

individually or cumulatively have a significant effect on the human environment. The regulated area will impact small designated areas of the Atlantic Ocean and Gulf of Mexico around Key West, Florida, for only 8 hours and thus is limited in time and scope. 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. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

#### 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:** 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. 00170.1, Revision No. 01.2.

■ 2. Add § 165.T07-0758 to read as follows:

#### § 165.T07-0758 Safety Zone; 25th Annual Key West Paddle Classic, Key West, FL.

(a) *Location.* The following regulated area is a moving safety zone: All waters extending 100 yards to either side of the race participants and safety vessels; extending 50 yards in front of the lead safety vessel preceding the first race participants; and extending 50 yards behind the safety vessel trailing the last race participants. The event course begins at Higgs Beach in Key West, Florida, moves west to the area offshore of Fort Zachary Taylor Historic State Park, north through Key West Harbor, east through Fleming Key Cut, south through Cow Key Channel, and west returning back to Higgs Beach.

(b) *Definition.* As used in this section, the term *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Key West (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the COTP Key West or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the COTP Key West by telephone at (305) 292-8772, or a designated representative via VHF-FM radio on channel 16 to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP Key West or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners via VHF-FM channel 16, or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 7 a.m. until 3 p.m. on October 1, 2022.

Dated: September 27, 2022.

J. Ingram,

*Captain, U.S. Coast Guard, Captain of the Port Key West.*

[FR Doc. 2022-21340 Filed 9-29-22; 8:45 am]

BILLING CODE 9110-04-P

### LIBRARY OF CONGRESS

#### Copyright Office

#### 37 CFR Parts 201 and 202

[Docket No. 2020-1]

#### Remitter Payment Options and Deposit Account Requirements

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

**ACTION:** Final rule.

**SUMMARY:** The U.S. Copyright Office is amending certain regulations related to remitter payments for its services and requirements for maintaining a deposit account. This final rule adopts regulatory language set forth in the Office's February 2022 notice of proposed rulemaking with some modifications in response to public

comments. These amendments consolidate regulatory provisions related to payment options and update existing regulations to articulate current Office practices. They also simplify requirements for maintaining a deposit account and clarify procedures related to noncompliant accounts.

**DATES:** Effective October 31, 2022.

**FOR FURTHER INFORMATION CONTACT:** Megan Efthimiadis, Assistant to the General Counsel, by email at [mefth@copyright.gov](mailto:mefth@copyright.gov) or telephone at (202) 707-8350.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On February 4, 2022, the Office published a notice of proposed rulemaking ("NPRM") to amend its regulations governing remitter payments for its services and requirements for maintaining a deposit account.<sup>1</sup> Specifically, the Office proposed to consolidate all regulations related to the types of payment methods it will accept for services into a single set of provisions to ensure consistency as it moves to an integrated enterprise information technology (IT) system.<sup>2</sup> The proposed rule enumerated three methods accepted for remitting a payment: (1) Electronic payments through *Pay.gov*; (2) mailed payments by check or money order; and (3) in-person payments by check, money order, credit or debit card, or currency, by appointment at the Office's Public Information Office.<sup>3</sup>

Next, the Office proposed simplifying requirements to maintain a deposit account, and set forth rules establishing the procedures for account closures. The proposed rule set forth five substantive amendments. First, the Office recommended eliminating the requirement that a deposit account holder engage in a minimum number of transactions per year.<sup>4</sup> Second, the Office proposed imposing a service charge of \$25 for each month a deposit account balance fell below \$450.<sup>5</sup> Third, the NPRM provided for the inactivation of deposit accounts if (1) there has been no activity in the account for 24 months; (2) the account holder overdraws the account; or (3) the account has insufficient funds at the end of the month to pay the service charge for an account balance below \$450.<sup>6</sup> Fourth, the Office proposed codifying its procedures for closing noncompliant

<sup>1</sup> 87 FR 6452 (Feb. 4, 2022).

<sup>2</sup> *Id.* at 6454.

<sup>3</sup> *Id.* at 6454.

<sup>4</sup> *Id.* at 6454.

<sup>5</sup> *Id.* at 6454.

