

the Office's website or the form itself. The Office may reject any submission that fails to comply with these requirements.

(d) *Amendment or supplementation.* A rights owner (or her authorized agent) may amend or supplement information regarding a pre-1972 sound recording included in a schedule filed under paragraph (c) of this section by or on behalf of the same rights owner.

Information may be corrected if it was incorrect at the time the pre-1972 schedule was submitted to the Office, or supplemented to include information that was omitted at the time the schedule was submitted to the Office. For each recording included in a schedule filed under this paragraph, where the information specified in paragraph (f)(1) of this section does not change from the previously-filed schedule, the date the previously-filed schedule was indexed into the Office's public records remains operative for purposes of 17 U.S.C. 1401(f)(5)(A)(i)(II).

(e) *Removal of record.* A rights owner (or her authorized agent) may remove information regarding a pre-1972 sound recording from the Office's database of schedules if the sound recording was included in a schedule filed under paragraph (c) of this section by or on behalf of the same rights owner, using an appropriate form provided by the Copyright Office on its website and following the instructions for completion and submission provided on the Office's website or the form itself. Removal may be made if there was a substantive defect in the pre-1972 schedule regarding the specific sound recording at the time the schedule was submitted to the Office, or, upon a showing of good cause, at the discretion of the Copyright Office. Once a pre-1972 sound recording has been removed from the Office's database of schedules of pre-1972 sound recordings, the sound recording is no longer considered indexed into the Office's records.

(f) *Content.* A schedule of pre-1972 sound recordings filed under paragraphs (c) or (d) of this section shall contain the following:

(1) For each sound recording listed, the right's owner name, sound recording title, and featured artist(s);

(2) If known and practicable, for each sound recording listed, the International Standard Recording Code ("ISRC");

(3) A certification that the individual submitting the schedule of pre-1972 sound recordings has appropriate authority to submit the schedule and that all information submitted to the Office is true, accurate, and complete to the best of the individual's knowledge,

information, and belief, and is made in good faith; and

(4) For each sound recording listed, the rights owner may opt to include additional information as permitted and in the format specified by the Office's form or instructions, such as the alternate title, alternate artist name(s), album, version, label, or publication date.

* * * * *

(h) *Legal sufficiency of schedules.* The Copyright Office does not review schedules submitted under paragraphs (c) or (d) of this section for legal sufficiency, interpret their content, or screen them for errors or discrepancies. The Office's review is limited to whether the procedural requirements established by the Office (including payment of the proper filing fee) have been met. Rights owners are therefore cautioned to review and scrutinize schedules to assure their legal sufficiency before submitting them to the Office.

* * * * *

(l) *Recordation of transfers.* The conditions prescribed in § 201.4 of this chapter for recordation of transfers of copyright ownership are applicable to the recordation of documents relating to the transfer of ownership of pre-1972 sound recordings under 17 U.S.C. chapter 14.

* * * * *

- 5. Amend § 201.36 as follows:
- a. Redesignate paragraph (e) as paragraph (f).
- b. Add paragraph (e) to read as follows:

§ 201.36 Notices of contact information for transmitting entities publicly performing pre-1972 sound recordings.

* * * * *

(e) *Filing Date.* The date of filing of a notice of contact information pursuant to this section is the date when a proper submission, including the prescribed fee, is received in the Copyright Office.

* * * * *

Dated: March 11, 2019.

Karyn A. Temple,

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

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2019-05549 Filed 3-21-19; 8:45 am]

BILLING CODE 1410-30-P

LIBRARY OF CONGRESS

U.S. Copyright Office

37 CFR Parts 201, 203, and 210

[Docket No. 2018-10]

Notices of Intention and Statements of Account Under Compulsory License To Make and Distribute Phonorecords of Musical Works

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

ACTION: Final rule.

SUMMARY: The U.S. Copyright Office is issuing final regulations pursuant to the Musical Works Modernization Act, title I of the Orrin G. Hatch–Bob Goodlatte Music Modernization Act. This rule adopts previously issued interim regulations as final. The interim rule amended the Office's prior regulations pertaining to the compulsory license to make and distribute phonorecords of musical works so as to conform the prior regulations to the new law, including with respect to the operation of notices of intention and statements of account. In addition to adopting the interim rule as final, this final rule makes further technical changes to update cross-references to regulations that were recently amended by the Copyright Royalty Judges.

