

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF COMMERCE

### National Telecommunications and Information Administration

#### 15 CFR Part 2301

[Docket No. 170627596–7596–01]

RIN 0660–AA34

#### Repeal of Regulations Governing the Public Telecommunications Facilities Program

**AGENCY:** National Telecommunications and Information Administration, U.S. Department of Commerce.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The National Telecommunications and Information Administration (NTIA) issues this NPRM to propose the repeal of its regulations governing the Public Telecommunications Facilities Program (PTFP). The PTFP is a competitive grant program that helps public broadcasting stations, state and local governments, Indian Tribes, and nonprofit organizations to construct public television and radio stations. As of Fiscal Year 2011, no funds have been available for PTFP grants. NTIA is proposing to repeal its regulations governing the PTFP because the regulations are unnecessary and obsolete.

**DATES:** Comments must be received by August 17, 2017 at 5:00 p.m. Eastern Standard Time.

**ADDRESSES:** The public may submit comments identified by [170627596–7596–01] by email to [ntiaregreform@ntia.doc.gov](mailto:ntiaregreform@ntia.doc.gov) or by mail to: Office of the Chief Counsel, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4713, Washington, DC 20230. The public may also submit comments through the Federal e-Rulemaking Portal: <http://www.regulations.gov> (search using the

docket number). Follow the online instructions for submitting comments.

#### FOR FURTHER INFORMATION CONTACT:

Milton Brown, Deputy Chief Counsel, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4713, Washington, DC 20230; telephone: (202) 482–1816; facsimile: (202) 501–8013; or email: [mbrown@ntia.doc.gov](mailto:mbrown@ntia.doc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The PTFP is a competitive grant program that supports the planning and construction of public telecommunications facilities.<sup>1</sup> The program helps public broadcasting stations, state and local governments, Indian Tribes, and nonprofit organizations to construct public television and radio stations. On November 8, 1996, NTIA issued a final rule entitled, “Public Telecommunications Facilities Program,” to carry out its statutory responsibility to administer the PTFP.<sup>2</sup> With its final rule, NTIA revised and clarified its regulations governing the PTFP. The purpose of the regulations was to outline the PTFP grant application requirements, the evaluation and selection process, post-award requirements, and the completion of PTFP grant projects. Between Fiscal Years 1994 and 2010, NTIA awarded between \$14 and \$42 million each year in PTFP grant awards to assist radio, television, digital television including digital conversion projects, and distance learning.

For the past seven years, no funds have been available for PTFP grants. In 2010, the Department of Commerce found that the majority of PTFP grants had assisted digital television conversion projects which had concluded, and that support for public broadcasters was available from other sources.<sup>3</sup> For these reasons, the Department of Commerce identified the

PTFP as “outdated, ineffective, or duplicative.”<sup>4</sup> Accordingly, Congress appropriated no funds for PTFP in Fiscal Year 2011.<sup>5</sup>

As a result of the lack of funding, NTIA began the orderly shutdown of the PTFP thereafter. NTIA has not processed applications or awarded any additional grants under the PTFP since that time. NTIA has continued to monitor PTFP grants it awarded before Fiscal Year 2011 to ensure taxpayer funds have been utilized in the most responsible and efficient manner.

##### II. Comments

The public may submit comments identified by [170627596–7596–01] by email to [ntiaregreform@ntia.doc.gov](mailto:ntiaregreform@ntia.doc.gov) or by mail to: Office of the Chief Counsel, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4713, Washington, DC 20230. The public may also submit comments through the Federal e-Rulemaking Portal: <http://www.regulations.gov> (search using the docket number). Follow the online instructions for submitting comments. Comments submitted by email should be machine-readable and should not be copy-protected. Commenters should include the name of the person or organization filing the comment, as well as a page number on each page of their submissions. Paper submissions should include a CD or DVD with an electronic version of the comment, which should be labeled with the name and organizational affiliation of the filer. All comments received are a part of the public record and will be posted without change to the NTIA Web site (<http://www.ntia.doc.gov>) and the Federal e-Rulemaking Portal: <http://www.regulations.gov>

<sup>4</sup> *Id.* at 12.

<sup>5</sup> See Department of Defense and Full-Year Continuing Appropriations Act of 2011, Public Law 112–10, sec. 1320 (Apr. 15, 2011).

(“Notwithstanding section 1101, the level of the following accounts shall be \$0: ‘Department of Commerce, National Telecommunications and Information Administration, Public Telecommunications Facilities Planning and Construction’”). In the 2014 appropriation, Congress rescinded \$8.5 million from the NTIA PTFP account. Consolidated Appropriations Act, 2014, Public Law 113–76, sec. 524(a) (Jan. 17, 2014) (“Of the unobligated balances available for ‘Department of Commerce, National Telecommunications and Information Administration, Public Telecommunications Facilities, Planning and Construction,’ \$8,500,000 is hereby rescinded”).

<sup>1</sup> The PTFP is authorized under the Public Telecommunications Financing Act of 1978, as amended, 47 U.S.C. 390–393, 397–399b.

<sup>2</sup> 61 FR 57966 (Nov. 8, 1996). (The rules were codified at 47 CFR part 2301.)

