

SUPPLEMENTARY INFORMATION section below for online and physical addresses and further instructions.

FOR FURTHER INFORMATION CONTACT: Anita Blaine, Program Specialist, at (202) 707-7658 or crb@loc.gov.

SUPPLEMENTARY INFORMATION: On April 20, 2017, the Copyright Royalty Judges (Judges) published a notice in the *Federal Register* seeking comments on a proposed rule that would authorize the Judges to bar, either temporarily or permanently, certain individuals and entities from participating in proceedings before the Judges.¹ In response to the notice, the Judges received five comments, including two joint comments, from people and entities that regularly participate in proceedings before the Judges.² The comments and the proposal are available on the CRB Web site and in eCRB.

While some of the comments were supportive of the proposal or certain aspects of it, others were critical and raised a number of issues with the proposal, including the scope of the proposal, potential abuses of the proposed provisions, the Constitutionality of some of the proposed provisions, and whether the proposal is even necessary. The Judges seek reply comments responding directly to issues that commenters raised regarding the proposal. While the Judges will review and consider all comments they receive on the proposal, they request that commenters limit their comments at this point to issues that other commenters raised in the initial round of comments, including ways to address criticisms that some commenters raised with respect to the proposal. Some commenters that criticized the proposal suggested alternative language that might remedy perceived shortfalls in the Judges' proposal. The Judges request comments

on those proposals, or welcome alternative suggestions the Judges might adopt to address those perceived shortfalls, including the pros and cons of choosing any proposed alternative approach. In light of some of the negative comments, the Judges also seek comment on whether, on balance, the remedies currently available to the Judges for addressing ethical lapses of participants and counsel are adequate or preferable to the remedial rule the Judges proposed. In particular, the Judges seek detailed comments regarding the incidents to which the Judges referred in the notice proposing the provision (or others that commenters are aware of to which the Judges did not refer) and how remedies currently available were used to address those incidents and whether or not the extant remedies (e.g., discovery sanctions or loss of the presumption of validity regarding claims) adequately addressed those incidents or whether gaps in the current remedial framework might lead to future incidents that could compromise public confidence in the CRB ratemaking and royalty distribution system.

Solicitation of Comments

The Judges seek reply comments on the proposed new rule that respond to comments that the Judges received in response to the initial notice of proposed rulemaking.

How To Submit Comments

Interested members of the public must submit comments to only one of the following addresses. If not submitting online, commenters must submit an original of their comments, five paper copies, and an electronic version in searchable PDF format on a CD.

Online: <https://app.crb.gov> or <http://www.regulations.gov>; or

U.S. mail: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024-0977; or Overnight service (only USPS Express Mail is acceptable): Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024-0977; or

Commercial courier: Address package to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM-403, 101 Independence Avenue SE., Washington, DC 20559-6000. Deliver to: Congressional Courier Acceptance Site, 2nd Street NE., and D Street NE., Washington, DC; or

Hand delivery: Library of Congress, James Madison Memorial Building, LM-401, 101 Independence Avenue SE., Washington, DC 20559-6000.

Dated: June 21, 2017.

Suzanne M. Barnett,
Chief Copyright Royalty Judge.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2016-0760; FRL-9963-69 Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Indiana; CFR Update

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a request submitted by the Indiana Department of Environmental Management on December 13, 2016, to revise the Indiana state implementation plan (SIP). The submission revises and updates the Indiana Administrative Code definition of "References to the Code of Federal Regulations," from the 2013 edition to the 2015 edition.

DATES: Comments must be received on or before July 26, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R05-OAR-2016-0760 at <https://www.regulations.gov> or via email to blakley.pamela@epa.gov. For comments submitted at [Regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](https://www.regulations.gov). For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on

¹ 82 FR 18601.

