

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

(a) *Royalty fees.* For the year 2023, Licensees must pay royalty fees for all Eligible Transmissions of sound recordings at the following rates:

(1) *Commercial webcasters:* \$0.0030 per Performance for subscription services and \$0.0024 per Performance for nonsubscription services.

(2) *Noncommercial webcasters:* \$1,000 per year for each channel or station and \$0.0024 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 28, 2022.

David P. Shaw,

Chief Copyright Royalty Judge.

[FR Doc. 2022-26229 Filed 12-1-22; 8:45 am]

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Copyright Royalty Board

37 CFR Part 386

[Docket No 22-CRB-0008-SA-COLA (2023)]

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 7.7% 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 2021 to October 2022.

DATES:

Effective date: December 2, 2022.

Applicability date: These rates are applicable to the period January 1, 2023, through December 31, 2023.

FOR FURTHER INFORMATION CONTACT: Anita Brown, (202) 707-7658, *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 reauthorized the license for

additional five-year periods until 2019 when it made the license permanent.¹

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 Carriers² 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, 2021, to the most recent index published before December 1, 2022, is 7.7%.³ Application of the 7.7% COLA to the current rate for the secondary transmission of broadcast stations by satellite carriers for private home viewing—32 cents per subscriber per month—results in a rate of 34 cents per subscriber per month (rounded to the nearest cent). *See* 37 CFR 386.2(b)(1). Application of the 7.7% COLA to the current rate for viewing in commercial establishments—65 cents per subscriber per month—results in a rate of 70 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:

¹ The most recent five-year reauthorization was pursuant to the STELA Reauthorization Act of 2014, Public Law 113–200. The license was made permanent by the Satellite Television Community Protection and Promotion Act of 2019, Public Law 116–94, div. P, title XI, § 1102(a), (c)(1), 133 Stat. 3201, 3203.

² 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.

³ On November 10, 2022, the Bureau of Labor Statistics announced that the CPI-U increased 7.7% over the last 12 months.

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)(xiv) and (b)(2)(xiv) to read as follows:

§ 386.2 Royalty fee for secondary transmission by satellite carriers.

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(b) * * *

(1) * * *

(xiv) 2023: 34 cents per subscriber per month.

(2) * * *

(xiv) 2023: 70 cents per subscriber per month.

Dated: November 28, 2022.

David P. Shaw,

Chief Copyright Royalty Judge.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9, 721, and 725

[EPA-HQ-OPPT-2020-0588; FRL-8582-01-OCSPP]

RIN 2070-AB27

Significant New Use Rules on Certain Chemical Substances (21-1.5e)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing significant new use rules (SNURs) under the Toxic Substances Control Act (TSCA) for chemical substances that were the subject of premanufacture notices (PMNs) and a Microbial Commercial Activity Notice (MCAN). The SNURs require persons who intend to manufacture (defined by statute to include import) or process any of these chemical substances for an activity that is designated as a significant new use by this rule to notify EPA at least 90 days before commencing that activity. The required notification initiates EPA's evaluation of the use, under the conditions of use for that chemical substance, within the applicable review period. Persons may not commence manufacture or processing for the significant new use until EPA has conducted a review of the notice, made an appropriate determination on the