FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket No. 17–123; FCC 17–53]

Procedures for Paper Filings and Collecting Application and Regulatory Fees

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission commences the process of migrating away from using P.O. Boxes (''Lockboxes'') to collect application and regulatory fees, as well as paper filings. As the Commission gravitates toward an all-electronic payment and filing system, the P.O. Boxes once established to collect filings and fees via check or money order will be gradually closed, and the Commission's rules changed accordingly. In this, the first step of this process, the Commission amends its rules to close P.O. Box 979092, used to collect petitions filed under of the Communications Assistance for Law Enforcement Act (CALEA), as well as associated fee payments. Permittees wishing to file future petitions will need to do so electronically through the Commission's electronic filing system and pay the pertinent fees through the Fee Filer Online System, or through another electronic payment mechanism designated by the Commission.

DATES: Effective June 29, 2017.

FOR FURTHER INFORMATION CONTACT: Warren Firschein, Office of Managing Director at (202) 418–0844.

SUPPLEMENTARY INFORMATION:

1. In this *Order,* we reduce Commission expenditures and modernize our procedures by amending section 1.1109 [1] of our rules, which sets forth the application fee for petitions filed with the Federal Communications Commission (Commission) under section 109(b) of the Communications Assistance for Law Enforcement Act (CALEA).[2]

2. Enacted in 1994, CALEA was designed to respond to advances in technology and eliminate obstacles faced by law enforcement personnel in conducting electronic surveillance.[3] CALEA imposed certain technical requirements on telecommunications carriers and provided carriers with certain rights to petition the Commission for relief from these requirements.[4] CALEA also amended the Commission's fee schedule under section 8 of the Communications Act [5] to require payment of an application fee for one type of CALEA filing—petitions filed under section 109(b) of CALEA.[6] Such section 109(b) petitions allowed telecommunications carriers to petition the Commission for an order declaring the petitioning carrier's obligation to comply with CALEA's section 103 capability requirements ''not reasonably achievable.'' [7] The section 109(b) fee requirement was codified in section 1.1109 of the Commission's rules [8] providing for payment of the fee to P.O. Box 979092 at U.S. Bank in St. Louis, Missouri.[9] The only current use of section 1.1109 and P.O. Box 979092 is to collect fees for section 109(b) petitions. The FCC has not received a section 109(b) petition since 2002.

3. The Commission has started to migrate away from using P.O. Boxes [10] and toward using an all-electronic payment system for all application and regulatory fees.[11] This change is based on U.S. Treasury guidance and is being implemented to the extent practicable and otherwise permitted by law.[12] Utilizing an all-electronic payment system will increase the agency's financial efficiency by reducing expenditures, including the annual fee for utilizing the bank's services as well as the cost to manually process each transaction, and will have no measurable impact on telecommunications carriers.

4. As part of this effort, we are closing P.O. Box 979092. With this *Order,* we amend our rules to reflect this change as indicated in the Final Rules section of this *Order.* Future payments for any section 109(b) petition filed with the Commission will be made in accordance with the procedures set forth on the Commission's Web site, *https://www.fcc.gov/licensing-databases/fees.* For now, such payments will be made through the Fee Filer Online System, accessible at *https://www.fcc.gov/licensing-databases/fees/fee-filer,* but as we assess and implement U.S. Treasury guidance on an all-electronic payment system, we may transition to other secure payment systems with appropriate public notice and guidance. We make this change without notice and comment because it is a rule of agency organization, procedure, or practice exempt from the general notice-and-comment requirements of the Administrative Procedure Act.[13] To file section 109(b) petitions electronically, parties should utilize the Commission's ECFS filing system, which can be found at *http://apps.fcc.gov/ecfs/upload/display.* Petitions filed in hard copy format should be submitted according to the procedures set forth on the Web page of the FCC's Office of the Secretary, *https://www.fcc.gov/secretary.*

5. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 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, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

6. *Accordingly, it is ordered,* that pursuant to sections 4(i), 4(j), 201(b), and 229(a) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201(b), 229(a), 47 CFR part 1 *is amended* as set forth below.

7. *It is further ordered,* that the Commission *shall send* a copy of this *Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

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[1] 47 CFR 1.1109.

[2] 47 U.S.C. 1008(b).

[3] *See generally Communications Assistance for Law Enforcement Act,* Second Report and Order, 15 FCC Rcd 7105 (1999).

[4] *Id.* at 7121–33, paras. 30–46; *see also Communications Assistance for Law Enforcement Act and Broadband Access and Services,* ET Docket No. 04–295, Second Report and Order and Memorandum Opinion and Order, 21 FCC Rcd 5360 (2006).

[5] 47 U.S.C. 158.

[6] Communications Assistance for Law Enforcement Act, Public Law 103–414, 302, 108 Stat. 4279, 4294 (1994). Section 302 of CALEA provided for modification of the Commission's schedule of application fees. In 1994, when CALEA was enacted, that fee was established at $5,000, which was subsequently adjusted for inflation.

[7] 47 U.S.C. 1008(b)(1).

[8] 47 CFR 1.1109.

[9] *Id.*

[10] The FCC collects fees using a series of P.O. Boxes located at U.S. Bank in St. Louis, Missouri. 47 CFR 1.1101–1.1109 (setting forth the fee schedule for each type of application remittable to the Commission along with the correct lockbox).

