

operations and protect infrastructure and property without COTP permission.

(e) **Enforcement.** The Coast Guard vessels enforcing this section can be contacted on marine band radio VHF-FM channel 16 (156.8 MHz). The cognizant COTP and his or her designated representatives can be contacted at telephone number listed in paragraph (d)(2) of this section.

Dated: August 2, 2017.

**Meredith L. Austin,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 2017-17748 Filed 8-21-17; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2007-0113; FRL-9966-66-Region 4]

#### Air Plan Approval; Georgia: Permit Exemptions and Definitions; Withdrawal

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule: withdrawal.

**SUMMARY:** Due to adverse comments received, the Environmental Protection Agency (EPA) is withdrawing the June 29, 2017, direct final rule that would have approved a revision to the Georgia State Implementation Plan (SIP) concerning changes to existing minor source permitting exemptions and a definition related to minor source permitting exemptions. EPA stated in the direct final rule that if EPA received adverse comments by July 31, 2017, the rule would be withdrawn and not take effect.

**DATES:** The direct final rule published at 82 FR 29418 on June 29, 2017, is withdrawn, effective August 22, 2017.

**FOR FURTHER INFORMATION CONTACT:** D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. Phone number: (404) 562-9089; Email: [akers.brad@epa.gov](mailto:akers.brad@epa.gov).

**SUPPLEMENTARY INFORMATION:** On June 29, 2017 (82 FR 29418), EPA published a direct final rulemaking to approve portions of a SIP revision submitted by the State of Georgia, through the Georgia Department of Natural Resources' Environmental Protection Division (GA EPD), on September 19, 2006, with a clarification submitted on November 6,

2006. The SIP submission included changes to existing minor source permitting exemptions and a definition related to minor source permitting exemptions. On June 29, 2017 (82 FR 29469), EPA also published an accompanying rulemaking proposing to approve the portions of the aforementioned SIP revision in the event that EPA received adverse comments on the direct final rulemaking.

In the direct final rulemaking, EPA explained that the Agency was publishing the rule without prior proposal because the Agency viewed the submittal as a non-controversial SIP amendment and anticipated no adverse comments. Further, EPA explained that the Agency was publishing a separate document in the proposed rules section of the **Federal Register** to serve as the proposal to approve the SIP revision should an adverse comment be filed. EPA also noted that the rule would be effective on August 28, 2017, without further notice unless the Agency received adverse comment by July 31, 2017. EPA explained that if the Agency received such comments, then EPA would publish a document withdrawing the final rule and informing the public that the rule would not take effect. It was also explained that all public comments received would then be addressed in a subsequent final rule based on the proposed rule, and that EPA would not institute a second comment period on this action. The public was advised that if no comments were received that the rule would be effective on August 28, 2017, with no further actions on the proposed rule.

On July 31, 2017, EPA received one set of adverse comments from a single Commenter representing four individual groups. As a result of the comments received, EPA is withdrawing the direct final rule approving changes to existing minor source permitting exemptions and a definition related to minor source permitting exemptions into the Georgia SIP. If EPA determines that it is appropriate to finalize the proposed approval of these changes to the Georgia SIP, EPA will publish a final rule which will include a response to the comments received. In the event that EPA determines that it is not appropriate to finalize the proposed approval related to these changes, EPA may issue a subsequent proposal with a different course of action.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations,

Particulate matter, Reporting and recordkeeping requirements.

Dated: August 10, 2017.

**V. Anne Heard,**

*Acting Regional Administrator, Region 4.*

■ Accordingly, the amendments to 40 CFR 52.570(c) published on June 29, 2017 (82 FR 29418), which were to become effective August 28, 2017, are withdrawn.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[EPA-HQ-OAR-2016-0442; FRL-9966-64-OAR]

RIN 2060-AT57

#### National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry: Alternative Monitoring Method

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) published a direct final rule in the **Federal Register** on June 23, 2017 titled National Emission Standards for Hazardous Air Pollutants (NESHAP) From the Portland Cement Manufacturing Industry: Alternative Monitoring Method. This final rule removes the provisions that were added in the June 23, 2017, direct final rule and restores the provisions that were deleted in that rule.

