

and address the comment in the proposed rulemaking.

This action approving a negative declaration submitted by Philadelphia AMS for HMIWI units may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: September 19, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

40 CFR part 62 is amended as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart NN—Pennsylvania

■ 2. Add § 62.9663 to read as follows:

§ 62.9663 Identification of plan—negative declaration.

Letter from the City of Philadelphia, Department of Public Health, submitted August 2, 2011, certifying that there are no existing hospital/medical/infectious waste incinerator units within the City of Philadelphia, Pennsylvania that are subject to 40 CFR part 60, subpart Ce.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WT Docket No. 02-55, FCC 04-168]

Improving Public Safety Communications in the 800 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with § 90.675. This document is consistent with the Report and Order, which stated

that the Commission would publish a document in the **Federal Register** announcing the effective date of the rule.

DATES: 47 CFR 90.675, published at 69 FR 67823, Nov. 22, 2004, is effective October 12, 2017.

FOR FURTHER INFORMATION CONTACT: John A. Evanoff, Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418-0848 or john.evanoff@fcc.gov. For additional information concerning the Paperwork Reduction Act information collection requirements, contact Nicole Ongele at (202) 418-2991.

SUPPLEMENTARY INFORMATION: A summary of the 800 MHz Report and Order was published in the **Federal Register** on November 22, 2004, 69 FR 67823. The 800 MHz Report and Order adopted rules designed to abate interference to public safety entities. The summary stated that with the exception of certain rules requiring OMB approval, the rules adopted in the 800 MHz Report and Order would become effective January 21, 2005. With regard to rules requiring OMB approval, the Commission stated it will publish a document in the **Federal Register** announcing the effective date of these rules. The information collection requirements in §§ 22.972, 22.973, 90.674, 90.675, 90.676 and 90.677 were approved by OMB under OMB Control No. 3060-1080. In a separate document published in the **Federal Register** on February 8, 2005, 70 FR 6762, the Commission announced that OMB approved the information collection requirements adopted in the 800 MHz Report and Order. On February 8, 2005, 70 FR 6761, the Commission announced the effective date of §§ 22.972, 22.973, 90.674, 90.676 and 90.677. However, the announcement inadvertently omitted to announce the effective date for the information collection requirements in § 90.675. With publication of the instant document in the **Federal Register**, all rules adopted in the 800 MHz Report and Order are now effective. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1-C823, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060-1080, in your correspondence. The Commission will also accept your comments via email at PRA@fcc.gov.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files,

audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on January 27, 2005, for the information collection requirements contained in the modifications to 47 CFR 90.675.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060-1080.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060-1080.

OMB Approval Date: January 27, 2005.

OMB Expiration Date: October 31, 2017.

Title: Improving Public Safety Communications in the 800 MHz Band.
Form Number: N/A.

Respondents: Business or other for profit entities; Not-for-profit institutions, and State, Local or Tribal governments.

Number of Respondents and Responses: 428 respondents; 2,143 responses.

Estimated Time per Response: 0.5 hours-10 hours (4.5 hours average).

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 U.S.C. 151, 154, 160, 251-254, 303, and 332.

Total Annual Burden: 7,411 hours.

Total Annual Cost: \$7,200.

Nature and Extent of Confidentiality: The Commission will work with respondents to ensure that their concerns regarding the confidentiality of any proprietary or public safety sensitive information are resolved in a manner consistent with the Commission's rules. See 47 CFR 0.459.

Privacy Act: No impact(s).

Needs and Uses: The information sought under §§ 22.972, 22.973, 90.674,

90.675, 90.676 and 90.677 will assist 800 MHz licensees in preventing or resolving interference and enable the Commission to implement its rebanding program. Under that program, certain licensees are being relocated to new frequencies in the 800 MHz band, with all rebanding costs paid by Sprint Nextel Corporation (Sprint). The Commission's overarching objective in this proceeding is to eliminate interference to public safety communications. The Commission's orders provided for the 800 MHz licensees in non-border areas to complete rebanding by June 26, 2008. This completion date was not met and the Commission orders also provide for rebanding to be completed in the areas along the U.S. borders with Canada and Mexico.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

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NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 831

[Docket No.: NTSB-GC-2017-0001]

RIN 3147-AA20

Civil Monetary Penalty Catch Up Inflation Adjustment and Annual Inflation Adjustment

AGENCY: National Transportation Safety Board (NTSB).

ACTION: Interim Final Rule with request for comments.

SUMMARY: This Interim Final Rule adjusts for inflation the maximum civil penalty that the NTSB may assess against a person for violating certain NTSB statutes and regulations.

