

**§ 110.209 Saint Lawrence Seaway Anchorages, NY.**

(a) *Carleton Island Anchorage*; Saint Lawrence River, Cape Vincent, New York.

(1) *Carleton Island Anchorage Area*. The waters bounded by a line connecting the following, beginning at 44°11'57.11" N, 076°14'04.62" W; thence to 44°11'21.80" N, 076°14'05.77" W; thence to 44°11'34.07" N, 076°15'49.57" W; 44°11'35.35" N, 076°16'47.50" W; 44°11'43.49" N, 076°16'48.00" W; 44°11'57.11" N, 076°14'04.62" W and back to the beginning point. These coordinates are based on WGS 84.

(2) *Tibbett's Island Anchorage Area*. The waters bounded by a line connecting the following points, beginning at 44°05'20.27" N, 076°23'25"78" W; thence to 44°05'21.85" N, 076°22'40.97" W; thence to 44°04'34.08" N, 076°23'09.98" W; 44°04'07.72" N; 076°23'33.76" W; 44°04'32.78" N, 076°24'43.80" W; 44°05'44.37" N, 076°23'56.29" W; 44°05'20.27" N, 076°23' 25.78" W and back to the beginning point. These coordinates are based on WGS 84.

(b) *The Regulations*. (1) Anchors must not be placed in the Saint Lawrence Seaway shipping channel. No portion of the hull or rigging may extend outside the limits of the anchorage area.

(2) No vessel may occupy any general anchorage described in paragraph (a) of this section for a period longer than 10 days unless approval is obtained from the Captain of the Port for that purpose.

(3) The COTP, or authorized representative, may require vessels to depart from the Anchorages described above before the expiration of the authorized or maximum stay. The COTP, or authorized representative, will provide at least 12-hour notice to a vessel required to depart the anchorages.

Dated: January 11, 2018.

**J.M. Nunan,**

*Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.*

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**LIBRARY OF CONGRESS**

**Copyright Office**

**37 CFR Part 201**

[Docket No. 2017-10]

**Exemptions To Permit Circumvention of Access Controls on Copyrighted Works: Notice of Public Hearings**

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

**ACTION:** Announcement of public hearings.

**SUMMARY:** The United States Copyright Office will be holding public hearings as part of the seventh triennial rulemaking proceeding under the Digital Millennium Copyright Act ("DMCA") concerning possible exemptions to the DMCA's prohibition against circumvention of technological measures that control access to copyrighted works. The public hearings will be held in April 2018 in Washington, DC and Los Angeles. Parties interested in testifying at the public hearings are invited to submit requests to testify pursuant to the instructions set forth below.

**DATES:** The public hearings in Washington, DC are scheduled for April 10, 11, 12, and 13, 2018, on each day from 9:00 a.m. to 5:00 p.m. The public hearings in Los Angeles are scheduled for April 23, 24, and 25, 2018, on each day from 9:00 a.m. to 5:00 p.m. Requests to testify must be received no later than 11:59 p.m. Eastern time on February 21, 2018. Although the Office currently anticipates up to four days of hearings in Washington, DC and three days of hearings in Los Angeles, the Office may adjust this schedule depending upon the number and nature of requests to testify. Once the schedule of hearing witnesses is finalized, the Office will notify all participants and post the times and dates of the hearings at <https://www.copyright.gov/1201/2018/>.

**ADDRESSES:** The Washington, DC hearings will be held in the Mumford Room of the James Madison Building of the Library of Congress, 101 Independence Ave. SE, Washington, DC 20540. The Los Angeles hearings will be held in Room 1314 of the UCLA School of Law, 385 Charles E. Young Drive East, Los Angeles, CA 90095. Requests to testify should be submitted through the request form available at <https://www.copyright.gov/1201/2018/hearing-request.html>. Any person who is unable to send a request via the website should contact the Office using the contact information below to make an alternative arrangement for submission of a request to testify. The **SUPPLEMENTARY INFORMATION** section below includes additional instructions on submitting requests to testify.

**FOR FURTHER INFORMATION CONTACT:** Sarang Vijay Damle, General Counsel and Associate Register of Copyrights, by email at [sdam@loc.gov](mailto:sdam@loc.gov), Regan A. Smith, Deputy General Counsel, by email at [resm@loc.gov](mailto:resm@loc.gov), Anna Chauvet, Assistant General Counsel, by email at [achau@loc.gov](mailto:achau@loc.gov), or Jason E. Sloan, Attorney-

Advisor, by email at [jslo@loc.gov](mailto:jslo@loc.gov). Each can be contacted by telephone by calling (202) 707-8350.

