issued under 5 U.S.C. 7701(b)(2); Sec. 841.508 also issued under section 505 of Pub. L. 99–335; Sec. 841.604 also issued under Title II, Pub. L. 106–265, 114 Stat. 780.

## Subpart D—Government Costs

■ 2. Amend § 841.403 by redesignating paragraphs (c) through (h) as paragraphs (d) through (i) respectively, revise paragraph (b), and add new paragraph (c) to read as follows:

### § 841.403 Categories of employees for computation of normal cost percentages.

\* \* \* \* \*

(b) Capitol Police covered under 5 U.S.C. 8412(d) and 5 U.S.C. 8425(c);

(c) Other Congressional employees;

\* \* \* \* \*

[FR Doc. 2020–13610 Filed 7–1–20; 8:45 am]

**BILLING CODE 6325–38–P**

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 843

RIN 3206–ANO03

## Federal Employees’ Retirement System; Present Value Conversion Factors for Spouses of Deceased Separated Employees

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing a proposed rule to revise the table of reduction factors for early commencing dates of survivor annuities for spouses of separated employees who die before the date on which they would be eligible for unreduced deferred annuities, and to revise the annuity factor for spouses of deceased employees who die in service when those spouses elect to receive the basic employee death benefit in 36 installments under the Federal Employees’ Retirement System (FERS) Act of 1986. These rules are necessary to ensure that the tables conform to the economic and demographic assumptions adopted by the Board of Actuaries and published in the **Federal Register** on April 6, 2020.

**DATES:** Send comments on or before August 31, 2020.

**ADDRESSES:** You may submit comments identified by docket number and/or Regulatory Information Number (RIN) and title, by the following method:

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

All submissions received must include the agency name and docket number or RIN for this document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Karla Yeakle, (202) 606–0299.

**SUPPLEMENTARY INFORMATION:** On April 6, 2020, OPM published notice 85 FR 19174 in the **Federal Register** to revise the normal cost percentages under the Federal Employees’ Retirement System (FERS) Act of 1986, Public Law 99–335, 100 Stat. 514, as amended, based on economic assumptions and demographic factors adopted by the Board of Actuaries of the Civil Service

Retirement System. By statute under 5 U.S.C. 8461(i), the revisions to the actuarial assumptions require corresponding changes in factors used to produce actuarially equivalent benefits when required by the FERS Act.

Section 843.309 of title 5, Code of Federal Regulations, regulates the payment of the basic employee death benefit. Under 5 U.S.C. 8442(b), the basic employee death benefit may be paid to a surviving spouse as a lump sum or as an equivalent benefit in 36 installments. These rules amend 5 CFR 843.309(b)(2) to conform the factor used to convert the lump sum to 36-installment payments with the revised economic assumptions.

Section 843.311 of title 5, Code of Federal Regulations, regulates the benefits for the survivors of separated employees under 5 U.S.C. 8442(c). This section provides a choice of benefits for eligible current and former spouses. If the current or former spouse is the person entitled to the unexpended balance under the order of precedence under 5 U.S.C. 8424, he or she may elect to receive the unexpended balance instead of an annuity. If the separated employee died before having attained the minimum retirement age, the annuity commences on the day the deceased separated employee would have been eligible for an unreduced annuity as specified under this section. If the current or former spouse instead elects to receive an adjusted annuity beginning on the day after the death of the separated employee, the annuity is reduced using the factors in appendix A to subpart C of part 843 to make the annuity actuarially equivalent to the present value of the annuity that the spouse or former spouse otherwise would have received. These rules amend appendix A to subpart C of part 843 to conform the factors to the revised actuarial assumptions.

#### Regulatory Impact Analysis

OPM has examined the impact of this rule as required by Executive Order 12866 and Executive Order 13563, which directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public, health, and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for major rules with economically significant effects of \$100 million or more in any one year. This rule was not designated as a “significant regulatory action,” under Executive Order 12866.

#### Reducing Regulation and Controlling Regulatory Costs

This rule is not an E.O. 13771 regulatory action because this rule is related to agency organization, management, or personnel.

#### Regulatory Flexibility Act

The Office of Personnel Management certifies that this rule will not have a significant economic impact on a substantial number of small entities.

#### Federalism

We have examined this rule in accordance with Executive Order 13132, Federalism, and have determined that this rule will not have any negative impact on the rights, roles and responsibilities of State, local, or tribal governments.

#### Civil Justice Reform

This regulation meets the applicable standard set forth in Executive Order 12988.

#### Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any 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.

