

888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023-01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a

significant effect on the human environment. This rule involves establishment of a safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

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.

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 amends 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: Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 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.T09-0832 to read as follows:

§ 165.T09-0832 Safety Zone; Head of the Buffalo Regatta; Buffalo River, Buffalo, NY.

(a) *Location.* The safety zone will encompass all waters of the Buffalo River, Buffalo, NY, beginning at position 42°52'19.4" N, 78°52'25.3" W to 42°51'36.7" N, 78°50'56.0" W.

(b) *Enforcement period.* This rule is effective from 8 a.m. until 6 p.m. on October 20, 2018.

(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 his 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 his 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 behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his 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 his on-scene representative.

Dated: October 9, 2018.

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

[FR Doc. 2018-22337 Filed 10-12-18; 8:45 am]

BILLING CODE 9110-04-P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 2018-6]

Streamlining the Administration of DART Royalty Accounts and Electronic Royalty Payment Processes

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

ACTION: Final rule.

SUMMARY: The U.S. Copyright Office is establishing a rule to codify its procedures for closing royalty payments accounts under section 1005 of the Copyright Act, and is amending its regulations governing online payment procedures for statutory licensing statements of account to no longer require that payments for these accounts be made in a single lump sum. These changes are intended to improve the efficiency of the Copyright Office's Licensing Division operations.

DATES: Effective November 14, 2018.

FOR FURTHER INFORMATION CONTACT: Regan A. Smith, General Counsel and Associate Register of Copyrights, by email at regans@copyright.gov, or Jalyce Mangum, Attorney-Advisor, by email at jmangum@copyright.gov. Each can be contacted by telephone by calling (202) 707-8350.

SUPPLEMENTARY INFORMATION:

I. Background

On July 11, 2018 (83 FR 32068), the Office published a Notice of Proposed Rulemaking ("NPRM") to streamline the administration of digital audio

recording technology (DART) royalty accounts and the statement of account royalty payment processes. Specifically, the Copyright Office proposed to codify the manner in which it would exercise its statutory authority to close out DART royalty payment accounts under 17 U.S.C. 1005, and to implement what it considered to be a technical change regarding requirements for payment of royalty fees by electronic funds transfer (EFT) for each of the cable, satellite, and DART royalty licenses. In response to the publication of the proposed rule, the Office did not receive any substantive comments. Consequently, the Office is adopting the previously proposed text as a final rule.

II. Discussion

Close-out of DART fund accounts. In the NPRM, the Office proposed to codify a new procedure for closing out DART royalty payments accounts under section 1005 of the Copyright Act and to update its regulations governing online payment procedures for cable, satellite, and DART statements of account to no longer require royalty fees to be made by a single, lump sum payment.

As noted in the NPRM, the Audio Home Recording Act of 1992 (AHRA)¹ amended title 17 to require parties who manufacture and distribute or import and distribute any digital audio recording devices or media in the United States to file DART statements of account and to make royalty payments.² Congress delegated to the Copyright Office and the Copyright Royalty Tribunal (“CRT”)—a predecessor to the system administered by the Copyright Royalty Judges (“CRJs”)—authority to administer the royalty system under chapter 10.³ Under section 1003, the importer or manufacturer of a digital audio recording device or media files quarterly and annual statements of account with respect to distribution(s), accompanied by royalty payments.⁴ After deducting the reasonable costs incurred for administering this license, the Register then deposits the remaining balance with the Treasury of the United States, which is divided between a sound recording fund and a musical works fund, and then subdivided into various subfunds.⁵ Under the Copyright Act, the Licensing Division of the Copyright Office administers these

funds and distributes them to copyright owners pursuant to the CRJs’ distribution orders.⁶

