

§§ 862.1, 864.1, 866.1, and 872.1
[Amended]

■ 2. In the following table, for each section indicated in the left column,

remove the Web site address indicated in the middle column from wherever the Web site address appears in the

section, and add the Web site address indicated in the right column:

Section	Remove	Add
862.1	http://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDRH/CDRHombudsman/default.htm .	http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm .
864.1	http://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/CDRH/CDRHombudsman/default.htm .	http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm .
866.1	http://www.fda.gov/cdrh.guidance.html	http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm .
872.1	http://www.fda.gov/cdrh.guidance.html	http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm .

Dated: August 19, 2014.

Peter Lurie,

Associate Commissioner for Policy and Planning.

[FR Doc. 2014–20107 Filed 8–22–14; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–0755]

Drawbridge Operation Regulation; Tennessee River, Decatur, AL

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Southern Railroad Drawbridge across the Tennessee River, mile 304.4, at Decatur, Alabama. The deviation is necessary to allow the bridge owner time to replace and adjust the down haul operating ropes that are essential to the continued safe operation of the drawbridge. This deviation allows the bridge to remain in the closed-to-navigation position and not open to vessel traffic.

DATES: This deviation is effective from 8 a.m. to 10 p.m., September 17, 2014 and September 24, 2014.

ADDRESSES: The docket for this deviation, (USCG–2014–0755) is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the

ground floor of the Department of Transportation, West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone 314–269–2378, email Eric.Washburn@uscg.mil. If you have questions on viewing the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Norfolk Southern Railroad requested a temporary deviation for the Southern Railroad Drawbridge, across the Tennessee River, mile 304.4, at Decatur, Alabama to remain in the closed-to-navigation position on two days for 14 hours each day from 8 a.m. to 10 p.m. on September 17, 2014 and September 24, 2014 in order to replace and adjust the down haul operation ropes.

The Southern Railroad Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridge shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart.

There are no alternate routes for vessels transiting this section of the Tennessee River.

The Southern Railroad Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 10.52 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft and will not be significantly impacted. This temporary deviation has been coordinated with waterway users. No objections were received.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: August 13, 2014.

Eric A. Washburn,

Bridge Administrator, Western Rivers.

[FR Doc. 2014–20184 Filed 8–22–14; 8:45 am]

BILLING CODE 9110–04–P

LIBRARY OF CONGRESS

U.S. Copyright Office

37 CFR Part 201

[Docket No. 2014–06]

Exemption to Prohibition on Circumvention of Copyright Protection Systems for Wireless Telephone Handsets

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

ACTION: Final rule.

SUMMARY: Pursuant to an act of Congress, the Librarian of Congress is amending applicable regulations to provide that the prohibition against circumvention of technological measures that effectively control access to copyrighted works set forth in the United States Code shall not apply to persons who engage in such circumvention to enable used wireless telephone handsets to connect to wireless telecommunications networks when the circumvention is initiated either by the owner of the handset or certain other persons, and when connection to the network is authorized by the operator of the network.

DATES: Effective August 25, 2014.

FOR FURTHER INFORMATION CONTACT:

Jacqueline C. Charlesworth, General Counsel and Associate Register of Copyrights, by email at jcharlesworth@loc.gov or by telephone at 202-707-8350; or Sarang V. Damle, Special Advisor to the General Counsel, by email at sdam@loc.gov or by telephone at 202-707-8350.

SUPPLEMENTARY INFORMATION: Pursuant to the Unlocking Consumer Choice and Wireless Competition Act, Public Law 113-144, enacted on and effective as of August 1, 2014, the Librarian of Congress is publishing a rule amending 37 CFR 201.40 to designate a class of copyrighted works that shall be exempt from the prohibition against circumvention of technological measures that effectively control access to copyrighted works set forth in 17 U.S.C. 1201(a)(1)(A) and to specify those persons who may initiate such circumvention.

Background

The Digital Millennium Copyright Act (“DMCA”) was enacted to implement certain provisions of the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty. The DMCA created chapter 12 of title 17 of the United States Code, which prohibits circumvention of technological measures employed by copyright owners to protect their works. Specifically, section 1201(a)(1)(A) provides that no person shall circumvent a technological measure that effectively controls access to a work protected under title 17. In order to ensure that the public will have continued ability to engage in noninfringing uses of copyrighted works that may be adversely affected by the prohibition, however, subparagraph (B) of section 1201(a)(1) creates a regulatory exemption process.

