

found in FDA regulations. These collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 807, subpart E have been approved under OMB control number 0910–0120 and the collections of information under 21 CFR part 801 have been approved under OMB control number 0910–0485.

XI. Proposed Effective Date

FDA proposes that any final order based on this proposal become effective 30 days after the date of its publication in the **Federal Register**.

XII. References

The following references are on display in the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at <https://www.regulations.gov>. FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

1. FDA memorandum “To Manufacturers and Initial Distributors of Sharps Containers and Destroyers Used by Health Care Professionals,” February 3, 1994, available at: <https://www.fda.gov/downloads/medical-devices/deviceregulationandguidance/guidancedocuments/ucm070679.pdf>.

2. FDA “Pre-market Approval of Millenium Medical Supply Incorporated Needle-Ease™ 2501–ACTION,” March 6, 1997, available at: https://www.accessdata.fda.gov/cdrh_docs/pdf/p960044.pdf.

3. “Pre-market Approval Applications (PMA) for Sharps Needle Destruction Devices; Final Guidance for Industry and FDA,” March 2, 2001, available at: <https://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm073601.pdf>.

4. Tamplin S.A., D. Davidson, B. Powis, and Z. O’Leary, “Issues and Options for the Safe Destruction and Disposal of Used Injection Materials,” *Waste Management*, vol. 25, pp. 655–665, 2005.

List of Subjects in 21 CFR Part 880

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 *et seq.*, as amended) and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 880 be amended as follows:

PART 880—GENERAL HOSPITAL AND PERSONAL USE DEVICES

■ 1. The authority citation for part 880 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 2. Add § 880.6210 to subpart G to read as follows:

§ 880.6210 Sharps needle destruction device.

(a) *Identification.* A sharps needle destruction device is a prescription device that is intended to destroy needles or sharps used for medical purposes by incineration or mechanical means.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Performance testing must demonstrate the following during operation of the device:

(i) The device safely contains or ventilates aerosols or fumes from device operation.

(ii) Excessive heat or sparks are not generated that may injure users or patients.

(iii) Simulated use testing must demonstrate sharps and/or needles are completely destroyed using a range of types and sizes of sharps sufficient to represent actual use.

(iv) Simulated use testing must demonstrate that the device is physically stable on the surface for which it is intended to be mounted to ensure the risk of harm to the patient/user as a result of the device falling is minimized.

(2) Validation of cleaning and disinfection instructions must demonstrate that the device can be safely and effectively reprocessed after use per the recommended cleaning and disinfection protocol in the instructions for use.

(3) Analysis and/or testing must validate electromagnetic compatibility (EMC) and electrical safety, including the safety of any battery used in the device, under conditions which are consistent with the intended environment of device use.

(4) Software verification, validation, and hazard analysis must be performed.

(5) Labeling must include:

(i) A clear description of the device and its technological features;

(ii) How the device is to be used, including validated cleaning and disinfection instructions;

(iii) Relevant precautions and warnings based on performance and in-use testing to ensure proper use of the device; and

(iv) Instructions to install device in adequately ventilated area and stable area.

Dated: November 2, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–24191 Filed 11–6–17; 8:45 am]

BILLING CODE 4164–01–P

LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 381

[Docket No. 16–CRB–0002–PBR (2018–2022)]

Determination of Rates and Terms for Public Broadcasting (PB III)

AGENCY: Copyright Royalty Board (CRB), Library of Congress.

ACTION: Proposed rule.

SUMMARY: The Copyright Royalty Judges solicit comments on proposed rates and terms for use of certain works in connection with noncommercial broadcasting for the period commencing January 1, 2018, and ending on December 31, 2022.

DATES: Comments and objections, if any, are due on or before November 27, 2017.

ADDRESSES: You may submit comments and objections, identified by docket number 16–CRB–0002–PBR (2018–2022), by any of the following methods:

CRB’s electronic filing application: Submit comments online in eCRB at <https://app.crb.gov/>.

U.S. mail: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Overnight service (only USPS Express Mail is acceptable): Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Commercial courier: Address package to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Avenue SE., Washington, DC 20559–6000. Deliver to: Congressional Courier Acceptance Site, 2nd Street NE. and D Street NE., Washington, DC; or
Hand delivery: Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Avenue SE., Washington, DC 20559–6000.