DATES: Effective March 22, 2019.

FOR FURTHER INFORMATION CONTACT:

Regan A. Smith, General Counsel and Associate Register of Copyrights, by email at regans@copyright.gov; Steve Ruwe, Assistant General Counsel, by email at sruwe@copyright.gov, or Jason E. Sloan, Assistant General Counsel, by email at jslo@copyright.gov. Each can be contacted by telephone by calling (202) 707-8350.

SUPPLEMENTARY INFORMATION: On October 11, 2018, the president signed into law the Orrin G. Hatch–Bob Goodlatte Music Modernization Act ("MMA") which, among other things, substantially modified the compulsory "mechanical" license for making and distributing phonorecords of nondramatic musical works available under 17 U.S.C. 115.¹ On December 7, 2018, the Copyright Office published in the **Federal Register** an interim rule amending the Office's section 115-related regulations to harmonize them with the MMA's requirements, and to make other minor technical updates.² The amendments largely concerned statements of account and notices of

¹ Public Law 115-264, 132 Stat. 3676 (2018).

² 83 FR 63061 (Dec. 7, 2018).

intention to obtain a compulsory license. The Office did not receive any comments from the public in response to the interim rule. As a result, the Office is adopting the amendments promulgated through the interim rule as final without change.

In addition to adopting the interim rule as final, the final rule makes further technical changes to update cross-references to regulations that were recently amended by the Copyright Royalty Judges (“CRJs”). On February 5, 2019, the CRJs published in the **Federal Register** a final determination in *In re Determination of Royalty Rates and Terms for Making and Distributing Phonorecords (Phonorecords III)*, Docket No. 16-CRB-0003-PR (2018–2022).³ The CRJs’ final determination amended 37 CFR part 385, which contains regulations setting forth the rates and terms of royalty payments for use of the section 115 license. The CRJs’ changes have rendered obsolete some of the cross-references to part 385 contained in the Copyright Office’s regulations governing statements of account under the section 115 license, and the final rule updates the relevant cross-references.

Because the updates are technical and non-substantive changes that do not “alter the rights or interests of parties,” they are not subject to the notice and comment requirements of the Administrative Procedure Act.⁴ Furthermore, the Office finds good cause that providing notice and comment is “impracticable” and “contrary to the public interest” in this instance because the CRJs’ new regulations are already effective, and delaying removal of the obsolete cross-references in the Office’s regulations may cause confusion among those parties required to serve statements of account under the compulsory license.⁵ For these same reasons, the Office finds it appropriate to make the final rule effective upon publication.⁶

List of Subjects

37 CFR Part 201

Copyright, General provisions.

37 CFR Part 203

Freedom of information.

37 CFR Part 210

Copyright, Phonorecords, Recordings.

³ 84 FR 1918 (Feb. 5, 2019).

⁴ See *Nat'l Mining Ass'n v. McCarthy*, 758 F.3d 243, 250 (DC Cir. 2014); 5 U.S.C. 553(b) (notice and comment not required for “interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice”).

⁵ See 5 U.S.C. 553(b).

⁶ See *id.* at 553(d).

Final Regulations

For the reasons set forth above, the Copyright Office adopts the interim rule amending 37 CFR parts 201, 203, and 210 which was published at 83 FR 63061 on December 7, 2018, as final with the following changes:

PART 210—COMPULSORY LICENSE FOR MAKING AND DISTRIBUTING PHYSICAL AND DIGITAL PHONORECORDS OF NONDRAMATIC MUSICAL WORKS

- 1. The authority citation for part 210 continues to read as follows:

Authority: 17 U.S.C. 115, 702.