Subparagraph (B) of section 1201(a)(1), as implemented through subparagraph (C), allows the Librarian of Congress, upon the recommendation of the Register of Copyrights, to adopt exemptions to the prohibition on circumvention when it is established that persons are, or are likely in the succeeding three-year period to be, adversely affected in their ability to make noninfringing uses of particular classes of works as a result of the prohibition. The Register’s recommendation is made based on an evidentiary record developed through a multi-stage proceeding that includes written comments, oral testimony and other evidence submitted by the public, and after consultation with the Assistant Secretary for Communications and

Information of the Department of Commerce (“Assistant Secretary”). In accordance with the statutory framework, a new rulemaking is commenced every three years.

In 2006, as part of the third triennial section 1201 rulemaking, the Librarian of Congress, upon the recommendation of the Register of Copyrights, for the first time announced an exemption from the prohibition against circumvention of technological measures that control access to computer programs that enable wireless telephone handsets to connect to wireless telephone communication networks when the circumvention is accomplished for the sole purpose of lawfully connecting to such a network—a process commonly referred to as “cellphone unlocking.” 71 FR 68472, 68480 (Nov. 27, 2006).

In 2010, as a result of the fourth triennial rulemaking, the Librarian of Congress, again acting upon the recommendation of the Register of Copyrights, adopted a slightly different version of the cellphone unlocking exemption to enable used wireless telephone handsets to connect to wireless telecommunications networks where the circumvention is initiated by the owner of the copy of the handset computer program solely in order to connect to such a network in an authorized manner. 75 FR 43825, 43839 (July 27, 2010).

In 2012, in the fifth triennial rulemaking, the Librarian adopted, upon the Register’s recommendation, a more limited unlocking exemption. The evidentiary record in the 2012 proceeding established that wireless carriers were more willing to unlock cellphones upon the expiration of customers’ contracts and that unlocked cellphones were widely available for purchase in the marketplace. 77 FR 65260, 65264–66 (Oct. 26, 2012). As a result, while still permitting the unlocking of older, or “legacy,” phones, the 2012 rule ended the exemption with respect to new phones acquired after January 26, 2013, 90 days after the rule went into effect. As before, unlocking was limited to owners of the handset computer program undertaken solely for the purpose of connecting to a wireless network in an authorized manner. *Id.* at 65278.

In response to public calls for a broader exemption,¹ Congress passed the Unlocking Consumer Choice and Wireless Competition Act (“Act”), effective as of August 1, 2014. In place

¹ See We the People, <https://petitions.whitehouse.gov/petition/make-unlocking-cell-phones-legal/1g9KhZG7> (last updated July 25, 2014).

of the 2012 exemption, the Act substitutes the version of the Librarian’s cellphone unlocking exemption that was adopted pursuant to the 2010 rulemaking. In addition, the legislation provides that the circumvention permitted under the reinstated 2010 exemption, as well as any future exemptions applicable to wireless handsets or other wireless devices, may be initiated by the owner of the handset or device, by another person at the direction of the owner, or by a provider of commercial mobile radio or data services, to enable such owner or a family member to connect to a wireless network when authorized by the network operator. Pub. L. No. 113-144 sec. 2(a), (c). Finally, the legislation directs the Librarian of Congress to consider in the next triennial rulemaking proceeding whether to extend the unlocking exemption to other types of wireless devices based upon the recommendation of the Register of Copyrights, who in turn is to consult with the Assistant Secretary. *Id.* at sec. 2(b).

In accordance with the Act, the Librarian of Congress adopts the following amendments to the exemptions set forth in 37 CFR 201.40.

List of Subjects in 37 CFR Part 201

Copyright, General provisions.

Final Regulations

For the reasons set forth in the preamble, 37 CFR part 201 is amended 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. Section 201.40 is amended as follows:

- a. By revising the section heading;
- b. By revising paragraph (b)(3);
- c. By redesignating paragraph (c) as paragraph (d); and
- d. By adding a new paragraph (c).

§ 201.40 Exemptions to prohibition against circumvention.

* * * * *

(b) * * *

(3) Computer programs, in the form of firmware or software, that enable used wireless telephone handsets to connect to a wireless telecommunications network, when circumvention is initiated by the owner of the copy of the computer program solely in order to connect to a wireless telecommunications network and access

to the network is authorized by the operator of the network.