² The Judges received a joint comment from a group referring to itself as "The Allocation Phase Parties," which are Program Suppliers, Joint Sports Claimants, Commercial Television Claimants, Public Broadcasting Service, Settling Devotional Claimants, Canadian Claimants Group, and National Public Radio. The Judges also received a joint comment from a group referring to itself as Music Community Participants, which are SoundExchange, Inc., the Recording Industry Association of America, Inc., the American Association of Independent Music, the American Federation of Musicians of the United States and Canada, the Screen Actors Guild—American Federation of Television and Radio Artists, the Alliance of Artists and Recording Companies, Inc., and the National Music Publishers' Association. The Judges also received comments from Raul Galaz and from Worldwide Subsidy Group, LLC, dba Independent Producers Group. The Judges also received a comment from David Powell.

making effective comments, please visit <https://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Charles Hatten, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6031, hatten.charles@epa.gov.

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the Indiana's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule.

EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule, and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: June 1, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2017-13193 Filed 6-23-17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

[Docket No. 160413329-7546-02]

RIN 0648-XE571

Endangered and Threatened Wildlife and Plants; Proposed Endangered Listing Determination for the Taiwanese Humpback Dolphin Under the Endangered Species Act (ESA)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: We, NMFS, have completed a comprehensive status review under the Endangered Species Act (ESA) for the Taiwanese humpback dolphin (*Sousa chinensis taiwanensis*) in response to a petition from Animal Welfare Institute, Center for Biological Diversity, and WildEarth Guardians to list the species. Based on the best scientific and commercial information available, including the draft status review report (Whittaker and Young, 2017), and taking into consideration insufficient efforts being made to protect the species, we have determined that the Taiwanese humpback dolphin has a high risk of extinction throughout its range and warrants listing as an endangered species.

DATES: Comments on this proposed rule must be received by August 25, 2017. Public hearing requests must be requested by August 10, 2017.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2016-0041, by either of the following methods:

- **Electronic Submissions:** Submit all electronic comments via the Federal eRulemaking Portal. Go to www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2016-0041, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Chelsey Young, NMFS Office of Protected Resources (F/PR3), 1315 East West Highway, Silver Spring, MD 20910, USA. Attention: Taiwanese humpback dolphin proposed rule.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

You can find the petition, status review report, **Federal Register** notices, and the list of references electronically on our Web site at <http://www.fisheries.noaa.gov/pr/species/>

mammals/dolphins/indo-pacific-humpback-dolphin.html. You may also receive a copy by submitting a request to the Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, Attention: Taiwanese humpback dolphin proposed rule.

FOR FURTHER INFORMATION CONTACT:

Chelsey Young, NMFS, Office of Protected Resources, (301) 427-8403.

SUPPLEMENTARY INFORMATION:

Background

On March 9, 2016, we received a petition from the Animal Welfare Institute, Center for Biological Diversity and WildEarth Guardians to list the Taiwanese humpback dolphin (*S. chinensis taiwanensis*) as threatened or endangered under the ESA throughout its range. This population of humpback dolphin was previously considered for ESA listing as the Eastern Taiwan Strait distinct population segment (DPS) of the Indo-Pacific humpback dolphin (*Sousa chinensis*); however, we determined that the population was not eligible for listing as a DPS in our 12-month finding (79 FR 74954; December 16, 2014) because it did not meet all the necessary criteria under the DPS Policy (61 FR 4722; February 7, 1996). Specifically, we determined that while the Eastern Taiwan Strait population was "discrete," the population did not qualify as "significant." The second petition asserted that new scientific and taxonomic information demonstrates that the Taiwanese humpback dolphin is actually a subspecies, and stated that NMFS must reconsider the subspecies for ESA listing. On May 12, 2016, we published a positive 90-day finding for the Taiwanese humpback dolphin (81 FR 29515), announcing that the petition presented substantial scientific or commercial information indicating the petitioned action of listing the subspecies may be warranted, and explaining the basis for those findings. We also announced the initiation of a status review of the subspecies, as required by section 4(b)(3)(A) of the ESA, and requested information to inform the agency's decision on whether the species warranted listing as endangered or threatened under the ESA.

Listing Species Under the Endangered Species Act

We are responsible for determining whether species are threatened or endangered under the ESA (16 U.S.C. 1531 *et seq.*). To make this determination, we first consider whether a group of organisms