Instructions: Unless submitting online, commenters must submit an original, five paper copies, and an electronic version on a CD. All submissions must include the CRB’s name and docket number. All submissions will be posted without change to eCRB on <https://www.crb.gov> including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to eCRB, the Copyright Royalty Board's electronic filing and case management system, at <https://app.crb.gov/> and search for docket number 16-CRB-0002-PBR (2018-2022). For documents not yet uploaded to eCRB (because it is a new system), go to the agency Web site at <https://www.crb.gov/> or contact the CRB Program Specialist.

FOR FURTHER INFORMATION CONTACT: Anita Blaine, CRB Program Specialist, by telephone at (202) 707-7658 or email at crb@loc.gov.

SUPPLEMENTARY INFORMATION:

Background

Section 118 of the Copyright Act, title 17 of the United States Code, establishes a statutory license for the use of certain copyrighted works in connection with noncommercial television and radio broadcasting. Chapter 8 of the Copyright Act requires the Copyright Royalty Judges ("Judges") to conduct proceedings every five years to determine the rates and terms for the section 118 license. 17 U.S.C. 801(b)(1), 804(b)(6). In accordance with section 804(b)(6), the Judges commenced the proceeding to set rates and terms for the period 2018-2022 on January 5, 2016. 77 FR 71104.

In the **Federal Register** notice, the Judges requested interested parties to submit petitions to participate. 81 FR 256 (January 5, 2016). Petitions to Participate ("PTP"s) were received from: The American Society of Authors, Composers and Publishers ("ASCAP"); SESAC, Inc.; Broadcast Music, Inc. ("BMI"); Educational Media Foundation ("EMF"); National Public Radio ("NPR") and the Public Broadcasting Service ("PBS"), jointly; National Religious Broadcasters Noncommercial Music License Committee ("NRBMLC"); the Church Music Publishers' Association ("CMPA");¹ the National Music Publishers' Association ("NMPA"), The Harry Fox Agency ("HFA"), National Association of College and University Business Officers ("NACUBO"), and David Powell.²

The Judges set the timetable for the three-month negotiation period, *see* 17 U.S.C. 803(b)(3), and directed the

participants to submit written direct statements no later than November 7, 2016. Notice of Participants, Commencement of Voluntary Negotiation Period, and Case Scheduling Order (Mar. 25, 2016). The Judges amended the case schedule twice to accommodate ongoing negotiations. *See* Order for Further Proceedings and Modified Case Schedule (Aug. 12, 2016). In July and September 2016, several participants filed notices of settlement and proposed rates and terms for adoption. No participant filed a written direct statement. *See* Order Requiring Submission of Proposed Regulations by National Public Radio and Public Broadcasting System at 1 (Oct. 19, 2017).

There are two ways copyright owners and public broadcasting entities³ may negotiate rates and terms under the section 118 statutory license. First, copyright owners may negotiate rates and terms with specific public broadcasting entities for the use of all of the copyright owners' works covered by the license. Section 118(b)(2) provides that such license agreements "shall be given effect in lieu of any determination by the * * * Copyright Royalty Judges," provided that copies of the agreement are submitted to the Judges "within 30 days of execution." 17 U.S.C. 118(b)(2). The Judges received one agreement in this category for which no further action is required.⁴

Second, copyright owners and public broadcasting entities may negotiate rates and terms for categories of copyrighted works and uses that would be binding on all owners and entities using the same license and submit them to the Judges for approval. Section 801(b)(7)(A) provides that the Copyright Royalty Judges shall provide to those that would be bound by the terms, rates, or other determination set by any agreement in a proceeding to determine royalty rates an opportunity to comment on the agreement and shall provide to participants in the proceeding under section 803(b)(2) that would be bound by the terms, rates, or other determination set by the agreement an opportunity to comment on the agreement and object to its adoption as a basis for statutory terms and rates; and that the Copyright Royalty Judges may

decline to adopt the agreement as a basis for statutory terms and rates for participants that are not parties to the agreement, if any participant described in clause (i) objects to the agreement and the Copyright Royalty Judges conclude, based on the record before them if one exists, that the agreement does not provide a reasonable basis for setting statutory terms and rates.

