

**§ 514.12 When does a notice of late submission and/or a proposed late fee become a final order of the Commission and final agency action?**

If the recipient fails to appeal under subchapter H of this chapter, the notice and the proposed late fee shall become a final order of the Commission and final agency action.

**§ 514.13 How are late submission fees paid, and can interest be assessed?**

(a) Late fees assessed under this part shall be paid by the person or entity assessed and shall not be treated as an operating expense of the operation.

(b) The Commission shall transfer the late fee paid under this subchapter to the U.S. Treasury.

(c) Interest shall be assessed at rates established from time to time by the Secretary of the Treasury on amounts remaining unpaid after their due date.

**§ 514.14 What happens if the fees imposed exceed the statutory maximum or if the Commission does not expend the full amount of fees collected in a fiscal year?**

(a) The total amount of all fees imposed during any fiscal year shall not exceed the statutory maximum imposed by Congress. The Commission shall credit pro-rata any fees collected in excess of this amount against amounts otherwise due.

(b) To the extent that revenue derived from fees imposed under the schedule established under this paragraph are not expended or committed at the close of any fiscal year, such funds shall remain available until expended to defray the costs of operations of the Commission.

**§ 514.15 May tribes submit fingerprint cards to the NIGC for processing?**

Tribes may submit fingerprint cards to the Commission for processing by the Federal Bureau of Investigation and the Commission may charge a fee to process fingerprint cards on behalf of the tribes.

**§ 514.16 How does the Commission adopt the fingerprint processing fee?**

(a) The Commission shall review annually the costs involved in processing fingerprint cards and, by a vote of not less than two of its members, shall adopt the fingerprint processing fee no later than November 1st of each year.

(b) The Commission shall publish the fingerprint processing fee in a notice in the **Federal Register**.

(c) The fingerprint processing fee shall be based on fees charged by the Federal Bureau of Investigation and costs incurred by the Commission. Commission costs include Commission personnel, supplies, equipment costs, and postage to submit the results to the requesting tribe.

**§ 514.17 How are fingerprint processing fees collected by the Commission?**

(a) Fees for processing fingerprint cards will be billed monthly to each Tribe for cards processed during the prior month. Tribes shall pay the amount billed within forty-five (45) days of the date of the bill.

(b) The Chair may suspend fingerprint card processing for a tribe that has a bill remaining unpaid for more than forty-five (45) days.

(c) Remittances and other communications about fingerprint processing fees shall be sent to the Commission by the methods provided for in the rates of fees notice published in the **Federal Register**.

Dated: November 2, 2017.

**Jonodev O. Chaudhuri**,  
*Chairman.*

**Kathryn Isom-Clause**,  
*Vice Chair.*

**E. Sequoyah Simermeyer**,  
*Associate Commissioner.*

[FR Doc. 2017-24363 Filed 11-9-17; 8:45 am]

**BILLING CODE 7565-01-P**

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**LIBRARY OF CONGRESS**

**Copyright Office**

**37 CFR Parts 201 and 202**

[Docket No. 2017-15]

**Group Registration of Unpublished Works: Extension of Comment Period**

**AGENCY:** U.S. Copyright Office, Library of Congress.

**ACTION:** Notice of proposed rulemaking; extension of comment period.

**SUMMARY:** The U.S. Copyright Office is extending the deadlines for the submission of written comments in response to its October 12, 2017 notice of proposed rulemaking, regarding the creation of a new group registration option for unpublished works to replace the existing “unpublished collections” registration option. In this document, the Office also clarifies that the new group registration option is not intended for group registration of unpublished photographs; that is the subject of a separate proposed rulemaking, which would permit submission of up to 750 photographs on one application.

**DATES:** The comment period for the notice of proposed rulemaking published on October 12, 2017 (82 FR 47415), is extended. Comments must be made in writing and must be received in the U.S. Copyright Office no later than November 17, 2017.

**ADDRESSES:** For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov*. Specific instructions for submitting comments are available on the Copyright Office Web site at <https://www.copyright.gov/rulemaking/groupunpublished/>. If electronic submission of comments is not feasible due to lack of access to a computer and/or the Internet, please contact the Office for special instructions using the contact information below.

**FOR FURTHER INFORMATION CONTACT:**

Robert J. Kasunic, Associate Register of Copyrights and Director of Registration Policy and Practice; Erik Bertin, Deputy Director of Registration Policy and Practice; or Regan A. Smith, Deputy General Counsel, by telephone at 202-707-8040 or by email at [rkas@loc.gov](mailto:rkas@loc.gov), [ebertin@loc.gov](mailto:ebertin@loc.gov), and [resm@loc.gov](mailto:resm@loc.gov).

**SUPPLEMENTARY INFORMATION:** As detailed in an October 12, 2017 notice of proposed rulemaking (“NPRM”),<sup>1</sup> the U.S. Copyright Office is proposing to create a new group registration option for a limited number of unpublished works (“GRUW”). Under that proposal, applicants will be allowed to include up to five works in each submission. This new group registration option will replace the current “unpublished collections” option.

After publication of the NPRM, there was some understandable confusion about the scope of the NPRM among the photographer community, who feared that the GRUW option would limit them to submitting five unpublished photographs per application. To clarify, the Office does not intend to impose such a limit on photographers. On December 1, 2016, the Office issued a separate notice of proposed rulemaking amending the existing option for group registration of photographs that would create an electronic application for group registration for published photographs, and also create an analogous application for group registration for unpublished photographs.<sup>2</sup> Under that separate proposed rule, photographers would be permitted to include up to 750 photographs on each such application, rather than the five works proposed under the new GRUW option. See generally 81 FR at 86649. The Office is working on the group registration of photographs final rule in conjunction

<sup>1</sup> 82 FR 47415 (Oct. 12, 2017).