After the Licensing Division has distributed the royalty funds pursuant to the CRJs order, however, small royalty balances can still be attributed to these subfunds unless the Copyright Office has formally closed them out.⁷ Maintaining these small amounts in separate funds creates administrative expenses for the Licensing Division, and the transaction costs associated with distributing such small amounts of money can exceed the amount of money remaining in these accounts. Section 1005 gives the Register discretion to close out the royalty payments account for a calendar year four years after the close of that year, and attribute “any funds remaining in [the] account and any subsequent deposits that would otherwise be attributable to that calendar year as attributable to the succeeding calendar year.”⁸ In practice, the Register has not previously established a procedure to exercise this discretion. The Office now adopts a rule codifying conditions by which she may close out royalty payments accounts. Specifically, the Office is adding a new section 201.31 instructing that, four years after the close of any calendar year, the Register of Copyrights may exercise her discretion to close out the royalty payments account for that calendar year, including any sub-accounts, that are subject to a final distribution order under which royalty payments have been disbursed. In accordance with section 1005, the Register will treat any funds remaining in such account or subsequent deposits as attributable to the closest succeeding calendar year.

Payment by Electronic Funds Transfer. Separately, the Licensing Division administers various statutory licensing schemes, including those requiring the submission of statements of account (“SOAs”) by cable systems, satellite carriers, and manufacturers or importers of digital audio recording devices and media.⁹ Pursuant to its

statutory authority, the Copyright Office has promulgated regulations relating to each of these statutory licenses requiring that “[a]ll royalty fees shall be paid by a single electronic funds transfer.”¹⁰ In practice, however, the Office has found that the requirement that remitters make royalty payments for multiple statements of account in a single, lump sum payment is unnecessarily restrictive and has hampered ongoing modernization efforts. In connection with the most recent satellite SOA form, the Copyright Office has announced that it “intends to transition to a single EFT payment method (Pay.gov) for making royalty payments.”¹¹

The new rule removes the requirement that filers submit multiple SOAs in a *single* EFT payment for the relevant statutory licenses. The current regulatory requirement that funds be submitted through EFT will remain in place.

List of Subjects in 37 CFR Part 201

Copyright, General provisions.

Final Regulations

For the reasons set forth in the preamble, the Copyright Office amends 37 CFR part 201 as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 201.11 [Amended]

■ 2. Amend § 201.11 by removing “a single” from paragraph (f)(1) introductory text.

§ 201.17 [Amended]

■ 3. Amend § 201.17 by removing “a single” from paragraph (k)(1) introductory text.

§ 201.28 [Amended]

■ 4. Amend § 201.28 by removing “a single” from paragraph (h)(1) introductory text.

■ 5. Add § 201.31 to read as follows:

§ 201.31 Procedures for closing out royalty payments accounts in accordance with the Audio Home Recording Act.

(a) *General.* This section prescribes rules pertaining to the close out of royalty payments accounts in accordance with 17 U.S.C. 1005.

¹⁰ 37 CFR 201.11(f)(1), 201.17(k)(1), 201.28(h)(1). See Electronic Payment of Royalties, 71 FR 45739 (Aug. 10, 2006).

¹¹ U.S. Copyright Office, Satellite Statement of Account Form (Jan. 1, 2018), <https://www.copyright.gov/forms/formSC.pdf>.

¹ See Public Law 102–563, 106 Stat. 4237 (1992).

² See 17 U.S.C. 1003.

³ See *id.*; see also S. Rep. No. 102–294, at 39 (“Administration of the royalty system is the dual responsibility of the Copyright Office and the CRT”).

⁴ 17 U.S.C. 1003(b), (c)(1), (c)(3).

⁵ *Id.* at 1005, 1006(b).

⁶ *Id.* at 1007; see, e.g., Order Granting Claimants’ Request for Partial Distribution of 2005 Through 2008 DART Music Funds Royalties, Docket No. 2010–8 CRB DD 2005–2008 (MW), available at <https://www.crb.gov/orders/2011/04411-order-granting-claimants-partial-distribution.pdf> (last visited May 16, 2018).

