

service it has authorized) shall be liable for any payment due for such uses; provided, however, that all rights and remedies of the copyright owner with respect to unauthorized uses shall be preserved.

(c) *Recordkeeping by services.* If the copyright owner of a musical work or its agent requests a copy of the information to be maintained under paragraph (a)(4)(i) of this section by a service authorized by a record company with respect to a specific promotion, the service provider shall provide complete and accurate documentation within 20 business days, provided that if the copyright owner or agent requests information concerning a large volume of free trial periods or sound recordings, the service provider shall have a reasonable time, in view of the amount of information requested, to respond to any request of such copyright owner or agent. If the service provider does not provide required information within the required time, and upon receipt of written notice citing such failure does not provide such information within a further 10 business days, the uses will be considered not to be subject to the free trial royalty rate and the service provider (but not the record company) will be liable for any payment due for such uses; provided, however, that all rights and remedies of the copyright owner with respect to unauthorized uses shall be preserved.

(d) *Interpretation.* The free trial royalty rate is exclusively for audio-only licensed subpart C activity, as defined in § 385.21, involving musical works subject to licensing under 17 U.S.C. 115. The free trial royalty rate does not apply to any other use under 17 U.S.C. 115; nor does it apply to public performances, audiovisual works, lyrics or other uses outside the scope of 17 U.S.C. 115. Without limitation, uses subject to licensing under 17 U.S.C. 115 that do not qualify for the free trial royalty rate (including without limitation licensed subpart C activity, as defined in § 385.21, beyond the time limitations applicable to the free trial royalty rate) require payment of applicable royalties. This section is based on an understanding of industry practices and market conditions at the time of its development, among other things. The terms of this section shall be subject to de novo review and consideration (or elimination altogether) in future proceedings before the Copyright Royalty Judges. Nothing in this section shall be interpreted or construed in such a manner as to nullify or diminish any limitation, requirement or obligation of 17 U.S.C. 115 or other protection for musical works afforded

by the Copyright Act, 17 U.S.C. 101, *et seq.*

#### § 385.25 Reproduction and distribution rights covered.

A compulsory license under 17 U.S.C. 115 extends to all reproduction and distribution rights that may be necessary for the provision of the licensed subpart C activity, as defined in § 385.21, solely for the purpose of providing such licensed subpart C activity, as defined in § 385.21 (and no other purpose).

#### § 385.26 Effect of rates.

In any future proceedings under 17 U.S.C. 115(c)(3)(C) and (D), the royalty rates payable for a compulsory license shall be established de novo.

Dated: August 21, 2013.

**Suzanne M. Barnett,**  
*Chief Copyright Royalty Judge.*

Approved by:

**James H. Billington,**  
*Librarian of Congress.*

[FR Doc. 2013-25454 Filed 11-12-13; 8:45 am]

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## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3010

[Docket No. RM2013-2; Order No. 1786]

#### Price Cap Rules for Certain Postal Rate Adjustments; Corrections

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** The Postal Regulatory Commission published a document in the **Federal Register** on August 26, 2013 (78 FR 52694), revising Commission rules. Due to a clerical error, the document submitted to the **Federal Register** was inconsistent with the rules adopted in Commission Order No. 1786. This document corrects the final regulations published in the **Federal Register** to be consistent with the rules adopted in Order No. 1786.

**DATES:** *Effective:* November 13, 2013, and is applicable beginning September 25, 2013.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, 202-789-6820.

**SUPPLEMENTARY INFORMATION:** In a notice posted November 6, 2013, on PRC's Web site, the Commission identified discrepancies between the text of several sections of rules adopted in Order No. 1786, issued on July 23, 2013, and the text of those sections of the rules as published in the **Federal Register**. This document transmits the corrections to the **Federal Register**, and

has been drafted in conformance with Office of the Federal Register (OFR) requirements for substantive corrections to rules that have already taken effect. The corrections are applicable as of September 25, 2013, which coincides with the date the underlying final rules took effect.

*Section 3010.11.* One correction changes the word "limitations" to the singular form in three places in § 3010.11 (paragraphs (b)(2), (d), and (k)) and aligns the presentation of section symbols in paragraphs (d) and (k) with OFR codification practice.

*Section 3010.23(d).* The **Federal Register** version omits a qualifying phrase at the outset of the third sentence in § 3010.23(d). It also refers to historic volume data. The correction revises the rule to include the qualifying phrase "Whenever possible," at the outset of the sentence and replaces historic with historical. These corrections are consistent with Order No. 1786 as issued.

*Section 3010.28.* The **Federal Register** version omits a reference to Type 1-B in the heading of § 3010.28 in both the table of contents for subpart C and in the presentation of this section in the main body of the regulations. The instruction corrects these omissions by revising the section heading where it appears in the main body. The OFR automatically generates a corresponding change in the table of contents based on this instruction.

*Section 3010.42(f).* Section 3010.42(f) is revised to reflect the inadvertent omission of the introductory text of a third paragraph in Order No. 1786 as issued and the impact this had on the presentation of the second sentence. The omission resulted in the second sentence in the rule as published including text associated with the omitted third sentence. To remedy this, the correcting instruction replaces the colon in the second sentence of § 3010.42(f) as it appeared in the **Federal Register** version with a period, consistent with the presentation of this sentence as adopted in Order No. 1786. This change in punctuation results in the deletion of all the text following the colon in the **Federal Register** version, so the instruction adds the third sentence as presented in Order No. 1786 as adopted, which includes introductory text and the subparagraphs that were erroneously associated with the second sentence in the **Federal Register** version. The text of those subparagraphs remains unchanged, but the designations for § 3010.42(f)(5)(A) and (B) in Order No. 1786 as adopted should have been to § 3010.42(f)(5)(i) and (ii),

respectively, to conform to mandatory OFR codification requirements.