#### Congressional Review Act

This action pertains to agency management, personnel, and organization and does not substantially affect the rights or obligations of nonagency parties 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 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. 801 does not apply.

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This rule involves an OMB approved collection of information subject to the PRA Application for Death Benefits

(FERS)/Documentation and Elections in Support of Application for Death Benefits when Deceased was an Employee at the Time of Death (FERS), 3206–0172. The public reporting burden for this collection is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The total burden hour estimate for this form is 16,751 hours. The systems of record notice for this collection is: OPM SORN CENTRAL-1-Civil Service Retirement and Insurance Records.

#### List of Subjects in 5 CFR Part 843

Air traffic controllers, Disability benefits, Firefighters, Government employees, Law enforcement officers, Pensions, Retirement.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

For the reasons stated in the preamble, the Office of Personnel Management proposes to amend 5 CFR part 843 as follows:

#### PART 843—FEDERAL EMPLOYEES RETIREMENT SYSTEM—DEATH BENEFITS AND EMPLOYEE REFUNDS

■ 1. The authority citation for part 843 is revised to read as follows:

**Authority:** 5 U.S.C. 8461; 843.205, 843.208, and 843.209 also issued under 5 U.S.C. 8424; 843.309 also issued under 5 U.S.C. 8442; 843.406 also issued under 5 U.S.C. 8441.

#### Subpart C—Current and Former Spouse Benefits

■ 2. In § 843.309, revise paragraph (b)(2) to read as follows:

##### § 843.309 Basic employee death benefit.

\* \* \* \* \*

(b) \* \* \*

(2) For deaths occurring on or after October 1, 2020, 36 equal monthly installments of 2.95307 percent of the amount of the basic employee death benefit.

\* \* \* \* \*

■ 3. Revise appendix A to subpart C of part 843 to read as follows:

#### Appendix A to Subpart C of Part 843—Present Value Conversion Factors for Earlier Commencing Date of Annuities of Current and Former Spouses of Deceased Separated Employees

With at least 10 but less than 20 years of creditable service—

| Age of separated employee at birthday before death | Multiplier |
|--|------------|
| 26 .....   | .1014      |
| 27 .....   | .1077      |
| 28 .....   | .1144      |
| 29 .....   | .1215      |
| 30 .....   | .1290      |
| 31 .....   | .1370      |
| 32 .....   | .1454      |
| 33 .....   | .1544      |
| 34 .....   | .1641      |
| 35 .....   | .1742      |
| 36 .....   | .1852      |
| 37 .....   | .1963      |
| 38 .....   | .2090      |
| 39 .....   | .2216      |
| 40 .....   | .2348      |
| 41 .....   | .2498      |
| 42 .....   | .2657      |
| 43 .....   | .2822      |
| 44 .....   | .3007      |
| 45 .....   | .3197      |
| 46 .....   | .3409      |
| 47 .....   | .3625      |
| 48 .....   | .3860      |
| 49 .....   | .4114      |
| 50 .....   | .4386      |
| 51 .....   | .4681      |
| 52 .....   | .4997      |
| 53 .....   | .5336      |
| 54 .....   | .5703      |
| 55 .....   | .6095      |
| 56 .....   | .6527      |
| 57 .....   | .6994      |
| 58 .....   | .7499      |
| 59 .....   | .8047      |
| 60 .....   | .8642      |
| 61 .....   | .9291      |

With at least 20, but less than 30 years of creditable service—

| Age of separated employee at birthday before death | Multiplier |
|--|------------|
| 36 .....   | .2142      |
| 37 .....   | .2272      |
| 38 .....   | .2418      |
| 39 .....   | .2566      |
| 40 .....   | .2720      |
| 41 .....   | .2894      |
| 42 .....   | .3078      |
| 43 .....   | .3270      |
| 44 .....   | .3484      |
| 45 .....   | .3705      |
| 46 .....   | .3949      |
| 47 .....   | .4201      |
| 48 .....   | .4473      |
| 49 .....   | .4767      |
| 50 .....   | .5082      |
| 51 .....   | .5423      |
| 52 .....   | .5788      |
| 53 .....   | .6180      |
| 54 .....   | .6605      |
| 55 .....   | .7060      |
| 56 .....   | .7558      |
| 57 .....   | .8096      |
| 58 .....   | .8680      |
| 59 .....   | .9312      |

