

are subject to the informal notice-and-comment procedures described in § 1213.8 and to submit requests that we issue, reconsider, modify, or rescind guidance documents, in accordance with § 1213.10. It also provides contact information for the public to submit complaints that an office is not following the requirements of OMB's Good Guidance Bulletin or is improperly treating a guidance document as a requirement binding on the public.

§ 1213.8 Significant guidance.

(a) *Good faith cost estimates.* Even though not legally binding on the public, some agency guidance may result in a substantial economic impact on the public. For example, the guidance's existence may induce private parties to alter their conduct to conform to recommended standards or practices, thereby incurring costs beyond the costs of complying with existing statutes, regulations, and other authorities. While it may be difficult to predict with precision the economic impact of voluntary guidance on the public, we, to the extent practicable, make a good faith effort to estimate the likely economic cost impact on the public, to determine whether the document might be significant.

(b) *Regulatory impact analyses.* When we, or OIRA, determine that a guidance document will have an economically significant impact on the public, we conduct and publish a regulatory impact analysis of the sort that would accompany an economically significant rulemaking, to the extent reasonably possible.

(c) *Excluded guidance.* Significant guidance documents do not include the categories of documents excluded by § 1213.1(b) or any other category of guidance documents the regulatory office exempts in writing in consultation with OIRA.

(d) *OIRA review of significant guidance.* If OIRA designates a guidance document as significant or economically significant, we submit it to OIRA for review under E.O. 12866 before we issue it, as with regulations; and we process significant guidance in compliance with the applicable requirements for regulations or rules, including significant regulatory actions, set forth in E.O. 12866, E.O. 13563, E.O. 13609, E.O. 13771, and E.O. 13777.

(e) *Signature or approval.* The Archivist of the United States or a senior executive designee signs or approves significant guidance.

(f) *Informal notice-and-comment procedures.* Except as outlined in paragraph (g) of this section, we subject

all proposed guidance documents OIRA determines to be significant to the following informal notice-and-comment procedures. We publish a notice in the **Federal Register** announcing that a draft of the proposed guidance document is publicly available and where, either post the draft guidance document on our guidance portal or on *regulations.gov* in a docket with the notice (depending on the nature, size, and scope of the guidance), invite public comment on the draft document for a minimum of 30 days, and prepare and post a public response to major concerns raised in the comments, as appropriate, on our guidance portal or in the docket on *regulations.gov* (whichever location we used to post the draft guidance), either before or when we issue the guidance document.

(g) *Exceptions to notice-and-comment procedures.* The requirements of paragraph (f) of this section do not apply to any significant guidance document or categories of significant guidance documents for which we find, in consultation with OIRA, good cause that notice and public comments are impracticable, unnecessary, or contrary to the public interest (and we will incorporate the finding of good cause and a brief statement of reasons in the guidance).

§ 1213.10 Petitions for guidance.

(a) Any person may petition that we issue, reconsider, modify, or rescind a particular guidance document by using the procedures described here and on our guidance portal at www.archives.gov/guidance.

(b) Submit your petition using the contact information and method noted on the guidance portal, which includes an email address or web portal for submitting electronic petitions, a mailing address for submitting hard copy petitions, and the office responsible for coordinating the request. You must submit your petition through one of these means, and the petition must:

(1) Describe the nature of the request and set out the text or substance of the guidance you are requesting or that you wish us to reconsider, modify, or rescind;

(2) Explain your interest in the action you are requesting; and

(3) Contain any information and arguments you have to support the action you are seeking.

(c) We will review your request and make a decision whether to grant the request or deny it in whole or in part. We will provide you with a response to your request and a status update or our decision within 90 days after we receive

the petition, if you provide email or mail contact information.

§ 1213.14 Rescinded guidance.

We may not cite, use, or rely on guidance documents that we have rescinded, except to establish historical facts.

§ 1213.16 Exigent circumstances.

In emergency situations or when we are required by statutory deadline, court order, or other exigent circumstances to act more quickly than normal review procedures allow, we notify OIRA as soon as possible and, to the extent practicable, comply with the requirements of this subpart at the earliest opportunity. Whenever practicable, we permit sufficient time to comply with the procedures in this subpart.

§ 1213.18 No judicial review or enforceable rights.

We intend this part to improve our internal management. As a result, it is for the use of NARA personnel only and we do not intend it to, nor does it, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies or other entities, its officers or employees, or any other person.

David S. Ferriero,

Archivist of the United States.

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LIBRARY OF CONGRESS

U.S. Copyright Office

37 CFR Parts 201 and 202

[Docket No. 2020-2]

Group Registration of Newsletters

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

ACTION: Final rule.

SUMMARY: The U.S. Copyright Office is amending its regulation governing the group registration option for newsletter issues. The final rule eliminates the requirement that newsletters must be published at least two days each week to qualify for a group registration. In addition, the final rule updates the address where complimentary subscriptions should be sent for purposes of satisfying the mandatory deposit requirement for newsletters and other serials.

DATES: Effective June 29, 2020.

FOR FURTHER INFORMATION CONTACT:

Robert J. Kasunic, Associate Register of Copyrights and Director of Registration Policy and Practice, *rkas@copyright.gov*; Erik Bertin, Deputy Director of Registration Policy and Practice, *ebertin@copyright.gov*; or Kevin Amer, Deputy General Counsel, *kamer@copyright.gov*. They can be reached by telephone at (202) 707-3000.

