

terminate a controversy or remove uncertainty” as part of formal adjudications. 5 U.S.C. 554(e). SoundExchange disputes that contention on the ground that, within the meaning of the APA, the CRJs engage in rulemakings, not adjudications, and therefore 5 U.S.C. 554(e) does not apply.

With respect to the remaining two questions, the parties agree that if the CRJs have authority to interpret regulations adopted in the course of a rate determination proceeding, that authority would not be time limited. In addition, they agree that the CRJs’ continuing jurisdiction does not depend on whether a rate period is current or lapsed.

### III. Register’s Determination

Having considered the relevant statutory language and the input from the parties, the Register determines that the CRJs have jurisdiction under section 803(c)(4) of Title 17 to clarify the meaning of the regulations adopted in SDARS I. The Register also determines that this authority is not time-limited, and that the CRJs’ authority is the same whether the regulations at issue apply to a current or lapsed rate period.

#### A. The CRJs’ Continuing Jurisdiction Encompasses the Authority to Issue Clarifying Amendments to Written Determinations.

As noted above, under section 803(c)(4), the CRJs “may issue an amendment to a written determination to correct any technical or clerical errors in the determination or to modify the terms, but not the rates, of royalty payments in response to unforeseen circumstances that would frustrate the proper implementation of such determination.” 17 U.S.C. 803(c)(4). As an initial matter, the Register accepts the district court’s conclusion that the meaning of the relevant regulatory provisions, and the application of those provisions to the particular fact pattern presented here, is uncertain. *See SoundExchange*, 2014 WL 4219591, at \*4 (“[T]he gross revenue exclusions are ambiguous and do not, on their face, make clear whether Sirius XM’s approaches were permissible under the regulations.”).

The Register concludes that the CRJs’ power to “correct any technical . . . errors” in determinations encompasses the power to resolve ambiguity in the meaning of regulations adopted pursuant to those determinations.<sup>3</sup> Such

a correction is “technical” in the sense that it merely clarifies existing regulations to ensure they are applied in the manner intended by the CRJs. As the district court appreciated, the CRJs are in the best position to provide this type of interpretive guidance, given their familiarity with the extensive record on which the regulations are based and their general “technical and policy expertise.” *SoundExchange*, 2014 WL 4219591 at \*4. This approach is also consistent with general principles of administrative law, under which courts regularly defer to agencies’ reasonable interpretations of ambiguous regulations. *See Auer v. Robbins*, 519 U.S. 452, 461 (1997). Section 803(c)(4) provides the administrative mechanism by which the CRJs can issue such interpretations.

This understanding of section 803(c)(4) also comports with the Register’s prior reading of that provision. Specifically, the Register has construed section 803(c)(4) as providing the CRJs the authority to amend their regulations to conform with the Register’s interpretation of the Copyright Act. In 2009, after the CRJs issued a determination setting the rates and terms of royalty payments for making and distribution of phonorecords of musical works under 17 U.S.C. 115, the Register exercised her statutory authority to correct certain legal errors in that determination. 74 FR 4537 (Jan. 6, 2009). In particular, the Register concluded that a number of regulatory terms that the CRJs had adopted were inconsistent with the Copyright Act, including certain terms related to digital phonorecord deliveries and the retroactivity of promotional royalty rates. *See* 73 FR at 4541–42. Although the Register lacked the authority actually to amend the regulations adopted by the CRJs, she concluded that the CRJs could “codify the corrections identified and made herein by the Register” by exercising their authority under section 803(c)(4). *Id.* at 4543. The CRJs subsequently relied on that authority to amend the regulations and excise the erroneous

circumstances that would frustrate the proper implementation of such determination” provides an alternate source of authority to clarify the SDARS I regulations. 17 U.S.C. 803(c)(4). *SoundExchange* contends, however, that the definition of “Gross Revenues” is not a “term.” For its part, the district court concluded that the definition was a term. *SoundExchange*, 2014 WL 4219591 at \*5 (“Neither party is asking for a change to rates; only a clarification of terms.”). The Register need not resolve this issue, because the CRJs’ separate power to “correct any technical . . . errors” provides a sufficient basis for the CRJs to act in this case. For the same reason, the Register need not address whether the APA separately authorizes the CRJs to clarify the SDARS I regulations.

regulatory provisions. 74 FR 6832, 6833 (Feb. 11, 2009). The CRJs explained that doing so would “clarify potential confusion facing users of the license at issue” and “promote an efficient administration of the applicable license.” *Id.* These same rationales apply with equal force here.

#### B. The CRJs’ Continuing Jurisdiction Is Not Subject to Time Limits, and Extends to Both Current and Lapsed Rate Periods.

The Register agrees with the parties that the CRJs’ continuing jurisdiction authority is not subject to a time limit. Nothing in the text of section 803(c)(4) indicates a time limit. And, no other provision in Title 17 would otherwise impose a time limit on the CRJs’ exercise of that authority. Furthermore, the scope of the CRJs’ continuing jurisdiction authority is the same whether the terms at issue concern a current or lapsed rate period. Nothing in the text of section 803(c)(4), or any other provision in Title 17, differentiates between current and lapsed rate periods for purposes of the CRJs’ exercise of continuing jurisdiction.

