

further review under paragraph L60(a) in Table 3–1 of U.S. Coast Guard Environmental Planning Implementing Procedures 5090.1. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

#### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, visit <http://www.regulations.gov/privacyNotice>.

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping

requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0419 to read as follows:

#### § 165.T09–0419 Safety Zone; USA Triathlon Age Group National Championships; Lake Erie, Cleveland, OH.

(a) Location. The safety zone will encompass all waters of Lake Erie, off of Edgewater Park, Cleveland OH, inside an area starting on shore at position 41°29'16" N, 081°44'49" W extending NW in a straight line position to 41°29'34" N, 081°45'02" W then NE in a straight line to position 41°29'43" N, 081°44'31" W, and SE back to shore at position 41°29'28" N, 081°44'22" W (NAD 83).

(b) Enforcement Period. This rule will be enforced from 9:45 a.m. through 1:45 p.m. on August 09, 2019, from 4:45 a.m. through 5:45 p.m. on August 10, 2019, and from 4:45 a.m. through 12:15 p.m. on August 11, 2019.

(c) Regulations.

(1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or a designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or a designated on-scene representative.

(3) The “on-scene representative” of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his or her behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or an on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or an on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain

of the Port Buffalo, or an on-scene representative.

Dated: June 17, 2019.

**Joseph S. Dufresne,**  
Captain, U.S. Coast Guard, Captain of the Port Buffalo.

[FR Doc. 2019–13181 Filed 6–20–19; 8:45 am]

BILLING CODE 9110–04–P

#### LIBRARY OF CONGRESS

#### Copyright Office

#### 37 CFR Part 201

[Docket No. 2018–4]

#### Copyright Office Fees

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

**ACTION:** Supplemental notice of proposed rulemaking.

**SUMMARY:** As part of its ongoing fee study, the Copyright Office proposes limited revisions to its previously proposed fee schedule relating to document recordation and new prospective group registration options. The proposed modifications would adjust the fee structure for document recordation from a fee formula based on the number of titles to a formula based on the number of works and alternate titles and registration numbers to which a document pertains, and make certain other clarifications. The Office is also noticing its intention to issue fees for its previously-proposed group registration options for short online literary works and for works contained on an album of music. The Office is providing an opportunity to the public to comment on these specific proposed changes before the Office's fee schedule is submitted to Congress.

**DATES:** Written comments must be received no later than 11:59 p.m. Eastern Time on July 22, 2019.

**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's website at <https://www.copyright.gov/rulemaking/feestudy2018/>. If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office using the contact information below for special instructions.

**FOR FURTHER INFORMATION CONTACT:**

Regan A. Smith, General Counsel and Associate Register of Copyrights, by email at [regans@copyright.gov](mailto:regans@copyright.gov), or Jalyce Mangum, Attorney-Advisor, by email at [jmang@copyright.gov](mailto:jmang@copyright.gov), or by telephone at 202-707-8350.

**SUPPLEMENTARY INFORMATION:****I. Fees Pertaining to Document Recordation**

On May 24, 2018, the Copyright Office issued a notice of proposed rulemaking proposing a new fee schedule for Copyright Office services (the “2018 NPRM”).<sup>1</sup> Included in the proposal were revised fees for recording documents with the Office, including transfers of copyright ownership and notices of termination.<sup>2</sup> As mentioned in that notice, the Copyright Office is developing a new electronic system through which the public will be able to submit documents for recordation online.<sup>3</sup> The Office is also in the process of generally modernizing its recordation rules and practices.<sup>4</sup> In evaluating the Office’s current recordation practices, the Office has now tentatively concluded that it should adjust the structure of its fees as detailed in the 2018 NPRM. Specifically, the Office proposes to switch from a fee formula based on the number of titles to a fee formula based on the number of *works*, which are identified by one title and/or registration number, and the number of *alternate identifiers* (alternate titles and registration numbers) to which a document pertains.