<sup>6</sup> *Id.* at 6454-55.

and inactivated deposit accounts, including the circumstances for closure and the process for returning any remaining funds to the account holder.<sup>7</sup> Finally, the Office recommended eliminating from the regulations references to automatic replenishment of deposit accounts, based on its understanding at the time the NPRM was prepared that *Pay.gov* lacked the ability to provide such an automatic replenishment feature.<sup>8</sup>

The Office received four relevant comments in response to the NPRM. Author Services, Inc. endorsed the proposed amendments in full, and had no further suggestions.<sup>9</sup> The Motion Picture Association, Inc. (“MPA”), expressing no objection to the proposed rules regarding deposit accounts, noted that its members valued the automatic-replenishment feature available in other areas of the Office (e.g., the eCo system for registrations), and “urge[d] the Office to ensure that the payment systems in any updated versions of the registration and recordation systems include an automatic replenishment feature as well.”<sup>10</sup> Finally, Copyright Alliance and Marilyn D. Cameron submitted comments that were generally supportive of the amendments in the proposed rule, but contained several concerns that are addressed in more detail below.<sup>11</sup>

## II. Discussion

### A. Remitter Payment Options

Most commenters supported the provisions of the proposed rule that consolidate the regulations governing the types of payment methods the Office will accept for services.<sup>12</sup> Accordingly, those provisions are adopted in the final rule without alteration.

In addition to “applaud[ing] the Office’s efforts to modernize and consolidate regulations regarding payment options for Copyright Office services,” Copyright Alliance encouraged the Office to “accommodate

the diversity of copyright owners engaging with the Office’s systems” by permitting payment using “prepaid cards and other widely accepted online payment options, like PayPal, Zelle, Venmo, and CashApp.”<sup>13</sup> The Office appreciates Copyright Alliance’s concern and shares its aim to broaden participation in the copyright system. While payment using prepaid cards is not currently supported by *Pay.gov*, the Office will enable the *Pay.gov* feature to accept Paypal and Amazon digital wallet options to better accommodate a broader range of stakeholders. The Office will continue to consider additional options to improve accessibility as *Pay.gov* expands its capabilities.

### B. Deposit Accounts

With respect to the proposed rule simplifying requirements for maintaining deposit accounts, commenters universally endorsed the Office’s amendment to eliminate the minimum-transaction-per-year requirement.<sup>14</sup> Copyright Alliance expressed appreciation for the “Office’s decision to continue allowing stakeholders to use deposit accounts, as well as the decision to eliminate the requirement for a minimum number of transactions per year.”<sup>15</sup>

However, some commenters disagreed with the Office’s proposal to assess a service charge of \$25 for each month a deposit account balance fell below \$450. One commenter opposed the fee outright, calling it “[t]oo much” as “many individuals find a minimum deposit amount a challenge, especially during the pandemic.”<sup>16</sup> Copyright Alliance argued that imposing a service charge “without first notifying the account holder that the account has fallen below the minimum balance” “will only exacerbate a problem . . . that might otherwise be easily resolved.”<sup>17</sup> Commenters encouraged the Office to “notify the account holder so that they can add the necessary funds” before assessing any service charge<sup>18</sup> and before any account inactivation.<sup>19</sup> Finally, Copyright Alliance probed whether the Office could permit automatic replenishment, advising, “rather than assessing a \$25 service charge if an account falls below the minimum balance, the regulations

should permit automatic replenishment of those deposit accounts.”<sup>20</sup>

As an initial matter, it has been and will remain the Office’s practice to send automatic notifications to account holders when their balances drop below the minimum balance. Similarly, notifications are and will be provided before the Office takes any action to inactivate or close an account. To ensure that these notifications are received, the Office encourages account holders to keep their contact information current.

Regarding the service charge, the Office proposed the fee to incentivize deposit account holders to maintain sufficient funds in deposit accounts and avoid any overdraft of the account, which is subject to a penalty (currently \$285). Ultimately, the Office’s goal is to help account holders maintain sufficient balances to prevent additional penalties and delays. Copyright Alliance’s comment led the Office to consider again the availability of an automatic replenishment option. While our initial inquiry had suggested that this option was not available,<sup>21</sup> further investigation has determined that an automatic recurring payment option (via ACH transactions) can be used to automatically replenish deposit accounts through *Pay.gov*. Therefore, the Office will test the practical application of such a feature for deposit accounts. Once confirmed operable, the Office will announce details on how this feature can be used.

