

Department of Homeland Security will withhold or revoke the clearance required by 46 U.S.C. 60105 of any vessel subject to this subpart that does not have a COFR or for which the evidence of financial responsibility required has not been established and maintained.

(d) *Denying vessel entry, and detention.* The U.S. Coast Guard may deny entry to any port or other place in the United States or the navigable waters, and may detain at any port or other place in the United States in which it is located, any vessel subject to this subpart, which does not have a COFR or for which the evidence of financial responsibility required by this subpart has not been established and maintained.

(e) *Seizure and forfeiture.* In accordance with OPA 90, any vessel subject to this subpart which is found in the navigable waters without a COFR, or for which the necessary evidence of financial responsibility has not been established and maintained as required, is subject to seizure by, and forfeiture to, the United States.

(f) *Administrative and judicial penalties and other relief.* (1) Any person who fails to comply with the requirements of this subpart or the evidence of financial responsibility requirements of OPA 90, CERCLA, or both, including a failure to comply with the reporting requirements in § 138.150, is subject to civil administrative and judicial penalties under OPA 90 and CERCLA, as applicable. In addition, under OPA 90, the Attorney General may secure such relief as may be necessary to compel compliance with OPA 90 and this subpart, including termination of operations.

(2) Under 18 U.S.C. 1001, any person making a false statement in, or in connection with, a submission under OPA 90 or CERCLA or this subpart is subject to prosecution.

(3) Any person who fails to timely pay the fees required by § 138.120 or any other amounts due under OPA 90 or CERCLA or this subpart may also be subject to Federal debt collection under 6 CFR part 11, 44 CFR part 11 and 31 CFR parts 285, and 900 through 904.

#### **PART 153—CONTROL OF POLLUTION BY OIL AND HAZARDOUS SUBSTANCES, DISCHARGE REMOVAL**

■ 5. The authority citation for part 153 continues to read as follows:

**Authority:** 14 U.S.C. 503; 33 U.S.C. 1321, 1903, 1908; 42 U.S.C. 9615; 46 U.S.C. 6101; E.O. 12580, 3 CFR, 1987 Comp., p. 193; E.O. 12777, 3 CFR, 1991 Comp., p. 351;

Department of Homeland Security Delegation No. 0170.1.

#### **Subpart D—[Removed]**

■ 6. Subpart D, consisting of §§ 153.401 through 153.417, is removed.

Dated: 22 November 2021.

**Mark J. Fedor,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Resources.*

[FR Doc. 2021–26046 Filed 11–30–21; 8:45 am]

**BILLING CODE 9110–04–P**

## **DEPARTMENT OF AGRICULTURE**

### **Forest Service**

#### **36 CFR Part 219**

**RIN 0596–AD28**

#### **National Forest System Land Management Planning; Correction**

**AGENCY:** Forest Service, Agriculture (USDA).

**ACTION:** Technical correction.

**SUMMARY:** This document makes technical corrections to Forest Service regulations regarding National Forest System land management planning. The correction reinstates paragraphs that were inadvertently removed from a final rule published on December 15, 2016.

**DATES:** This correction is effective December 1, 2021.

**ADDRESSES:** Written inquiries about this correction may be sent to the Director, Ecosystem Management Coordination Staff, USDA Forest Service, 1400 Independence Ave. SW, Mailstop Code 1104, Washington, DC 20250–1104.

**FOR FURTHER INFORMATION CONTACT:** Ecosystem Management Coordination Staff's Planning Specialist Nick DiProfio at (202) 253–0640 or by email at [nicholas.diprofio@usda.gov](mailto:nicholas.diprofio@usda.gov).

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

On December 15, 2016 (81 FR 90723), the United States Department of Agriculture (Department) published a final rule to amend 36 CFR part 219 (the planning rule) clarifying the direction for plan amendments, and to correct § 219.11(d)(4). The intent of the final rule was to reinstate paragraph (d)(4) in its entirety. The paragraph establishes maximum size openings for even aged harvests which the National Forest Management Act requires (16 U.S.C. 1604 (g)(3)(F)(iv)). Reinstatement of the paragraph was necessary because a sentence that had been included in the paragraph when the rule was issued on

April 9, 2012, was inadvertently removed when correcting amendments were made in July 2012 (compare the rule text as set out on April 9, 2012, and July 27, 2012: 77 FR 21260, 21266 and 77 FR 44144, 44145).