**DATES:** Effective August 22, 2017.

**FOR FURTHER INFORMATION CONTACT:** Mr. Brian Storey, Sector Policies and Programs Division (D243-04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-1103; fax number: (919) 541-5450; and email address: [storey.brian@epa.gov](mailto:storey.brian@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Why is EPA taking this action?

On June 23, 2017, the EPA published a direct final rule to amend the National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry (Portland Cement NESHAP) to allow an alternative monitoring method to be used to comply with hydrogen chloride (HCl) emissions standards (82 FR 28562). We stated in that direct final

rule that if we received adverse comment by July 3, 2017, the direct final rule would not take effect and we would publish a timely withdrawal in the **Federal Register**. At the same time, we published a parallel proposal, which proposed to make the same changes that were made in the direct final rulemaking (82 FR 28616). We subsequently received adverse comment on the direct final rule and the parallel proposal, but were unable to withdraw the direct final rule in a timely manner. In this document, we are taking final action to remove the provisions that were added to the Portland Cement NESHAP in the direct final rule and restoring the provisions that were deleted in that rule. This action will, thus, undo the changes made by the direct final rule. We are concurrently publishing a rule re-proposing and providing additional opportunity for public comment on the same amendment for the Portland Cement NESHAP that was proposed on June 23, 2017.

Although the EPA did provide an opportunity for public comment on the parallel proposal, the EPA also finds that there is “good cause” under the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)) to make the amendments discussed in this final rule without prior notice and comment. For this rule, notice and comment is unnecessary because it simply implements an action that the EPA indicated it would take if it received adverse comment on the direct final rule. The record for the provisions being restored is the same record that supported those provisions in the first instance and that was previously subject to notice and comment. These actions are effective as of August 22, 2017.

## II. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <http://www2.epa.gov/laws-regulations/laws-and-executive-orders>.

### A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

### B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulation (40

CFR part 63, subpart LLL) and has assigned OMB control number 2060–0416. This action does not change the information collection requirements.

### C. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA. The RFA applies only to rules subject to notice and comment rulemaking requirements under the APA, 5 U.S.C. 553, or any other statute. The rule is not subject to notice and comment requirements because the agency has invoked the APA “good cause” exemption under 5 U.S.C. 553(b).

### D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

### E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

### F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. It will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. The EPA is aware of one tribally owned Portland cement facility currently subject to 40 CFR part 63, subpart LLL that will be subject to this final rule. However, the provisions of this final rule are not expected to impose new or substantial direct compliance costs on tribal governments since the provisions in this direct final rule are extending the use of an alternative to the HCl monitoring provisions, including an option which provides operational flexibility. Thus, Executive Order 13175 does not apply to this action.

### G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per

the definition of “covered regulatory action” in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

### H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

### I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

### J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). This action does not affect the level of protection provided to human health or the environment.

### K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

## List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: August 11, 2017.

**E. Scott Pruitt,**  
Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency is amending title 40, chapter I, part 63 of the Code of Federal Regulations (CFR) as follows:

## PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

### Subpart LLL—National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry

■ 2. Section 63.1349 is amended by adding paragraph (b)(6)(v)(H) to read as follows:

#### § 63.1349 Performance testing requirements.

\* \* \* \* \*

(b) \* \* \*  
(6) \* \* \*  
(v) \* \* \*

(H) Paragraph (b)(6)(v) of this section expires on July 25, 2017 at which time the owner or operator must demonstrate compliance with paragraphs (b)(6)(i), (ii), or (iii).

