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.

Christopher J. Bisignano,
Supervisory Bridge Management Specialist,
First Coast Guard District.

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

The adjustment in the royalty fee
shall be based on a calculation of the
percentage increase in the CPI–U from
the most recent index 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
\$0.0016 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. 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
paraphrasing 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
delivery 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.

Suzanne M. Barnett,
Chief Copyright Royalty Judge.

The Copyright Royalty Judges
announce a cost of living adjustment
(COLA) of 2.0% in the royalty rates
for 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 a 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 shall be based on a
calculation of the percentage increase in the CPI–U from
the most recent index published
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
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Applying the formula in 37 CFR
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section 114 of the Copyright Act is
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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

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
paraphrasing paragraph (a) to read as follows:

§ 380.10 Royalty fees for the public
performance of sound recordings and the
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(1) Commercial Webcasters: \$0.0023 per
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\$0.0018 per performance for
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(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
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Suzanne M. Barnett,
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The Copyright Royalty Judges
announce a cost of living adjustment
(COLA) of 2.0% in the royalty rates
for 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 a 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 shall be based on a
calculation of the percentage increase in the CPI–U from
the most recent index published
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
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The 2018 rate for eligible transmission
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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
FOR FURTHER INFORMATION CONTACT: Kimberly Whittle, Attorney Advisor, by telephone at (202) 707–7638 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 Carriers 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%. 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 26 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).

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

§ 386.2 Royalty fee for secondary transmission by satellite carriers.

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<td>(ix) 2018: 28 cents per subscriber per month.</td>
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<td>(ix) 2018: 58 cents per subscriber per month.</td>
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Suzanne M. Barnett, Chief Copyright Royalty Judge.

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.


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 DD4 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.