[11] In 2015, the Commission revised its payment rules to encourage electronic payment of application fees and require electronic payment of regulatory fees. 47 CFR 1.1112 (application fees) and 1.1158 (regulatory fees). These rules became effective November 30, 2015. 80 FR 66816 (Oct. 30, 2015).

[12] Treasury Financial Manual, Bulletin Number 2014–08, ''Agency No-Cash or No-Check Policies,'' released on August 5, 2014 (Explaining the circumstances under which agencies may decide not to accept payments made in cash or by check and also noting that the U.S. Treasury's move to an all-electronic Treasury as well as the purposes of Federal cash-management statutes.) Available at *https://tfm.fiscal.treasury.gov/v1/bull/14-08.pdf* (last visited March 10, 2017); *see also https://obamawhitehouse.archives.gov/the-press-office/2011/06/13/executive-order-13576-delivering-efficient-effective-and-accountable-gov.*

[13] 5 U.S.C. 553(b)(A).

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 157, 160, 201, 225, 227, 303, 309, 332, 1403, 1404, 1451, 1452, and 1455.

■ 2. Revise § 1.1109 to read as follows:

§ 1.1109 Schedule of charges for applications and other filings for the Homeland services.

Remit filings and/or payment for these services electronically using the Commission's electronic filing and payment system, in accordance with the procedures set forth on the Commission's Web site, *https://www.fcc.gov/licensing-databases/fees.*

Service	FCC Form No.	Fee amount	Payment type code
1. Communication Assistance for Law Enforcement (CALEA) Petitions ..	Correspondence & 159	$6,695.00	CLEA

[FR Doc. 2017–11034 Filed 5–26–17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 259

[Docket No. 080410551–7410–02]

RIN 0648–AW57

Capital Construction Fund; Fishing Vessel Capital Construction Fund Procedures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS hereby amends the Capital Construction Fund (CCF) regulations to eliminate provisions that no longer meet the needs of CCF participants, and to simplify and clarify the regulations to better implement the purposes of the underlying statute. These amendments eliminate the minimum cost for reconstruction projects, requirements for minimum annual deposits and the requirement that any vessel acquired with CCF funds must be reconstructed, regardless of vessel condition. The new regulations also prohibit withdrawals of funds under the CCF program (program) for projects that increase harvesting capacity, unless the project is subject to a limited access system in which the fisheries management authority establishes harvesting limits.

DATES: Effective June 29, 2017.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) prepared for this action may be obtained from Paul Marx, Chief, Financial Services Division, NMFS, Attn: Capital Construction Fund Rulemaking, 1315 East-West Highway, Silver Spring, MD 20910 or by calling Richard VanGorder (see **FOR FURTHER INFORMATION CONTACT**) or on the Capital Construction Fund Web site at *http://www.nmfs.noaa.gov/mb/financial_services/ccf.htm.*

Send comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule to Richard VanGorder at the address specified above and also to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer) or email to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–7825.

FOR FURTHER INFORMATION CONTACT: Richard VanGorder at 301–427–8784 or via email at *Richard.VanGorder@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

This final rule revises and replaces the CCF regulations found at 50 CFR part 259.

The program was established by the Merchant Marine Act of 1936 (MMA), ch. 858, title VI, sec. 607(a), 49 Stat. 2005 (1936) (current version at 46 U.S.C. 53503 (2007) and is administered pursuant to 50 CFR part 259.

The purpose of the program is to assist owners and operators of United States flagged vessels in accumulating the large amount of capital necessary for the modernization of the U.S. merchant marine fleet. The extensive vessel reconstruction requirements in the current regulations no longer make sense given the improved status of the merchant marine fleet.

The program encourages construction, reconstruction, or acquisition of vessels through deferment of Federal income taxes. Owners and operators of vessels deposit income from fishing into CCF accounts prior to paying income taxes. All deferred taxes are eventually recovered upon the sale of the vessel because the cost basis of the vessel is reduced by the dollar amount of CCF funds used for its purchase or improvements.

To participate in the program, a vessel owner submits an application to the Financial Services Division of the National Marine Fisheries Service in advance of the relevant Federal tax filing due date. The application identifies the income earning vessel(s), the type of project(s) anticipated, and the financial institution that will hold the CCF deposits. Once the Secretary of Commerce deems an application compliant with the CCF statute and regulations, a CCF Agreement is executed between the United States and the vessel owner or operator.

Currently, there are 1,394 CCF Agreements with a total of approximately $270M on deposit. Many of these CCF Agreements were established years ago and identify scheduled projects that are no longer viable. Consequently, CCF participants are faced with either having funds languish on deposit for nonviable scheduled projects or making a non-qualified withdrawal of funds and paying deferred taxes at the highest marginal rate.

The authority to make regulatory changes to the program is granted under 46 U.S.C. 53502(a), which permits the Secretary of Commerce to prescribe regulations (except for the determination of tax liability) to carry out the program. The program regulations were last amended in 1997 to permit reconstruction projects for safety improvements.

The changes to the CCF regulations are intended to ease the current restrictions on the allowable uses of CCF funds while remaining consistent with current agency priorities of maintaining sustainable fisheries. For example, currently, reconstruction is required when using CCF funds to