

eligible transmissions by commercial and noncommercial noninteractive webcasters. 37 CFR 380.10.

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.*, for commercial webcasters \$0.0022 per subscription performance or \$0.0017 per nonsubscription performance, or for noncommercial webcasters \$0.0017 per performance for all digital audio transmissions in excess of 159,140 Aggregate Tuning Hours (ATH) in a month on a channel or station. The adjustment shall be rounded to the nearest fourth decimal place. 37 CFR 380.10(c). The CPI-U published by the Secretary of Labor from the most recent index published before December 1, 2019, is 257.346.<sup>1</sup> 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 2020.

The 2020 rate for eligible transmissions of sound recordings by commercial webcasters is \$0.0024 per subscription performance and \$0.0018 per nonsubscription performance.

Application of the increase to rates for noncommercial webcasters results in a 2020 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 380.10(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:

<sup>1</sup> As announced on November 13, 2019, by the Bureau of Labor Statistics in its *News Release—Consumer Price Index October 2019*, available at <https://www.bls.gov/news.release/cpi.htm> at Table 1.

### 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 2020, Licensees must pay royalty fees for all Eligible Transmissions of sound recordings at the following rates:

(1) *Commercial webcasters:* \$0.0024 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.

\* \* \* \* \*

Dated: November 15, 2019.

**Jesse M. Feder,**  
Chief Copyright Royalty Judge.

[FR Doc. 2019–25196 Filed 11–20–19; 8:45 am]

**BILLING CODE 1410–72–P**

### LIBRARY OF CONGRESS

#### Copyright Royalty Board

#### 37 CFR Part 381

[Docket No. 16–CRB–0002–PBR (2018–2022) COLA (2020)]

#### Cost of Living Adjustment to Public Broadcasters Compulsory License Royalty Rate

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Final rule; cost of living adjustment.

**SUMMARY:** The Copyright Royalty Judges announce a cost of living adjustment (COLA) to the royalty rate that noncommercial radio stations at certain colleges, universities, and other educational institutions that are not affiliated with National Public Radio must pay for the use in 2020 of published nondramatic musical compositions in the SESAC repertory pursuant to the statutory license under

the Copyright Act for noncommercial broadcasting.

#### DATES:

*Effective date:* December 23, 2019.

*Applicability dates:* These rates are applicable to the period beginning January 1, 2020, and ending December 31, 2020.

#### FOR FURTHER INFORMATION CONTACT:

Anita Blaine, CRB Program Assistant, by telephone at (202) 707–7658 or by email at [crb@loc.gov](mailto:crb@loc.gov).

**SUPPLEMENTARY INFORMATION:** Section 118 of the Copyright Act, title 17 of the United States Code, creates a statutory license for the use of published nondramatic musical works and published pictorial, graphic, and sculptural works in connection with noncommercial broadcasting.

On January 19, 2018, the Copyright Royalty Judges (Judges) adopted final regulations governing the rates and terms of copyright royalty payments under section 118 of the Copyright Act for the license period 2018–2022. *See* 83 FR 2743. Pursuant to these regulations, on or before December 1 of each year, the Judges shall publish in the **Federal Register** notice of the change in the cost of living and a revised schedule of the rates codified at § 381.5(c)(3) relating to compositions in the repertory of SESAC. The adjustment, fixed to the nearest dollar, shall be the greater of (1) the change in the cost of living as determined by the Consumer Price Index (all consumers, all items) (“CPI-U”) “during the period from the most recent index published prior to the previous notice to the most recent index published prior to December 1, of that year” or (2) 1.5%. 37 CFR 381.10.

The change in the cost of living as determined by the CPI-U during the period from the most recent index published prior to the previous notice, *i.e.*, before December 1, 2018, to the most recent index published before December 1, 2019, is 1.8%.<sup>1</sup> In accordance with 37 CFR 381.10(b), the Judges announce that the COLA for calendar year 2020 shall be 1.8%. Application of the 1.8% COLA to the 2019 rate for the performance of published nondramatic musical compositions in the repertory of SESAC—\$159 per station—results in an adjusted rate of \$162 per station, rounded to the nearest dollar.