17 U.S.C. 801(b)(7)(A).

On or about September 1, 2017, the Judges received a joint submission from ASCAP, BMI, HFA, NACUBO, NMPA, NRBMLC, and SESAC containing proposed regulations that integrated the several separately filed proposals within this category. On October 25, 2017, the Judges received two more proposals within this category, one from NPR and PBS and a joint proposal from HFA, NMPA, PBS, NPR, and CPB.⁵

NACUBO Joint Proposals

The joint proposals of NACUBO and each of ASCAP, BMI, and SESAC propose to modify the royalty rates set forth in § 381.5. The rates proposed in the NACUBO/BMI and NACUBO/ASCAP submissions reflect a modification of the fees in different rate tiers. NACUBO/BMI Joint Proposal at 5, App. A. NACUBO/ASCAP Joint Proposal at 5, App. A. The NACUBO/SESAC submission retains a flat rate which they propose adjusting, starting in 2018, by the change in the Consumer Price Index or one-and-a-half percent, whichever is greater. NACUBO/SESAC Joint Proposal App. A.

NRBMLC Joint Proposals

The joint proposals entered into by NRBMLC and each of HFA/NMPA, ASCAP, BMI, and SESAC propose carrying forward unchanged the current provisions set forth in §§ 381.1 (except to replace "January 1, 2013" with "January 1, 2018" and "December 31, 2017" with "December 31, 2022"), 381.2, 381.9, and 381.11.

The joint proposal between NMPA/HFA and NRBMLC states that the rates in § 381.7(b)(4) should be modified. NMPA/HFA and NRBMLC Joint Proposal at 2-3.

Each of the joint proposals between NRBMLC and ASCAP, BMI and SESAC propose modifications to § 381.6. ASCAP and NRBMLC Joint proposal at 3; BMI and NRBMLC Joint proposal at 5; SESAC and NRBMLC Joint proposal at 3.

NPR/PBS Joint Proposals

NPR and PBS filed a joint proposal with NMPA and HFA to modify fees in

⁵ The PTP from NPR and PBS covers CPB (the Corporation for Public Broadcasting).

¹ CMPA's PTP was filed late with permission of the Judges. *See* Order Granting Church Music Publishers' Motion to Accept Late Petition to Participate (May 6, 2016). The Judges received no written direct statement from and no notice of settlement from or regarding CMPA.

² Mr. Powell's Petition to Participate was dismissed on August 16, 2016. Order Dismissing Petition to Participate of David Powell.

³ A "public broadcasting entity" is defined as a "noncommercial educational broadcast station as defined in section 397 of title 47 and any nonprofit institution or organization engaged in the activities described in paragraph (2) of subsection (c)" of section 118. 17 U.S.C. 118(f).

⁴ The Judges received an agreement from BMI on October 24, 2017. They anticipate receiving two others (from ASCAP and SESAC). Submission of NPR and PBS at 1 (Oct. 25, 2017).

§ 381.7, a change that reflects the same percentage increase made in the prior rate period because such increase “is fair and reasonable.” HFA/NMPA and NPR/PBS Joint Proposal at 2.

NPR and PBS filed proposed changes to fees in § 381.4 pursuant to negotiated license agreements with ASCAP, BMI, and SESAC. The changes conform to analogous changes in §§ 381.5 and 381.6.

As noted above, the members of the public and participants in this rate proceeding may comment and object to any or all of the proposed regulations contained in this notice.

List of Subjects in 37 CFR Part 381

Copyright, Music, Radio, Television, Rates.

Proposed Regulations

For the reasons set forth in the preamble, the Copyright Royalty Judges propose to amend part 381 to chapter III of title 37 of the Code of Federal Regulations as set forth below:

PART 381—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING

■ 1. The authority citation for part 381 continues to read as follows:

Authority: 17 U.S.C. 118, 801(b)(1) and 803.

§ 381.1 [Amended]

■ 2. In § 381.1 remove “2013” and, in its place, add “2018”, and remove “2017” and, in its place, add “2022”.

■ 3. Amend § 381.4 as follows:

■ a. Revise paragraph (a);

■ b. In paragraph (c) remove “2013” and, in its place, add “2018”, and remove “2017” and, in its place, add “2022”; and

■ c. Remove paragraph (d).

