

Dated: December 17, 2018.

Melody Braswell,

*Department Clearance Officer for PRA, U.S.
Department of Justice.*

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

Fee Adjustment for Testing, Evaluation, and Approval of Mining Products

AGENCY: Mine Safety and Health
Administration, Labor.

ACTION: Notice of fee adjustment.

SUMMARY: The Mine Safety and Health Administration (MSHA) announces a revised hourly rate for the fees charged to applicants and approval holders for testing, evaluating, and approving products for use in mines. MSHA charges a fee to cover the full cost (direct and indirect costs) of its services associated with the approval program. The new hourly rate is \$137.

DATES: MSHA will charge the new hourly rate for new approval services starting January 1, 2019.

FOR FURTHER INFORMATION CONTACT: Dennis L. Ferlich, Chief, Approval and Certification Center (A&CC), 304-547-2029 or 304-547-0400 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION:

I. Background

Under the Federal Mine Safety and Health Act of 1977 (Mine Act), as amended, MSHA's mission is to prevent death, disease, and injury from mining and promote safe and healthy workplaces for the Nation's miners. MSHA approves equipment, materials, and explosives for use in mines to assure that the products are designed, constructed, and maintained so as not to cause a fire, explosion, or other accident. MSHA's regulation under 30 CFR part 5, Fees for Testing, Evaluation, and Approval of Mining Products, establishes the method the Agency uses to calculate the fees needed to recover costs for approval services.

Under 30 U.S.C. 966, MSHA may collect and retain up to \$2,499,000 of fees collected for the approval and certification of equipment, materials, and explosives for use in mines.

On July 29, 2015, MSHA published a final rule in the **Federal Register** (80 FR 45051) that revised the Agency's regulation for administering fees for testing, evaluation, and approval of products manufactured for use in mines.

Under the final rule, MSHA revised the hourly rate by dividing the total of a prior fiscal year's approval program costs (direct and indirect costs) by the number of total direct hours spent on approval program activities for that year. The hourly rate was increased from \$97 to \$121.

MSHA began charging the existing hourly rate on October 1, 2015, for new approval applications.

II. Applicable Fee

Under 30 CFR 5.50, an hourly rate will remain in effect for at least one year and be subject to revision at least once every three years. MSHA calculates the FY 2019 hourly rate using FY 2017 costs for baseline data. MSHA has determined that as of January 1, 2019, the hourly rate will be \$137 per hour for services on new applications and post-approval activities (changes to approvals and post-approval product audits).

- MSHA will process applications and post-approval activities postmarked before January 1, 2019, under the existing FY 2018 hourly rate of \$121.
- MSHA will process applications and post-approval activities postmarked on or after January 1, 2019, under the revised FY 2019 hourly rate of \$137. This information is available on MSHA's web page at <http://www.msha.gov>.

David G. Zatezalo,

*Assistant Secretary of Labor for Mine Safety
and Health.*

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LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2018-11]

Request for Information on Designation of Mechanical Licensing Collective and Digital Licensee Coordinator

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

ACTION: Notice of inquiry.

SUMMARY: The U.S. Copyright Office is issuing a notice of inquiry regarding the Musical Works Modernization Act, title I of the Orrin G. Hatch-Bob Goodlatte Music Modernization Act ("MMA"), enacted on October 11, 2018. The MMA made significant modifications to the compulsory license in section 115 of title 17 for making and distributing phonorecords of musical works (the "mechanical license"). Among the many changes to the section 115 compulsory

license, the MMA calls for establishing a collective to manage a new blanket licensing system governing licensed uses of musical works by digital music providers. The Register of Copyrights is directed to designate the mechanical licensing collective and the digital licensee coordinator that will carry out key functions under the new blanket license.

The Office now solicits information to identify the appropriate entities to be designated. The information received in response to this notice of inquiry will be publicly posted, and interested members of the public may publicly comment on the submissions. After consideration of the record material, the Register will publish a notice in the **Federal Register** setting forth the identity of and contact information for the mechanical licensing collective and digital licensee coordinator, and the reasons for the designations.

DATES: Initial written proposals must be received no later than 11:59 p.m. Eastern Time on March 21, 2019. Written reply comments must be received no later than 11:59 p.m. Eastern Time on April 22, 2019. Following submission of these written comments, the Office may provide for proponents of written proposals to supplement or amend their initial submission, in accordance with specific instructions established by the Office at <https://www.copyright.gov/rulemaking/mma-designations/>. The Office reserves the option to seek additional public input prior to making a designation, to be announced by separate notice in the future. Rather than reserving time for potential extensions of time to file comments, commenting parties should be aware that the Office has already established what it believes to be the most reasonable deadlines consistent with the statutory deadlines by which it must promulgate the regulations described in this notice of inquiry.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments in response to this notice are therefore to be submitted electronically through *regulations.gov*. Specific instructions for submitting comments are available on the Copyright Office's website at <https://www.copyright.gov/rulemaking/mma-designations/>. If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office using the contact information below for special instructions.