

(1) The Collective name, address, telephone number and facsimile number;

(2) A statement that the Collective has been designated for collection and distribution of performance royalties under statutory license for digital transmission of sound recordings; and

(3) Information on how to gain access to the online website or home page of the Collective, where information may be posted under this part concerning the use of sound recordings under statutory license. The address of the Licensing Division is: Library of Congress, Copyright Office, Licensing Division, 101 Independence Avenue, SE., Washington, DC 20557-6400.

(d) *Annual Report.* The Collective will post and make available online, for the duration of one year, an Annual Report on how the Collective operates, how royalties are collected and distributed, and what the Collective spent that fiscal year on administrative expenses.

(e) *Inspection of Reports of Use by copyright owners.* The Collective shall make copies of the Reports of Use for the preceding three years available for inspection by any sound recording copyright owner, without charge, during normal office hours upon reasonable notice. The Collective shall predicate inspection of Reports of Use upon information relating to identity, location and status as a sound recording copyright owner, and the copyright owner's written agreement not to utilize the information for purposes other than royalty collection and distribution, and determining compliance with statutory license requirements, without express consent of the Service providing the Report of Use. The Collective shall render its best efforts to locate copyright owners in order to make available records of use, and such efforts shall include searches in Copyright Office public records and published directories of sound recording copyright owners.

(f) *Confidentiality.* Copyright owners, their agents, and Collectives shall not disseminate information in the Reports of Use to any persons not entitled to it, nor utilize the information for purposes other than royalty collection and distribution, and determining compliance with statutory license requirements, without express consent of the Service providing the Report of Use.

(g) *Termination and dissolution.* If a Collective terminates its collection and distribution operations prior to the close of its term of designation, the Collective shall notify the Copyright Office, and all Services transmitting sound recordings under statutory license, by certified or registered mail. The dissolving

Collective shall provide each such Service with information identifying the copyright owners it has served.

Dated: February 26, 2004.

Marybeth Peters,
Register of Copyrights.

James H. Billington,
The Librarian of Congress.

[FR Doc. 04-5404 Filed 3-10-04; 8:45 am]

BILLING CODE 1410-33-U

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 1

RIN 2900-AL40

Eligibility for an Appropriate Government Marker for a Grave Already Marked at Private Expense

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document affirms, without any changes, the provisions of the interim final rule that was published to reflect changes made by the Veterans Education and Benefits Expansion Act of 2001 (Pub. L. 107-103) and the Veterans Benefits Act of 2002 (Pub. L. 107-330).

This final rule establishes provisions pursuant to the Veterans Education and Benefits Expansion Act of 2001 to allow the Department of Veterans Affairs (VA) to furnish an appropriate Government marker for the grave of an eligible veteran buried in a private cemetery, regardless of whether the grave is already marked with a privately purchased marker. Pursuant to the Veterans Benefits Act of 2002, the provisions of this final rule will apply to requests to mark graves or memorialize eligible veterans whose deaths occurred on or after September 11, 2001.

DATES: *Effective Date:* This final rule is effective September 25, 2003.

Applicability Date: The provisions of 38 CFR 1.631 apply to deaths occurring on or after September 11, 2001.

FOR FURTHER INFORMATION CONTACT: David K. Schettler, Director of Memorial Programs Service (MPS), National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Telephone: (202) 501-3100 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On September 25, 2003, VA published an interim final rule in the **Federal Register** (68 FR 55317). The interim final rule amended VA's burial benefits

provisions to allow VA to furnish an appropriate marker for the graves of eligible veterans buried in private cemeteries, regardless of whether the grave is already marked with a privately purchased marker.

We provided a 60-day comment period that ended November 24, 2003. We did not receive any comments. Based on the rationale set forth in the interim final rule and in this document, we adopt the provisions of the interim final rule as a final rule without any changes.

Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any given year. This rule would have no such effect on State, local, or tribal governments, or the private sector.

Paperwork Reduction Act

This document does not contain new provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3521). The Office of Management and Budget has approved the existing information collection under control number 2900-0222.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. Only individual VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance program number for this document is 64.202.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Cemeteries, Veterans.

Approved: February 25, 2004.

Anthony J. Principi,
Secretary of Veterans Affairs.

PART 1—[AMENDED]

■ Accordingly, the interim final rule amending 38 CFR part 1 that was

published in the **Federal Register** at 68 FR 55317 on September 25, 2003, is adopted as a final rule without change.

