

upper, middle, and lower sections of river. The Superintendent will notify the public of the designated access points in accordance with § 1.7 of this chapter.

(6) Operating a motorized vessel in a manner not allowed by this paragraph (b) is prohibited.

(7) The Superintendent may restrict or impose conditions on the use of motorized vessels, or close any portion of the Riverways to motorized vessels, after taking into consideration public safety, protection or park resources, weather conditions and park management objectives. The Superintendent will provide notice of any such action in accordance with § 1.7 of this chapter. A violation of any such restriction, condition, or closure is prohibited.

\* \* \* \* \*

**Matthew J. Strickler,**  
Deputy Assistant Secretary Exercising the Delegated Authority of the Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2023-27168 Filed 12-11-23; 8:45 am]

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**LIBRARY OF CONGRESS**

**Copyright Royalty Board**

**37 CFR Part 385**

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

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

**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) in the royalty rates for the statutory license for making and distributing phonorecords of nondramatic musical works regarding physical phonorecords and Permanent Downloads.

**DATES:**

*Effective date:* December 12, 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*.

**SUPPLEMENTARY INFORMATION:** 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 that set rates and terms applicable for the statutory license 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. 37 CFR 385.11.

The royalty fee shall be adjusted to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index for All Urban Consumers (U.S. City Average, all items) (CPI-U) published by the Secretary of Labor before December 1 of the preceding year. The calculation of the rate for each year shall be cumulative based on a calculation of the percentage increase in the CPI-U from the CPI-U published in November, 2022 (the Base Rate) and shall be made according to the following formulas: for the per-work rate,  $(1 + (Cy - \text{Base Rate})/\text{Base Rate}) \times 12\%$ , rounded to the nearest tenth of a cent; for the per-minute rate,  $(1 + (Cy - \text{Base Rate})/\text{Base Rate}) \times 2.31\%$ , 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).

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

Copyright, Phonorecords, Recordings.

**Final Regulations**

In consideration of the foregoing, the Judges amend part 385 of title 37 of the Code of Federal Regulations as follows:

**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).

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

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

(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 12.40 cents or 2.39 cents per minute of playing time or fraction thereof, whichever amount is larger.

\* \* \* \* \*

Dated: December 7, 2023.

**David P. Shaw,**  
Chief Copyright Royalty Judge.

[FR Doc. 2023-27290 Filed 12-8-23; 11:15 am]

BILLING CODE 1410-72-P

**DEPARTMENT OF VETERANS AFFAIRS**

**38 CFR Part 3**

RIN 2900-AP86

**Active Service Pay**

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Final rule.

**SUMMARY:** The Department of Veterans Affairs (VA) amends its adjudication regulations to permit VA to adjust disability compensation payments under certain circumstances upon receipt of notice from the Department of Defense (DoD) that the veteran has received or is receiving active service pay. The effect of this action is to reduce overpayments and erroneous payments associated with receipt of VA disability compensation and DoD active service pay by allowing VA to make necessary adjustments as close in time to the receipt of active service pay as possible. Additionally, the amendments will allow VA to resume payments discontinued due to receipt of active service pay based on information received from DoD. The amendments will also clarify how VA adjudicates benefit adjustments based on a veteran's receipt of active service pay for certain types of service.

**DATES:** *Effective Date:* This rule is effective January 11, 2024.

**FOR FURTHER INFORMATION CONTACT:** Robert Parks, Chief, Regulations Staff (211C), Compensation Service (21C), Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461-9540. (This is not a toll-free telephone number.)

**SUPPLEMENTARY INFORMATION:** On April 19, 2019, VA published a proposed rule in the **Federal Register** at 84 FR 16421 to amend 38 CFR 3.103 and 3.654 to permit VA to suspend disability compensation payments upon receipt of