The fee proposed in the 2018 NPRM, like the current recordation filing fee, is comprised of (1) a base fee that includes one title, and (2) a “titles fee” for any additional titles beyond the first (sometimes called “alternate titles”).<sup>5</sup> Under this structure, the Office calculates the appropriate filing fee by counting the total number of title names for works to which the document pertains. For example, a single work for which four different names are provided would have a title count of four for fee

purposes (e.g., “Harold & Kumar 2,” also known as “Harold and Kumar 2,” also known as “Untitled Harold and Kumar sequel,” also known as “Harold & Kumar go to Amsterdam”<sup>6</sup>). If Copyright Office registration numbers are also provided for works identified in a document (whether through an electronic title list or otherwise), the titles fee is the same, even though it costs the Office more to process the document because of the extra work involved for staff to manually index those numbers when no electronic title list is provided.<sup>7</sup> Thus, the current titles fee does not recognize the added benefit remitters receive by providing registration numbers in addition to title names.<sup>8</sup> Similarly, no title-related fee is collected where a document only identifies the works to which it pertains by using registration numbers, even though the remitter of a document indexed by registration numbers may benefit from the same constructive notice as a remitter recording a document that identifies works by their titles.

The Office now proposes to retain the group and tier structures previously proposed, but to base them on the number of *works*, which are identified by one title and/or registration number, and *alternate identifiers* (alternate titles and registration numbers) related to a document, rather than the number of titles. Under this structure, the first title and/or first registration number provided for a particular work constitutes a *work*. In other words, if a remitter describes a work using (i) only a single title name, (ii) only a single registration number, or (iii) both one title name *and* one registration number, then each description would count as one “work” for fee purposes.<sup>9</sup> In particular, this change is intended to encourage remitters to include a registration number that matches to a title, by clarifying that it will be indexed and at no additional cost. Where a work is identified by multiple title names or multiple registration numbers, every

additional title name and additional registration number provided beyond the first would count as an *alternate identifier*. Thus, if a remitter describes a work using one title name, one registration number, and three additional title names, then the fee would be equal to the base fee plus the fee for three alternate identifiers.<sup>10</sup>

By adjusting the fee structure, the Office hopes to encourage the recordation of alternative titles that a remitter submits for the record, and, if applicable, any additional registration numbers that may pertain to the same work. As a rule, the Office issues only one basic registration for a work. However, there are exceptions that permit multiple registrations numbers for one work. For example, if a work was previously registered as an unpublished work, the Office will issue an additional registration for the first published edition of that work, even if the published version “is substantially the same as the unpublished version.”<sup>11</sup> Additionally, where someone other than the author is identified as copyright claimant in a registration, the Office will issue an additional registration for the same work to the author or joint author who seeks to name him or herself as the claimant.<sup>12</sup> A remitter may also have multiple registration numbers that pertain to renewal and supplementary registrations.

This change is expected to better equalize the fee structure for document recordation without significantly altering the fees that most remitters pay. In practice, the number of remitters that submit documents for recordation with multiple registration numbers for each work or documents that only contain registration numbers without any titles is relatively small, meaning that this proposed fee change should not impact most filers.<sup>13</sup> Finally, the differences between this proposed fee schedule and

<sup>1</sup> Copyright Office Fees, 83 FR 24054 (May 24, 2018). 163 comments were filed in response to the 2018 NPRM, and the Office’s careful consideration of those comments will be reflected in its forthcoming study submitted to Congress pursuant to 17 U.S.C. 701(b), as well as any eventual adjustment instituted to the fee schedule. The focus of this supplemental NPRM, however, is on additional, targeted changes to the fee schedule, and the Office is not currently seeking additional comment on those proposed changes previously noticed in 2018.

<sup>2</sup> *Id.* at 24061.

<sup>3</sup> *Id.*

<sup>4</sup> See Modernizing Copyright Recordation, 82 FR 52213 (Nov. 13, 2017); Modernizing Copyright Recordation, 82 FR 22771 (May 18, 2017).