[FR Doc. 04-5410 Filed 3-10-04; 8:45 am]

BILLING CODE 8320-01-P

POSTAL SERVICE

39 CFR Part 111

Refund Procedures for Metered Postage

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule revises the *Domestic Mail Manual* (DMM™) to allow refunds for unused, undated metered postage. This mailing standard will benefit any mailer who generates significant quantities of unused, undated metered postage and is able to meet the refund criteria. This final rule also implements minor clarifications to the procedures for requesting refunds for unused, dated metered postage. The final rule also includes the terms under which a contract postal unit (CPU) will be eligible for refunds for its unused printed postage.

DATES: This revision is effective March 4, 2004.

FOR FURTHER INFORMATION CONTACT: Chuck Tricamo at (212) 613-8754, New York Rates and Classification Service Center, United States Postal Service®.

SUPPLEMENTARY INFORMATION: The proposed rule was published in the **Federal Register** on October 29, 2003 (68 FR 61647-61650). Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invited public comments on the following proposed amendments to the *Domestic Mail Manual*, incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111. Comments were due by November 28, 2003.

Discussion of Comments

The Postal Service received six comments in reference to this proposed DMM revision. Three of the commenters were mailing houses, two were commercial mail customers, and one was from a retail mail customer.

One commercial mail customer and one mailing house concurred with the proposed revision since it reduced their risk of losing the amount paid for undated metered postage while enhancing their flexibility in choosing when the mail is deposited.

Two mailing houses and one commercial mail customer commented on the effort required to segregate mailpieces in a refund request by meter license numbers and to submit a separate PS Form 3533, *Application and Voucher for Refund of Postage, Fees, and Services*, for each meter. The commercial customer also asked why this was a new regulation for refunds for unused, dated metered postage refunds.

The Postal Service understands the mailers' concerns; however, segregating the unused, metered mail by meter, with a separate PS Form 3533 for each meter for which a refund is requested, is not a new requirement. No change to the proposed rule was made as a result of this comment.

One commercial customer questioned whether the minimum piece/postage minimum requirement for refunds for undated metered mail applies to dated meter postage refunds. The proposed rule included no change to the current mailing standards for refunds for dated metered mail. There is no minimum requirement for dated meter postage refunds. No change to the proposed rule was made as a result of this comment.

One retail mail customer referred to mistakes made when applying dates on metered postage. The proposed rule made no changes to the procedures for handling refunds for dated metered postage.

■ For the reasons stated in the preamble, the *Domestic Mail Manual* is revised as follows. The changes are incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001, 3011, 3201, 3219, 3403-3406, 3621, 3626, 5001.

■ 2. Revise *Domestic Mail Manual* (DMM) as set forth below:

Domestic Mail Manual (DMM)

* * * * *

P Postage and Payment Methods

P000 Basic Information

P010 General Standards

* * * * *

P014 Refunds and Exchanges

* * * * *

2.0 Postage and Fees Refunds

2.1 Refund Standards

A refund for postage and fees may be made:

* * * * *

[Add new item e to read as follows:]

e. Under the terms of a contract between the contract postal unit (CPU) and the USPS® for unused postage printed by the CPU.

* * * * *

[Delete 2.5 and 2.6. Renumber current 2.7 through 2.12 as new 2.5 through 2.10, respectively.]

* * * * *

2.7 Applying for Refund

[Revise text of renumbered 2.7 to read as follows:]

For refunds under 2.0, the customer must apply for a refund on Form 3533; submit it to the postmaster; and provide the envelope, wrapper, or a part of it showing the names and addresses of the sender and addressee, canceled postage and postal markings, or other evidence of postage and fees paid. Refunds for metered postage are submitted under 3.0.

2.8 Ruling on Refund Request

[Revise text of renumbered 2.8 to read as follows:]

Refund requests are decided based on the specific type of postage or mailing:

a. Refunds under 2.0. The local postmaster grants or denies refunds under 2.0. The customer may appeal an adverse ruling through the postmaster to the rates and classification service center (RCSC) manager who issues the final agency decision.

b. Dated metered postage, except for PC Postage® systems, under 3.0. The postmaster at the licensing Post Office™ grants or denies requests for refunds for dated metered postage under 3.0. The licensee may appeal an adverse ruling within 30 days through the manager, Postage Technology Management, USPS Headquarters (see G043 for address), who issues the final agency decision. The original meter indicia must be submitted with the appeal.

c. Undated metered postage under 3.0. The manager, business mail entry (MBME), at the district Post Office overseeing the mailer's licensing Post Office, or designee authorized in writing, grants or denies requests for refunds for undated metered postage under 3.0. The customer may appeal a decision on undated metered postage within 30 days through the MBME, or designee, to the RCSC manager who issues the final agency decision. The