(1) * * *

(iii) Retail non-network pharmacies: Those are non-MTF pharmacies that are not part of the network established for TRICARE retail pharmacy services (Note: active duty members are not authorized to use retail non-network pharmacies); and

* * * * *

(3) *Availability of non-formulary pharmaceutical agents.*—(i) *General.* Non-formulary pharmaceutical agents shall be generally available under the pharmacy benefits program from retail non-network pharmacies and the TRICARE Mail Order Pharmacy (TMOP).

(ii) *Availability of non-formulary pharmaceutical agents at military treatment facilities and retail network pharmacies.* Even when particular non-formulary agents are not generally available at military treatment facilities or retail network pharmacies, they will be made available to eligible covered beneficiaries through those points of service for prescriptions approved through the non-formulary special approval process that validates the medical necessity for use of the non-formulary pharmaceutical agent. In those cases in the retail network, the non-formulary drug will be made available at the formulary copayment amount.

* * * * *

(i) * * *

(2) *Cost-sharing amounts.* Active duty members of the uniformed services do not pay cost-shares. For other categories of beneficiaries, cost-sharing amounts are as follows:

(i) For pharmaceutical agents obtained from a military treatment facility, there are no co-payments.

(ii) For pharmaceutical agents obtained from a retail network pharmacy there is a:

(A) $12.00 co-payment per prescription required for up to a 30-day supply of a formulary pharmaceutical agent.

(B) $5.00 co-payment per prescription for up to a 30-day supply of a generic pharmaceutical agent. For especially cost-effective drugs, upon the recommendation of the Pharmacy and Therapeutics Committee, prescriptions for a longer period supply, not to exceed 90 days, may be authorized for the same co-payment.

(C) $25.00 co-payment per prescription for up to a 30-day supply of a non-formulary pharmaceutical agent.

(D) $0.00 co-payment for vaccines/immunizations authorized as preventive care for eligible beneficiaries.

(iii) For formulary and generic pharmaceutical agents obtained from a retail non-network pharmacy there is a 20/25 percent or $12.00 co-payment (whichever is greater) per prescription for up to a 30-day supply of the pharmaceutical agent. The 20% amount applies to dependents of active duty members and others covered by 10 U.S.C. 1079; the 25% amount applies to retirees and others covered by 10 U.S.C. 1086.

(iv) For non-formulary pharmaceutical agents obtained at a retail non-network pharmacy there is a 20/25 percent or $25.00 co-payment (whichever is greater) per prescription for up to a 30-day supply of the pharmaceutical agent. The 20% amount applies to dependents of active duty members and others covered by 10 U.S.C. 1079; the 25% amount applies to retirees and others covered by 10 U.S.C. 1086.

(v) For pharmaceutical agents obtained under the TMOP program there is a:

(A) $9.00 co-payment per prescription for up to a 90-day supply of a formulary pharmaceutical agent.

(B) $0.00 co-payment for up to a 90-day supply of a generic pharmaceutical agent.

(C) $25.00 co-payment for up to a 90-day supply of a non-formulary pharmaceutical agent.

* * * * *

(x)(A) The per prescription copayments established in this paragraph (i)(2) of this section may be adjusted periodically based on experience with the uniform formulary, changes in economic circumstances, and other appropriate factors. Any such adjustment shall be approved by the Assistant Secretary of Defense (Health Affairs). Any such adjusted amount will maintain compliance with the requirements of 10 U.S.C. 1074g(a)(6) with respect to maximum copayment amounts for non-formulary drugs, which also apply to formulary drugs. In adjusting copayment amounts, there is no requirement that amounts be the same for dependents of active duty members (and other beneficiaries covered by 10 U.S.C. 1079) as for retirees (and other beneficiaries covered by 10 U.S.C. 1086).

(B) For purposes of paragraph (i)(2)(x)(A) of this section (the requirement that non-formulary cost sharing shall not exceed amounts generally comparable to 20 percent for active duty dependents and 25 percent for retirees and their dependents), those maximum amounts will be calculated based on the average government cost of all prescriptions, other than prescriptions for generic drugs, in the following four groups:

(*1*) Retail prescriptions for active duty dependents;

(*2*) Retail prescriptions for beneficiaries covered by 10 U.S.C. 1086;

(*3*) Mail order prescriptions for active duty dependents;

(*4*) Mail order prescriptions for beneficiaries covered by 10 U.S.C. 1086.

* * * * *

(j) * * *

(4) Upon the recommendation of the Pharmacy and Therapeutics Committee, a generic drug may be classified as non-formulary if it is less cost effective than non-generic formulary drugs in the same drug class.

(5) The beneficiary copayment amount for any generic drug prescription may not exceed the total charge for that prescription.

* * * * *

Dated: June 20, 2012.

Patricia L. Toppings,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2012–15507 Filed 6–25–12; 8:45 am]

BILLING CODE 5001–06–P

LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 381

[Docket No. 2011–2 CRB NCEB II]

Determination of Reasonable Rates and Terms for Noncommercial Broadcasting

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Proposed rule.