However, the December 15, 2016, rule to reinstate the entire paragraph failed to maintain paragraphs (d)(4)(i), (ii), and (iii) as part of § 219.11(d)(4).

#### **Need for Correction**

To ensure that § 219.11 is complete, as it was set out when the planning rule was issued in 2012, the Department is issuing a technical correction to § 219.11(d)(4)(i) through (iii) of the planning rule.

#### **List of Subjects in 36 CFR Part 219**

Administrative practice and procedure, Environmental impact statements, Indians, Intergovernmental relations, National forests, Reporting and recordkeeping requirements, Science and technology.

Accordingly, 36 CFR part 219 is corrected by making the following correcting amendment:

#### **PART 219—PLANNING**

■ 1. The authority citation for part 219 continues to read as follows:

**Authority:** 5 U.S.C. 301; 16 U.S.C. 1604, 1613.

#### **Subpart A—National Forest System Land Management Planning**

■ 2. Amend § 219.11 by revising paragraph (d)(4) to read as follows:

#### **§ 219.11 Timber requirements based on the NFMA.**

\* \* \* \* \*

(d) \* \* \*

(4) Where plan components will allow clearcutting, seed tree cutting, shelterwood cutting, or other cuts designed to regenerate an even-aged stand of timber, the plan must include standards limiting the maximum size for openings that may be cut in one harvest operation, according to geographic areas, forest types, or other suitable classifications. Except as provided in paragraphs (d)(4)(i) through (iii) of this section, this limit may not exceed 60 acres for the Douglas-fir forest type of California, Oregon, and Washington; 80 acres for the southern yellow pine types of Alabama, Arkansas, Georgia, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Oklahoma, and Texas; 100 acres for the hemlock-Sitka spruce forest type of coastal Alaska; and 40 acres for all other forest types.

(i) Plan standards may allow for openings larger than those specified in

paragraph (d)(4) of this section to be cut in one harvest operation where the responsible official determines that larger harvest openings are necessary to help achieve desired ecological conditions in the plan area. If so, standards for exceptions shall include the particular conditions under which the larger size is permitted and must set a maximum size permitted under those conditions.

(ii) Plan components may allow for size limits exceeding those established in paragraphs (d)(4) introductory text and (d)(4)(i) of this section on an individual timber sale basis after 60 days public notice and review by the regional forester.

(iii) The plan maximum size for openings to be cut in one harvest operation shall not apply to the size of openings harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm (16 U.S.C. 1604(g)(3)(F)(iv)).

\* \* \* \* \*

Dated: November 23, 2021.

**Meryl Harrell,**

*Deputy Under Secretary, Natural Resources & Environment.*

[FR Doc. 2021-25947 Filed 11-30-21; 8:45 am]

BILLING CODE 3411-15-P

## LIBRARY OF CONGRESS

### Copyright Royalty Board

#### 37 CFR Part 380

[Docket No. 19-CRB-0005-WR (2021-2025) COLA (2022)]

#### Cost of Living Adjustment to Royalty Rates for Webcaster Statutory License

**AGENCY:** Copyright Royalty Board (CRB), Library of Congress.

**ACTION:** Final rule; cost of living adjustment.

**SUMMARY:** The Copyright Royalty Judges announce a cost of living adjustment (COLA) in the royalty rates that commercial and noncommercial noninteractive webcasters pay for eligible transmissions pursuant to the statutory licenses for the public performance of and for the making of ephemeral reproductions of sound recordings.

#### DATES:

*Effective date:* January 1, 2022.

*Applicability dates:* These rates are applicable to the period January 1, 2022, through December 31, 2022.

#### FOR FURTHER INFORMATION CONTACT:

Anita Blaine, (202) 707-7658, [crb@loc.gov](mailto:crb@loc.gov).