<sup>5</sup> 83 FR at 24061; 37 CFR 201.3(c)(18).

<sup>6</sup> See Document Number V3548D204 (2007).

<sup>7</sup> An electronic title list is a list of certain indexing information about the works to which a document pertains, such as their titles, types, registration numbers, and authorship information.

<sup>8</sup> Cf. Fees for Electronic Recordation and Notices of Intention To Obtain a Compulsory License, 82 FR 52221, 52222–23 (Nov. 13, 2017) (“Under this scheme, larger filers submitting documents with a larger number of titles pay a higher fee for the added benefit they receive (when the fee is viewed on a per-title basis) to offset the lower total fee for smaller filers with fewer titles.”).

<sup>9</sup> For example, a recorded work would be calculated as a single fee regardless of whether it was identified as “Harold and Kumar 2,” “PAU003086781,” or “Harold and Kumar 2; PAU003086781.”

<sup>10</sup> For example, if a document that pertains to one work (“Harold & Kumar 2”), and contains one primary title (“Harold & Kumar 2”), one corresponding registration number (“PAU003086781”), and three alternate titles (“Harold and Kumar 2,” “Untitled Harold and Kumar sequel,” and “Harold & Kumar go to Amsterdam”), the fee would be equal to the base fee plus the fee for three alternate identifiers.

<sup>11</sup> 17 U.S.C. 408(e) (“Registration for the first published edition of a work previously registered in unpublished form may be made even though the work as published is substantially the same as the unpublished version.”); 37 CFR 202.3(b)(11)(i).

<sup>12</sup> 37 CFR 202.3(b)(11)(ii) & n.2. This policy aligns “with the fundamental thrust of the [Copyright Act of 1976] in identifying copyright, and the origin of all rights comprised in a copyright, with the author.” Applications for Registration of Claim to Copyright Under Revised Copyright Act, 42 FR 48944, 48946 (Sept. 26, 1977).

<sup>13</sup> The current fee structure already charges remitters for providing additional titles for a work.

the proposal set forth in the 2018 NPRM relate to the description of the base fee and of “additional works and alternative identifiers”; the actual proposed monetary amounts remain the same.

The following examples illustrate the fee calculation under the proposed structure:

- If a document pertains to 20 works, and contains one title for each work, the fee would be equal to the base fee plus the fee for 19 additional works.

- If a document pertains to 20 works, and contains one registration number for each work, the fee would be equal to the base fee plus the fee for 19 additional works.

- If a document pertains to 20 works, and contains one title *and* one registration number for each work, the fee would still be equal to the base fee plus the fee for 19 additional works.

- If a document pertains to 20 works, and contains 20 primary titles, 20 corresponding registration numbers, and 10 alternate titles, the fee would be equal to the base fee plus the fee for 19 additional works and 10 alternate identifiers.<sup>14</sup>

- If a document pertains to 20 works, and contains 20 primary titles, 20 corresponding registration numbers, 10 alternate titles, and 10 additional registration numbers, the fee would be equal to the base fee plus the fee for 19

additional works and 20 alternate identifiers.<sup>15</sup>

The Office recognizes the general benefit to the public in having a more robust records catalog that includes more registration numbers for recorded documents, and does not wish for any new fees to overburden remitters and deter them from providing registration numbers. At the same time, the Office seeks to better recoup its costs and believes that those costs should be more equitably allocated among remitters based on the size of their filing. The Office is thus considering making changes to the fee schedule for recordation and related services to appear at 37 CFR 201.3(c):