SUPPLEMENTARY INFORMATION: The U.S. Copyright Office has established a group registration option that allows a newsletter publisher to register an entire month of issues with one application and one filing fee. A publisher may use this option if each issue is “an all-new issue or an all-new collective work that has not been previously published.”¹ In addition, the newsletter “must usually” be published “at least two days each week.”² The word “usually” was added to the regulation “to account for occasional situations where the newsletter suspends publication (e.g., for a holiday).”³

On February 24, 2020, the Office issued a notice of proposed rulemaking (the “NPRM”) requesting public comment on an amendment that would extend this option to a broader range of publishers.⁴ The NPRM noted that it had come to the Office’s attention that many newsletters are published just once a week.⁵ The requirement that publication must usually occur at least twice a week renders these newsletters ineligible for this group registration option. Some newsletter publishers may be able to use the group registration option for serials (which is specifically intended for publications that are distributed at intervals of a week or longer), but to do so each issue “must be an all-new collective work.”⁶ Thus, if a newsletter is published once a week, and if the issues in the group do not qualify as all-new collective works, the publisher may not qualify for either the group registration option for newsletters or the group registration option for serials. For these types of newsletters, the publisher must submit a separate application and filing fee for each issue.

To address this issue, the NPRM proposed to eliminate the requirement that newsletters must be published at least two days a week to qualify for the

group registration option for newsletters.⁷ During the comment period, the Office received no comments concerning the NPRM.⁸ Therefore, the Office is proceeding to issue a final rule that is identical to the proposed rule.

Under the final rule, newsletter publishers will still be required to complete and submit an online application and upload a digital deposit to seek a group registration.⁹ The online application is labeled “Daily Newsletters,” but to be clear, this form may be used to register any newsletter, even if it is not published on a daily basis, as long as all of the issues are published within the same month.

Likewise, newsletter publishers will still be required to comply with the mandatory deposit requirement if the newsletter is published in the United States in a physical form.¹⁰ To satisfy this requirement, the publisher must provide the Library of Congress with up to two complimentary subscriptions to the newsletter.¹¹ To facilitate this process, the final rule updates the mailing address where complimentary subscription copies of newsletters and other serials should be sent.

List of Subjects

37 CFR Part 201

Copyright, General Provisions.

37 CFR Part 202

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

■ 2. Revise § 201.1(c)(6) to read as follows:

§ 201.1 Communication with the Copyright Office

* * * * *
(c) * * *

⁷ *Id.* at 10350. To be eligible for group registration under this rule, the group must consist of at least two issues, and all of the issues included in the group must be published in the same calendar month. 37 CFR 202.4(f)(1)(ii), (v).

⁸ The Office received one comment making reference to copyright. It can be accessed at <https://www.copyright.gov/rulemaking/group-newsletters-frequency/>.

⁹ 37 CFR 202.4(f)(2), (3).

¹⁰ *Id.* § 202.19(d)(2)(xi).

¹¹ Newsletters that are published solely in electronic format remain subject to the Library’s on-demand mandatory deposit regime for electronic serials. *See id.* 202.19(c)(5), 202.24.

(6) *Mandatory deposit copies.* Mandatory deposit copies of published works submitted for the Library of Congress under 17 U.S.C. 407 and § 202.19 of this chapter (including serial publications that are not being registered) should be addressed to: Library of Congress, U.S. Copyright Office, Attn: 407 Deposits, 101 Independence Avenue SE, Washington, DC 20559-6600, except that mandatory deposit copies submitted as complimentary subscriptions for serial publications that are being registered should be addressed to: Library of Congress, Group Serials Registration, Washington, DC 20540-4161.

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PART 202—PREREGISTRATION AND REGISTRATION OF CLAIMS TO COPYRIGHT

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

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

§ 202.4 [Amended]

■ 4. In § 202.4, amend the third sentence of paragraph (f)(1)(i) by removing “Publication must usually occur at least two days each week and the” and adding “The” in its place.

Dated: April 27, 2020.

Maria Strong,

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

Approved by:

Carla D. Hayden,

Librarian of Congress.

[FR Doc. 2020-09490 Filed 5-27-20; 8:45 am]

BILLING CODE 1410-30-P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900-AQ01

Technical Correction to Reimbursement of Qualifying Adoption Expenses for Certain Veterans

AGENCY: Department of Veterans Affairs.
ACTION: Correcting Amendment.

SUMMARY: This final rule will add the Office of Management and Budget approval number for the new collection of information in the Department of Veterans Affairs (VA) regulation that governs the reimbursement of qualifying adoption expenses incurred by a veteran with a service-connected disability that results in the inability of the veteran to procreate without the use of fertility treatment.

¹ 37 CFR 202.4(f)(1)(iii).

² *Id.* § 202.4(f)(1)(i).

³ 83 FR 22902, 22904 (May 17, 2018).

⁴ 85 FR 10349 (Feb. 24, 2020).

⁵ *Id.* at 10350.

⁶ 37 CFR 202.4(d)(1)(iii), (v). *See* 17 U.S.C. 101 (defining “collective work” as “a work, such as a periodical issue, anthology, or encyclopedia, in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole”).