#### List of Subjects in 37 CFR Part 381

Copyright, Music, Radio, Rates, Television.

<sup>1</sup> On November 13, 2019, the Bureau of Labor Statistics announced that the CPI-U increased 1.8% over the last 12 months.

**Final Regulations**

In consideration of the foregoing, the Judges amend part 381 of title 37 of the Code of Federal Regulations as follows:

**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.

■ 2. Section 381.5 is amended by revising paragraphs (c)(3)(iii) to read as follows:

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

\* \* \* \* \*  
 (c) \* \* \*  
 (3) \* \* \*  
 (iii) 2020: \$162 per station.  
 \* \* \* \* \*

Dated: November 15, 2019.

**Jesse M. Feder,**

*Chief Copyright Royalty Judge.*

[FR Doc. 2019-25197 Filed 11-20-19; 8:45 am]

**BILLING CODE 1410-72-P**

**LIBRARY OF CONGRESS**

**Copyright Royalty Board**

**37 CFR Part 386**

[Docket No. 19-CRB-0013-SA-COLA (2020)]

**Cost of Living Adjustment to Satellite Carrier Compulsory License Royalty Rates**

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

**ACTION:** Final rule; cost of living adjustment.

**SUMMARY:** The Copyright Royalty Judges announce a cost of living adjustment (COLA) of 1.8% 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 2018 to October 2019.

**DATES:**

*Effective date:* January 1, 2020.

*Applicability dates:* These rates are applicable to the period January 1, 2020, through December 31, 2020.

**FOR FURTHER INFORMATION CONTACT:**

Anita Blaine, CRB Program Assistant, by telephone at (202) 707-7658 or by email at [crb@loc.gov](mailto: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.<sup>1</sup>

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<sup>2</sup> and were unopposed. *Id.* On December 4, 2014, Congress extended the term of those rates through 2019 by passing the STELA Reauthorization Act of 2014. 17 U.S.C. 119(c)(1)(E).

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, 2018, to the most recent index published before December 1, 2019, is 1.8%.<sup>3</sup> Application of the 1.8% COLA to the current rate for the secondary transmission of broadcast stations by satellite carriers for private home viewing—29 cents per subscriber per month—results in a rate of 30 cents per subscriber per month (rounded to the nearest cent). *See* 37 CFR 386.2(b)(1). Application of the 1.8% COLA to the current rate for viewing in commercial establishments—59 cents per subscriber per month—results in a rate of 60 cents per subscriber per month (rounded to the nearest cent). *See* 37 CFR 386.2(b)(2).

<sup>1</sup> The license expires on December 31, 2019. 17 U.S.C. 119(h).

<sup>2</sup> 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.

<sup>3</sup> On November 13, 2019, the Bureau of Labor Statistics announced that the CPI-U increased 1.8% 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)(xi) and (b)(2)(xi) to read as follows:

**§ 386.2 Royalty fee for secondary transmission by satellite carriers.**

\* \* \* \* \*  
 (b) \* \* \*  
 (1) \* \* \*  
 (xi) 2020: 30 cents per subscriber per month.  
 (2) \* \* \*  
 (xi) 2020: 60 cents per subscriber per month.

Dated: November 15, 2019.

**Jesse M. Feder,**

*Chief Copyright Royalty Judge.*

[FR Doc. 2019-25198 Filed 11-20-19; 8:45 am]

**BILLING CODE 1410-72-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 81**

[EPA-R04-OAR-2019-0374; FRL-10002-48-Region 4]

**Air Quality Designation; FL; Redesignation of the Duval County Ozone Unclassifiable Area**

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

**ACTION:** Final rule.

**SUMMARY:** On June 19, 2019, the State of Florida, through the Florida Department of Environmental Protection (FDEP), submitted a request for the Environmental Protection Agency (EPA) to redesignate the Jacksonville, Florida ozone unclassifiable area (hereinafter referred to as the “Duval County Area” or “Area”) to attainment for the 2015 primary and secondary 8-hour ozone national ambient air quality standards (NAAQS). EPA now has sufficient data to determine that the Duval County Area is in attainment of the 2015 primary and secondary 8-hour ozone NAAQS. EPA is approving the State’s request and