<sup>3</sup> See Commerce, Justice, Science, and Related Agencies Appropriations for Fiscal Year 2011: Hearing before the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Senate Committee on Appropriations, 111th Cong. 12, 22 (Mar. 4, 2010).

[www.regulations.gov](http://www.regulations.gov). All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

### III. Repeal of Regulations for the Public Telecommunications Facilities Program

Congress authorized NTIA to establish regulations “as may be necessary to carry out” the PTFP.<sup>6</sup> Due to the lack of funding for seven years and no prospective funding for the PTFP, the regulations governing the PTFP are unnecessary and obsolete. If these regulations are not removed, it may suggest that the program is still active and may cause confusion regarding the status of the program. Accordingly, NTIA issues this NPRM to propose the repeal of its regulations governing the PTFP.

#### *Executive Order 12866*

The proposed repeal of the regulations governing the PTFP is not a significant regulatory action as defined by Executive Order 12866.

#### *Executive Order 13132*

The proposed repeal of the regulations governing the PTFP does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 13132.

#### *Regulatory Flexibility Act*

The proposed repeal of regulations governing the PTFP will not have a significant economic impact on a substantial number of small entities. NTIA estimates that the proposed repeal of the regulations governing PTFP will impact no small entities. The proposed repeal of the regulations governing PTFP does not include reporting, recordkeeping, or other compliance requirements; therefore, no small entities will be subject to such requirements. Thus, the Chief Counsel for Regulation of the Department of Commerce is providing a certification to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)).

#### *Paperwork Reduction Act*

The proposed repeal of the regulations governing the PTFP contains no collections of information. Therefore, clearance by the Office of Management and Budget (OMB) under the Paperwork

Reduction Act of 1995 is not required. In 2013, OMB approved NTIA's requests to discontinue the following collections associated with the regulations governing the PTFP: OMB Control Numbers 0660–0003, 0660–0001, and 0605–0001; consequently, NTIA has no active collections associated with its regulations governing the PTFP.

#### Lists of Subjects in 15 CFR Part 2301

Administrative procedure, Grant programs—communications, Reporting and recordkeeping requirements, Telecommunications.

#### PART 2301—[REMOVED AND RESERVED]

■ For the reasons stated above, and under the authority of 47 U.S.C. 390–393 and 397–399b, NTIA proposes to remove and reserve Part 2301.

Dated: July 12, 2017.

**Leonard Bechtel,**

*Director of Administration and Chief Financial Officer, performing the non-exclusive duties of the Assistant Secretary for Communications and Information, National Telecommunications and Information Administration.*

[FR Doc. 2017–14978 Filed 7–17–17; 8:45 am]

**BILLING CODE 3510–60–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG–2017–0460]

RIN 1625–AA09

#### Drawbridge Operation Regulation; Shrewsbury River, Sea Bright, New Jersey

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to modify the operating schedule that governs the Monmouth County Highway Bridge (alternatively referred to as the “Sea Bright Bridge” or the “S–32 Bridge”) across the Shrewsbury River, mile 4.0 at Sea Bright, New Jersey. The bridge owner submitted a request to reduce scheduled openings of the span and include Fridays within the seasonal weekend operating schedule for the bridge. It is expected this change to the regulations will better serve the needs of the community while continuing to meet the reasonable needs of navigation.

**DATES:** Comments and related material must reach the Coast Guard on or before September 18, 2017.

**ADDRESSES:** You may submit comments identified by docket number USCG–2017–0460 using Federal eRulemaking Portal at <http://www.regulations.gov>.

See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or email Mr. James Moore, Project Officer, First Coast Guard District, telephone 212–514–4334, email [James.M.Moore2@uscg.mil](mailto:James.M.Moore2@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
E.O. Executive order  
FR Federal Register  
NPRM Notice of proposed rulemaking  
Pub. L. Public Law  
§ Section  
U.S.C. United States Code

##### II. Background, Purpose and Legal Basis

The Monmouth County Highway Bridge, mile 4.0, across the Shrewsbury River at Sea Bright, New Jersey, offers mariners a vertical clearance of 15 feet at Mean High Water and 17 feet at Mean Low Water when the span is in the closed position. Vertical clearance is unlimited when the draw is open. Horizontal clearance is 75 feet. Waterway users include recreational and a limited number of commercial vessels including tug/barge combinations.

The existing drawbridge regulation, 33 CFR 117.755, requires the draw of the Monmouth County Highway Bridge to open as follows:

The draw shall open on signal at all times; except that, from May 15 through September 30, on Saturday, Sunday and holidays, between 9 a.m. and 7 p.m., the draw need open only on the hour and half hour.

This regulation has been in effect since July 6, 2010. The owner of the bridge, the Monmouth County Board of Chosen Freeholders, requested a change to the drawbridge operating regulations given the increased volume of vehicular traffic crossing the bridge associated with the summer months. This increased vehicular traffic coupled with bridge openings for vessels on the hour as well as the half-hour has resulted in lengthy traffic jams on either side of the bridge during peak travel hours. Traffic congestion will be relieved through reduction of required bridge openings for vessels.

<sup>6</sup> 47 U.S.C. 392(e).