⁷ These attributions can occur as a result of subsequent deposits made by payees, or, more often, in the course of routine review and adjustments made in the years following each appropriation, for example, when anticipated contract expenditures or other overhead expenses come in slightly under budget.

⁸ 17 U.S.C. 1005.

⁹ See 17 U.S.C. 111(d)(1), 119(b)(1), 122(a)(5), 1003(c).

(b) In the Register's discretion, four years after the close of any calendar year, the Register of Copyrights may close out the royalty payments account for that calendar year, including any sub-accounts, that are subject to a final distribution order under which royalty payments have been disbursed. Following closure of an account, the Register will treat any funds remaining in that account, or subsequent deposits that would otherwise be attributable to that calendar year, as attributable to the succeeding calendar year.

Dated: September 10, 2018.

Karyn Temple,

Acting Register of Copyrights and Director of the U.S. Copyright Office.

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2018-22372 Filed 10-12-18; 8:45 am]

BILLING CODE 1410-30-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA-HQ-OAR-2012-0133; FRL-9985-37-OAR]

RIN 2060-AS79

National Emission Standards for Hazardous Air Pollutants: Manufacture of Amino/Phenolic Resins Risk and Technology Review Reconsideration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notification of final action on reconsideration.

SUMMARY: This action finalizes amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Manufacture of Amino/Phenolic Resins (APR). These final amendments are in response to petitions for reconsideration regarding the APR NESHAP rule revisions that were promulgated on October 8, 2014. In this action, we are revising the maximum achievable control technology (MACT) standard for continuous process vents (CPVs) at existing affected sources. In addition, we are extending the compliance date for CPVs at existing sources. We also are revising the requirements for storage vessels at new and existing sources during periods when an emission control system used to control vents on fixed roof storage vessels is undergoing planned routine maintenance. To improve the clarity of the APR NESHAP, we are also finalizing five

minor technical rule corrections. In this action, we have not reopened any other aspects of the October 2014 final amendments to the NESHAP for the Manufacture of APR, including other issues raised in petitions for reconsideration of the October 2014 rule.

DATES: This final rule is effective on October 15, 2018. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of October 15, 2018.

ADDRESSES: The Environmental Protection Agency (EPA) has established a docket for this action under Docket ID No. EPA-HQ-OAR-2012-0133. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed, some information is not publicly available, e.g., confidential business information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <https://www.regulations.gov> or in hard copy at the EPA Docket Center (EPA/DC), EPA WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the EPA Docket Center is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: For questions about this final action, please contact Mr. Art Diem, Sector Policies and Programs Division (Mail Code E143-01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-1185; email address: diem.art@epa.gov. For information about the applicability of the NESHAP to a particular entity, contact Ms. Maria Malave, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, EPA WJC South Building, Mail Code 2227A, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564-7027; fax number: (202) 564-0050; and email address: malave.maria@epa.gov.

SUPPLEMENTARY INFORMATION:

Acronyms and Abbreviations. A number of acronyms and abbreviations are used in this preamble. While this may not be an exhaustive list, to ease

the reading of this preamble and for reference purposes, the following terms and acronyms are defined:

APR amino/phenolic resin
CAA Clean Air Act
CFR Code of Federal Regulations
CPV continuous process vent
CRA Congressional Review Act
EPA U.S. Environmental Protection Agency
FR Federal Register
HAP hazardous air pollutants
HON Hazardous Organic NESHAP
ICR information collection request
MACT maximum achievable control technology
MIR maximum individual risk
MON Miscellaneous Organic NESHAP
NAICS North American Industry Classification System
NESHAP national emission standards for hazardous air pollutants
NTTAA National Technology Transfer and Advancement Act
OMB Office of Management and Budget
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
RTO regenerative thermal oxidizer
TRE total resource effectiveness
UMRA Unfunded Mandates Reform Act
UPL upper predictive limit
VCS voluntary consensus standards

Organization of this Document. The information in this preamble is organized as follows:

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 - F. Executive Order 13132: Federalism
 - G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments