

■ 2. Add § 177.T200 to read as follows:

**§ 117.T200 Turner Cut.**

The draw of the Zuckerman Brothers (McDonald Island) bridge, mile 2.3, near Stockton need not open for the passage of vessels.

Dated: December 15, 2023.

**Andrew M. Sugimoto,**

Rear Admiral, U.S. Coast Guard Commander,  
Eleventh Coast Guard District.

[FR Doc. 2023–28146 Filed 12–20–23; 8:45 am]

BILLING CODE 9110–04–P

**LIBRARY OF CONGRESS**

**Copyright Royalty Board**

**37 CFR Part 380**

[Docket No. 19–CRB–0005–WR (2021–2025)  
COLA (2024)]

**Cost of Living Adjustment to Royalty Rates for Webcaster Statutory License; Correction**

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

**ACTION:** Final rule; correction.

**SUMMARY:** On November 30, 2023, the Copyright Royalty Judges amended regulations governing 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. That document contained an incorrect reference to a rate. This document corrects that reference.

**DATES:**

*Effective date:* This correction is effective December 20, 2023.

*Applicability dates:* The adjusted rates as published on November 30, 2023, are applicable to the period January 1, 2024, through December 31, 2024.

**FOR FURTHER INFORMATION CONTACT:** Anita Brown, (202) 707–7658, [crb@loc.gov](mailto:crb@loc.gov).

**SUPPLEMENTARY INFORMATION:** On November 30, 2023, at 88 FR 83508, the Copyright Royalty Judges published a rule that contained an incorrect reference to a rate in the **SUPPLEMENTARY INFORMATION** section. This document corrects that reference.

**Correction**

In the **Federal Register** of Thursday, November 30, 2023, in FR Rule Doc. 2023–26221, appearing on page 83508, make the following correction:

1. On page 85309, in the first column, in the fourth paragraph, correct “\$0.20025” to read “\$0.0025”.

Dated: December 15, 2023.

**David P. Shaw,**

Chief Copyright Royalty Judge.

[FR Doc. 2023–28098 Filed 12–20–23; 8:45 am]

BILLING CODE 1410–72–P

**LIBRARY OF CONGRESS**

**Copyright Royalty Board**

**37 CFR Part 385**

[Docket No. 23–CRB–0014–PR–COLA (2024)]

**Cost of Living Adjustment to Royalty Rates and Terms for Making and Distributing Phonorecords; Correction**

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

**ACTION:** Correcting amendments; cost of living adjustment.

**SUMMARY:** On December 12, 2023, the Copyright Royalty Judges amended regulations governing royalty rates for making and distributing physical phonorecords and Permanent Downloads of nondramatic musical works pursuant to statutory license. That document inadvertently omitted figures related to calculation of the adjusted rates and listed an incorrect per-minute rate.

**DATES:**

*Effective date:* December 21, 2023.

*Applicability date:* These rates and terms are applicable during the period from January 1, 2024, through December 31, 2024.

**FOR FURTHER INFORMATION CONTACT:**

Anita Brown, Program Specialist, (202) 707–7658, [crb@loc.gov](mailto:crb@loc.gov).

**SUPPLEMENTARY INFORMATION:** This document provides an amplification of the information in the **SUPPLEMENTARY INFORMATION** section and a correction to a rate in the Final Regulations in the final rule/cost of living adjustment document published in the **Federal Register** on December 12, 2023 (88 FR 86058).

Section 115 of the Copyright Act, title 17 of the United States Code, creates a statutory license for making and distributing phonorecords of nondramatic musical works. On December 16, 2022, the Copyright Royalty Judges (Judges) adopted final regulations governing the rates and terms of copyright royalty payments under that license for the license period 2024–2027 for making and distributing phonorecords of nondramatic musical works. See 87 FR 76942.

Pursuant to those regulations, at least 25 days before January 1 of each year,

the Judges shall publish in the **Federal Register** notice of a cost of living adjustment (COLA) applicable to the royalty fees for making and distributing physical phonorecords and Permanent Downloads. See 37 CFR 385.11.

The adjustment in the royalty fee shall be based on a calculation of the percentage increase in the Consumer Price Index for All Urban Consumers (CPI–U) published in November 2022 (298.012)<sup>1</sup> (“base rate”) according to the formulas: for the per-work rate,  $(1 + (Cy - 298.012^2)/298.012) \times 12\text{¢}$ , rounded to the nearest tenth of a cent; for the per-minute rate,  $(1 + (Cy - 298.012)/298.012) \times 2.31\text{¢}$ , rounded to the nearest hundredth of a cent; where Cy is the CPI–U published by the Secretary of Labor before December 1 of the preceding year. 37 CFR 385.11(a)(2). The CPI–U published by the Secretary of Labor from the most recent index published before December 1, 2023, is 307.671.<sup>3</sup> Applying the formulas in 37 CFR 385.11(a)(2) results in an increase in the rates for 2024.

The adjusted rates for 2024 are 12.4 cents for the per-work rate and 2.38 cents for the per-minute rate.

