

petition proposes eliminating the following limitation in the current exemption: “that the exemption shall not extend to any computer program on a 3D printer that produces goods or materials for use in commerce the physical production of which is subject to legal or regulatory oversight or a related certification process, or where the circumvention is otherwise unlawful.”¹³⁹

The Office seeks comment on whether this expanded exemption for 3D printing should be adopted.

IV. Future Phases of the Seventh Triennial Rulemaking

As in prior rulemakings, after receipt of written comments, the Office will continue to solicit public engagement to create a comprehensive record. Described below are the future phases of the administrative process that will be employed for this rulemaking, so that parties may use this information in their planning.

A. Public Hearings

The Copyright Office intends to hold public hearings following the last round of written comments. The hearings will be conducted in Washington DC during the week of April 9, 2018 and in California with a date and location to be determined. A separate notice providing details about the hearings and how to participate will be published in the **Federal Register** at a later date. The Office will identify specific items of inquiry to be addressed during the hearings. The hearings in Washington will be live streamed online, and the Office hopes to be able to offer the same for the California hearings.

B. Post-Hearing Questions

As with previous rulemakings, following the hearings, the Copyright Office may request additional information with respect to particular classes from rulemaking participants. The Office may rely on this process in cases where it would be useful for participants to supply missing information for the record or otherwise resolve issues that the Office believes are material to particular exemptions. Such requests for information will take the form of a letter from the Copyright Office and will be addressed to individual parties involved in the proposal as to which more information is sought. While responding to such a request will be voluntary, any response will need to be supplied by a specified deadline. After the receipt of all

responses, the Office will post the questions and responses on the Office’s Web site as part of the public record.

C. Ex-Parte Communication

In its 1201 Study, the Office noted that, in response to stakeholder requests, it would consider in this rulemaking whether to utilize informal meetings to discuss proposed regulatory language or address discrete issues prior to issuing a recommendation, including by establishing guidelines for *ex parte* communications.¹⁴⁰ In the past, the Office’s communications with participants about the ongoing triennial rulemakings have not included discussions about the substance of the proceeding apart from the noticed phases of written comments and public hearings (although the Office has provided procedural guidance to participants, and has held discussions with other federal agencies, such as NTIA, to discuss matters within their subject matter expertise). The Office has determined that further informal communications with non-governmental participants might be beneficial in limited circumstances where the Office seeks specific information or follow-up regarding the public record, such as to discuss nuances of proposed regulatory language. However, any such communication will be limited to the post-hearing phase of the rulemaking. The primary means to communicate views in the course of the rulemaking will continue to be through the submission of written comments or participation in the public roundtables. In other words, this communication will supplement, not substitute for, the pre-existing record. While exact guidelines governing *ex parte* communications with the Office regarding the triennial rulemaking will be issued at a later date, they will be similar to those followed by other agencies such as the Consumer Financial Protection Bureau or Federal Communications Commission.¹⁴¹ For example, the participating party or parties will be responsible for submitting a list of attendees and written summary of any oral communication to the Office, which will be made publicly available on the Office’s Web site or *regulations.gov*. In sum, while the Office is establishing the option of informal meetings in response to stakeholder demand, it will require that all such communications be on the

record to ensure the greatest possible transparency.

Dated: October 19, 2017.

Sarang V. Damle,

General Counsel and Associate Register of Copyrights.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA-R03-OAR-2017-0509; FRL-9969-91-Region 3]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; City of Philadelphia; Control of Emissions From Existing Sewage Sludge Incineration Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to notify the public that it has received a negative declaration for the City of Philadelphia Air Management Services (Philadelphia AMS) for sewage sludge incineration (SSI) units. This negative declaration certifies that SSI units subject to the requirements of sections 111(d) and 129 of the Clean Air Act (CAA) do not exist within the City of Philadelphia in the Commonwealth of Pennsylvania. EPA is accepting the negative declaration in accordance with the requirements of the CAA. In the Final Rules section of this issue of the **Federal Register**, EPA is accepting the negative declaration as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by November 27, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R03-OAR-2017-0509 at <https://www.regulations.gov>, or via email to aquino.marcos@epa.gov. For comments submitted at *Regulations.gov*, follow the

¹⁴⁰ 1201 Study at 150–51.

¹⁴¹ The Office expects to continue to hold informal intra-governmental communications, which would not be included in such guidelines.

¹³⁹ Weinberg Class 12 Pet. at 2. *Compare* 2015 Recommendation at 376–77.

online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Michael Gordon, (215) 814-2039, or by email at gordon.mike@epa.gov.

SUPPLEMENTARY INFORMATION: For further information regarding the negative declaration submitted by Philadelphia AMS for SSI units, please see the information provided in the technical support document in the rulemaking docket and in the direct final action, with the same title, that is located in the “Rules and Regulations” section of this issue of the **Federal Register**. The negative declaration letter submitted by Philadelphia AMS and technical support document in support of this action are also available online at www.regulations.gov.

Dated: October 11, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

[FR Doc. 2017-23231 Filed 10-25-17; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 713

[EPA-HQ-OPPT-2017-0421; FRL-9970-07]

RIN 2070-AK22

Mercury; Reporting Requirements for the TSCA Mercury Inventory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: As required under section 8(b)(10)(D) of the Toxic Substances Control Act (TSCA), EPA is proposing reporting requirements for applicable persons to provide information to assist in the preparation of an “inventory of mercury supply, use, and trade in the United States,” where “mercury” is defined as “elemental mercury” and “a mercury compound.” The requirements would be applicable to any person who manufactures (including imports) mercury or mercury-added products, or otherwise intentionally uses mercury in a manufacturing process. Based on the inventory of information collected, the Agency is directed to “identify any manufacturing processes or products that intentionally add mercury; and . . . recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use.” At this time, EPA is not making such identifications or recommendations.

DATES: Comments must be received on or before December 26, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2017-0421, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Thomas Groeneveld, National Program Chemicals Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 566-1188; email address: groeneveld.thomas@epa.gov.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422

South Clinton Ave. Rochester, NY 14620; telephone number: (202) 554-1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture (including import) mercury or mercury-added products, or if you otherwise intentionally use mercury in a manufacturing process. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Gold ore mining (NAICS code 212221)
- Lead ore and zinc ore mining (NAICS code 212231)
- All other metal ore mining (NAICS code 212299)
- Asphalt shingle and coating materials manufacturing (NAICS code 324122)
- Synthetic dye and pigment manufacturing (NAICS code 325130)
- Other basic inorganic chemical manufacturing (NAICS code 325180)
- All other basic organic chemical manufacturing (NAICS code 325199)
- Plastics material and resin manufacturing (NAICS code 325211)
- Pesticide and other agricultural chemical manufacturing (NAICS code 325320)
- Medicinal and botanical manufacturing (NAICS code 325411)
- Pharmaceutical preparation manufacturing (NAICS code 325412)
- Biological product (except diagnostic) manufacturing (NAICS code 325414)
- Paint and coating manufacturing (NAICS code 325510)
- Adhesive manufacturing (NAICS code 325520)
- Custom compounding of purchased resins (NAICS code 325991)
- Photographic film, paper, plate, and chemical manufacturing (NAICS code 325992)
- All other miscellaneous chemical product and preparation manufacturing (NAICS code 325998)
- Unlaminated plastics film and sheet (except packaging) manufacturing (NAICS code 326113)
- Unlaminated plastics profile shape manufacturing (NAICS code 326121)
- Urethane and other foam product (except polystyrene) manufacturing (NAICS code 326150)