<sup>2</sup> 81 FR 86643 (Dec. 1, 2016).

with the public comments received in that rulemaking. The Office fully intends to finalize that rule before finalizing the GRUW final rule.

Dated: November 7, 2017.

**Sarang V. Damle,**  
General Counsel and Associate Register of Copyrights.

[FR Doc. 2017-24511 Filed 11-9-17; 8:45 am]

BILLING CODE 1410-30-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2016-0309; FRL-9968-49-Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonably Available Control Technology for Cement Kilns, Revisions to Portland Cement Manufacturing Plant and Natural Gas Compression Station Regulations, and Removal of Nitrogen Oxides Reduction and Trading Program Replaced by Other Programs and Regulations

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the State of Maryland. This revision pertains to reasonably available control technology (RACT) for cement kilns, revisions to and recodification of certain provisions for Portland cement manufacturing plants (cement plants) and internal combustion (IC) engines at natural gas compression stations, and removal of the obsolete Nitrogen Oxides (NO<sub>x</sub>) Reduction and Trading Program that has been replaced by other trading programs or addressed in other regulations. This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before December 13, 2017.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R03-OAR-2016-0309 at <http://www.regulations.gov>, or via email to [stahl.cynthia@epa.gov](mailto:stahl.cynthia@epa.gov). For comments submitted at [Regulations.gov](http://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://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 making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Powers, (215) 814-2308, or by email at [powers.marilyn@epa.gov](mailto:powers.marilyn@epa.gov).

**SUPPLEMENTARY INFORMATION:** On November 24, 2015, the State of Maryland, through the Maryland Department of the Environment (MDE), submitted a SIP revision for approval into the Maryland SIP. The submission is comprised of three State actions pertaining to amendments to COMAR 26.11.01.10, COMAR 26.11.09.08, COMAR 26.11.29, and COMAR 26.11.30. The amendments address the requirement for NO<sub>x</sub> RACT for cement kilns for the 2008 ozone national ambient air quality standard (NAAQS), the removal of COMAR provisions related to the obsolete NO<sub>x</sub> Budget Trading Program under the NO<sub>x</sub> SIP Call<sup>1</sup> (that has been replaced by other trading programs), the consolidation of all existing and new requirements for cement kilns into one COMAR regulation, the consolidation of all existing and new requirements for IC engines into one COMAR regulation, the addition of new particulate matter (PM) monitoring requirements, and the addition of an alternate monitoring option for visible emissions at cement kilns. On February 17, 2017, MDE provided a letter to EPA clarifying the NO<sub>x</sub> RACT limits and withdrawing from EPA's consideration a provision of its regulation for natural gas compression stations.

<sup>1</sup> See Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone, 63 FR 57371 (October 27, 1998).

## I. Background

### A. NO<sub>x</sub> RACT for Cement Kilns

On March 12, 2008, EPA strengthened the NAAQS for ground level ozone, setting both the primary and secondary standards to a level of 0.075 parts per million (ppm), or 75 parts per billion (ppb), averaged over an 8-hour period (hereafter referred to as the 2008 ozone NAAQS). On May 21, 2012 (77 FR 30088), EPA designated 45 areas as nonattainment under the 2008 ozone NAAQS, including three areas or portions of areas in Maryland. Under section 182 of the CAA, states must review and revise the RACT requirements in their SIP to ensure that these requirements would still be considered RACT under the new, more stringent NAAQS. Major stationary sources of ozone precursor emissions located in ozone nonattainment areas classified as moderate and above (and sources located in the Ozone Transport Region (OTR), of which the entire state of Maryland is a part) are subject to RACT requirements. See sections 182(b)(2) and 184(b)(2) of the CAA. Section 182(f) of the CAA specifically requires RACT for major stationary sources of NO<sub>x</sub>.<sup>2</sup> The cement kilns in Maryland are major stationary sources of NO<sub>x</sub> and are therefore required to be evaluated for NO<sub>x</sub> RACT under the 2008 ozone NAAQS.

### B. Repeal of NO<sub>x</sub> Budget Trading Program Requirements Under the NO<sub>x</sub> SIP Call

In October 1998, EPA finalized the "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone"—commonly called the NO<sub>x</sub> SIP Call. The NO<sub>x</sub> SIP Call was designed to mitigate significant transport of NO<sub>x</sub>, one of the precursors of ozone. The NO<sub>x</sub> Budget Trading Program was established under the NO<sub>x</sub> SIP Call to allow electric generating units (EGUs) greater than 25 megawatts and industrial non-electric generating units (or non-EGUs) with a rated heat input greater than 250 million British thermal units per hour (MMBtu/hr) (referred to as large non-EGUs) to participate in a regional NO<sub>x</sub> cap and trade program.<sup>3</sup> The NO<sub>x</sub> SIP call also

<sup>2</sup> A major stationary source of NO<sub>x</sub> in a marginal or moderate ozone nonattainment area, or in an ozone transport region, is a source that emits or has the potential to emit 100 tons of NO<sub>x</sub>.

<sup>3</sup> In the cap and trade program established under the NO<sub>x</sub> SIP Call, a regional ozone season NO<sub>x</sub> cap, or budget, was established, which was allocated as NO<sub>x</sub> allowances to subject sources in the affected