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SUSQUEHANNA RIVER BASIN COMMISSION

18 CFR Part 806

Review and Approval of Projects

AGENCY: Susquehanna River Basin Commission.

ACTION: Final rule.

SUMMARY: This document contains final rules that would amend the project review regulations of the Susquehanna River Basin Commission (Commission) to modify provisions relating to the issuance of emergency certificates by the Executive Director.

DATES: Effective June 1, 2014.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: 717-238-0423, ext. 1306; fax: 717-238-2436; email: rcairo@srbc.net. Also, for further information on the final rulemaking, visit the Commission's Web site at www.srbc.net.

SUPPLEMENTARY INFORMATION:

Comments and Responses to Proposed Rulemaking

Notice of proposed rulemaking was published in the **Federal Register** on December 26, 2012 (77 FR 75915); the New York Register on January 2, 2013; the Pennsylvania Bulletin on February 2, 2013; and the Maryland Register on January 11, 2013. The Commission convened a public hearing on February 14, 2013, in Harrisburg, Pennsylvania and a written comment period was held open through February 25, 2013. In addition to proposing modifications to 18 CFR 806.34, the Commission regulation authorizing the issuance of emergency certificates, the proposed rulemaking also advanced a new provision to include in the Commission's project review regulations

that would impose limitations on surface and groundwater withdrawals in headwater areas. The Commission received numerous comments on the headwaters proposal. The Commission continues to evaluate those comments and will make an appropriate determination at a future date. Meanwhile, however, for the reasons articulated in the proposed rulemaking notice, the Commission is now proceeding with finalization of the provision in the proposed rulemaking related to the issuance of emergency certificates under 18 CFR 806.34.

The two main comments received on the proposed modifications to the emergency regulation were as follows:

1. The criteria for issuance of an emergency certificate should not be limited to human health and safety, or that of livestock, but should include all animal, aquaculture, agronomic, and horticultural operations for the production of fiber or forage crops.

2. Preservation of employment should be an additional consideration in the issuance of an emergency certificate.

The Commission has made revisions to the final rules in response to these comments, by including the protection of food, fiber or forage crops and the avoidance of significant disruptions in employment as eligible criteria.

List of Subjects in 18 CFR Part 806

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission amends 18 CFR part 806 as follows:

PART 806—REVIEW AND APPROVAL OF PROJECTS

■ 1. The authority citation for Part 806 continues to read as follows:

Authority: Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

Subpart D—Terms and Conditions of Approval

■ 2. In § 806.34, revise paragraphs (a), (b) introductory text, (b)(2) introductory text, and (b)(2)(iii) to read as follows:

§ 806.34 Emergencies.

(a) *Emergency certificates.* The other requirements of these regulations notwithstanding, in the event of an emergency requiring immediate action

to protect the public health, safety and welfare or to avoid substantial and irreparable injury to any person, property, or water resources when circumstances do not permit a review and determination in the regular course of the regulations in this part, the Executive Director, with the concurrence of the chairperson of the Commission and the commissioner from the affected member state, may issue an emergency certificate authorizing a project sponsor to take such action as the Executive Director may deem necessary and proper in the circumstances, pending review and determination by the Commission as otherwise required by this part. In the exercise of such authority, consideration should be given to actions deemed necessary to sustain human life, health and safety, or that of livestock or food, fiber or forage crops, the maintenance of electric system reliability to serve such needs, to avoid significant disruption of employment, or any other such priorities that the Commission may establish from time to time utilizing its authority under Section 11.4 of the Compact related to drought emergencies.

(b) *Notification and application.* A project sponsor shall notify the Commission, prior to commencement of the project, that an emergency certificate is needed. In the case of a project operating under an existing Commission approval seeking emergency approval to modify, waive or partially waive one or more conditions of such approval, notice shall be provided to the Commission prior to initiating the operational changes associated with the request. If immediate action, as defined by this section, is required by a project sponsor and prior notice to the Commission is not possible, then the project sponsor must contact the Commission within one (1) business day of the action. Notification may be by certified mail, facsimile, telegram, mailgram, electronic mail or other form of written communication. This notification must be followed within one (1) business day by submission of the following:

* * * * *

(2) At a minimum, the application shall contain:

* * * * *

(iii) Location map and schematic of proposed project, or in the case of a

project operating under an existing Commission approval, the project approval reference and a description of the operational changes requested.

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Dated: March 17, 2014.

Stephanie L. Richardson,
Secretary to the Commission.

[FR Doc. 2014-06323 Filed 3-21-14; 8:45 am]

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LIBRARY OF CONGRESS

U.S. Copyright Office

37 CFR Parts 201 and 203

[Docket No. 2012-1]

Copyright Office Fees: Registration, Recordation and Related Services; Special Services; Licensing Division Services; FOIA Services

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

ACTION: Final rule.

SUMMARY: The United States Copyright Office of the Library of Congress is publishing a final rule establishing adjusted fees for its services. The adjusted fees will recover a significant part of the costs to the Office of registering copyright claims and provide greater cost recovery for certain other services provided by the Office. The new fee schedule reflects some increased and decreased fees, as well as some fees that the Office determined did not require adjustment. Under the new fee structure, the fee for online registration of a standard claim will increase from \$35 to \$55. However, a new online registration option for single works by single authors that are not works made for hire has been introduced at a lower fee of \$35. In addition to fees for registration, related services, and special services, this final rule establishes updated fees for FOIA-related services.