With at least 30 years of creditable service—

| Age of separated employee at birthday before death | Multiplier by separated employee's year of birth |                        |
|--|--|------------------------|
|  | After 1966                                       | From 1950 through 1966 |
| 46 .....   | .4881  | .5228                  |
| 47 .....   | .5194  | .5563                  |
| 48 .....   | .5531  | .5924                  |
| 49 .....   | .5894  | .6314                  |
| 50 .....   | .6283  | .6730                  |
| 51 .....   | .6704  | .7180                  |
| 52 .....   | .7154  | .7662                  |
| 53 .....   | .7638  | .8181                  |
| 54 .....   | .8162  | .8741                  |
| 55 .....   | .8725  | .9345                  |
| 56 .....   | .9338  | 1.0000                 |

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 342

[Docket No. RM20–14–000]

#### Five-Year Review of the Oil Pipeline Index

**AGENCY:** Federal Energy Regulatory Commission, Department of Energy.

**ACTION:** Notice of inquiry.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) invites comments on its proposed index level used to determine annual changes to oil pipeline rate ceilings. The Commission proposes to use the Producer Price Index for Finished Goods (PPI–FG) plus 0.09% as the index level for the five-year period commencing July 1, 2021. The Commission invites interested persons to submit comments regarding this proposal and any alternative methodologies for calculating the index level.

**DATES:** Initial Comments are due on or before August 17, 2020, and Reply Comments are due on or before September 11, 2020.

**ADDRESSES:** You may submit comments, identified by docket number, by any of the following methods:

- **Agency Website:** <http://www.ferc.gov>. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. All supporting workpapers must be submitted with formulas and in a spreadsheet format

acceptable under the Commission's eFiling rules.

- **Mail/Hand Delivery:** Commenters unable to file comments electronically must mail or hand deliver an original to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE, Washington, DC 20426.

#### FOR FURTHER INFORMATION CONTACT:

Monil Patel (Technical Information), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8296, [Monil.Patel@ferc.gov](mailto:Monil.Patel@ferc.gov).  
Evan Steiner (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8792, [Evan.Steiner@ferc.gov](mailto:Evan.Steiner@ferc.gov).

#### SUPPLEMENTARY INFORMATION:

1. The Commission annually applies an index to existing oil pipeline transportation rate ceilings to establish new rate ceiling levels.<sup>1</sup> The Commission reexamines the index level every five years.<sup>2</sup> In this notice of inquiry (NOI), the Commission invites comments on its proposal to use the Producer Price Index for Finished Goods (PPI–FG)<sup>3</sup> plus 0.09% as the index level for the next five years beginning July 1, 2021.<sup>4</sup> This proposal is based on the Kahn Methodology established in Order No. 561 and applied in subsequent five-year index review proceedings.<sup>5</sup>

2. As discussed below, commenters are invited to submit comments

<sup>1</sup> Indexing allows oil pipelines to change their tariff rates so long as those rates remain at or below certain ceiling levels. 18 CFR 342.3(a).

<sup>2</sup> The five-year index review process was established in Order No. 561. *See Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992*, Order No. 561, FERC Stats. & Regs. ¶ 30,985 (1993), *order on reh'g*, Order No. 561–A, FERC Stats. & Regs. ¶ 31,000 (1994), *aff'd*, *Ass'n of Oil Pipe Lines v. FERC*, 83 F.3d 1424 (D.C. Cir. 1996).

<sup>3</sup> The PPI–FG is determined and issued by the Bureau of Labor Statistics, U.S. Department of Labor.

<sup>4</sup> As provided by 18 CFR 342.3(d)(2), “The index will be calculated by dividing the PPI–FG for the calendar year immediately preceding the index year, by the previous calendar year's PPI–FG.” Multiplying the rate ceiling effective on June 30 of the index year by the resulting number establishes the new rate ceiling for the year beginning the next day, July 1.

<sup>5</sup> *Five-Year Review of the Oil Pipeline Index*, 153 FERC ¶ 61,312, at PP 5, 12–18 (2015) (2015 Index Review), *aff'd*, *Ass'n of Oil Pipe Lines v. FERC*, 876 F.3d 336 (D.C. Cir. 2017); *Five-Year Review of Oil Pipeline Pricing Index*, 133 FERC ¶ 61,228, at PP 5–9, 60–63 (2010) (2010 Index Review), *order on reh'g*, 135 FERC ¶ 61,172 (2011); *see also Five-Year Review of Oil Pipeline Pricing Index*, 114 FERC ¶ 61,293 (2006) (2005 Index Review); *Five-Year Review of Oil Pipeline Pricing Index*, 102 FERC ¶ 61,195 (2003), *aff'd*, *Flying J Inc. v. FERC*, 363 F.3d 495 (D.C. Cir. 2004).