Following publication in the **Federal Register**, these corrections will be reflected in the daily electronic Code of Federal Regulations.

**List of Subjects in 39 CFR Part 3010**

Administrative practice and procedure; Postal Service.

Accordingly, 39 CFR part 3010 is corrected by making the following correcting amendments:

**PART 3010—REGULATION OF RATES FOR MARKET DOMINANT PRODUCTS**

■ 1. The authority citation for part 3010 continues to read as follows:

**Authority:** 39 U.S.C. 503; 3622.

■ 2. In § 3010.11, revise paragraphs (b)(2), (d), and (k) to read as follows:

**§ 3010.11 Proceedings for Type 1–A and Type 1–B rate adjustment filings.**

\* \* \* \* \*

(b) \* \* \*

(2) Whether the planned rate adjustments measured using the formula established in § 3010.23(c) are at or below the limitation established in § 3010.28.

\* \* \* \* \*

(d) Within 14 days of the conclusion of the public comment period the Commission will determine, at a minimum, whether the planned rate adjustments are consistent with the annual limitation calculated under §§ 3010.21 or 3010.22, as applicable, the limitation set forth in § 3010.28, and 39 U.S.C. 3626, 3627, and 3629 and issue an order announcing its findings.

\* \* \* \* \*

(k) A Commission finding that a planned Type 1–A or Type 1–B rate adjustment is in compliance with the annual limitation calculated under §§ 3010.21 or 3010.22, as applicable; the limitation set forth in § 3010.28; and 39 U.S.C. 3626, 3627, and 3629 is decided on the merits. A Commission finding that a planned Type 1–A or Type 1–B rate adjustment does not contravene other policies of 39 U.S.C. chapter 36, subchapter I is provisional and subject to subsequent review.

■ 3. In § 3010.23, revise the third sentence of paragraph (d) to read as follows:

**§ 3010.23 Calculation of percentage change in rates.**

\* \* \* \* \*

(d) \* \* \* Whenever possible, adjustments shall be based on known mail characteristics or historical volume data, as opposed to forecasts of mailer behavior. \* \* \*

■ 4. In § 3010.28, revise the section heading to read as follows:

**§ 3010.28 Maximum size of Type 1–B rate adjustments.**

\* \* \* \* \*

■ 5. In § 3010.42, revise paragraph (f) to read as follows:

**§ 3010.42 Contents of notice of agreement in support of a Type 2 rate adjustment.**

\* \* \* \* \*

(f) Details regarding the expected improvements in the net financial position or operations of the Postal Service. The projection of change in net financial position as a result of the agreement shall be based on accepted analytical principles. The projection of change in net financial position as a result of the agreement shall include for each year of the agreement:

(1) The estimated mailer-specific costs, volumes, and revenues of the Postal Service absent the implementation of the negotiated service agreement;

(2) The estimated mailer-specific costs, volumes, and revenues of the Postal Service which result from implementation of the negotiated service agreement;

(3) An analysis of the effects of the negotiated service agreement on the contribution to institutional costs from mailers not party to the agreement;

(4) If mailer-specific costs are not available, the source and derivation of the costs that are used shall be provided, together with a discussion of the currency and reliability of those costs and their suitability as a proxy for the mailer-specific costs; and

(5) If the Postal Service believes the Commission’s accepted analytical principles are not the most accurate and reliable methodology available:

(i) An explanation of the basis for that belief; and

(ii) A projection of the change in net financial position resulting from the agreement made using the Postal Service’s alternative methodology.

\* \* \* \* \*

By the Commission.

**Shoshana M. Grove,**  
*Secretary.*

[FR Doc. 2013–27159 Filed 11–8–13; 11:15 am]

**BILLING CODE P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R04–OAR–2013–0228; FRL–9902–58–Region 4]

**Approval and Promulgation of Implementation Plans; Mississippi; Transportation Conformity SIP—Memorandum of Agreement**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve a State Implementation Plan (SIP) revision submitted by the Mississippi Department of Environment Quality (MDEQ) on May 31, 2013. This submission adopts a memorandum of agreement (MOA) establishing transportation conformity criteria and procedures related to interagency consultation and enforceability of certain transportation-related control measures and mitigation measures. This action streamlines the conformity process to allow direct consultation among agencies at the Federal, state and local levels. This final action is being taken pursuant to section 110 of the Clean Air Act (CAA or Act).

**DATES:** This direct final rule is effective January 13, 2014 without further notice, unless EPA receives adverse comment by December 13, 2013. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R04–OAR–2013–0228 by one of the following methods:

- 1. *www.regulations.gov*: Follow the on-line instructions for submitting comments.
- 2. *Email:* R4-RDS@epa.gov.
- 3. *Fax:* (404) 562–9019.
- 4. *Mail:* “EPA–R04–OAR–2013–0228,” Air Quality Modeling and Transportation 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.
- 5. *Hand Delivery or Courier:* Lynorae Benjamin, 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. Such deliveries are only accepted during the Regional Office’s normal hours of