

sections 408(b)(14) and 408(g) of the Act, and parallel provisions of the Code, relating to the provision of investment advice described in the Act by a fiduciary adviser to participants and beneficiaries in participant-directed individual account plans, and beneficiaries of IRAs (and certain similar plans).

Also on August 22, 2008, notice was published in the **Federal Register** (73 FR 49924) that the Department has under consideration a proposed class exemption to permit the provision of investment advice to participants and beneficiaries of self-directed individual account plans, such as 401(k) plans, and IRAs. The Department proposed the class exemption on its own motion pursuant to section 408(a) of ERISA, and in accordance with the procedures set forth in 29 CFR Part 2570, subpart B (55 FR 32836, August 10, 1990).

Specifically, upon adoption, the proposed exemption would provide relief from the restrictions of section 406(a) and 406(b) of the Act, and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, for the provision of investment advice described in section 3(21)(A)(ii) of ERISA by a fiduciary adviser to a participant or beneficiary in an individual account plan or IRA (and certain similar plans), the acquisition, holding or sale of a security or other property pursuant to the investment advice, and the direct or indirect receipt of fees or other compensation by the fiduciary adviser (or any employee, agent, registered representative or affiliate thereof) in connection with such transactions.

Upon adoption, both the regulation and exemption would affect sponsors, fiduciaries, participants and beneficiaries of participant-directed individual account plans and IRAs, as well as providers of investment and investment advice-related services to such plans.

In the notice of proposed regulation and exemption, the Department invited all interested persons to submit written comments on or before October 6, 2008. To date, the Department has received approximately 39 written comments both the proposed regulation and class exemption, many of which were from major industry groups. All written comments are available to the public, without charge, online at [www.dol.gov/ebsa](http://www.dol.gov/ebsa) and at the Public Disclosure Room N-1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210

In their written comments, four parties requested that the Department

hold a public hearing to more fully examine issues raised under the proposed regulation and class exemption, and expressed an interest in testifying. In view of the importance of these initiatives and their potential for significantly affecting the provision of investment advice to participants and beneficiaries in affected plans, and taking into account the concerns of these commenters, the Department has decided to hold a public hearing. The primary purpose of this hearing is to further develop the public record regarding the regulation and to assist the Department in understanding the issues and other concerns raised by the written comments. Because information contained in previously-submitted written comments is already part of the public record, the Department expects that persons testifying at the hearing will present information not previously addressed in their written comments.

The hearing will be held on October 21, 2008, beginning at 8 a.m. and ending at 5 p.m., EST, in Room S-3215 A&B of the Department of Labor, Francis Perkins Building, at 200 Constitution Avenue, NW., Washington, DC 20210.

Persons interested in presenting testimony and answering questions at this public hearing must submit, by 3:30 p.m., EST, October 16, 2008, the following information: (1) A written request to be heard; and (2) An outline of the topics to be discussed, indicating the time allocated to each topic. To facilitate the receipt and processing of responses, EBSA encourages interested persons to submit their requests and outlines electronically by e-mail to [e-ORI@dol.gov](mailto:ORI@dol.gov). Persons submitting requests and outlines electronically are encouraged not to submit paper copies.

Persons submitting requests and outlines on paper should send or deliver their requests and outlines (preferably at least three copies) to the Office of Regulations and Interpretations, Employee Benefits Security Administration, Attn: Investment Advice Hearing, Room N-5655, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. All requests and outlines submitted to the Department will be available to the public, without charge, online at [www.dol.gov/ebsa](http://www.dol.gov/ebsa) and at the Public Disclosure Room N-1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

The Department will prepare an agenda indicating the order of presentation of oral comments and testimony. In the absence of special circumstances, each presenter will be

allotted ten (10) minutes in which to complete his or her presentation.

Any individuals with disabilities who may need special accommodations should notify Fil Williams on or before October 16, 2008.

Information about the agenda will be posted on <http://www.dol.gov/ebsa> on or after October 16, 2008, or may be obtained by contacting Fil Williams, Office of Regulations and Interpretations, Employee Benefits Security Administration, U.S. Department of Labor, telephone (202) 693-8510 (this is not a toll-free number).