§ 210.16 [Amended]

- 2. Amend § 210.16 as follows:

- a. In paragraph (b)(8):
 - i. In the first sentence, remove “records of any promotional uses of the copyright owner’s works that are required to be maintained or provided under § 385.14 or § 385.24 of this title, or other applicable provision, including, where applicable, records required to be maintained or provided by any third parties that were authorized by the compulsory licensee to engage in promotional uses during” and add in its place “records of any promotional or free trial uses of the copyright owner’s works that are required to be maintained or provided under applicable provisions of part 385 of this title, or any other provisions, including, where applicable, records required to be maintained or provided by any third parties that were authorized by the compulsory licensee to engage in such uses during”.
 - ii. In the second sentence, remove “subject to the promotional royalty rate provided in § 385.14 or § 385.24 of this title, or any similar promotional royalty rate of zero” and add in its place “subject to any promotional or free trial royalty rate of zero”.
 - b. In paragraph (c)(1), remove “subject to part 385, subpart A of this title or any other provisions requiring” and add in its place “subject to applicable provisions of part 385 of this title, or any other provisions, requiring”.
 - c. In paragraph (c)(2), remove “subject to part 385, subparts B or C of this title, or any other provisions requiring computation of applicable royalties on a percentage-rate basis, include a detailed and step-by-step accounting of the calculation of royalties under § 385.12, § 385.22, or other provisions of part 385 of this title as applicable, sufficient” and add in its place “subject to applicable provisions of part 385 of this title, or any other provisions, requiring computation of applicable royalties on a cents-per-unit basis shall”.
 - d. In paragraph (d)(2), remove “subject to part 385, subpart A of this title, or any other applicable royalties computed on a” and add in its place “subject to applicable provisions of part 385 of this title, or any other provisions, requiring computation of applicable royalties on a”.
 - e. In paragraph (d)(2)(v), remove “set forth in § 385.3 or other provisions of part 385 of this title as applicable” and add in its place “set forth in applicable provisions of part 385 of this title”.
 - f. In paragraph (d)(3), remove “subject to part 385, subparts B or C of this title, or any other applicable royalties computed on a percentage-rate basis, the amount of the royalty payment shall be calculated as provided in § 385.12, § 385.22, or other provisions of part 385 of this title as applicable” and add in its place “subject to applicable provisions of part 385 of this title, or any other provisions, requiring computation of applicable royalties on a percentage-rate basis, the amount of the royalty payment shall be calculated as provided in applicable provisions of part 385 of this title”.
 - g. In paragraph (d)(3)(ii), remove “as described in § 385.12(b)(4), § 385.22(b)(3), or any similar provisions of part 385 of this title as applicable, an” and add in its place “as described in applicable provisions of part 385 of this title, an”.

percentage-rate basis, include a detailed and step-by-step accounting of the calculation of royalties under applicable provisions of part 385 of this title, sufficient”.

■ d. In paragraph (d)(2), remove “subject to part 385, subpart A of this title, or any other applicable royalties computed on a” and add in its place “subject to applicable provisions of part 385 of this title, or any other provisions, requiring computation of applicable royalties on a”.

■ e. In paragraph (d)(2)(v), remove “set forth in § 385.3 or other provisions of part 385 of this title as applicable” and add in its place “set forth in applicable provisions of part 385 of this title”.

■ f. In paragraph (d)(3), remove “subject to part 385, subparts B or C of this title, or any other applicable royalties computed on a percentage-rate basis, the amount of the royalty payment shall be calculated as provided in § 385.12, § 385.22, or other provisions of part 385 of this title as applicable” and add in its place “subject to applicable provisions of part 385 of this title, or any other provisions, requiring computation of applicable royalties on a percentage-rate basis, the amount of the royalty payment shall be calculated as provided in applicable provisions of part 385 of this title”.

■ g. In paragraph (d)(3)(ii), remove “as described in § 385.12(b)(4), § 385.22(b)(3), or any similar provisions of part 385 of this title as applicable, an” and add in its place “as described in applicable provisions of part 385 of this title, an”.

§ 210.17 [Amended]

- 3. Amend § 210.17 as follows:

- a. In paragraph (c)(6), remove “pursuant to part 385, subparts B or C of this title, or any other provision requiring computation of applicable royalties on a percentage-rate basis, calculations showing in detail how the royalty was computed (for these purposes, the applicable royalty as specified in part 385, subpart A of this title shall” and add in its place “pursuant to applicable provisions of part 385 of this title, or any other provisions, requiring computation of applicable royalties on a percentage-rate basis, calculations showing in detail how the royalty was computed (for these purposes, the applicable royalty as specified in part 385, subpart A of this title, or any other provisions, requiring computation of applicable royalties on a cents-per-unit basis shall”.
- b. In paragraph (d)(1), remove “subject to part 385, subpart A of this title, or any other provision requiring” and add

in its place “subject to applicable provisions of part 385 of this title, or any other provisions, requiring”. ■ c. In paragraph (d)(2)(i), remove “subject to part 385, subparts B or C of this title, or any other provision requiring” and add in its place “subject to applicable provisions of part 385 of this title, or any other provisions, requiring”.

