

structural steel for riser conduit support was discovered to be in need of immediate repairs and/or replacement. Therefore, more time is needed to complete the job, conduct tests, and inspections. The subject temporary deviation will be replaced with a temporary interim rule because an extension of time could not be approved, as it exceeds the 180 day limit.

Dated: November 21, 2017.

Christopher J. Bisignano,

*Supervisory Bridge Management Specialist,
First Coast Guard District.*

[FR Doc. 2017-25532 Filed 11-24-17; 8:45 am]

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Copyright Royalty Board

37 CFR Part 380

[Docket No. 14-CRB-0001-WR (2016-2020)
(COLA 2018)]

Cost of Living Adjustment to Royalty Rates for Webcaster Statutory License

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

ACTION: Final rule.

SUMMARY: The Copyright Royalty Judges announce a cost of living adjustment (COLA) in the royalty rates that commercial and noncommercial noninteractive webcasters pay for eligible transmissions pursuant to the statutory licenses for the public performance of and for the making of ephemeral reproductions of sound recordings.

DATES: *Effective Date:* January 1, 2018.

Applicability Dates: These rates are applicable to the period January 1, 2018, through December 31, 2018.

FOR FURTHER INFORMATION CONTACT:

Kimberly Whittle, Attorney Advisor, by telephone at (202) 707-7658 or by email at crb@loc.gov.

SUPPLEMENTARY INFORMATION: Sections 112(e) and 114(f) of the Copyright Act, title 17 of the United States Code, create statutory licenses for certain digital performances of sound recordings and the making of ephemeral reproductions to facilitate transmission of those sound recordings. On May 2, 2016, the Copyright Royalty Judges (Judges) adopted final regulations governing the rates and terms of copyright royalty payments under those licenses for the license period 2016-2020 for performances of sound recordings via eligible transmissions by commercial

and noncommercial noninteractive webcasters. See 81 FR 26316.

Pursuant to those regulations, at least 25 days before January 1 of each year from 2017 to 2020, the Judges shall publish in the **Federal Register** notice of a COLA applicable to the royalty fees for performances of sound recordings via eligible transmissions by commercial and noncommercial noninteractive webcasters. 37 CFR 380.10(a)(1)-(2).

The adjustment in the royalty fee shall be based on a calculation of the percentage increase in the CPI-U from the CPI-U published in November 2015 (237.838), according to the formula $(1 + (C_y - 237.838)/237.838) \times R_{2016}$, where C_y is the CPI-U published by the Secretary of Labor before December 1 of the preceding year and R_{2016} is the royalty rate for 2016 (*i.e.*, \$0.0022 per subscription performance or \$0.0017 per nonsubscription performance). The adjustment shall be rounded to the nearest fourth decimal place. 37 CFR 380.10(c) (as revised herein). The CPI-U published by the Secretary of Labor from the most recent index published before December 1, 2017, is 246.663.¹ Applying the formula in 37 CFR 380.10(c) and rounding to the nearest fourth decimal place results in an increase in the rates for 2018.

The 2018 rate for eligible transmission of sound recordings by commercial webcasters is a rate of \$0.0023 per subscription performance and a rate of \$0.0018 per nonsubscription performance.

Application of the increase to rates for noncommercial webcasters results in a 2018 rate of \$0.0018 per performance for all digital audio transmissions in excess of 159,140 ATH in a month on a channel or station.

As provided in 37 CFR 380.1(d), the royalty fee for making ephemeral recordings under section 112 of the Copyright Act to facilitate digital transmission of sound recordings under section 114 of the Copyright Act is included in the section 114 royalty fee and comprises 5% of the total fee.

List of Subjects in 37 CFR Part 380

Copyright, Sound recordings.

Final Regulations

In consideration of the foregoing, the Judges amend part 380 of title 37 of the Code of Federal Regulations as follows:

¹ As announced on November 15, 2017, by the Bureau of Labor Statistics in its *News Release—Consumer Price Index October 2017*, available at <http://www.bls.gov/news.release/pdf/cpi.pdf> at 4.