Those individuals who make oral comments and testimonies at the hearing should be prepared to answer questions regarding their information and/or comments. The hearing will be transcribed.

#### Notice of Public Hearing

Notice is hereby given that a public hearing will be held on October 21, 2008, concerning the Department's proposed regulation and class exemption for the provision of investment advice to participants and beneficiaries of self-directed individual account plans and IRAs. The hearing will be held beginning at 8 a.m. in Room S-3215 A&B of the U.S. Department of Labor, Francis Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 8th day of October 2008.

**Bradford P. Campbell,**

*Assistant Secretary, Employee Benefits Security Administration, U.S. Department of Labor.*

[FR Doc. E8-24337 Filed 10-10-08; 8:45 am]

**BILLING CODE 4510-29-P**

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## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 201

[Docket No. RM 2008-9]

#### Fees

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice of proposed rulemaking is issued to inform the public that the Copyright Office of the Library of Congress is considering adoption of new fees for registration of claims, special services and Licensing Division services, and that the Office intends to submit a schedule of

proposed new statutory fees and fees for certain other services to Congress. The proposed fees would recover a significant part of the costs to the Office of registering claims and provide full cost recovery for many services provided by the Office which benefit only or primarily the user of that service. The new fees are based on reliable information regarding the costs of providing services, and reflect new electronic processing of most claims implemented in the Copyright Office in 2007.

**DATES:** Comments should be in writing and received on or before November 13, 20083.

**ADDRESSES:** If hand delivered by a private party, an original and ten copies of any comment should be brought to Room LM-401 of the James Madison Memorial Building between 8:30 a.m. and 5 p.m. and the envelope should be addressed as follows: Office of the General Counsel, U.S. Copyright Office, James Madison Memorial Building, Room LM-401, 101 Independence Avenue, SE., Washington, DC 20559-6000. If hand delivered by a commercial courier, an original and ten copies of any comment must be delivered to the Congressional Courier Acceptance Site located at Second and D Streets, NE., Washington, DC, between 8:30 a.m. and 4 p.m. The envelope should be addressed as follows: Office of the General Counsel, U.S. Copyright Office, LM 401, James Madison Building, 101 Independence Avenue, SE., Washington, DC. Please note that CCAS will not accept delivery by means of overnight delivery services such as Federal Express, United Parcel Service or DHL. If sent by mail (including overnight delivery using U.S. Postal Service Express Mail), an original and five copies should be addressed to U.S. Copyright Office, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Tanya M. Sandros, General Counsel, or Kent Dunlap, Principal Legal Advisor for the General Counsel, *Telephone:* (202) 707-8380. *Telefax:* (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** Section 708 of the copyright law establishes two separate procedures for adjusting fees for Copyright Office services to account for increases in costs. For fees for services specifically enumerated in section 708(a)(1)-(9), "statutory fees," the fees are adjusted according to the procedures set forth in section 708(b). This procedure includes the completion of a cost study, and the forwarding of an economic report and proposed fee schedule to Congress, which takes effect

unless Congress enacts a law within 120 days disapproving of the new fees. The second procedure concerns fees for services not specifically enumerated in section 708(a)(1)-(9), and for the purposes of this rulemaking, these fees are termed "discretionary fees." For these fees, section 708(a) authorizes the Register to set the fee at "the cost of providing the service." As with the statutory fees, the Copyright Office adjusts the discretionary fees after conducting a cost study to determine the cost of providing the service.

The Copyright Office has instituted fee adjustments under this provision on four separate occasions. The first schedule was adopted in 1999. *See* 63 FR 43426 (August 13, 1998) and 64 FR 29518 (June 1, 1999). Three years later a second adjustment was made raising many copyright fees, but leaving the basic registration fee at \$30. 67 FR 38003 (May 31, 2002). The third fee adjustment was adopted in 2006, in which most statutory fees were again raised due to an increase in costs. In this instance, the basic registration fee was increased from \$30 to \$45. 71 FR 15368 (March 28, 2006) and 71 FR 31089 (June 1, 2006). The last fee adjustment was adopted in 2007 establishing a lower basic registration fee of \$35 for copyright claims submitted electronically. 72 FR 33690 (June 19, 2007).