In addition, given commenters’ concern regarding the potential financial burden for those account holders who find the minimum balance amount difficult to maintain, we will pause the implementation of any service charge to further assess whether there is a need for measures to incentivize balance maintenance. Accordingly, the final rule omits any reference to the proposed service charge, and instead provides that the Office will automatically notify account holders when their accounts fall below a minimum balance of \$450, as the previous rule prescribed.

Finally, while commenters did not raise specific concerns regarding the NPRM’s inactivation and closure procedures beyond objecting to inactivation or closure based on a failure to pay the proposed service charge, the Office acknowledges their general desire for more communication regarding account status issues. Thus, in addition to removing references to the previously proposed service charge, the

<sup>7</sup> *Id.* at 6455.

<sup>8</sup> 87 FR 6455.

<sup>9</sup> Author Services, Inc. Comments at 1.

<sup>10</sup> MPA Comments at 2.

<sup>11</sup> Copyright Alliance Comments at 1–4; Marilyn D. Cameron Comments at 1.

<sup>12</sup> See e.g., Copyright Alliance Comments at 1. Marilyn D. Cameron requested that “all other rules attached to the announcement and do not have any relevance to Remitter Payment Options and Deposit Account Requirements, for example Section 201.33, be removed from this round of comments and a new **Federal Register** proposal written for a later date.” Marilyn D. Cameron Comments at 1. Because each of the proposed amendments, including the amendment proposed to § 201.33(e) regarding the fee and method of payment, relate to payment options available to remitters, the Office declines to remove the rule.

<sup>13</sup> Copyright Alliance Comments at 1–2.

<sup>14</sup> See e.g., *id.* at 2.

<sup>15</sup> *Id.*

<sup>16</sup> Marilyn D. Cameron Comments at 1.

<sup>17</sup> Copyright Alliance Comments at 2–3.

<sup>18</sup> *Id.* at 3.

<sup>19</sup> Marilyn D. Cameron Comments at 1.

<sup>20</sup> Copyright Alliance Comments at 3.

<sup>21</sup> 87 FR 6454.

final rule explains that the Office will automatically notify account holders when their accounts are made inactive due to prolonged inactivity or overdrawing of the account. Reflecting current procedures, the final rule further provides that an inactive deposit account will only be closed 30 days from the date of the inactivation notice if there continues to be no activity or if insufficient funds remain in the account.

### C. Technical Changes

Lastly, the final rule includes a few non-substantive technical revisions to clarify certain phrases and terms.

### List of Subjects

#### 37 CFR Part 201

Copyright, General provisions.

#### 37 CFR Part 202

Copyright, Preregistration and registration of claims to copyright.

### Final Regulations

For the reasons set forth in the preamble, the Copyright Office amends 37 CFR parts 201 and 202 as follows:

### PART 201—GENERAL PROVISIONS

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

**Authority:** 17 U.S.C. 702.

Section 201.10 also issued under 17 U.S.C. 304.

■ 2. Amend § 201.6 by:

- a. Revising paragraphs (a) and (b); and
- b. Removing the parenthetical authority citation at the end of the section.

The revisions read as follows:

#### § 201.6 Payment and refund of Copyright Office fees.

(a) *In general*—(1) *Electronic payments*. All fees for online applications and services must be paid by electronic payment through *Pay.gov*.

(2) *Mailed payments*. All fees mailed to the Copyright Office should be in the form of a money order or check payable to the U.S. Copyright Office. Currency will not be accepted; any payment received in currency will be refunded via check, and the registration or other service request will not be processed. Where the statutory fee is submitted in the form of a check, the registration of the copyright claim or other record made by the Office is provisional until the funds associated with the check are received. In the event the fee is not paid, the provisional registration or other record shall be expunged.

(3) *In-person payments*. All fees for services rendered in person at the

Copyright Office Public Information Office must be paid by cash, money order, check, or credit or debit card.

(4) *Foreign remittances*. Foreign remittances must be redeemable without service or exchange fees through a United States institution, must be payable in United States dollars, and must be imprinted with American Banking Association routing numbers. Postal money orders that are negotiable only at a post office are not acceptable. International checks and money orders must be drawn from a United States bank and payable in United States dollars for the full amount of the fee required. Uncertified checks are accepted subject to collection.