**SUPPLEMENTARY INFORMATION:** On June 30, 2017, the Copyright Office published a notice of inquiry in the **Federal Register** to initiate the seventh triennial rulemaking proceeding under 17 U.S.C. 1201(a)(1), which provides that the Librarian of Congress, upon recommendation of the Register of Copyrights, may exempt certain classes of copyrighted works from the prohibition against circumventing a technological measure that controls access to a copyrighted work. 82 FR 29804 (June 30, 2017). On October 26, 2017, the Office published a notice of proposed rulemaking setting forth proposed exemptions for twelve classes of works and requesting responsive comments. 82 FR 49550 (Oct. 26, 2017). The responsive comments received thus far have been posted on the Office's website. See <https://www.copyright.gov/1201/2018/>.

At this time, the Office is announcing public hearings to be held in Washington, DC and Los Angeles to further consider the proposed exemptions. The Office plans to convene panels of witnesses for the proposals to be considered, and may combine certain panels if the witnesses and/or key issues substantially overlap. The Office will schedule panels for particular exemptions in either Washington, DC or Los Angeles unless compelling circumstances require that a proposed class be considered in both cities. Limiting the discussion of each proposed class to one city or another will better ensure that witnesses can respond to the points made by others and avoid duplicative discussion. All of the hearings will be live streamed online. If no request to testify is received for a proposed exemption, the Office will consider the class based on the written submissions and any *ex parte* communications with interested parties (discussed below).

**A. Submitting Requests To Testify**

A request to testify should be submitted to the Copyright Office using the form on the Office's website indicated in the **ADDRESSES** section above. Anyone wishing to testify with respect to more than one proposed class must submit a separate form for each request. If multiple people from the same organization wish to testify on *different* panels, each should submit a separate request for each panel. If multiple people from the same organization wish to testify on the *same* panel, each should submit a request for

that panel, and explain the need for multiple witnesses in the comment field of the request form. If a party is considering whether to testify at a hearing, the party should submit a hearing request form even if no opposition has been filed. The Copyright Office will contact requesters should it determine that a hearing is unnecessary.

Depending upon the number and nature of the requests to testify, and in light of the limited time and space available for the public hearings, the Office may not be able to accommodate all requests to testify. The Office will give preference to those who have submitted substantive evidentiary submissions in support of or in opposition to a proposal. To the extent feasible, the Office encourages parties with similar interests to select a common representative to testify on their behalf.

All requests to testify must clearly identify:

- The name of the person desiring to serve as a witness.
- The organization or organizations represented, if any.
- Contact information (address, telephone, and email).
- The proposed class about which the person wishes to testify.
- A two- to three-sentence explanation of the testimony the witness expects to present.
- If the party is requesting the ability to demonstrate a use or a technology at the hearing, a description of the demonstration, including whether it will be prepared in advance or presented live, the approximate time required for such demonstration, and any presentation equipment that the person desires to use and/or bring to the hearing.
- The city in which the person prefers to testify (Washington, DC or Los Angeles).

The Office will try to take this preference into account in scheduling the hearings, but cannot guarantee that the relevant panel will be convened in the preferred city. Participants who are unable to testify in a particular city or on a particular date should so indicate in the comment field of the request form.

To facilitate the process of scheduling panels, it is essential that all of the required information listed above be included in a request to testify.

Following receipt of the requests to testify, the Office will prepare agendas for the hearings listing the panels and witnesses, which will be circulated to hearing participants and posted at <https://www.copyright.gov/1201/2018/>.

As stated above, although the Office currently anticipates up to four days of hearings in Washington, DC and three days of hearings in Los Angeles, the Office may adjust this schedule depending upon the number and nature of requests to testify.

#### **B. Format of Public Hearings**

There will be time limits for each panel, which will be established after receiving all requests to testify. Generally, the Copyright Office plans to allot approximately one to two hours for each proposed class, although it may allot additional time for more complex classes.

Witnesses should expect the Office to have carefully studied all written comments, and the Office will expect witnesses to have done the same with respect to the classes for which they will be presenting. The hearings will focus on legal or factual issues that are unclear or underdeveloped in the written record, as identified by the Office, as well as demonstrative evidence.