PART 380—RATES AND TERMS FOR TRANSMISSIONS BY ELIGIBLE NONSUBSCRIPTION SERVICES AND NEW SUBSCRIPTION SERVICES AND FOR THE MAKING OF EPHEMERAL REPRODUCTIONS TO FACILITATE THOSE TRANSMISSIONS

■ 1. The authority citation for part 380 continues to read as follows:

Authority: 17 U.S.C. 112(e), 114(f), 804(b)(3).

■ 2. Section 380.10 is amended by revising paragraph (a) to read as follows:

§ 380.10 Royalty fees for the public performance of sound recordings and the making of ephemeral recordings.

(a) *Royalty fees.* For the year 2018, Licensees must pay royalty fees for all Eligible Transmissions of sound recordings at the following rates:

(1) *Commercial Webcasters:* \$0.0023 per performance for subscription services and \$0.0018 per performance for nonsubscription services.

(2) *Noncommercial webcasters.* \$500 per year for each channel or station and \$0.0018 per performance for all digital audio transmissions in excess of 159,140 ATH in a month on a channel or station.

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Dated: November 20, 2017.

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

[FR Doc. 2017-25480 Filed 11-24-17; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 386

[Docket No. 17-CRB-0018-SA-COLA
(2018)]

Cost of Living Adjustment to Satellite Carrier Compulsory License Royalty Rates

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

ACTION: Final rule.

SUMMARY: The Copyright Royalty Judges announce a cost of living adjustment (COLA) of 2.0% in the royalty rates satellite carriers pay for a compulsory license under the Copyright Act. The COLA is based on the change in the Consumer Price Index from October 2016 to October 2017.

DATES: *Effective Date:* January 1, 2018.

Applicability Dates: These rates are applicable to the period January 1, 2018, through December 31, 2018.

FOR FURTHER INFORMATION CONTACT:

Kimberly Whittle, Attorney Advisor, by telephone at (202) 707-7658 or by email at crb@loc.gov.

SUPPLEMENTARY INFORMATION:

The satellite carrier compulsory license establishes a statutory copyright licensing scheme for the distant retransmission of television programming by satellite carriers. 17 U.S.C. 119. Congress created the license in 1988 and has reauthorized the license for additional five-year periods, most recently with the passage of the STELA Reauthorization Act of 2014, Public Law 113-200.

On August 31, 2010, the Copyright Royalty Judges (Judges) adopted rates for the section 119 compulsory license for the 2010-2014 term. *See* 75 FR 53198. The rates were proposed by Copyright Owners and Satellite Carriers¹ and were unopposed. *Id.* Section 119(c)(2) of the Copyright Act provides that, effective January 1 of each year, the Judges shall adjust the royalty fee payable under Section 119(b)(1)(B) “to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) [CPI-U] published by the Secretary of Labor before December 1 of the preceding year.” Section 119 also requires that “[n]otification of the adjusted fees shall be published in the **Federal Register** at least 25 days before January 1.” 17 U.S.C. 119(c)(2).

The change in the cost of living as determined by the CPI-U during the period from the most recent index published before December 1, 2016, to the most recent index published before December 1, 2017, is +2.0%.² Application of the 2.0% COLA to the current rate for the secondary transmission of broadcast stations by satellite carriers for private home viewing—27 cents per subscriber per month—results in a rate of 28 cents per subscriber per month (rounded to the nearest cent). *See* 37 CFR 386.2(b)(1). Application of the 2.0% COLA to the current rate for viewing in commercial establishments—57 cents per subscriber per month—results in a rate of 58 cents per subscriber per month (rounded to the nearest cent). *See* 37 CFR 386.2(b)(2).

