

**Register** pursuant to Section 6(b) of the Act on March 12, 2018 (83 FR 10753).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2018-09460 Filed 5-3-18; 8:45 am]

**BILLING CODE 4410-11-P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Department of Justice's Initiative to Seek Termination of Legacy Antitrust Judgments

**AGENCY:** Antitrust Division, Department of Justice.

**ACTION:** Notice of initiative.

**SUMMARY:** This notice describes the Department of Justice's new initiative for seeking unilaterally to terminate "legacy" antitrust judgments. Legacy antitrust judgments are those judgments that do not include an express termination date and that a court has not terminated by an order. The vast majority of these judgments were entered before 1979, when the Division adopted the general practice of using sunset provisions to terminate a judgment automatically, usually 10 years after entry of the judgment. Nearly 1300 legacy judgments remain open on the books of the Antitrust Division, and nearly all of them likely remain open on the dockets of courts around the country. Many of these legacy judgments do not serve their original purpose of protecting competition. To eliminate the burden on defendants, courts, and the Division of complying with, overseeing, and enforcing outdated judgments, the Division has announced an initiative whereby it unilaterally will seek to terminate legacy judgments, as appropriate. The initiative provides for public notice and comment before the Division seeks to terminate a judgment. The Division has established a website to keep the public apprised of this initiative and its efforts to terminate outdated judgments: [www.justice.gov/atr/JudgmentTermination](http://www.justice.gov/atr/JudgmentTermination).

**FOR FURTHER INFORMATION CONTACT:** Dorothy B. Fountain, Office of the Chief Legal Advisor, Antitrust Division, U.S. Department of Justice, at (202) 514-3543, [ChiefLegalAdvisor@usdoj.gov](mailto:ChiefLegalAdvisor@usdoj.gov).

**SUPPLEMENTARY INFORMATION:** From the early days of the Sherman Act until the late 1970s, the Antitrust Division of the Department of Justice often entered into judgments to settle violations of the antitrust laws that included no express

termination date. In 1979, the Division adopted the general practice of including sunset provisions that automatically terminate judgments, usually 10 years from entry. However, nearly 1300 judgments entered before the Division put the practice into full effect remain on the books of the Division, and nearly all of them likely remain open on the dockets of courts around the country. The vast majority of these outstanding legacy judgments no longer protect competition because of changes in industry conditions, changes in economics, changes in law, or for other reasons. The Division has announced a new initiative that will seek to identify and expedite the termination of such legacy judgments.

*Division review of legacy judgments.* Under the new initiative, announced April 25, 2018, the Division will review its legacy judgments to identify those that no longer protect competition. The Division has assigned each legacy judgment to a Division attorney. Using court papers, information available in Division files, and public information, attorneys will review each judgment to determine whether changes in industry conditions, changes in economics, changes in the law, or other factors have rendered the judgment outdated and appropriate for termination. Examples of legacy judgments for which termination may be appropriate include judgments whose terms have been completely satisfied, judgments governing defendants who are deceased or no longer in existence, and judgments governing products that no longer are produced.

*New termination process for legacy judgments.* Once the Division identifies judgments appropriate for termination, it will list those judgments on a website established for purposes of informing the public of the progress of the initiative: [www.justice.gov/atr/JudgmentTermination](http://www.justice.gov/atr/JudgmentTermination). The Division will invite the public to submit comments within 30 days of listing on the website regarding the Division's assessment that termination is appropriate. This website will identify the name of the case, the court that entered the judgment, the date the court entered the judgment, and the date by which comments are due to the Division; the website also will link to the text of the judgment. The Division will consult with the relevant court to determine the most appropriate means of termination.

The Division has established an email address through which the public may submit comments: [JudgmentTerminationComments@usdoj.gov](mailto:JudgmentTerminationComments@usdoj.gov). Members of the public are

encouraged to supply any additional information they may have regarding the efficacy of judgments the Division proposes to terminate. Absent public comments or other factors that lead the Division to revise its determination that termination of a judgment is appropriate, it will proceed as directed by the court. In many cases, this will entail filing a motion to terminate. When feasible and when allowed by local rules, the Division will seek to terminate judgments in "batches." That is, rather than file a motion for each judgment it seeks to terminate, the Division would make a single filing seeking to terminate a group of judgments in the same court. In this way, the Division hopes to expedite termination and ease the burden on the courts of reviewing multiple motions.

*Existing process for modification of judgments unaffected.* The new initiative does not replace the Antitrust Division's existing process for consenting to a defendant's request to modify or terminate an existing antitrust judgment. Defendants still may seek the Division's consent to terminate or modify any judgment as described in the Antitrust Division Manual (see Section III.H.5, <https://www.justice.gov/atr/file/761141/download>).

*Mailing list for updates.* Members of the public interested in receiving notice of updates to the public website, including posting of judgments that the Division believes should be terminated, may subscribe to email updates at <https://public.govdelivery.com/accounts/USDOJ/subscriber/new>.

Dated: April 30, 2018.

**Dorothy B. Fountain,**  
*Chief Legal Advisor.*

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## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Employee Retirement Income Security Act Regulation

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, "Employee Retirement Income Security Act Section 408(b)(2) Regulation," to the Office of Management and Budget (OMB) for review and approval for

continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before June 4, 2018.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov website at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201803-1210-003](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201803-1210-003) (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-EBSA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the Employee Retirement Income Security Act (ERISA) section 408(b)(2) regulation information collection requirements codified in regulations 29 CFR 2550.408(b)(-2)(c) that require certain retirement plan service providers to disclose information about their compensation and potential conflicts of interest to responsible plan fiduciaries. These disclosure requirements provide guidance for compliance with a statutory exemption from ERISA prohibited transaction provisions. Failing to satisfy the 408(b)(2) regulation disclosure requirements may result in provision of services prohibited by ERISA section 406(a)(1)(C), with consequences for both the responsible plan fiduciary and the covered service

provider. ERISA section 408(b)(2) authorizes this information collection. Employee Retirement Income Security Act of 1974 section 408(a) authorizes this information collection. See 29 U.S.C. 1108.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1210-0133.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on May 31, 2018. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 12, 2017 (82 FR 47581).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1210-0133. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL-EBSA.  
*Title of Collection:* Employee Retirement Income Security Act Section 408(b)(2) Regulation.

*OMB Control Number:* 1210-0133.

*Affected Public:* Private Sector—businesses or other for-profits.

*Total Estimated Number of Respondents:* 34,696.

*Total Estimated Number of Responses:* 1,483,062.

*Total Estimated Annual Time Burden:* 1,045,680 hours.

*Total Estimated Annual Other Costs Burden:* \$1,251,649.

*Authority:* 44 U.S.C. 3507(a)(1)(D).

Dated: April 30, 2018.

**Michel Smyth,**

*Departmental Clearance Officer.*

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2018-0005]

#### Notice of Stakeholder Meeting

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) is announcing a public meeting to solicit comments and suggestions from stakeholders in the railroad and trucking industries, including employers, employees, and representatives of employers and employees, on issues facing the agency in its administration of the whistleblower protection provisions of the Federal Railroad Safety Act, the Surface Transportation Assistance Act, the National Transit Systems Security Act, and Section 11(c) of the Occupational Safety and Health Act (as that provision relates to employers and employees in the railroad and trucking industries).

**DATES:** The public meeting will be held on June 12, 2018, from 1 p.m. to 3 p.m. ET. Persons interested in attending the meeting must register by May 29, 2018. In addition, comments relating to the "Scope of Meeting" section of this document must be submitted in written or electronic form by June 5, 2018.