The Office stresses that factual information is critical to the rulemaking process, and witnesses should be prepared to discuss, among other things, where the copies of the works sought to be accessed are stored, how the works would be accessed, and what would be done with the works after being accessed. The Office also encourages witnesses to provide real-world examples to support their arguments. In some cases, the best way to do this may be to provide a demonstration of a claimed noninfringing use or the technologies pertinent to a proposal. As noted above, a person wishing to provide a demonstration should include a request to do so with his or her request to testify, using the appropriate space on the form described above. To ensure proper documentation of the hearings, the Office will require that a copy of any audio, visual, or audiovisual materials that have been prepared in advance (e.g., slideshows and videos) be provided to the Office at the hearing. Live demonstrations may be recorded by a videographer provided by the Office. The Office may contact witnesses individually ahead of time to ensure that demonstrations can be preserved for the record in an appropriate form.

In addition to videography equipment, the Office expects to have a PC, projector, and screen in the hearing room to accommodate demonstrations. Beyond this equipment, witnesses are responsible for supplying and operating any other equipment needed for their demonstrations. Persons planning to bring additional electronic or

audiovisual equipment must notify the Office at least five business days in advance of their scheduled hearing date by emailing John Riley, Attorney-Advisor, at [jril@loc.gov](mailto:jril@loc.gov).

All hearings will be open to the public, but seating will be limited and will be provided on a first-come, first-served basis. Witnesses and persons accompanying witnesses will be given priority in seating. As noted above, all of the hearings will be live streamed online.

#### **C. Ex-Parte Communication**

Typically, the Office's communications with participants about an ongoing rulemaking do not include discussions about the substance of the proceeding apart from written comments and public hearings. As with prior section 1201 rulemakings, the written record may also include post-hearing questions issued by the Office to individual parties involved with a particular class, and the Office will continue to post any questions and responses on the Office's website as part of the public record. For this rulemaking, the Office has determined that informal communication with interested parties might also be beneficial, such as to discuss nuances of proposed regulatory language. Any such communication may occur after the public hearings, but before the Office has issued a recommendation to the Librarian of Congress regarding the exemptions. Parties wishing to participate in informal discussions with the Office should submit a written request to one or more of the persons listed in the contact information above.

The primary means to communicate views in the course of the rulemaking will, however, continue to be through the submission of written comments and testimony at the public hearings. In other words, informal communication will supplement, not substitute for, the written record and testimony at the public hearings. Should a party meet with the Office regarding this rulemaking, the participating party 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 website or [regulations.gov](http://regulations.gov). In sum, while the Office is establishing the option of informal meetings in this rulemaking, it will require that all such communications be reflected in the record to ensure the greatest possible transparency.

Dated: January 25, 2018.

**Sarang V. Damle,**

*General Counsel and Associate Register of Copyrights.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2016-0315; FRL-9973-46-Region 4]

#### Air Plan Approval; Georgia; Regional Haze Plan and Prong 4 (Visibility) for the 2012 PM<sub>2.5</sub>, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, and 2008 Ozone NAAQS

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to take the following four actions regarding the Georgia State Implementation Plan (SIP): Approve the portion of Georgia's July 26, 2017, SIP submittal seeking to change reliance from the Clean Air Interstate Rule (CAIR) to Cross-State Air Pollution Rule (CSAPR) for certain regional haze requirements; convert EPA's limited approval/limited disapproval of Georgia's regional haze SIP to a full approval; remove EPA's Federal Implementation Plan (FIP) for Georgia which replaced reliance on CAIR with reliance on CSAPR to address the deficiencies identified in the limited disapproval of Georgia's regional haze SIP; and approve the visibility prong of Georgia's infrastructure SIP submittals for the 2012 Fine Particulate Matter (PM<sub>2.5</sub>), 2010 Nitrogen Dioxide (NO<sub>2</sub>), 2010 Sulfur Dioxide (SO<sub>2</sub>), and 2008 8-hour Ozone National Ambient Air Quality Standards (NAAQS).

