

**ACTION:** Final rule.

**SUMMARY:** The Copyright Royalty Judges announce a cost of living adjustment (COLA) of 1% 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 2012 to October 2013.

**DATES:** *Effective Date:* January 1, 2014.

*Applicability Dates:* These rates are applicable to the period January 1, 2014, through December 31, 2014.

**FOR FURTHER INFORMATION CONTACT:**

LaKeshia Keys, Program Specialist.  
Telephone: (202) 707-7658. Email: [crb@loc.gov](mailto:crb@loc.gov).

**SUPPLEMENTARY INFORMATION:** The satellite carrier compulsory license establishes a statutory copyright licensing scheme for the retransmission of distant 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 Satellite Television Extension and Localism Act of 2010 (STELA), Public Law 111-175.

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 adopted by the Judges were proposed by Copyright Owners and Satellite Carriers<sup>1</sup> and were unopposed. *Id.* Section 119(c)(2) of the Copyright Act requires the Judges to adjust the adopted rates annually “to reflect any changes occurring in the cost of living adjustment as determined by the most recent Consumer Price Index (for all consumers and for all items) [CPI-U] published . . . 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). Today’s notice fulfills this obligation.

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, 2012, to the most recent index published before December 1, 2013, is 1%.<sup>2</sup> Application of the 1% 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 the same rate of 27 cents per subscriber per month (rounded to the nearest cent). *See* 37 CFR 386.2(b)(1). Application of the 1% COLA to the current rate for viewing in commercial establishments—54 cents per subscriber per month—results in an adjusted rate of 55 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**

■ 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 revising paragraphs (b)(1)(v) and (b)(2)(v) as follows:

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

- \* \* \* \* \*
- (b) \* \* \*
- (1) \* \* \*
- (v) 2014: 27 cents per subscriber per month.
- (2) \* \* \*
- (v) 2014: 55 cents per subscriber per month.

Dated: November 21, 2013.

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

[FR Doc. 2013-28632 Filed 11-27-13; 8:45 am]

**BILLING CODE 1410-72-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA-R04-OAR-2013-0455; FRL-9903-17-Region 4]**

**Approval and Promulgation of Implementation Plans; Tennessee; Revisions to the Knox County Portion of the Tennessee State Implementation Plan**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Tennessee, through the Tennessee Department of

Environment and Conservation (TDEC) on December 13, 2012. EPA proposed action on this revision on August 16, 2013, and received no adverse comments. The SIP submittal revises the definition of “Modification” in Knox County Air Quality Management Regulation Section 13 *Definitions*. TDEC considers Knox County’s SIP revision to be as or more stringent than the Tennessee SIP requirements. EPA is approving the Knox County SIP revision because the State has demonstrated that it is consistent with the Clean Air Act (CAA or Act).

**DATES:** This rule will be effective December 30, 2013.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2013-0455. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information 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 either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the 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. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday, 8:30 to 4:30 excluding federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Sean Lakeman, 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. The telephone number is (404) 562-9043. Mr. Lakeman can be reached via electronic mail at [lakeman.sean@epa.gov](mailto:lakeman.sean@epa.gov).

**SUPPLEMENTARY INFORMATION:**

- I. This Action
- II. Final Action
- III. Statutory and Executive Order Reviews

**I. This Action**

On December 13, 2012, TDEC submitted a SIP revision to EPA for approval into the Knox County portion of the Tennessee SIP. Specifically, the

<sup>1</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>2</sup> On November 20, 2013, the Bureau of Labor Statistics announced that the CPI-U increased 1.0% over the last 12 months.

December 13, 2012, SIP revises the definition of “Modification” in Knox County Regulation, section 13.0—*Definitions*. The additions of subparagraphs E and F to the definition of “Modification” allows the local permit program authority to provide adequate, streamlined, and reasonable procedures for expeditiously processing permit changes by excluding certain modifications from construction permitting. The addition of subparagraph E provides that certain modifications (physical/method of operation) at major sources that are not considered Title I modifications do not require construction permits. The addition at subparagraph F establishes criteria for which a physical change or change in the method of operation for a minor source does not need a construction permit.

EPA proposed approval of Tennessee’s December 13, 2012, submission on August 16, 2013 (78 FR 49990), and received no adverse comments on its proposed action.

## II. Final Action

EPA is approving the aforementioned change to the Knox County portion of the Tennessee SIP, because it is consistent with EPA policy and the CAA.

## III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA’s role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a

report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 28, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements and Sulfur oxides.

Dated: November 12, 2013.

**Beverly H. Banister,**

*Acting Regional Administrator, Region 4.*

40 CFR part 52 is amended as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

## Subpart RR—Tennessee

■ 2. Section 52.2220(c) is amended by revising the entry in Table 3 for “Section 13.0” to read as follows:

### § 52.2220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

TABLE 3—EPA APPROVED KNOX COUNTY, REGULATIONS

| State section | Title/subject     | State effective date | EPA approval date                              | Explanation |
|---------------|-------------------|----------------------|--|-------------|
| *             | *                 | *                    | *  | *           |
| 13.0 .....    | Definitions ..... | 10/17/2012           | 11/29/2013 [Insert first page of publication]. |             |

TABLE 3—EPA APPROVED KNOX COUNTY, REGULATIONS—Continued

| State section   | Title/subject | State effective date   | EPA approval date | Explanation   |
|---|---------------|--|-------------------|---|
| *   | *             | *  | *                 | *   |
| <p>* * * *</p> <p>[FR Doc. 2013–28377 Filed 11–27–13; 8:45 am]</p> <p>BILLING CODE 6560–50–P</p>  |               |  |                   |   |
| <b>ENVIRONMENTAL PROTECTION AGENCY</b>  |               |  |                   |   |
| <b>40 CFR Part 52</b>   |               |  |                   |   |
| <b>[EPA–R01–OAR–2012–0113; A–1–FRL–9903–21–Region 1]</b>  |               |  |                   |   |
| <b>Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Transportation Conformity and Conformity of General Federal Actions</b>  |               |  |                   |   |
| <b>AGENCY:</b> Environmental Protection Agency (EPA).   |               |  |                   |   |
| <b>ACTION:</b> Direct final rule.   |               |  |                   |   |
| <p><b>SUMMARY:</b> EPA is approving a State Implementation Plan (SIP) revision submitted by the State of New Hampshire. This revision establishes transportation conformity criteria and procedures related to interagency consultation and enforceability of certain transportation-related control measures and mitigation measures. In addition, the revision relies on the Federal rule for General Conformity. The intended effect of this action is to approve State criteria and procedures to govern conformity determinations. This action is being taken in accordance with the Clean Air Act.</p> <p><b>DATES:</b> This direct final rule is effective January 28, 2014, unless EPA receives adverse comments by December 30, 2013. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the <b>Federal Register</b> informing the public that the rule will not take effect.</p> <p><b>ADDRESSES:</b> Submit your comments, identified by Docket ID Number EPA–R01–OAR–2012–0113 by one of the following methods:</p> <ol style="list-style-type: none"> <li>1. <i>www.regulations.gov</i>: Follow the on-line instructions for submitting comments.</li> <li>2. <i>Email</i>: <a href="mailto:arnold.anne@epa.gov">arnold.anne@epa.gov</a>.</li> <li>3. <i>Fax</i>: (617) 918–0047.</li> <li>4. <i>Mail</i>: “Docket Identification Number EPA–R01–OAR–2012–0113,” Anne Arnold, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5</li> </ol> |               |  |                   |   |
|   |               | Post Office Square—Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912.  |                   |   |
|   |               | 5. <i>Hand Delivery or Courier</i> . Deliver your comments to: Anne Arnold, Manager, Air Quality Planning Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912. Such deliveries are only accepted during the Regional Office’s normal hours of operation. The Regional Office’s official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.  |                   |   |
|   |               | <i>Instructions:</i> Direct your comments to Docket ID No. EPA–R01–OAR–2012–0113. EPA’s policy is that all comments received will be included in the public docket without change and may be made available online at <i>www.regulations.gov</i> , including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through <i>www.regulations.gov</i> , or email, information that you consider to be CBI or otherwise protected. The <i>www.regulations.gov</i> Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <i>www.regulations.gov</i> your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. |                   |   |
|   |               |  |                   | <p><i>Docket:</i> All documents in the electronic docket are listed in the <i>www.regulations.gov</i> index. Although listed in the index, some information is not publicly available, i.e., 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 either electronically in <i>www.regulations.gov</i> or in hard copy at Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the <b>FOR FURTHER INFORMATION CONTACT</b> section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.</p> <p>In addition, copies of the state submittal are also available for public inspection during normal business hours, by appointment at the State Air Agency: Air Resources Division, Department of Environmental Services, 6 Hazen Drive, P.O. Box 95, Concord, NH 03302–0095.</p> <p><b>FOR FURTHER INFORMATION CONTACT:</b> Donald O. Cooke, Air Quality Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square—Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912, telephone number (617) 918–1668, fax number (617) 918–0668, email <a href="mailto:cooke.donald@epa.gov">cooke.donald@epa.gov</a>.</p> <p><b>SUPPLEMENTARY INFORMATION:</b> Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.</p> <p>Organization of this document. The following outline is provided to aid in locating information in this preamble.</p> <ol style="list-style-type: none"> <li>I. Background and Purpose <ol style="list-style-type: none"> <li>A. What is Transportation Conformity?</li> <li>B. What is General Conformity?</li> <li>C. Call to States for Conformity SIP Revisions</li> <li>D. Transportation Conformity Provisions of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU)</li> <li>E. General Conformity Affected by SAFETEA–LU</li> </ol> </li> </ol> |