April 8, 2015

Maria A. Pallante,  
Register of Copyrights and Director of the  
United States Copyright Office

[FR Doc. 2015–10305 Filed 5–1–15; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[NRC–2015–0001]

### Sunshine Act Meeting Notice

**DATE:** April 27, May 4, 11, 18, 25, June 1, 8, 2015.

**PLACE:** Commissioners’ Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**Week of April 27, 2015**

*Thursday, April 30, 2015*

8:55 a.m.

Affirmation Session (Tentative)  
DTE Electric Co. (Fermi Nuclear Power Plant, Unit 3), Docket No. 52–033 (Public Meeting) (Tentative)  
This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.  
9 a.m.

Briefing on the Status of Lessons Learned from the Fukushima Dai-ichi Accident (Public Meeting)  
(Contact: Jack Davis, 301–415–223)

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

<sup>3</sup> As explained above, Sirius XM argues that the CRJs’ power to “modify the terms, but not the rates, of royalty payments in response to unforeseen

**Week of May 4, 2015**

There are no meetings scheduled for the week of May 4, 2015.

**Week of May 11, 2015—Tentative**

There are no meetings scheduled for the week of May 11, 2015.

**Week of May 18, 2015—Tentative**

*Tuesday, May 19, 2015*

9 a.m.

Briefing on Cumulative Effects of Regulation and Risk Prioritization Initiatives (Public Meeting) (Contact: Steve Ruffin, 301-415-1985)

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

*Thursday, May 21, 2015*

9 a.m.

Briefing on the Results of the Agency Action Review Meeting (Public Meeting) (Contact: Nathan Sanfilippo, 301-415-8744)

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

**Week of May 25, 2015—Tentative**

There are no meetings scheduled for the week of May 25, 2015.

**Week of June 1, 2015—Tentative**

There are no meetings scheduled for the week of June 1, 2015

**Week of June 8, 2015—Tentative**

*Thursday, June 11, 2015*

10 a.m.

Meeting with the Advisory Committee on Reactor Safeguards (Public Meeting) (Contact: Edwin Hackett, 301-415-7360)

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Glenn Ellmers at 301-415-0442 or via email at [Glenn.Ellmers@nrc.gov](mailto:Glenn.Ellmers@nrc.gov).

\* \* \* \* \*

**Additional Information**

By a vote of 4–0 on April 28 and 29, 2015, the Commission determined pursuant to U.S.C. 552b(e) and 9.107(a) of the Commission's rules that an Affirmation Session for DTE Electric Co. (Fermi Nuclear Power Plant, Unit 3), Docket No. 52–033, Mandatory Hearing Decision be held with less than one week notice to the public. The meeting is tentatively scheduled for April 30, 2015.

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

\* \* \* \* \*

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/public-involve/public-meetings/schedule.html>.

\* \* \* \* \*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301-287-0727, by videophone at 240-428-3217, or by email at [Kimberly.Meyer-Chambers@nrc.gov](mailto:Kimberly.Meyer-Chambers@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

\* \* \* \* \*

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301-415-1969), or email [Brenda.Akstulewicz@nrc.gov](mailto:Brenda.Akstulewicz@nrc.gov) or [Patricia.Jimenez@nrc.gov](mailto:Patricia.Jimenez@nrc.gov).

Dated: April 29, 2015.

**Glenn Ellmers,**

*Policy Coordinator, Office of the Secretary.*

[FR Doc. 2015–10384 Filed 4–30–15; 11:15 am]

**BILLING CODE 7590–01–P**

**NUCLEAR REGULATORY COMMISSION**

**[NRC–2015–0103]**

**Information Collection: Renewal of NRC Form 590, Application/Permit for Use of the Two White Flint North (TWF) Auditorium**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Renewal of existing information collection; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) invites the public to comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The NRC is required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995. The information collection is entitled “Renewal of NRC Form 590, Application/Permit for Use of the Two

White Flint North (TWFN) Auditorium.”

**DATES:** Submit comments by July 6, 2015. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any of the following methods:

- Federal Rulemaking Web site: Go to <http://www.regulations.gov> and search for Docket ID NRC–2015–0103. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- Mail comments to: Tremaine Donnell, Office of Information Services, Mail Stop: T–5 F53, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:**

Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301-415-6258; email: [INFOCOLLECTS.Resource@NRC.GOV](mailto:INFOCOLLECTS.Resource@NRC.GOV).

**SUPPLEMENTARY INFORMATION:****I. Obtaining Information and Submitting Comments****A. Obtaining Information**

Please refer to Docket ID NRC–2015–0103 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- Federal rulemaking Web site: Go to <http://www.regulations.gov> and search for Docket ID NRC–2015–0103. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2015–0103 on this Web site.

- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at