In the 2007 adjustment lowering the fee for electronic submission of basic copyright registration, it was stated that fee adjustment would likely be revisited once the electronic, online process for registering a claim was operational for a sufficient period of time so as to yield reliable information on the actual costs involved in providing the service. Electronic submission of basic claims to copyright was opened to beta testers in July 2007 with an increasing number of beta testers added over the next 11 months. Beginning July 1, 2008, the Office made online, electronic submission of copyright claims available to the general public, and it also introduced a new application, Form CO. The advantage of Form CO is its 2-D barcode that captures the information as entered online on the application form and from which the Copyright Office retrieves the information for processing.

The Office has gained experience in the past 15 months in using its new IT system for processing three different types of submissions of claims to copyright. Claims may be submitted electronically, by mailing a completed Form CO that incorporates a 2-D barcode, or by submitting existing paper forms, *i.e.*, Forms PA, VA, SR, TX or SE.

Each type of submission requires a significantly different degree of effort to process. Therefore, the Office is proposing a fee adjustment for each of these three types of submissions to recover the appropriate portion of the cost of providing such service.

## I. Overview

The expenses of the Copyright Office have always been substantially funded through the fees for providing services, although the percentage of cost recovery has varied. For the last fifty years, cost recovery through the charging of fees has ranged from 50% to 80% of the expenses of the Copyright Office. In fiscal year 2005, the Copyright Office collected \$23,788,227 in fees, sufficient to offset 56.9% of the total expenditures of the Copyright Office. In fiscal year 2006, during the last three months of which higher fees applied, the Office collected \$24,126,884 in fees, sufficient to offset only 51.3% of the total expenditures of the Copyright Office. In fiscal year 2007, the Copyright Office collected \$29,261,052 in fees, offsetting 60.5% of the Copyright Office's total expenditures. Programs relating to mandatory deposit, domestic and international copyright policy and public information have been generally paid for by appropriated funds.

In order to meet the legal requirements for adjusting fees, the Copyright Office undertook a cost study to evaluate the cost of its fee services. Based upon that study, the Office proposes to adjust its fees to reflect the costs associated with the reengineered processes. The proposed new fees are being disclosed to the public at this time in order to provide an opportunity for public comment. The Copyright Office plans to implement the new fees on or about April 1, 2009.

## II. Discretionary Fees

For services other than those mentioned in section 708(a)(1) through (9) identified as "other services" in the law, and identified in this notice as "Discretionary Fees," the Register is authorized to fix the fees at the actual cost of providing the service. The fees proposed here are based on a study of the costs of providing these services. Where costs have increased, the fees have been raised. In some cases the fees remain the same, or where costs have decreased, the fees have been lowered.

This notice will not discuss each fee increase individually where fees have been adjusted either to recover the cost of the service or to account for the rate of inflation since the last fee adjustment. However, the Copyright Office believes

further clarification is useful for the following fees:

1. *Recordation of an Interim Designation of Agent to Receive Notification of Claimed Infringement under § 512(c)(2) (Online Service Provider Designation)*. The Copyright Office has recorded and indexed designations of online service providers at a flat rate up to the present time. In practice, some of these documents are very simple while others include several or even many domain names that must be indexed in the Office's online record. To recover the extra cost associated with processing the larger number of domain names, the Office proposes a fee for the filing itself, with an additional fee for each group of 1 to 10 additional domain names.

2. *Service Charge for Uncollectible and Non-negotiable Checks*. Before the reengineering of Copyright Office processes, the Office did not register in-process claims and canceled completed registrations when an uncollectible check was returned from the bank. Under the new system, processing is merely suspended until the filer sends a valid payment. Returning non-negotiable checks and writing for replacements for failed payments is a direct cost to the Office. Modern businesses recover such costs by imposing a service charge, and the Office is adopting the same approach.