DATES: This Interim Final Rule is effective on October 12, 2017. The NTSB will accept written comments on this Interim Final Rule on or before October 27, 2017.

ADDRESSES: A copy of this Interim Final Rule, published in the **Federal Register** (FR), is available for inspection and copying in the NTSB's public reading room, located at 490 L'Enfant Plaza SW., Washington, DC 20594-003. Alternatively, a copy is available on the government-wide Web site on regulations at <http://www.regulations.gov> (Docket ID Number NTSB-GC-2017-0001).

You may send comments identified by Docket ID Number NTSB-GC-2017-

0001 using any of the following methods:

1. *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

2. *Mail:* Send comments to NTSB Office of General Counsel, 490 L'Enfant Plaza East SW., Washington, DC 20594-003.

3. *Facsimile:* Fax comments to 202-314-6090.

4. *Hand Delivery:* Bring comments to 490 L'Enfant Plaza East SW., 6th Floor, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Legal public holidays.

Privacy: We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT:

Sean Dalton, Acting General Counsel, (202) 314-6389.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to 49 U.S.C. 1155(a), the NTSB may impose a civil penalty up to \$1,000 on a person who violates 49 U.S.C. 1132 (prescribing the NTSB's general authority to investigate aircraft accidents); 1134(b) (governing NTSB inspection and testing of aircraft and property on an aircraft); 1134(f)(1) (permitting the NTSB to conduct or order autopsies); 1136(g) (prohibiting attorneys from sending unsolicited communications to victims of aircraft accidents or their family members).

The \$1,000 maximum civil penalty amount must be adjusted for inflation in several ways. First, the NTSB must publish a catch-up adjustment to account for the effect of inflation since the maximum amount was established by Congress. Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101-410, 104 Stat. 890, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114-74, sec. 701, 129 Stat. 584 (codified at 28 U.S.C. 2461 note) (hereinafter "Inflation Adjustment Act").¹ Second, the NTSB must publish an annual inflationary adjustment no later than January 15th of each year, beginning in 2017. The Office of Management and Budget (OMB) has published guidance on the initial catch-up adjustment, OMB, M 16-06, *Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (2016)

¹The 2015 Act replaced inflation adjustment procedures established by the Debt Collection Improvement Act of 1996, Public Law 104-134, sec. 31001(s)(1), 110 Stat. 1321-373.

(hereinafter "OMB catch-up guidance"), and the 2017 yearly adjustment. OMB, M 17-11, *Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (2016) (hereinafter "OMB annual guidance"). This Interim Final Rule combines the NTSB's catch-up adjustment that was due by July 1, 2016, and the NTSB's 2017 annual inflation adjustment. See OMB annual guidance, *supra*, at 4 (stating that agencies can finalize their catch-up adjustments in the same rulemaking as their annual adjustments).

II. The Catch-Up Adjustment

A. The Catch-Up Adjustment Increases the NTSB's \$1,000 Maximum Penalty Amount to \$1,591

In order to complete the catch-up adjustment required by the Inflation Adjustment Act, the NTSB must first identify the year in which the \$1,000 maximum penalty amount was either (1) established by Congress, or (2) last adjusted by Congress or the agency through regulation, other than pursuant to the Inflation Adjustment Act, whichever is later. Next, the NTSB must modify the maximum penalty amount based on the percentage by which the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October 2015, not seasonally adjusted, exceeds the CPI-U for the month of October for the calendar year when the penalty amount was established or last adjusted. 28 U.S.C. 2461 note, sec 4(a), 5(b)(2); OMB catch-up guidance, *supra*, at 3. The OMB catch-up guidance contains a table listing multipliers that can be used to adjust the maximum penalty amount based on the year the penalty was established or last adjusted (the "CPI-U Multiplier"). OMB catch-up guidance, *supra*, at 6. After applying this multiplier, the NTSB must round all penalty amounts to the nearest dollar. 28 U.S.C. 2461 note, sec. 5(a).

The \$1,000 maximum penalty amount was established in 1994, Public Law 103-272, sec. 1(d), 108 Stat. 745 (1994), and has not since been modified. 49 U.S.C. 1155(a). OMB's CPI-U Multiplier for 1994 is 1.59089. OMB catch-up guidance, *supra*, at 6. A maximum penalty amount of \$1,000 multiplied by 1.59089 equals \$1,590.89. Rounding to the nearest dollar equals \$1,591. This is less than a 150% increase, and therefore does not need to be reduced. 28 U.S.C. 2461 note, sec. 5(b)(2)(C); OMB catch-up guidance, *supra*, at 8.