\* \* \* \* \*

■ 3. Section 63.1350 is amended by revising paragraph (l)(4) introductory text to read as follows:

#### § 63.1350 Monitoring requirements.

\* \* \* \* \*

(l) \* \* \*

(4) If you monitor continuous performance through the use of an HCl CPMS according to paragraphs (b)(6)(v)(A) through (H) of § 63.1349, for any exceedance of the 30 kiln operating day HCl CPMS average value from the established operating limit, you must:

\* \* \* \* \*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

[CG Docket Nos. 10-51 and 03-123; FCC 17-86]

### Structure and Practices of the Video Relay Services Program

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Commission adopts a four-year rate plan to compensate video relay service (VRS) providers, amends its rules to permit-server based routing for VRS and point-to-point calls, authorizes the continued use of money from the Telecommunications Relay Service (TRS) Fund for Commission-supervised research and development, eliminates rules providing for a neutral video communications service platform, and reinstates the effectiveness of the rule incorporating the VRS Interoperability Profile technical standard.

**DATES:** Effective September 21, 2017. The compliance date for 47 CFR 64.621(b)(1) is December 20, 2017. The incorporation by reference of certain publication listed in the rules was approved by the Director of the Federal Register as of May 30, 2017.

**FOR FURTHER INFORMATION CONTACT:** Bob Aldrich, Consumer and Governmental Affairs Bureau at: (202) 418-0996, email [Robert.Aldrich@fcc.gov](mailto:Robert.Aldrich@fcc.gov), or Eliot Greenwald, Consumer and Governmental Affairs Bureau at: (202) 418-2235, email [Eliot.Greenwald@fcc.gov](mailto:Eliot.Greenwald@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order and Order, FCC 17-86, adopted and released on July 6, 2017, in CG Docket Nos. 10-51 and 03-123. The full text of this document will be available for public inspection and copying via the Commission's Electronic Comment Filing System (ECFS), and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY-A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (844) 432-2272 (videophone), or (202) 418-0432 (TTY).

### Congressional Review Act

The Commission sent a copy of document FCC 17-86 to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

### Final Paperwork Reduction Act of 1995 Analysis

Document FCC 17-86 does not contain any new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Pub. L. 104-13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Pub. L. 107-198, *see* 44 U.S.C. 3506(c)(4).

### Synopsis

#### VRS Compensation—Allowable Cost Categories

1. In the Further Notice of Proposed Rulemaking (FNPRM), FCC 17-26, published at 82 FR 17613, April 12, 2017, the Commission stated its intention not to reopen questions concerning the categories of expenses

that should be considered allowable costs for VRS compensation. Various parties commenting in this proceeding nonetheless urge that the Commission re-open the matter of allowing costs associated with customer premise equipment (CPE), numbering, outreach, and research and development (R&D). In addition, Sorenson Communications, LLC (Sorenson) raises new concerns about allowing compensation for imputed intellectual property. These issues are beyond the scope of the rulemaking. The Commission has previously considered and disallowed compensation for each of these categories, except intellectual property, which is addressed below.

2. *No reason to reopen previously settled disallowance issues.* No party provides a compelling reason to reopen the above issues in this proceeding, especially in the absence of Administrative Procedure Act (APA) notice. The Commission does not agree that circumstances have changed dramatically and sees no material difference from prior proceedings where these issues were addressed.

3. Even if the issues were not already settled and there was APA notice regarding them, the Commission would not be persuaded by arguments to expand allowable costs. Equalizing all VRS-related costs to a voice telephone user's costs is not part of the Commission's mandate under section 225 of the Act. Congressional intent to equalize either network access rates or equipment costs for TRS and voice service users is not evident in the text of this narrowly drawn provision, its surrounding context, or its legislative history. In 1990, the year of section 225's enactment, all TRS calls took place between individuals who used TTYs and voice users. But the high costs of TTY service rates and equipment were matters of public awareness and were being addressed through state and federal action outside the relay requirements of section 225 of the Act. Regarding service costs, the plain text of this section demonstrates that it solely was intended to prevent relay users from incurring the added costs of routing TRS calls through remote relay centers that lie outside the geographical locations of the parties to a relay call, and nothing more. Congress had knowledge about, and ample opportunity to direct the Commission to equalize telephone service costs for TTY users at the time of section 225's enactment, yet it specifically chose not to do so. Accordingly, the discrepancy between the higher service costs for a broadband connection needed to achieve access to VRS and the costs of