SUMMARY: The Copyright Royalty Judges are publishing for comment proposed rates and terms for the performance of musical compositions by Public Broadcasting Service (''PBS''), National Public Radio (''NPR'') and other public broadcasting entities and for the use of published pictorial, graphic and sculptural works by public broadcasting entities pursuant to the statutory license under section 118 of the Copyright Act for the period 2013–2017.

DATES: Comments and objections, if any, are due no later than July 26, 2012.

ADDRESSES: Comments and objections may be sent electronically to *crb@loc.gov.* In the alternative, send an original, five copies and an electronic copy on a CD either by mail or by hand delivery. Please do not use multiple means of transmission. Comments and objections may not be delivered by an overnight delivery service other than the U.S. Postal Service Express Mail. If by mail (including overnight delivery), comments and objections must be addressed to: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977. If hand delivered by a private party, comments and objections must be brought to the Copyright Office, Public Information Office, Library of Congress, James Madison Memorial Building, Room LM–401, 101 Independence Avenue SE., Washington, DC 20559–6000, between 8:30 a.m. and 5 p.m. If delivered by a commercial courier, comments and objections must be delivered between 8:30 a.m. and 4 p.m. to the Congressional Courier Acceptance Site located at 2nd and D Street NE., Washington, DC, and the envelope must be addressed to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, Room LM–403, 101 Independence Avenue SE., Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: LaKeshia Keys, Program Specialist, by telephone (202) 707–7658 or email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: On April 25, 2012, the Copyright Royalty Judges published for comment in the **Federal Register** proposed rates and terms for the 2013–2017 license period for the use of certain copyrighted works in connection with noncommercial television and radio broadcasting under section 118 of the Copyright Act, title 17 of the United States Code. 77 FR 24662 (April 25, 2012). The proposed rates and terms were submitted to the Judges by certain parties who filed petitions to participate in the proceeding.[1] However, the Judges received no proposal for two sections, namely, § 381.4, which governed performance of musical compositions by PBS, NPR and other public broadcasting entities engaged in the activities of 17 U.S.C. 118(c), and § 381.8, which governed the terms and rates of royalty payments for the use of published pictorial, graphic and sculptural works in PBS-distributed programs as well as in other PBS-distributed programs. Consequently, the Judges proposed removing these sections and reserving the section numbers.

In response to the April 25 proposed rule, the Judges received from PBS and NPR a joint proposal setting forth rates and terms for § 381.4 and § 381.8.[2] Section 801(b)(7)(A) of the Copyright Act, in pertinent part, requires the Judges to publish in the **Federal Register** rates and terms negotiated by copyright owners and public broadcasting entities in order to afford those who would be bound by such rates and terms an opportunity to comment and/or object to the proposal. Today's notice fulfills this requirement.

The public may comment on and object to the proposed regulations contained in this notice. Such comments and objections must be submitted no later than July 26, 2012.

List of Subjects in 37 CFR Part 381

Copyright, Music, Radio, Television, Rates.

Proposed Regulations

For the reasons set forth in the preamble, the Copyright Royalty Judges propose to amend Part 381 to Chapter III of title 37 of the Code of Federal Regulations to read as follows:

PART 381—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING

1. The authority citation for part 381 continues to read as follows:

Authority: 17 U.S.C. 118, 801(b)(1) and 803.

2. Section 381.4 is amended as follows:

a. By revising paragraphs (a)(1)–(8); and

b. In paragraph (c), by removing ''2008'' and adding ''2013'' in its place, and by removing ''2012'' and adding ''2017'' in its place.

The revisions read as follows:

§ 381.4 Performance of musical compositions by PBS, NPR and other public broadcasting entities engaged in the activities set forth in 17 U.S.C. 118(c).

* * * * *

(a) *Determination of royalty rate.*

(1) For performance of such work in a feature presentation of PBS:

2013–2017 .... $232.18

(2) For performance of such a work as background or theme music in a PBS program:

2013–2017 .... $58.51

(3) For performance of such a work in a feature presentation of a station of PBS:

2013–2017 .... $19.84

(4) For performance of such a work as background or theme music in a program of a station of PBS:

2013–2017 .... $4.18

(5) For the performance of such a work in a feature presentation of NPR:

2013–2017 .... $23.53

(6) For the performance of such a work as background or theme music in an NPR program:

2013–2017 .... $5.70

(7) For the performance of such a work in a feature presentation of a station of NPR:

2013–2017 .... $1.66

(8) For the performance of such a work as background or theme music in a program of a station of NPR:

2013–2017 .... $.59

* * * * *

3. Section 381.8 is amended as follows:

a. By revising paragraphs (b)(1)(i)–(ii); and

b. In paragraph (f), by removing ''2012'' and adding ''2017'' in its place.

The revisions read as follows:

§ 381.8 Terms and rates of royalty payments for the use of published pictorial, graphic, and sculptural works.

