

responsibilities between the Federal Government and Indian tribes.

#### 12. Energy Effects

This action is not a "significant energy action" under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

#### 13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

#### 14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2-1 of the Commandant Instruction. Because this safety zone is established in response to a temporary situation and is less than one week in duration, an environmental analysis checklist and a categorical exclusion determination are not required.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. A new temporary § 165.T08-0198 is added to read as follows:

#### § 165.T08-0198 Safety Zone; Ohio River between mile 618.5 and mile 619.5, Louisville, KY.

(a) *Location.* The following area is a safety zone: All waters of the Ohio River between mile 618.5 and mile 619.5, Louisville, KY, extending the entire width of the Ohio River.

(b) *Effective dates.* This safety zone is effective and will be enforced through actual notice from 10:00 p.m. through 10:30 p.m. on June 27, 2015.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into this zone is prohibited unless authorized by the Captain of the Port (COTP) Ohio Valley or a designated representative.

(2) Persons or vessels desiring to enter into or pass through the zone must request permission from the COTP Ohio Valley or a designated representative. They may be contacted on VHF-FM channel 16 or by telephone at 1-800-253-7465.

(3) If permission is granted, all persons and vessels shall comply with the instructions of the COTP Ohio Valley or designated representative.

(d) *Informational broadcasts.* The COTP Ohio Valley or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the temporary safety zone as well as any changes in the dates and times of enforcement.

Dated: June 9, 2015.

**R.V. Timme,**

*Captain, U.S. Coast Guard, Captain of the Port Ohio Valley.*

[FR Doc. 2015-15932 Filed 6-26-15; 8:45 am]

**BILLING CODE 9110-04-P**

#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2015-0530]

RIN 1625-AA00

#### Safety Zone; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone—Milwaukee Air and Water Show

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the safety zone on Lake Michigan in Milwaukee, WI for the Milwaukee Air and Water Show. This zone will be enforced from 8:30 a.m. until 5 p.m. on each day of July 22, 2015 to July 26, 2015. This action is necessary and intended to ensure safety of life on navigable waters immediately prior to, during, and immediately after the Air and Water Show. During the aforementioned period, the Coast Guard will enforce restrictions upon, and

control movement of, vessels in the safety zone. No person or vessel may enter the safety zone while it is being enforced without permission of the Captain of the Port Lake Michigan or a designated representative.

**DATES:** The regulations in 33 CFR 165.929 will be enforced for safety zone (f)(2), Table 165.929, from 8:30 a.m. until 5 p.m. on each day of July 22, 2015 to July 26, 2015.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this document, call or email MST1 Joseph McCollum, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747-7148, email [joseph.p.mccollum@uscg.mil](mailto:joseph.p.mccollum@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the Milwaukee Air and Water Show safety zone listed as item (f)(2) in Table 165.929 of 33 CFR 165.929. Section 165.929 lists many annual events requiring safety zones in the Captain of the Port Lake Michigan zone. This safety zone will encompass all waters and adjacent shoreline of Lake Michigan in the vicinity of McKinley Park located within an area that is approximately 4800 by 1250 yards. The area will be bounded by the points beginning at 43°02.450' N., 087°52.850' W.; then southeast to 43°02.230' N., 087°52.061' W.; then northeast to 43°04.543' N., 087°50.801' W.; then northwest to 43°04.757' N., 087°51.512' W.; then southwest returning to the point of origin (NAD 83). This zone will be enforced from 8:30 a.m. until 5 p.m. on each day of July 22, 2015 to July 26, 2015.

All vessels must obtain permission from the Captain of the Port Lake Michigan, or the on-scene representative to enter, move within, or exit the safety zone. Requests must be made in advance and approved by the Captain of the Port before transits will be authorized. Approvals will be granted on a case by case basis. Vessels and persons granted permission to enter the safety zone must obey all lawful orders or directions of the Captain of the Port Lake Michigan or a designated representative.

This document is issued under authority of 33 CFR 165.929, Safety Zones; Annual events requiring safety zones in the Captain of the Port Lake Michigan zone, and 5 U.S.C. 552(a). In addition to this publication in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification for the enforcement of this zone via Broadcast Notice to Mariners or Local Notice to Mariners. The Captain of the Port Lake Michigan

or an on-scene representative may be contacted via Channel 16, VHF-FM.

Dated: June 11, 2015.

**A.B. Cocanour,**

*Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.*

[FR Doc. 2015-15935 Filed 6-26-15; 8:45 am]

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## LIBRARY OF CONGRESS

### Copyright Royalty Board

#### 37 CFR Part 383

[Docket No. 14-CRB-0002-NSR (2016-2020)]

#### Determination of Terms and Royalty Rates for Ephemeral Reproductions and Public Performance of Sound Recordings by a New Subscription Service

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Final rule.

**SUMMARY:** The Copyright Royalty Judges publish final regulations that set the rates and terms for the use of sound recordings via digital transmissions made by new subscription services and for the making of ephemeral recordings to facilitate those transmissions during the period commencing January 1, 2016, and ending on December 31, 2020.