The revision reads as follows:

§ 381.4 Performance of musical compositions by PBS, NPR and other public broadcasting entities engaged in the activities set forth in 17 U.S.C. 118(c).

* * * * *

(a) *Determination of royalty rate.* The following rates and terms shall apply to

the performance by PBS, NPR and other public broadcasting entities engaged in activities set forth in 17 U.S.C. 118(c) of copyrighted published nondramatic musical compositions, except for public broadcasting entities covered by §§ 381.5 and 381.6, and except for compositions which are the subject of voluntary license agreements: The royalty shall be \$1.

* * * * *

■ 4. Amend § 381.5 by revising paragraph (c) to read as follows:

§ 381.5 Performance of musical compositions by public broadcasting entities licensed to colleges and universities.

* * * * *

(c) *Royalty rate.* A public broadcasting entity within the scope of this section may perform published nondramatic musical compositions subject to the following schedule of royalty rates:

(1) For all such compositions in the repertory of ASCAP, the royalty rates shall be as follows:

(i)

| | Number of full-time students | 2018 | 2019 | 2020 | 2021 | 2022 |
|---------------|------------------------------|-------|-------|-------|-------|-------|
| Level 1 | <1,000 | \$352 | \$359 | \$366 | \$373 | \$380 |
| Level 2 | 1,000–4,999 | 407 | 415 | 423 | 431 | 440 |
| Level 3 | 5,000–9,999 | 557 | 568 | 579 | 591 | 603 |
| Level 4 | 10,000–19,999 | 722 | 736 | 751 | 766 | 781 |
| Level 5 | 20,000 + | 908 | 926 | 945 | 964 | 983 |

(ii) Level 1 rates as set forth in paragraph (c)(1)(i) of this section, shall also apply to College Radio Stations with an authorized effective radiated power (ERP), as that term is defined in

47 CFR 73.310(a), of 100 Watts or less, as specified on its current FCC license, regardless of the size of the student population.

(2) For all such compositions in the repertory of BMI, the royalty rates shall be as follows:

(i)

| | Number of full-time students | 2018 | 2019 | 2020 | 2021 | 2022 |
|---------------|------------------------------|-------|-------|-------|-------|-------|
| Level 1 | <1,000 | \$352 | \$359 | \$366 | \$373 | \$380 |
| Level 2 | 1,000–4,999 | 407 | 415 | 423 | 431 | 440 |
| Level 3 | 5,000–9,999 | 557 | 568 | 579 | 591 | 603 |
| Level 4 | 10,000–19,999 | 722 | 736 | 751 | 766 | 781 |
| Level 5 | 20,000 + | 908 | 926 | 945 | 964 | 983 |

(ii) Level 1 rates, as set forth in paragraph (c)(2)(i) of this section, shall also apply to College Radio Stations with an authorized effective radiated power (ERP), as that term is defined in 47 CFR 73.310(a), of 100 Watts or less, as specified on its current FCC license, regardless of the size of the student population.

(3) For all such compositions in the repertory of SESAC, the royalty rates shall be as follows:

(i) 2018: The 2017 rate, subject to an annual cost of living adjustment in

accordance with paragraph (c)(3)(vi) of this section.

(ii) 2019: The 2018 rate, subject to an annual cost of living adjustment in accordance with paragraph (c)(3)(vi) of this section.

(iii) 2020: The 2019 rate, subject to an annual cost of living adjustment in accordance with paragraph (c)(3)(vi) of this section.

(iv) 2021: The 2020 rate, subject to an annual cost of living adjustment in accordance with paragraph (c)(3)(vi) of this section.

(v) 2022: The 2021 rate, subject to an annual cost of living adjustment in accordance with paragraph (c)(3)(vi) of this section.

(vi) Such cost of living adjustment to be made in accordance with the greater of

(A) The change, if any, in the Consumer Price Index (all consumers, all items) published by the U.S. Department of Labor, Bureau of Labor Statistics during the twelve (12) month period from the most recent Index, published before December 1 of the year

immediately prior to the applicable year, or
 (B) One and one-half percent (1.5%).
 (4) For the performance of any other such compositions: \$1.

* * * * *

■ 5. Amend § 381.6 as follows:

■ a. Remove from the first sentence of paragraph (a) the words “which are”; and

■ b. Revise paragraph (d).
 The revision reads as follows:

§ 381.6 Performance of musical compositions by other public broadcasting entities.