Recordation and related services	Current fees (\$)	Proposed fees (\$)
(1) Recordation of a document, including a notice of termination and a notice of intention to enforce a restored copyright: .....	.....	.....
(i) Base fee (includes 1 work identified by 1 title and/or registration number): .....	.....	.....
Paper .....	105	125
Electronic .....	New fee	95
(ii) Additional transfer (per transfer) (for documents recorded under 17 U.S.C. 205) .....	105	95
(iii) Additional works and alternate identifiers: .....	.....	.....
Paper (per group of 10 or fewer additional works and alternate identifiers) .....	35	60
Electronic:		
1 to 50 additional works and alternate identifiers .....	60	60
51 to 500 additional works and alternate identifiers .....	225	225
501 to 1,000 additional works and alternate identifiers .....	390	390
1,001 to 10,000 additional works and alternate identifiers .....	555	555
10,001 or more additional works and alternate identifiers .....	5,500	5,500
(iv) Correction of online Public Catalog data due to erroneous electronic title submission (per work or alternate identifier) .....	7	7
(2) To calculate the fee specified by paragraph (1), for each work identified in a document: (a) The first title and/or first registration number provided for that particular work constitutes a <i>work</i> ; and (b) each additional title and registration number provided for that particular work beyond the first constitutes an <i>alternate identifier</i> . .....	.....	.....
(3) Special handling surcharge for recordation of documents .....	550	700

Additionally, the Office further proposes to extend to notices of termination the previously proposed reduced fees for electronic submission. It was a technical oversight not to include that proposal in the 2018 NPRM. Although electronic title lists may not currently be submitted with notices of termination, remitters will eventually be able to submit notices through the Office’s electronic recordation system, and authors seeking to record their notices of termination should get the same discount for electronic filing offered to remitters of other types of recordable documents.<sup>16</sup>

## II. Fees Pertaining to New Group Registration Options

The Office proposes fees for new group registration options that have recently been or will soon be established through rulemakings. The Office has recently proposed new group registration options for short online literary works<sup>17</sup> and for musical works, sound recordings, and certain other works contained on an album of music.<sup>18</sup> Under the proposed rules, applicants will be required to submit their claims through the electronic registration system, and they will be required to use the Standard

Application. For these options, the Office proposes a filing fee equal to the fee that currently applies to any claim submitted on the Standard Application. In the 2018 NPRM, the Office proposed to increase this fee from \$55 to \$75.<sup>19</sup> If that proposal is adopted, the new fee will apply to any claim submitted on the Standard Application, including claims submitted under these new group registration options. Although these proposed group registration options will follow the Standard Application procedures, to avoid confusion, the Office proposes enumerating these new group options

<sup>14</sup> For example, if a document that pertains to three works (“Harold and Kumar,” “Harold and Kumar 2,” and “Harold and Kumar 3”), and contains three primary titles, three corresponding registration numbers, and nine alternate titles, the fee would be equal to the base fee plus the fee for two works and nine alternate identifiers.

<sup>15</sup> For example, if a document that pertains to three works (“Harold and Kumar,” “Harold and Kumar 2,” and “Harold and Kumar 3”), and

contains three primary titles, three corresponding registration numbers, nine alternate titles, and three alternate registration numbers for the unpublished versions of the works (a rare occurrence for motion pictures, but used to illustrate the structure), the fee would be equal to the base fee plus the fee for two works and 12 alternate identifiers.

<sup>16</sup> The Office did not include in the 2018 NPRM the existing fee for correcting data in the public catalog that is incorrect due to erroneous

information contained in an electronic title list. That was also a technical oversight, and that fee has now been added to the proposed fee schedule without change.

<sup>17</sup> Group Registration of Short Online Literary Works, 83 FR 65612 (Dec. 21, 2018).

<sup>18</sup> 84 FR 22762 (May 20, 2019).