DATES: This rule is effective May 1, 2014.

FOR FURTHER INFORMATION CONTACT: Jacqueline C. Charlesworth, General Counsel and Associate Register of Copyrights, or Chris Weston, Attorney-Advisor, Office of the General Counsel, at the U.S. Copyright Office, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024. Telephone: (202) 707-8350.

SUPPLEMENTARY INFORMATION:

I. Background

This final rule adjusts Copyright Office fees in accordance with the

applicable provisions of title 17, United States Code (the “Copyright Act” or “Act”). While some of the Office’s services are free to the public—including the Public Information Office’s provision of valuable guidance on copyright registration and other issues—the Office does charge fees for many of its services.¹ The Copyright Act provides that the Register of Copyrights may adjust the Office’s fees based on a study of its costs for administering the registration of claims and recordation of documents and the provision of other services.² Since the Act was amended to provide for these adjustments, the Office has undertaken fee studies every several years and made changes accordingly. The Office last adjusted its fees in 2009.³

Section 708(a) of the Act specifies that “[f]ees shall be paid to Register of Copyrights” for the following services:

- (1) Filing an application under Section 408 for registration of a copyright claim or for a supplementary registration, including the issuance of a certificate of registration if registration is made
- (2) Filing an application for registration of a claim for renewal of a subsisting copyright, including the issuance of a certificate of registration if registration is made
- (3) Issuing a receipt for a deposit under Section 407
- (4) Recording a transfer of copyright ownership or other document
- (5) Filing a notice of intention to obtain a compulsory license under Section 115(b)
- (6) Recording a statement revealing the identity of an author of an anonymous or pseudonymous work, or recording a statement relating to the death of an author
- (7) Issuing an additional certificate of registration
- (8) Issuing any other certification
- (9) Making and reporting of a search, and any related services
- (10) Filing a statement of account based on secondary transmissions of

primary transmissions pursuant to Sections 119 and 122

- (11) Filing a statement of account based on secondary transmissions of primary transmissions pursuant to Section 111

In addition, Section 708(a) authorizes the Register to fix fees for other services, such as the cost of preparing copies of Office records.

Section 708 contemplates two different fee-setting mechanisms. Fees for the services described in (1) through (9) above—which include the Office’s registration and recordation functions and thus reflect especially important public policy objectives—are to be set forth in a proposed schedule that is sent to Congress 120 days before the adjusted fees can take effect.⁴ Other fees, including those for the filing of cable and satellite statements of account under (10) and (11) and additional Office services, are not submitted to Congress but instead are established by the Register of Copyrights based on the Office’s costs.⁵

Before proposing new fees for the services enumerated in (1) through (9), the Register must conduct a study of the Office’s costs for registering claims, recording documents, and providing other services, and must consider the timing of any fee adjustments and the Office’s authority to use the fees consistent with the Office’s budget.⁶ Section 708(b) further provides that the Register may adjust these fees to “not more than necessary to cover the

⁴ 17 U.S.C. 708(b). The Register sent the proposed schedule to Congress on November 14, 2013. It is available at <http://www.copyright.gov/docs/newfees/USCOFeeStudy-Nov13.pdf>.

⁵ *Id.* section 708(a). With the 2010 enactment of the Satellite Television Extension and Localism Act of 2010, Public Law 111-175, 124 Stat. 1218 (2010) (codified in Sections 111, 119, and 122 of title 17) (“STELA”), Congress for the first time authorized the Office to charge fees to licensees for the Office’s processing of cable and satellite statements of account under the Section 111, 119, and 122 statutory licenses. Such fees are to be “reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.” 17 U.S.C. 708(a). To implement STELA, the Office conducted a study of its costs in relation to the filing of cable and satellite statements and solicited input from stakeholders on proposed fees through a notice and comment proceeding. *See* Copyright Office Fees, 77 FR 18742 (Mar. 28, 2012); Copyright Office Fees, 77 FR 72788 (Dec. 6, 2012), *both available at* <http://www.copyright.gov/docs/newfees/>. As noted above, the STELA fees are not required to be submitted to Congress. In November 2013, the Office issued a final rule establishing filing fees under STELA. *See* Copyright Office Fees: Cable and Satellite Statement of Account Fees, 78 FR 71498 (Nov. 29, 2013) (to be codified at 37 CFR pt. 201), *available at* <http://www.copyright.gov/docs/newfees/>.

⁶ 17 U.S.C. 708(b)(1).

¹ *See* 17 U.S.C. 708.

² *See* 17 U.S.C. 708(b).

³ Fees, 74 FR 32805 (U.S. Copyright Office July 9, 2009). In 1997, Congress created a new fee system allowing the Office to set all of its fees by regulation rather than in the statute. An Act to make technical amendments to certain provisions of title 17, United States Code, Public Law 105-80, 111 Stat. 1529 (1997). Before then, Congress itself set the fees for certain basic copyright services, including registration and recordation (often referred to as “statutory fees”) and the Register set the fees for other special services by regulation. In enacting statutory copyright fees, Congress considered a number of criteria, including the cost of providing the service, the value of the service to the Library of Congress, and the benefit of the service to the general public.