3. *Licensing Division Fees*. The Licensing Division of the Copyright Office provides services related to statements of account for cable, satellite, and DART usage. In this case, fees are set based on a separate study relating to the budget and expenditures of the Licensing Division. In addition, it charges fees for searching, certification and copying of licensing records. These services are similar to those performed by the Information and Records Division and the costs are also parallel. Consequently, fees are adjusted on the basis of the cost of providing the service regarding the filing of an Amended Statement of Account in accordance with Sections 111, 112, 114, 119, & 1003, Recordation of Licensing Agreement under Section 118; and search, certification, and copying fees.

4. *Refund Policy*. The Copyright Office intends to harmonize its refund policy with respect to refunds of fees for non-registration services, including document recordation and Licensing Division non-royalty fees. Heretofore, when a document that had been filed was not recorded, the entire fee was refunded. In the future, the Office will retain a portion of the fee to offset the administrative cost of processing the request to record the document. In this

case, under 37 CFR 201.6(c), the Office will retain a processing fee in an amount equivalent to the minimum fee set for the service, and will refund only the fees paid beyond that amount. With respect to the various Licensing Division fees, the regulation will be applied in the same manner.

### III. Statutory Fees

The Copyright Office now offers two additional options for filing basic copyright claims beyond the traditional paper application: electronic filing via the Office's new "electronic Copyright Office" (eCo) and filing a new application Form CO filled out and printed from the Web site with the data encoded in 2-D barcodes.

In July 2006, the basic registration fee was increased to \$45. At that time, the Office established prospectively a lower fee of \$35 for filers who would use the electronic filing system still in development at that time. In July 2007, when the system became available to the public for beta testing, the lower fee was implemented. The cost study just completed validates the lower fee, demonstrating a substantial cost savings to the Office in processing electronic claims.

In its proposed schedule of fees, the Office has revised its registration schedule and presents a three tier system for basic registration fees to accommodate the addition of Form CO. On July 1, 2008, the Office implemented its new Form CO and 2-D barcode filing option on its Web site. The 2-D barcode captures the data entered into Form CO and, when scanned in the Office, populates the various fields with the digitized data, eliminating the need for any transcription. Users who complete the new Form CO on the Copyright Office Web site, print it from the Web site, and submit it with the fee and deposit copy or copies, will be charged a fee that is higher than the eCO filing fee, but lower than the fee for paper filings using old applications without the 2-D barcode. The fee level was determined from the cost study for processing applications by stripping out the known costs that would not be incurred in processing the Form CO claims. Review of the costs associated with implementation of Form CO has demonstrated that the deleted costs were in fact directly related to processing steps avoided in processing these claims.

The highest fee for submission of a claim for registration is reserved for filers who submit the traditional paper application forms. The higher fee reflects the level of manual intervention required to create the digitized

information, and other associated costs. In turn, these filers, like their counterparts, will receive a certificate created from the digital data drawn from a scanned image of the application.

In addition to the registration fees associated with basic copyright registration, fees have been adjusted in some of the other areas of copyright registration, as have other statutory fees. The Copyright Office believes further clarification is useful for the following fees:

1. *Supplementary Registration and Additional Certificate of Registration*. These statutory fees are being adjusted downward. The cost of providing these services has declined over recent years due to automation of processing systems. In such circumstances, it is appropriate to pass these savings on to the customer.

2. *Group Registration for Database Updates, Group Registration for Published Photographs, and Group Registration for Contributions to Periodicals*. In the case of these three group registration options, the applicant files the traditional registration form, and in the case of published photographs, the use of an adjunct form listing the individual titles of the photographs. The fees for these groups are exactly the same as the fees for claims in individual works in these categories. A group submission reduces the Office's costs and is seen as a win-win for the Office and its customers. The fees for these groups will increase for paper filings, in concert with the fees for individual basic registrations. When group registration is available in the 2-D barcode and electronic filing options, the fees will parallel those for individual claims, as well.