* * * * *

(b) *Royalty rate.* (1) The following schedule of rates shall apply to the use of works within the scope of this section:

(i) For such uses in a PBS-distributed program:

(A) For featured display of a work	$70.75
(B) For background and montage display	34.50
(C) For use of a work for program identification or for thematic use	139.46
(D) For the display of an art reproduction copyrighted separately from the work of fine art from which the work was reproduced irrespective of whether the reproduced work of fine art is copyrighted so as to be subject also to payment of a display fee under the terms of the schedule	45.82

(ii) For such uses in other than PBS-distributed programs:

(A) For featured display of a work	$45.82

[1] For the general background of this proceeding, including the list of parties who filed a petition to participate, see 77 FR 24663 (April 25, 2012).

[2] Comments regarding the other proposed changes were also received. Such comments will be addressed in a future publication adopting final regulations.

(B) For background and montage display	23.48
(C) For use of a work for program identification or for thematic use	93.65
(D) For the display of an art reproduction copyrighted separately from the work of fine art from which the work was reproduced irrespective of whether the reproduced work of fine art is copyrighted so as to be subject also to payment of a display fee under the terms of the schedule	23.49

* * * * *

Dated: June 20, 2012.

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

[FR Doc. 2012–15538 Filed 6–25–12; 8:45 am]

BILLING CODE 1410–72–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3160

[WO–300–L13100000.FJ0000]

RIN 1004–AE26

Oil and Gas; Well Stimulation, Including Hydraulic Fracturing, on Federal and Indian Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On May 11, 2012, the Bureau of Land Management (BLM) published in the **Federal Register** a proposed rule to regulate hydraulic fracturing on public land and Indian land. The rule would require disclosure to the public of chemicals used in hydraulic fracturing on public land and Indian land, strengthen regulations related to well-bore integrity, and address issues related to flowback water. This rule is necessary to provide useful information to the public and to help ensure that hydraulic fracturing is conducted in a way that adequately protects the environment.

Due to the complexity of the rule and the issues surrounding it, the BLM is extending the comment period for 60 days beyond the end of the initial comment period. As a result of this extension, the comment period will now close on September 10, 2012.

DATES: The comment period for the proposed rule published May 11, 2012, at 77 FR 27691, is extended. Send your comments on this proposed rule to the BLM on or before September 10, 2012. The BLM need not consider, or include in the administrative record for the final rule, comments that the BLM receives after the close of the comment period or comments delivered to an address other than those listed below (see **ADDRESSES**).

ADDRESSES: *Mail:* U.S. Department of the Interior, Director (630), Bureau of Land Management, Mail Stop 2134 LM, 1849 C St. NW., Washington, DC 20240, Attention: 1004–AE26. *Personal or messenger delivery:* Bureau of Land Management, 20 M Street SE., Room 2134 LM, Attention: Regulatory Affairs, Washington, DC 20003. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions at this Web site.

FOR FURTHER INFORMATION CONTACT: Steven Wells, Division Chief, Fluid Minerals Division, 202–912–7143 for information regarding the substance of the rule or information about the BLM's Fluid Minerals Program. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. FIRS is available 24 hours a day, 7 days a week to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

If you wish to comment, you may submit your comments by any one of several methods:

Mail: You may mail comments to U.S. Department of the Interior, Director (630), Bureau of Land Management, Mail Stop 2134LM, 1849 C Street NW., Washington, DC 20240, Attention: 1004–AE26. *Personal or messenger delivery:* Bureau of Land Management, 20 M Street SE., Room 2134 LM, Attention: Regulatory Affairs, Washington, DC 20003. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions at this Web site.

Please make your comments as specific as possible by confining them to issues directly related to the content of this proposed rule, and explain the basis for your comments. The comments and recommendations that will be most useful and likely to influence agency decisions are:

1. Those supported by quantitative information or studies; and
2. Those that include citations to, and analyses of, the applicable laws and regulations.

The BLM is not obligated to consider or include in the Administrative Record for the rule comments received after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

Comments, including names and street addresses of respondents, will be available for public review at the address listed under **ADDRESSES** during regular hours (7:45 a.m. to 4:15 p.m.), Monday through Friday, except holidays.

Before including your address, telephone number, email address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Background

The proposed rule was published on May 11, 2012 (77 FR 27691), with a 60-day comment period closing on July 10, 2012. Since publication, the BLM has received numerous requests for extension of the comment period on the proposed rule. Because of the complexity of the rule and due to the controversial nature of well stimulation procedures, the BLM is hereby extending the comment period on the rule for 60 days. The closing date of the extended comment period is September 10, 2012.

Dated: June 20, 2012.

Marcilynn A. Burke,

Acting Assistant Secretary, Land and Minerals Management.

[FR Doc. 2012–15557 Filed 6–25–12; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 541

[Docket No. NHTSA–2012–0072]

Preliminary Theft Data; Motor Vehicle Theft Prevention Standard

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Publication of preliminary theft data; request for comments.

SUMMARY: This document requests comments on data about passenger motor vehicle thefts that occurred in