**DATES:** Comments must be received on or before March 5, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID No EPA-R04-OAR-2016-0315 at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. 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, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

#### FOR FURTHER INFORMATION CONTACT:

Michele Notarianni, Air Regulatory Management Section, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303-8960. Ms. Notarianni can be reached by telephone at (404) 562-9031 or via electronic mail at [notarianni.michele@epa.gov](mailto:notarianni.michele@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### A. Regional Haze Plans and Their Relationship With CAIR and CSAPR

Section 169A(b)(2)(A) of the Clean Air Act (CAA or Act) requires states to submit regional haze plans that contain such measures as may be necessary to make reasonable progress towards the natural visibility goal, including a requirement that certain categories of existing major stationary sources built between 1962 and 1977 procure, install, and operate Best Available Retrofit Technology (BART) as determined by the state. Under the Regional Haze Rule (RHR), states are directed to conduct BART determinations for such "BART-eligible" sources that may be anticipated to cause or contribute to any visibility impairment in a Class I area. Rather than requiring source-specific BART controls, states also have the flexibility to adopt an emissions trading program or other alternative program as long as the alternative provides greater reasonable progress towards improving visibility than BART. *See* 40 CFR 51.308(e)(2). EPA provided states with this flexibility in the RHR, adopted in 1999, and further refined the criteria for assessing whether an alternative program provides for greater reasonable progress in two subsequent rulemakings. *See* 64 FR 35714 (July 1, 1999); 70 FR 39104 (July 6, 2005); 71 FR 60612 (October 13, 2006).

EPA demonstrated that CAIR would achieve greater reasonable progress than BART in revisions to the regional haze

program made in 2005.<sup>1</sup> *See* 70 FR 39104 (July 6, 2005). In those revisions, EPA amended its regulations to provide that states participating in the CAIR cap-and-trade programs pursuant to an EPA-approved CAIR SIP or states that remain subject to a CAIR FIP need not require affected BART-eligible electric generating units (EGUs) to install, operate, and maintain BART for emissions of SO<sub>2</sub> and nitrogen oxides (NO<sub>x</sub>). As a result of EPA's determination that CAIR was "better-than-BART," a number of states in the CAIR region, including Georgia, relied on the CAIR cap-and-trade programs as an alternative to BART for EGU emissions of SO<sub>2</sub> and NO<sub>x</sub> in designing their regional haze plans. These states also relied on CAIR as an element of a long-term strategy (LTS) for achieving their reasonable progress goals (RPGs) for their regional haze programs. However, in 2008, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded CAIR to EPA without vacatur to preserve the environmental benefits provided by CAIR. *North Carolina v. EPA*, 550 F.3d 1176, 1178 (D.C. Cir. 2008). On August 8, 2011 (76 FR 48208), acting on the D.C. Circuit's remand, EPA promulgated CSAPR to replace CAIR and issued FIPs to implement the rule in CSAPR-subject states.<sup>2</sup> Implementation of CSAPR was scheduled to begin on January 1, 2012, when CSAPR would have superseded the CAIR program.

Due to the D.C. Circuit's 2008 ruling that CAIR was "fatally flawed" and its resulting status as a temporary measure following that ruling, EPA could not fully approve regional haze SIPs to the extent that they relied on CAIR to satisfy the BART requirement and the requirement for a LTS sufficient to achieve the state-adopted RPGs. On these grounds, EPA finalized a limited disapproval of Georgia's regional haze

<sup>1</sup> CAIR created regional cap-and-trade programs to reduce SO<sub>2</sub> and NO<sub>x</sub> emissions in 27 eastern states (and the District of Columbia), including Georgia, that contributed to downwind nonattainment or interfered with maintenance of the 1997 8-hour ozone NAAQS or the 1997 PM<sub>2.5</sub> NAAQS.

<sup>2</sup> CSAPR requires 28 eastern states to limit their statewide emissions of SO<sub>2</sub> and/or NO<sub>x</sub> in order to mitigate transported air pollution unlawfully impacting other states' ability to attain or maintain four NAAQS: The 1997 ozone NAAQS, the 1997 annual PM<sub>2.5</sub> NAAQS, the 2006 24-hour PM<sub>2.5</sub> NAAQS, and the 2008 8-hour ozone NAAQS. The CSAPR emissions limitations are defined in terms of maximum statewide "budgets" for emissions of annual SO<sub>2</sub>, annual NO<sub>x</sub>, and/or ozone-season NO<sub>x</sub> by each covered state's large EGUs. The CSAPR state budgets are implemented in two phases of generally increasing stringency, with the Phase 1 budgets applying to emissions in 2015 and 2016 and the Phase 2 budgets applying to emissions in 2017 and later years.