3. *Making and Reporting of a Search*. The fee for searching and preparing a report from Copyright Office records is adjusted for inflation to maintain the current level of cost recovery. The Office has determined, however, to apply a 2-hour minimum charge to searches performed by the Records Research & Certification Division. This step will bring the Office's charges more in line with the fees charged for this service by providers in the private sector and will make recovery fairly consistent with actual costs. The minimum fee for searches done by the Licensing Division remains at the current rate of a 1-hour minimum due to the limited scope of the typical search.

4. *Notice of Intention to Obtain a Compulsory License under Section 115(b)*. This fee has not been adjusted since 1978 and it has become both a windfall for filers who have only one

title in their notice and a burden for those notices with many titles. The Office intends to balance the fee so that it is fairer to users and better reflects the relative cost of processing the single-title versus multiple-title notices, by charging a fee for processing the notice itself, with an additional fee for each group of ten additional titles beyond the first. The proposed fee is based on the cost of providing this service and increases the basic filing fee, while reducing the cost per title when

multiple titles are included in the filing. This is the same approach the Office uses to set fees for the recordation of a document with additional titles and the recordation of an Interim Designation of Agent to Receive Notification of Claimed Infringement under § 512(c)(2). The Office anticipates adjusting its processes to accept electronic filings in the future, at which time, it will consider an adjustment to these fees to reflect the efficiencies and savings associated with electronic filings.

**IV. Proposed New Statutory and Filing Fees**

Based upon the cost study prepared by the Copyright Office, the Copyright Office is proposing a new fee schedule for registration and related services, special services, and Licensing Division services. A comparison of existing and new fees is included in the following charts:

	Current fees	Proposed fees
<b>Registration, Recordation, and Related Services</b>		
(1) Registration of a basic claim in an original work of authorship: Form CO (electronic filing) .....	\$35	\$35
Form CO (2-D barcode application completed online) .....	45	50
Forms PA, SR, TX, VA, SE (paper filing) .....	45	65
(2) Registration of a claim in a group of published photographs, database updates, or contributions to periodicals (Form GR/CP): Form CO (electronic filing, when available) .....	35	35
Form CO (2-D barcode application completed online, when available) .....	45	50
Forms PA, SR, TX, VA, SE (paper filing) .....	45	65
(3) Registration of a renewal claim (Form RE): Claim without Addendum .....	75	115
Addendum .....	220	245
(4) Registration of a claim in a mask work (Form MW) .....	95	105
(5) Registration of a claim in a group of serials (Form SE/Group) [per issue, with minimum 2 issues] .....	25	25
(6) Registration of a claim in a group of daily newspapers and qualified newsletters (Form G/DN) .....	70	80
(7) Registration of a claim in a restored copyright (Form GATT) .....	45	65
(8) Preregistration of certain unpublished works .....	100	115
(9) Registration of a correction or amplification to a claim (Form CA) .....	115	100
(10) Providing an additional certificate of registration .....	40	35
(11) Certification of other Copyright Office records (per hour) .....	150	165
(12) Search-report prepared from official records (per hour) [minimum 2 hours] .....	150	165
Estimate of search fee .....	100	115
(13) Location of Copyright Office records (per hour) .....	150	165
Location of in-process materials (per hour) .....	150	165
(14) Recordation of document, including a Notice of Intention to Enforce (NIE) (single title) .....	95	105
Additional titles (per group of 10 titles) .....	25	30
(15) Recordation of Notice of Intention to Make and Distribute Phonorecords (single title) .....	12	105
Additional titles (per group of 10 titles) .....	N/A	20
(16) Recordation of an Interim Designation of Agent to Receive Notification of Claimed Infringement under § 512(c)(2) (single name) .....	80	105
Additional domain names (per group of 10 names) .....	N/A	30
(17) Issuance of a receipt for a § 407 deposit .....	20	30
(18) Registration of a claim in a vessel hull (Form D/VH) .....	200	220
<b>Special Services</b>		
(1) Service charge for deposit account overdraft .....	150	165
<b>Licensing Division Services</b>		
(1) Recordation of a Notice of Intention to Make and .....	12	105

<sup>1</sup> New item; fee not currently listed in 37 CFR 201.3(d).