(5) *Other*. In addition to the payment options in paragraphs (a)(1) through (3) of this section, payment for any application or service can be made using a Copyright Office deposit account.

(b) *Deposit accounts*—(1) *Establishment*. Persons or firms may prepay copyright expenses by establishing a deposit account.

(2) *Minimum balance*. The Office will automatically notify the deposit account holder when the account goes below a minimum balance of \$450.

(3) *Contact information*. (i) Deposit account holders are responsible for keeping contact information with the Copyright Office current.

(ii) If the Copyright Office is unable to correspond with the deposit account holder (e.g., due to returned/undeliverable postal or email), the Office will deem the deposit account undeliverable.

(4) *Inactivation*. (i) The Copyright Office will inactivate a deposit account if there has been no activity in the account for 24 months.

(ii) The Copyright Office will inactivate a deposit account if the deposit account holder overdraws his or her account.

(iii) The Copyright Office will automatically notify the deposit account holder when the account has been inactivated.

(5) *Closure*. (i) An inactive deposit account will be closed no sooner than 30 days from the date of the inactivation notice if there continues to be no activity in the account or if insufficient funds remain in the deposit account after the deposit account holder overdraws the account.

(ii) The Copyright Office may permanently close a deposit account if the deposit account holder overdraws his or her account twice in any calendar year.

(iii) An undeliverable deposit account as defined in paragraph (b)(3)(ii) of this

section will be closed after the Copyright Office has made at least three unsuccessful attempts, including at least one attempt by phone if a deposit account holder provided a telephone number, to correspond with the deposit account holder. Attempts at corresponding with the deposit account holder may be considered unsuccessful if the postal or email correspondence is returned as undeliverable.

(iv) Any funds remaining in a closed deposit account will be applied to any pending or processed service request(s) for which payment is due. If there are insufficient funds to cover the total of all fees due for any service, the service request(s) will not be processed.

(v) Any balance remaining in a closed deposit account will be refunded to the account holder in accordance with Copyright Office policies. Unredeemed refunds will be handled in accordance with Library of Congress and U.S. Treasury rules and policies.

(vi) The Copyright Office may refer any overdraft in a closed deposit account for collections.

(6) *Further information*. For information on deposit accounts, see Circular 5 on the Copyright Office's website, or request a copy at the address specified in § 201.1(b).

\* \* \* \* \*

■ 3. Amend § 201.33 by revising paragraph (e) to read as follows:

#### § 201.33 Procedures for filing Notices of Intent to Enforce a restored copyright under the Uruguay Round Agreements Act.

\* \* \* \* \*

(e) *Fee*. The filing fee for recording Notices of Intent to Enforce is prescribed in § 201.3(c).

\* \* \* \* \*

#### § 201.39 [Amended]

■ 4. Amend § 201.39 by removing paragraph (g)(3).

### PART 202—PREREGISTRATION AND REGISTRATION OF CLAIMS TO COPYRIGHT

■ 5. The authority citation for part 202 continues to read as follows:

**Authority:** 17 U.S.C. 408(f), 702.

#### § 202.3 [Amended]

■ 6. Amend § 202.3 by removing paragraph (b)(2)(i)(C) and redesignating paragraph (b)(2)(i)(D) as paragraph (b)(2)(i)(C) and removing the parenthetical authority citation at the end of the section.

■ 7. Amend § 202.12 by revising paragraph (c)(2) to read as follows:

**§ 202.12 Restored copyrights.**

\* \* \* \* \*

(c) \* \* \*

(2) *Fee*. The filing fee for registering a copyright claim in a restored work is prescribed in § 201.3(c) of this chapter.

\* \* \* \* \*

■ 8. Amend § 202.16 by revising paragraph (c)(5) to read as follows:

**§ 202.16 Preregistration of copyrights.**

\* \* \* \* \*

(c) \* \* \*

(5) *Fee*. The filing fee for preregistration is prescribed in § 201.3(c) of this chapter.

\* \* \* \* \*

■ 9. Amend § 202.23 by revising paragraph (e)(2) to read as follows:

**§ 202.23 Full term retention of copyright deposits.**

\* \* \* \* \*

(e) \* \* \*

(2) Payment in the amount prescribed in § 201.3(d) of this chapter payable to the U.S. Copyright Office, must be received in the Copyright Office within 60 calendar days from the date of mailing of the Copyright Office's notification to the requestor that full-term retention has been granted for a particular copyright deposit.