Details of the required calculations were inadvertently omitted from the document published in the **Federal Register** on December 12, 2023 (88 FR 86058). This document provides, in the **SUPPLEMENTARY INFORMATION** section herein, additional details of and results of the calculations, and corrects the amount for the per-minute rate in the Final Regulations herein.

**List of Subjects in 37 CFR Part 385**

Copyright, Phonorecords, Recordings.

**Final Regulations**

In consideration of the foregoing, the Judges correct part 385 of title 37 of the Code of Federal Regulations by making the following correcting amendment:

**PART 385—RATES AND TERMS FOR USE OF NONDRAMATIC MUSICAL WORKS IN THE MAKING AND DISTRIBUTING OF PHYSICAL AND DIGITAL PHONORECORDS**

■ 1. The authority citation for part 385 continues to read as follows:

**Authority:** 17 U.S.C. 115, 801(b)(1), 804(b)(4).

<sup>1</sup> The CPI–U published in November 2022 is available at [https://www.bls.gov/news.release/archives/cpi\\_11102022.htm](https://www.bls.gov/news.release/archives/cpi_11102022.htm) at Table 1.

<sup>2</sup> Base rate.

<sup>3</sup> The CPI–U announced on November 14, 2023, by the Bureau of Labor Statistics in its *Consumer Price Index News Release—Consumer Price Index*, is available at [https://www.bls.gov/news.release/archives/cpi\\_11142023.htm](https://www.bls.gov/news.release/archives/cpi_11142023.htm) at Table 1.

■ 2. Section 385.11 is amended by revising paragraph (a)(1) to read as follows:

**§ 385.11 Royalty rates.**

(a) \* \* \*  
 (1) *2024 rate.* For the year 2024 for every physical phonorecord and Permanent Download the Licensee makes and distributes or authorizes to be made and distributed, the royalty rate payable for each work embodied in the phonorecord or Permanent Download shall be either 12.4 cents or 2.38 cents per minute of playing time or fraction thereof, whichever amount is larger.  
 \* \* \* \* \*

Dated: December 15, 2023.

**David P. Shaw,**

*Chief Copyright Royalty Judge.*

[FR Doc. 2023-28075 Filed 12-20-23; 8:45 am]

**BILLING CODE 1410-72-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R09-OAR-2023-0157; FRL-10778-02-R9]

**Air Plan Approval; California; San Diego County Air Pollution Control District; Oxides of Nitrogen**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a revision to the San Diego County Air Pollution Control District (SDCAPCD) portion of the California State Implementation Plan (SIP). This revision concerns emissions of oxides of nitrogen (NO<sub>x</sub>) from small boilers, process heaters, steam generators, and large water heaters. We are approving a local rule that regulates these emission sources under the Clean Air Act (CAA or “the Act”).

**DATES:** This rule is effective January 22, 2024.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2023-0157. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) 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 through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If

you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:**

Alina Batool, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; by phone at (415) 972-3345 or by email at [batool.alina@epa.gov](mailto:batool.alina@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, “we,” “us,” and “our” refer to the EPA.

**Table of Contents**

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- II. Public Comments and EPA Responses
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**I. Proposed Action**

On July 26, 2023 (88 FR 48150), the EPA proposed to approve the following rule into the California SIP.

Local agency	Rule No.	Rule title	Adopted	Submitted
SDCAPCD .....	69.2.1 .....	Small Boilers, Process Heaters, Steam Generators, and Large Water Heaters .....	<sup>a</sup> 07/08/20	09/21/20
SDCAPCD .....	69.2.1 .....	Small Boilers, Process Heaters, Steam Generators, and Large Water Heaters .....	<sup>a</sup> 07/08/20	09/21/20

<sup>a</sup>SDCAPCD locally adopted Rule 69.2.1 on March 25, 2009, and locally revised the rule on July 8, 2020. CARB submitted the version of the rule that SDCAPCD revised on July 8, 2020, for inclusion in the California SIP. Note that, in terms of the use of the word “revised” or “amended” in the description of this rule, the supporting materials in SDCAPCD’s submission refer to the rule as an “amended rule,” but the submitted rule text uses the abbreviation, “rev,” for “revision.” For purposes of consistency in incorporating by reference, we are substituting the word “revised” for “amended,” because the two terms are used interchangeably but the rule text uses the term “revision.”

We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

**II. Public Comments and EPA Responses**

The EPA’s proposed action provided a 30-day public comment period. During this period, we received one comment that was supportive of the proposed action.

**III. EPA Action**

No comments were submitted that change our assessment of the rule as described in our proposed action. Therefore, as authorized in section

110(k)(3) of the Act, the EPA is fully approving this rule into the California SIP.

**IV. Incorporation by Reference**

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of Rule 69.2.1, “Small Boilers, Process Heaters, Steam Generators, and Large Water Heaters,” revised on July 8, 2020, which regulates NO<sub>x</sub> emissions from small boilers, process heaters, steam generators, and large water heaters with a heat input rating from 75,000 British thermal units (Btu) per hour to 2 million Btu per hour that are manufactured,

sold, offered for sale or distribution, or installed for use within San Diego County, California. The EPA has made, and will continue to make, these documents available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

**V. Statutory and Executive Order Reviews**

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to