<sup>19</sup> 83 FR 24054, 24057 (May 24, 2018).

separately on its fee schedule and is now noticing them for public comment. Currently, the Office does not have the ability to charge differential prices when claims in multiple works are submitted on the Standard Application. However, the Office will consider different pricing

models for such claims as it begins to develop the technical and legal requirements for its next-generation registration system.<sup>20</sup>

As such, the Office is considering a new fee for new group registration options for short online literary works

and for musical works, sound recordings, and certain other works contained on an album to appear at 37 CFR 201.3(c):

Group registrations	Current fees (\$)	Proposed fees (\$)
*	*	*
(10) Group registration of short online literary works .....	New Fee .....	75
(11) Group registration of musical works, sound recordings, and certain other works contained on an album.	New Fee .....	75

The Office welcomes comment on these proposed changes.

Dated: June 14, 2019.

**Regan A. Smith,**  
General Counsel and Associate Register of Copyrights.

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BILLING CODE 1410-30-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 62**

[EPA-R06-OAR-2019-0306; FRL-9995-26-Region 6]

**Approval and Promulgation of State Plans for Designated Facilities and Pollutants; New Mexico and Albuquerque-Bernalillo County; Municipal Solid Waste Landfills**

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

**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing to approve revisions to the section 111(d) Plan submitted by the New Mexico Environment Department (NMED) on May 25, 2017, to regulate landfill gas and its components, including methane, from existing municipal solid waste (MSW) landfills. The Plan is submitted to implement and enforce the Emissions Guidelines (EG) for existing landfills in New Mexico, except Albuquerque-Bernalillo County. We are also proposing to approve revisions to the section 111(d) Plan submitted by the New Mexico Environment Department (NMED) on behalf of the Albuquerque-Bernalillo County Air Quality Control Board on May 24, 2017, to implement and enforce

the EG for existing MSW landfills in Albuquerque and Bernalillo County. The EG requires States to develop plans to reduce air emissions from all affected MSW landfills within their jurisdiction.

**DATES:** Written comments must be received on or before July 22, 2019.

**ADDRESSES:** Submit your comments, identified by Docket No. EPA-R06-OAR-2019-0306 at <https://www.regulations.gov> or via email to [Shar.alan@epa.gov](mailto:Shar.alan@epa.gov). Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The 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. The 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 Alan Shar 214-665-6691, [Shar.alan@epa.gov](mailto:Shar.alan@epa.gov). For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**Docket:** The index to the docket for this action is available electronically at [www.regulations.gov](https://www.regulations.gov) and in hard copy at EPA Region 6, 1201 Elm Street, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available

only at the hard copy location (*e.g.*, copyrighted material), and some may not be publicly available at either location (*e.g.*, CBI).

**FOR FURTHER INFORMATION CONTACT:** Mr. Alan Shar, EPA Region 6 Office, State Planning Implementation Branch, 1201 Elm Street, Dallas, TX 75270, 214-665-6691, [Shar.alan@epa.gov](mailto:Shar.alan@epa.gov). To inspect the hard copy materials, please schedule an appointment with Alan Shar.

**SUPPLEMENTARY INFORMATION:** Throughout this document “we,” “us,” and “our” means the EPA.

**Table of Contents**

- I. Background
- II. Evaluation
  - A. State of New Mexico Plan
  - B. Albuquerque-Bernalillo County Plan
- III. Proposed Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

**I. Background**

On August 29, 2016, the EPA finalized new source performance standards (NSPS) for MSW landfills and Emission Guidelines and Compliance Times for existing MSW landfills in 40 CFR part 60, subparts XXX and Cf, respectively. See 81 FR 59332 and 81 FR 59313. These actions were taken under section 111 of the Act.

With respect to existing sources, including existing MSW landfills, section 111(d) of the Act requires the EPA to establish a procedure under which each state shall submit a plan to the EPA which establishes standards of performance for any air pollutant: (1) For which air quality criteria have not been issued or which is not included on a list published under CAA section 108 or emitted from a source category which is regulated under CAA section 112, but; (2) to which a NSPS would apply if such existing source were a new source. The EPA established requirements for

<sup>20</sup> See Registration Modernization, 83 FR 52336, 52339 (Oct. 17, 2018).