**SUPPLEMENTARY INFORMATION:** Sections 112(e) and 114(f) of the Copyright Act, title 17 of the United States Code, create statutory licenses for certain digital performances of sound recordings and the making of ephemeral reproductions to facilitate transmission of those sound recordings. On October 27, 2021, the Copyright Royalty Judges (Judges) adopted final regulations governing the rates and terms of copyright royalty payments under those licenses for the license period 2021-2025 for performances of sound recordings via eligible transmissions by commercial and noncommercial noninteractive webcasters. See 86 FR 59452.

Pursuant to those regulations, at least 25 days before January 1 of each year from 2022 to 2025, the Judges shall publish in the **Federal Register** notice of a COLA applicable to the royalty fees for performances of sound recordings via eligible transmissions by commercial and noncommercial noninteractive webcasters. 37 CFR 380.10.

The adjustment in the royalty fee shall be based on a calculation of the percentage increase in the CPIU from the CPIU published in November 2020 (260.229), according to the formula: For subscription performances,  $(1 + (Cy - 260.229)/260.229) \times \$0.0026$ ; for nonsubscription performances,  $(1 + (Cy - 260.229)/260.229) \times \$0.0021$ ; for performances by a noncommercial webcaster in excess of 159,140 ATH per month,  $(1 + (Cy - 260.229)/260.229) \times \$0.0021$ ; where Cy is the CPI-U published by the Secretary of Labor before December 1 of the preceding year. The adjusted rate shall be rounded to the nearest fourth decimal place. 37 CFR 380.10(c). The CPIU published by the Secretary of Labor from the most recent index published before December 1, 2021, is 276.589.<sup>1</sup> Applying the formula in 37 CFR 380.10(c) and rounding to the nearest fourth decimal place results in an increase in the rates for 2022.

The 2022 rate for eligible transmissions of sound recordings by commercial webcasters is \$0.0028 per subscription performance and \$0.0022 per nonsubscription performance.

Application of the increase to rates for noncommercial webcasters results in a 2022 rate of \$0.0022 per performance for all digital audio transmissions in excess of 159,140 ATH in a month on a channel or station.

As provided in 37 CFR 380.10(d), the royalty fee for making ephemeral

recordings under section 112 of the Copyright Act to facilitate digital transmission of sound recordings under section 114 of the Copyright Act is included in the section 114 royalty fee and comprises 5% of the total fee.

#### List of Subjects in 37 CFR Part 380

Copyright; Sound recordings.

#### Final Regulations

In consideration of the foregoing, the Judges amend part 380 of title 37 of the Code of Federal Regulations as follows:

#### PART 380—RATES AND TERMS FOR TRANSMISSIONS BY ELIGIBLE NONSUBSCRIPTION SERVICES AND NEW SUBSCRIPTION SERVICES AND FOR THE MAKING OF EPHEMERAL REPRODUCTIONS TO FACILITATE THOSE TRANSMISSIONS

■ 1. The authority citation for part 380 continues to read as follows:

**Authority:** 17 U.S.C. 112(e), 114(f), 804(b)(3).

■ 2. Section 380.10 is amended by revising paragraph (a) to read as follows:

#### § 380.10 Royalty fees for the public performance of sound recordings and the making of ephemeral recordings.

(a) *Royalty fees.* For the year 2022, Licensees must pay royalty fees for all Eligible Transmissions of sound recordings at the following rates:

(1) *Commercial webcasters:* \$0.0028 per Performance for subscription services and \$0.0022 per Performance for nonsubscription services.

(2) *Noncommercial webcasters:* \$1,000 per year for each channel or station and \$0.0022 per Performance for all digital audio transmissions in excess of 159,140 ATH in a month on a channel or station.

\* \* \* \* \*

Dated: November 23, 2021.

**Suzanne M. Barnett,**

*Chief Copyright Royalty Judge.*

[FR Doc. 2021-26062 Filed 11-30-21; 8:45 am]

BILLING CODE 1410-72-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA-HQ-OPP-2016-0352 and EPA-HQ-OPP-2019-0560; FRL-8945-01-OCSP]

#### Bifenthrin; Pesticide Tolerances

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

**ACTION:** Final rule.

<sup>1</sup> This CPI-U was announced on November 10, 2021, by the Bureau of Labor Statistics in its *Consumer Price Index News Release—Consumer Price Index*, available at <https://www.bls.gov/news.release/cpi.htm> at Table 1.