* * * * *

(c) *Persons who may initiate circumvention.* To the extent authorized under paragraph (b) of this section, the circumvention of a technological measure that restricts wireless telephone handsets or other wireless devices from connecting to a wireless telecommunications network may be initiated by the owner of any such handset or other device, by another person at the direction of the owner, or by a provider of a commercial mobile radio service or a commercial mobile data service at the direction of such owner or other person, solely in order to enable such owner or a family member of such owner to connect to a wireless telecommunications network, when such connection is authorized by the operator of such network.

Dated: August 18, 2014.

James H. Billington,
Librarian of Congress.

[FR Doc. 2014–20077 Filed 8–22–14; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2012–0814 & EPA–R04–OAR–2012–0692; FRL–9915–65–Region 4]

Approval and Promulgation of Implementation Plans; Florida; Infrastructure Requirement (Visibility) for the 1997 and 2006 PM, and 2008 8-Hour Ozone NAAQS

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On April 18, 2008, and September 23, 2009, the Environmental Protection Agency (EPA) received state implementation plan (SIP) submissions from the State of Florida, through the Florida Department of Environmental Protection (FDEP), regarding the infrastructure elements for the 1997 annual Fine Particulate Matter (PM_{2.5}) National Ambient Air Quality Standards (NAAQS) and 2006 24-hour PM_{2.5} NAAQS, respectively. On October 31, 2012, EPA received a SIP submission from FDEP regarding the infrastructure elements for the 2008 8-hour ozone NAAQS. Additionally, on October 22, 2013, FDEP supplemented the three aforementioned infrastructure SIP submissions. The Clean Air Act (CAA or Act) requires that each state adopt and submit a SIP for the implementation,

maintenance, and enforcement of each NAAQS promulgated by EPA. These plans are commonly referred to as “infrastructure” SIPs. Specifically, EPA is taking final action to approve the submissions for Florida as they relate to the 1997 annual and 2006 24-hour PM_{2.5} and 2008 8-hour ozone NAAQS infrastructure SIP requirements to protect visibility in other states. All other applicable infrastructure requirements for these NAAQS have been addressed in separate rulemakings. EPA is approving the elements of these infrastructure SIP submissions, as supplemented on October 22, 2013, as they relate to the protection of visibility in other states.

DATES: This rule will be effective September 24, 2014.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2012–0814 for the 1997 and 2006 PM_{2.5} SIP submissions and EPA–R04–OAR–2012–0692 for the 2008 8-hour ozone SIP submission. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Sean Lakeman, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9043. Mr. Lakeman can be reached via electronic mail at lakeman.sean@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Upon promulgation of a new or revised NAAQS, sections 110(a)(1) and (2) of the CAA require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance for that new NAAQS. On July 18, 1997 (62 FR 38652), EPA established an annual PM_{2.5} NAAQS of 15.0 micrograms per cubic meter (µg/m³), based on a 3-year average of annual mean PM_{2.5} concentrations, and a 24-hour NAAQS of 65 µg/m³. On October 17, 2006 (71 FR 61144), EPA retained the 1997 annual PM_{2.5} NAAQS at 15.0 µg/m³ based on a 3-year average of annual mean PM_{2.5} concentrations and promulgated a new 24-hour NAAQS of 35 µg/m³ based on a 3-year average of the 98th percentile of 24-hour concentrations. On March 27, 2008 (77 FR 16436), EPA revised the 8-hour ozone NAAQS to 0.075 parts per million. On March 21, 2014, EPA proposed to approve SIP submissions from Florida as they relate to section 110(a)(2)(D)(i)(II) infrastructure SIP requirements to protect visibility in other states for the 1997 annual PM_{2.5} NAAQS, 2006 24-hour PM_{2.5} NAAQS, and 2008 8-hour ozone NAAQS. A summary of the background for today’s final action is provided below. See EPA’s March 21, 2014, proposed rulemaking at 79 FR 15718 for more detail.

Section 110(a)(2)(D) has two components: 110(a)(2)(D)(i) and 110(a)(2)(D)(ii). Section 110(a)(2)(D)(i) includes four distinct components, commonly referred to as “prongs,” that must be addressed in infrastructure SIP submissions. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), are provisions that prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) and interfering with maintenance of the NAAQS in another state (prong 2). The third and fourth prongs, which are codified in section 110(a)(2)(D)(i)(II), are provisions that prohibit emissions activity in one state interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) and to protect visibility in another state (prong 4). Section 110(a)(2)(D)(ii) requires SIPs to include provisions ensuring compliance with sections 115 and 126 of the Act, relating to interstate and international pollution abatement.

EPA has previously taken action to address SIP submissions from Florida related to prongs 1 through 3 of section