¹ Program Suppliers and Joint Sports Claimants comprised the Copyright Owners while DIRECTV, Inc., DISH Network, LLC, and National Programming Service, LLC, comprised the Satellite Carriers.

² On November 15, 2017, the Bureau of Labor Statistics announced that the CPI-U increased 2.0% over the last 12 months.

List of Subjects in 37 CFR Part 386

Copyright, Satellite, Television.

Final Regulations

In consideration of the foregoing, the Judges amend part 386 of title 37 of the Code of Federal Regulations as follows:

PART 386—ADJUSTMENT OF ROYALTY FEES FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS

■ 1. The authority citation for part 386 continues to read as follows:

Authority: 17 U.S.C. 119(c), 801(b)(1).

■ 2. Section 386.2 is amended by adding paragraphs (b)(1)(ix) and (b)(2)(ix) as follows:

§ 386.2 Royalty fee for secondary transmission by satellite carriers.

- * * * * *
- (b) * * *
- (1) * * *
- (ix) 2018: 28 cents per subscriber per month.
- (2) * * *
- (ix) 2018: 58 cents per subscriber per month.

Dated: November 20, 2017.

Suzanne M. Barnett,
Chief Copyright Royalty Judge.

[FR Doc. 2017-25481 Filed 11-24-17; 8:45 am]

BILLING CODE 1410-72-P

POSTAL SERVICE**39 CFR Part 111****New Mailing Standards for Domestic Mailing Services Products**

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: On October 6, 2017, the Postal Service (USPS®) filed a notice of mailing services price adjustments with the Postal Regulatory Commission (PRC) in Docket No. R2018-1. On October 13, 2017 the Postal Service published a proposed rule containing the revisions to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) that we planned to adopt to implement rule changes coincident with the price adjustments.

DATES: Effective: January 21, 2018.

FOR FURTHER INFORMATION CONTACT:

Jacqueline Erwin at (202) 268-2158, or Lizbeth Dobbins at (202) 268-3789.

SUPPLEMENTARY INFORMATION: On November 9, 2017, the PRC found that the price adjustments proposed by the Postal Service may take effect as planned. The price adjustments and

DMM revisions are scheduled to become effective on January 21, 2018. Final prices are available under Docket No. R2018-1 (Order No. 4215) on the Postal Regulatory Commission's Web site at www.prc.gov. The Postal Service's final rule includes: a change to the pallet preparation for Carrier Route (CR) Pallets in Non-FSS Zones, a change to add Bound Printed Matter Flats up to 24 ounces to comail with USPS Marketing Mail and Periodicals (DSCF or DDU only), and a Zone chart revision for Priority Mail to APO/FPO/DPO processing at Chicago ISC.

Comments on Proposed Changes and USPS Response

The Postal Service received 1 formal comment on the October 13, 2017 proposed rule.

Zone Charts Revision: Priority Mail to APO/FPO/DPO Processing at Chicago ISC

One comment requested that the Postal Service reconsider changing APO/FPO/DPO mail processing at Chicago ISC, based on needing more study on negative, financial consequences on US Service members, their families and businesses that serve them.

USPS Response

The Postal Service is revising Zone charts for Priority Mail to APO/FPO/DPO, which is processed at the Chicago ISC, based on operational needs. This revision reflects current operations and is consistent with Title 39 and former Postal Rate Commission precedent regarding the alignment of rates and costs for mail classification. It is necessary to align rates and costs for Priority Mail addressed to APO/FPO/DPO destinations, and eliminate inconsistencies between rates and costs for such Priority Mail.

The Proposed Rule is not a sudden, unforeseeable change in policy. The transfer of processing operations to the Chicago ISC, and the resulting inconsistency between Zone classification and transportation costs, occurred in 2013. For over three years, mailers had an opportunity to assess the potential impact of this change on future operations, and some businesses responded to the change by relocating their operations in anticipation of a potential reclassification of zones necessary to align rates and costs.

The resulting changes to DMM 608 are shown below.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.