* * * * *

(d) *Royalty rate.* A public broadcasting entity within the scope of this section may perform published

nondramatic musical compositions subject to the following schedule of royalty rates:

(1) For all such compositions in the repertoire of ASCAP, the royalty rates shall be as follows:

(i) Music Fees (Stations with 20% or more programming containing Feature Music):

| | Population count | Calendar years | | | | |
|---------|---------------------|----------------|-------|-------|-------|-------|
| | | 2018 | 2019 | 2020 | 2021 | 2022 |
| Level 1 | 0–249,999 | \$697 | \$711 | \$725 | \$739 | \$754 |
| Level 2 | 250,000–499,999 | 1,243 | 1,268 | 1,294 | 1,319 | 1,346 |
| Level 3 | 500,000–999,999 | 1,864 | 1,901 | 1,939 | 1,978 | 2,017 |
| Level 4 | 1,000,000–1,499,999 | 2,486 | 2,535 | 2,586 | 2,638 | 2,691 |
| Level 5 | 1,500,000–1,999,999 | 3,107 | 3,169 | 3,232 | 3,297 | 3,363 |
| Level 6 | 2,000,000–2,499,999 | 3,728 | 3,803 | 3,879 | 3,956 | 4,035 |
| Level 7 | 2,500,000–2,999,999 | 4,349 | 4,436 | 4,525 | 4,615 | 4,708 |
| Level 8 | 3,000,000 and above | 6,214 | 6,338 | 6,465 | 6,594 | 6,726 |

(ii) Talk Format Station Fees (Stations with <20% Feature Music programming):

| | Population count | Calendar years | | | | |
|---------|---------------------|----------------|-------|-------|-------|-------|
| | | 2018 | 2019 | 2020 | 2021 | 2022 |
| Level 1 | 0–249,999 | \$697 | \$711 | \$725 | \$739 | \$754 |
| Level 2 | 250,000–499,999 | 697 | 711 | 725 | 739 | 754 |
| Level 3 | 500,000–999,999 | 697 | 711 | 725 | 739 | 754 |
| Level 4 | 1,000,000–1,499,999 | 870 | 887 | 905 | 923 | 942 |
| Level 5 | 1,500,000–1,999,999 | 1,087 | 1,109 | 1,131 | 1,154 | 1,177 |
| Level 6 | 2,000,000–2,499,999 | 1,305 | 1,331 | 1,357 | 1,384 | 1,412 |
| Level 7 | 2,500,000–2,999,999 | 1,522 | 1,552 | 1,583 | 1,615 | 1,647 |
| Level 8 | 3,000,000 and above | 2,175 | 2,218 | 2,262 | 2,308 | 2,354 |

(2) For all such compositions in the repertoire of BMI, the royalty rates shall be as follows:

(i) Music Fees (Stations with 20% or more programming containing Feature Music):

| | Population count | Calendar years | | | | |
|---------|---------------------|----------------|-------|-------|-------|-------|
| | | 2018 | 2019 | 2020 | 2021 | 2022 |
| Level 1 | 0–249,999 | \$697 | \$711 | \$725 | \$739 | \$754 |
| Level 2 | 250,000–499,999 | 1,243 | 1,268 | 1,294 | 1,319 | 1,346 |
| Level 3 | 500,000–999,999 | 1,864 | 1,901 | 1,939 | 1,978 | 2,017 |
| Level 4 | 1,000,000–1,499,999 | 2,486 | 2,535 | 2,586 | 2,638 | 2,691 |
| Level 5 | 1,500,000–1,999,999 | 3,107 | 3,169 | 3,232 | 3,297 | 3,363 |
| Level 6 | 2,000,000–2,499,999 | 3,728 | 3,803 | 3,879 | 3,956 | 4,035 |
| Level 7 | 2,500,000–2,999,999 | 4,349 | 4,436 | 4,525 | 4,615 | 4,708 |
| Level 8 | 3,000,000 and above | 6,214 | 6,338 | 6,465 | 6,594 | 6,726 |