Dated: March 11, 2019.

Karyn A. Temple,
Acting Register of Copyrights and Director
of the U.S. Copyright Office.

Approved by:

Carla D. Hayden,
Librarian of Congress.

[FR Doc. 2019-05548 Filed 3-21-19; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SC-2018; FRL-9990-38-Region 4]

Air Plan Approval; South Carolina; Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notification of administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is updating the materials that are incorporated by reference (IBR) into the South Carolina state implementation plan (SIP). The regulations affected by this update have been previously submitted by South Carolina and approved by EPA. This update affects the materials that are available for public inspection at the National Archives and Records Administration (NARA) and the EPA Regional Office.

DATES: This rule will be effective March 22, 2019.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, GA 30303; and the National Archives and Records Administration. For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>. To view the materials at the Region 4 Office, EPA requests that you email the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your

inspection. The Regional Office’s official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: D. Brad Akers, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. Mr. Akers can be reached via telephone at (404) 562-9089 and via electronic mail at akers.brad@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Each state has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the proposed SIP revisions to EPA. Once these control measures and strategies are approved by EPA, and after notice and comment, they are incorporated into the federally-approved SIP and are identified in part 52—“Approval and Promulgation of Implementation Plans,” title 40 of the Code of Federal Regulations (40 CFR part 52). The full text of the state regulation approved by EPA is not reproduced in its entirety in 40 CFR part 52, but is “incorporated by reference.” This means that EPA has approved a given state regulation or specified changes to the given regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP. The information provided allows EPA and the public to monitor the extent to which a state implements a SIP to attain and maintain the NAAQS and to take enforcement action for violations of the SIP.

The SIP is a living document which the state can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on proposed revisions containing new and/or revised state regulations. A submission from a state can revise one or more rules in their entirety or portions of rules, or even change a

single word. The state indicates the changes in the submission (such as, by using redline/strikethrough) and EPA then takes action on the requested changes. EPA establishes a docket for its actions using a unique Docket Identification Number, which is listed in each action. These dockets and the complete submission are available for viewing on www.regulations.gov.

On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference, into the Code of Federal Regulations, materials approved by EPA into each SIP. These changes revised the format for the identification of the SIP in 40 CFR part 52, streamlined the mechanisms for announcing EPA approval of revisions to a SIP, and streamlined the mechanisms for EPA’s updating of the IBR information contained for each SIP in 40 CFR part 52. The revised procedures also called for EPA to maintain “SIP Compilations” that contain the federally-approved regulations and source specific permits submitted by each state agency.

These SIP Compilations are updated primarily on an annual basis. Under the revised procedures, EPA must periodically publish an informational document in the rules section of the **Federal Register** notifying the public that updates have been made to a SIP Compilation for a particular state. EPA applied the 1997 revised procedures to South Carolina on July 1, 1997 (62 FR 35441).

II. EPA Action

This action represents EPA’s publication of the South Carolina SIP Compilation update, appearing in 40 CFR part 52; specifically, the materials in paragraphs (c) and (d) at 40 CFR 52.2120. In addition, notice is provided of the following corrections to paragraph (c) of § 52.2120, as described below.

Changes Applicable to EPA-Approved South Carolina Regulations

A. Revising the heading of paragraph (c) to read “EPA-Approved regulations” and the heading of the table in paragraph (c) to read “EPA-Approved South Carolina Regulations.”

B. Correcting **Federal Register**

citations and entries listed in § 52.2120(c), as described below:

- Under Regulation No. 62.1, entries for the state effective date and EPA approval date were removed because the entry represents only the title of the Regulation, while the Sections under the heading of the Regulation include specific approval information.

- Under Regulation No. 62.1, “Section I,” the EPA approval date was