**V. Request for Comments**

The Copyright Office is publishing the proposed new fees and modification of the refund policy in order to provide the public with an opportunity to comment on the proposed adjustments. The Office anticipates implementation of the new fee schedule by April 1, 2009.

Dated: October 8, 2008.

**Marybeth Peters,**

*Register of Copyrights.*

[FR Doc. E8-24269 Filed 10-10-08; 8:45 am]

**BILLING CODE 1410-30-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 228**

[EPA-R10-OW-2008-0745; FRL-8728-6]

**Ocean Dumping; Designation of Ocean Dredged Material Disposal Site Offshore of the Rogue River, OR**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is withdrawing an earlier proposal to designate an ocean dredged material disposal site near the mouth of the Rogue River, Oregon, and is re-proposing to designate an ocean dredged material disposal site located offshore of the Rogue River, Oregon. EPA's proposed rule was published at 56 FR 47173 (September 18, 1991). Changes since that time to the ocean dumping program, including changes to the Marine Protection, Research, and Sanctuaries Act, as amended (MPRSA), 33 U.S.C. 1401 to 1445, give rise to EPA's decision to re-propose the site designation to take into account the statutory changes since the original proposal and to incorporate new data about the site. The new site is needed primarily to serve the long-term need for a location to dispose of material dredged from the Rogue River navigation channel, and will also serve to provide a location for the disposal of dredged material for persons who have received a permit for such disposal. The newly designated site will be subject to ongoing monitoring and management to ensure continued protection of the marine environment.

**DATES:** Comments on this proposed rule must be received by November 13, 2008.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R10-OW-2008-0745 by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- *E-mail:*  
*Freedman.Jonathan@epa.gov.*
- *Mail:* Jonathan Freedman, U.S. Environmental Protection Agency, Region 10, Office of Ecosystems, Tribal and Public Affairs (ETPA-183), Aquatic Resources Unit, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101.

*Instructions:* Direct your comments to Docket ID No. EPA-R10-OW-2008-0745. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through the Web site, <http://www.regulations.gov>, or through e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through the Web site, <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters or any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

*Docket:* All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information may not be publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy during normal business hours at the U.S. Environmental Protection Agency, Region 10, Library, 10th Floor, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101. For access to the documents at the Region 10 Library, contact the Region 10 Library Reference Desk at (206) 553-1289, between the hours of 9 a.m. to 11:30 a.m., and between the hours of 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays, for an appointment.

**FOR FURTHER INFORMATION CONTACT:** Jonathan Freedman, U.S. Environmental Protection Agency, Region 10, Office of Ecosystems, Tribal and Public Affairs (ETPA-183), Aquatic Resources Unit, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101, *phone number:* (206) 553-0266, *e-mail:* [freedman.jonathan@epa.gov](mailto:freedman.jonathan@epa.gov), or contact Jessica Winkler, U.S. Environmental Protection Agency, Region 10, Office of Ecosystems, Tribal and Public Affairs (ETPA-183), Aquatic Resources Unit, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101, *phone number:* (206) 553-7369, *e-mail:* [winkler.jessica@epa.gov](mailto:winkler.jessica@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**1. Potentially Affected Persons**

Persons potentially affected by this proposed action include those who seek or might seek permits or approval by EPA to dispose of dredged material into ocean waters pursuant to the Marine Protection, Research, and Sanctuaries Act, as amended (MPRSA), 33 U.S.C. 1401 to 1445. EPA's action would be relevant to persons, including organizations and government bodies, seeking to dispose of dredged material in ocean waters offshore of the Rogue River, Oregon. Currently, the U.S. Army Corps of Engineers (Corps) would be most impacted by this proposed action. Potentially affected categories and persons include:

Category	Examples of potentially regulated persons
Federal Government .....	U.S. Army Corps of Engineers Civil Works Projects, and other Federal Agencies.
Industry and General Public .....	Port Authorities, Marinas and Harbors, Shipyards and Marine Repair Facilities, Berth Owners.