(ii) Talk Format Station Fees (Stations with <20% Feature Music programming):

| | Population count | Calendar years | | | | |
|---------|---------------------|----------------|-------|-------|-------|-------|
| | | 2018 | 2019 | 2020 | 2021 | 2022 |
| Level 1 | 0–249,999 | \$697 | \$711 | \$725 | \$739 | \$754 |
| Level 2 | 250,000–499,999 | 697 | 711 | 725 | 739 | 754 |
| Level 3 | 500,000–999,999 | 697 | 711 | 725 | 739 | 754 |
| Level 4 | 1,000,000–1,499,999 | 870 | 887 | 905 | 923 | 942 |

| | Population count | Calendar years | | | | |
|---------------|---------------------------|----------------|-------|-------|-------|-------|
| | | 2018 | 2019 | 2020 | 2021 | 2022 |
| Level 5 | 1,500,000–1,999,999 | 1,087 | 1,109 | 1,131 | 1,154 | 1,177 |
| Level 6 | 2,000,000–2,499,999 | 1,305 | 1,331 | 1,357 | 1,384 | 1,412 |
| Level 7 | 2,500,000–2,999,999 | 1,522 | 1,552 | 1,583 | 1,615 | 1,647 |
| Level 8 | 3,000,000 and above | 2,175 | 2,218 | 2,262 | 2,308 | 2,354 |

(3) For all such compositions in the repertory of SESAC, the royalty rates shall be as follows:

(i) Music fees for stations with > = 20% Feature Music programming:

| | Population count | Calendar years | | | | |
|---------------|---------------------------|----------------|-------|-------|-------|-------|
| | | 2018 | 2019 | 2020 | 2021 | 2022 |
| Level 1 | 0–249,999 | \$152 | \$155 | \$158 | \$161 | \$164 |
| Level 2 | 250,000–499,999 | 253 | 258 | 263 | 268 | 274 |
| Level 3 | 500,000–999,999 | 380 | 388 | 396 | 403 | 411 |
| Level 4 | 1,000,000–1,499,999 | 507 | 517 | 527 | 538 | 548 |
| Level 5 | 1,500,000–1,999,999 | 634 | 647 | 660 | 673 | 686 |
| Level 6 | 2,000,000–2,499,999 | 760 | 775 | 790 | 806 | 822 |
| Level 7 | 2,500,000–2,999,999 | 887 | 905 | 923 | 941 | 960 |
| Level 8 | 3,000,000 and above | 1,268 | 1,293 | 1,318 | 1,344 | 1,371 |

(ii) Talk fees for stations with <20% Feature Music programming:

| | Population count | Calendar years | | | | |
|---------------|---------------------------|----------------|-------|-------|-------|-------|
| | | 2018 | 2019 | 2020 | 2021 | 2022 |
| Level 1 | 0–249,999 | \$152 | \$155 | \$158 | \$161 | \$164 |
| Level 2 | 250,000–499,999 | 152 | 155 | 158 | 161 | 164 |
| Level 3 | 500,000–999,999 | 152 | 155 | 158 | 161 | 164 |
| Level 4 | 1,000,000–1,499,999 | 177 | 181 | 185 | 188 | 192 |
| Level 5 | 1,500,000–1,999,999 | 222 | 227 | 231 | 236 | 240 |
| Level 6 | 2,000,000–2,499,999 | 266 | 271 | 277 | 282 | 288 |
| Level 7 | 2,500,000–2,999,999 | 311 | 317 | 323 | 330 | 336 |
| Level 8 | 3,000,000 and above | 444 | 452 | 461 | 470 | 480 |

(4) For the performance of any other such compositions, in 2018 through 2022, \$1.

* * * * *

■ 6. Amend § 381.7 as follows:

- a. Revise paragraphs (b)(1)(i)(A) through (D) and (b)(1)(ii)(A) through (D);
- b. Revise paragraph (b)(2)(i) through (iv); and
- c. Revise paragraph (b)(4)(i) through (iii).

The revisions read as follows:

§ 381.7 Recording rights, rates and terms.