\* \* \* \* \*

Dated: September 22, 2022.

**Shira Perlmutter,**

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

Approved by:

**Carla D. Hayden,**

Librarian of Congress.

[FR Doc. 2022-21294 Filed 9-29-22; 8:45 am]

BILLING CODE 1410-30-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R04-OAR-2017-0391; FRL-10080-02-R4]

**Air Plan Approval; Kentucky; Source Specific Revision for Jefferson County**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing the approval of a revision to the Kentucky State Implementation Plan (SIP), submitted by the Commonwealth of Kentucky, through the Kentucky Division for Air Quality (KDAQ), on March 29, 2021. The revision was submitted by KDAQ

on behalf of the Louisville Metro Air Pollution Control District (District or Jefferson County), which has jurisdiction over Jefferson County, Kentucky. The revision removes from the SIP several source-specific permits for a facility, which were previously incorporated by reference, and replaces them with a Board Order with emissions controls that are at least as stringent as those in the permits.

**DATES:** This rule is effective October 31, 2022.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R04-OAR-2017-0391. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information may not be publicly available, *i.e.*, 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 [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person 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:** Joel Huey, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. Mr. Huey can be reached by telephone at (404) 562-9104 or via electronic mail at [huey.joel@epa.gov](mailto:huey.joel@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Background**

In 1990, EPA approved a revision to the Kentucky SIP that added an emission reduction plan in the form of a "bubble rule" for the Alcan Foil Products<sup>1</sup> (now LL Flex) plant in Louisville, Kentucky. See 55 FR 20268 (May 16, 1990). That revision allowed the facility to average, or "bubble," volatile organic compound (VOC)

emissions from nine rotogravure printing/coating machines in lieu of achieving compliance with Jefferson County's SIP-approved reasonably available control technology (RACT) regulation—Regulation 6.29, "Standard of Performance for Existing Graphic Arts Facilities Using Rotogravure and Flexography"—which limits VOC emissions from graphic arts facilities on a line-by-line<sup>2</sup> basis. The revision treated the nine machines as one affected facility and required the facility to achieve a VOC emissions reduction equivalent to at least 20 percent of the baseline emissions from the affected units.<sup>3</sup> Jefferson County included these provisions in various permits issued by the District to Alcan Foil Products (now LL Flex), and those permits were incorporated by reference into the Kentucky SIP. Specifically, the May 16, 1990, approval incorporated into the SIP the Air Pollution Control District of Jefferson County's (APCDJC's) Permits 103-74, 104-74, 105-74, 106-74, 110-74, and 111-74, as effective on February 28, 1990.

Subsequently, in 1998, EPA approved a revision to the Kentucky SIP that provided additional flexibilities to the plant operations of Reynolds Metals Company (now LL Flex) so that customer printing demands could be satisfied. See 63 FR 1927 (January 13, 1998). The revision lowered the daily maximum VOC emissions allowed from the facility's nine rotogravure printing/coating machines but retained the tons per year limit for the facility while increasing the number of operating days allowed. Additionally, the revision removed the maximum operating speeds for the nine machines. Jefferson County included these provisions in permits issued by the District to Reynolds Metals Company, and those permits were incorporated by reference into the Kentucky SIP. Specifically, the January 13, 1998, approval incorporated into the SIP updates to the previously approved APCDJC Permits 103-74, 104-74, 105-74, 106-74, 110-74, and 111-74, as effective on April 16, 1997.

On March 29, 2021, Jefferson County submitted a new SIP revision to remove the permits previously incorporated by

<sup>2</sup> "Line" refers to "printing line," which is defined, in part, as "a series of processes, and the associated process equipment, used to apply, dry, and cure an ink containing a VOC." See Definition 1.8 of Regulation 6.29, Section 1.

<sup>3</sup> As described in the notice of proposed rulemaking for the 1990 action, "Baseline emissions were determined using the lowest of actual, SIP-allowable or RACT-allowable emissions for each source involved in the bubble, with values for the actual quantity of VOC content of coatings used based on the most recent two-year period." See 55 FR 2842 (January 29, 1990).

<sup>1</sup> The company, originally named Alcan Foil Products, later became Reynolds Metals Company, then LL Flex, LLC.