* * * * *

(b) * * *
(1)(i) * * *

| | 2018–2022 |
|--|-----------|
| (A) Feature | \$118.70 |
| (B) Concert feature (per minute) | 35.65 |
| (C) Background | 59.99 |
| (D) Theme: | |
| (1) Single program or first series program | 59.99 |
| (2) Other series program | 24.36 |

(ii) * * *

| | 2018–2022 |
|---|-----------|
| (A) Feature | \$9.81 |
| (B) Concert feature (per minute) | 2.58 |
| (C) Background | 4.26 |
| (D) Theme: | |
| (1) Single program or first series of program | 4.26 |
| (2) Other series program | 1.69 |

* * * * *

(2) * * *

| | 2018–2022 |
|--|-----------|
| (i) Feature | \$12.85 |
| (ii) Concert feature (per minute) | 18.86 |
| (iii) Background | 6.44 |
| (iv) Theme: | |
| (A) Single program or first series program | 6.44 |
| (B) Other series program | 2.57 |

* * * * *

(4) * * *

| | 2018–2022 |
|--|-----------|
| (i) Feature | \$.81 |
| (ii) Feature (concert) (per half hour) | 1.69 |
| (iii) Background | .41 |

* * * * *

■ 7. Amend § 381.10 as follows:

- a. In paragraph (a), remove “2013” and, in its place, add “2018”, and remove “2017” and, in its place, add “2022”;
- b. Revise paragraph (b);

The revision reads as follows:

§ 381.10 Cost of living adjustment.

* * * * *

(b) On the same date of the notices published pursuant to paragraph (a) of this section, the Copyright Royalty Judges shall publish in the **Federal Register** a revised schedule of the rates for § 381.5(c)(3), the rate to be charged for compositions in the repertory of SESAC, which shall adjust the royalty

amounts established in a dollar amount according to the greater of

(1) The change in the cost of living determined as provided in paragraph (a) of this section, or

(2) One-and-a-half percent (1.5%).

(3) Such royalty rates shall be fixed at the nearest dollar.

* * * * *

Dated: October 31, 2017.

Suzanne M. Barnett,

Chief U.S. Copyright Royalty Judge.

[FR Doc. 2017-23991 Filed 11-3-17; 11:15 am]

BILLING CODE 1410-72-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2017-0280; FRL-9969-88-Region 5]

Air Plan Approval; Wisconsin; 2017 Revisions to NR 400 and 406

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Wisconsin State Implementation Plan (SIP) submitted by the Wisconsin Department of Natural Resources (WDNR) to EPA on May 16, 2017. The revision replaces the definition of “emergency electric generator” with a broader definition of “restricted internal combustion engine”. In addition, the revision makes amendments to procedures for revoking construction permits as well as language changes and other administrative updates. Lastly, WDNR is withdrawing two Wisconsin Administrative Code provisions that affect eligibility under general and construction permits. WDNR requested these changes to align state and Federal requirements and ensure consistency. EPA is proposing approval of Wisconsin’s May 16, 2017, request because the Agency has made the preliminary determination that this SIP revision is consistent with the Clean Air Act and applicable EPA regulations regarding PSD.

DATES: Comments must be received on or before December 7, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R05-OAR-2017-0280 at <http://www.regulations.gov> or via email to damico.genevieve@epa.gov. For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed

from Regulations.gov. For either manner of submission, 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 a 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 <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Radhica Kanniganti, Environmental Engineer, Air Permits Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-8097, kanniganti.radhica@epa.gov.

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State’s SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, this rule will be effective on January 8, 2018. 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. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: October 6, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2017-23448 Filed 11-6-17; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 170828822-7822-01]

RIN 0648-XF669

Fisheries of the Northeastern United States; Scup Fishery; 2018 and Projected 2019 Specifications

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes revised scup specifications for the 2018 fishing year and projected specifications for 2019. Updated scientific information regarding the scup stock indicates that higher catch limits may be implemented to achieve optimum yield. This action is intended to inform the public of the proposed specifications for the 2018 fishing year and projected specifications for 2019.

DATES: Comments must be received by 5 p.m. local time, on November 22, 2017.

ADDRESSES: An environmental assessment (EA) was prepared for this action and describes the proposed measures and other considered alternatives, and provides an analysis of the impacts of the proposed measures and alternatives. Copies of the Specifications Document, including the EA, are available on request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. These documents are also accessible via the Internet at <http://www.mafmc.org>.

You may submit comments on this document, identified by NOAA-NMFS-2017-0121, by either of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to www.regulations.gov/
#!/docketDetail;D=NOAA-NMFS-2017-0121,

2. Click the “Comment Now!” icon, complete the required fields, and