**DATES:** *Effective:* January 1, 2016.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Whittle, Attorney Advisor, by telephone at (202) 707-7658, or by email at [crb@loc.gov](mailto:crb@loc.gov).

**SUPPLEMENTARY INFORMATION:** On December 12, 2014, the Copyright Royalty Judges (Judges) received a joint motion from SoundExchange, Inc. ("SoundExchange") and Sirius XM Radio, Inc. ("Sirius XM") to adopt a settlement of royalty rates and terms under Sections 112(e) and 114 of the Copyright Act ("the Act") for 2016-2020 for new subscription services of the type at issue in the captioned proceeding (*i.e.*, music services provided to residential subscribers as part of a cable or satellite television bundle). *See* Joint Motion to Adopt Settlement at 1 and 37 CFR 383.2(h). Sirius XM creates music and nonmusic programming and transmits it through its satellite digital audio radio service and other outlets. According to Sirius XM, it relies on the royalty rates and terms in 37 CFR part 383 for music programming it provides through the DiSH satellite television service. Joint Motion at 2. SoundExchange is a nonprofit organization that is jointly controlled by

representatives of sound recording copyright owners and performers. *Id.* The Judges published the proposed settlement and requested comments from the public. *See* 80 **Federal Register** 2065 (January 15, 2015).

#### Background

Section 801(b)(1) of the Act, among other things, authorizes the Judges to make determinations and adjustments of reasonable terms and rates of royalty payments as provided in Section 112(e) and 114 of the Act. Section 114(f)(2)(A) of the Act provides, among other things, that, proceedings under chapter 8 of the Act shall determine reasonable rates and terms of royalty payments for public performances of sound recordings by means of new subscription services. Section 112(e)(3) of the Act provides that proceedings under chapter 8 of the Act shall determine reasonable rates and terms of royalty payments for activities specified in Section 112(e)(1) of the Act (*i.e.*, the making of no more than one phonorecord of a sound recording by a transmitting organization entitled to transmit to the public a performance of a sound recording under a statutory license in accordance with Section 114(f) of the Act). The Judges have commenced two prior proceedings for five-year rate periods pursuant to these two provisions, both of which ended when the participants reached an agreement of the applicable rates and terms. *See* 72 FR 72253 (December 20, 2007) and 75 FR 14074 (March 24, 2010). The current rate period expires December 31, 2015.

Pursuant to section 803(b)(1)(A)(i)(III) of the Copyright Act, the Judges published in the **Federal Register** a notice commencing a rate determination proceeding for the 2016-2020 rate period and requesting interested parties to submit Petitions to Participate. *See* 79 FR 410 (January 3, 2014). The Judges received Petitions to Participate from Music Reports, Inc. ("Music Reports"), National Music Publishers Association ("NMPA"), Sirius XM, Spotify USA, Inc., and SoundExchange. The Judges subsequently dismissed the petitions to participate of NMPA and Music Reports. *See* Order Dismissing Petition to Participate (Music Reports) (May 30, 2014) and Order Granting SoundExchange Motion to Deny the Petition to Participate of National Music Publishers' Association (April 30, 2014). On September 26, 2014, Spotify withdrew from the proceeding. *See* Notice of Withdrawal of Petition to Participate. As a result, Sirius XM and SoundExchange are the only remaining participants in this proceeding. Joint Motion at 2.

Section 801(b)(7)(A) of the Copyright Act authorizes the Judges to adopt rates and terms negotiated by "some or all of the participants in a proceeding at any time during the proceeding" provided the settling parties submit the negotiated rates and terms to the Judges for approval. That provision directs the Judges to provide those who would be bound by the negotiated rates and terms an opportunity to comment on the agreement. The Judges will adopt the negotiated rates and terms unless a participant in a proceeding objects and the Judges conclude that the agreement does not provide a reasonable basis for setting statutory rates or terms, the Judges adopt the negotiated rates and terms. 17 U.S.C. 801(b)(7)(A).

Rates and terms the Judges adopt pursuant to this provision are binding on all owners of copyright in sound recordings and on all new subscription services performing the copyrighted sound recordings on digital audio channels transmitted by a cable or satellite television distribution service to residential customers, bundled with television channels as part of a "basic" service subscription package, and not available separately for a separate fee. *See* 37 CFR 383.2(h).

The Judges "may decline to adopt the agreement as a basis for statutory terms and rates for participants that are not parties to the agreement," only "if any participant [to the proceeding] objects to the agreement and the [Judges] conclude, based on the record before them if one exists, that the agreement does not provide a reasonable basis for setting statutory terms or rates." 17 U.S.C. 801(b)(7)(A)(ii). The Judges received no comments or objections in response to their request for comments published in the **Federal Register**.

The Judges, therefore, by this notice, adopt as final regulations for the period commencing January 1, 2016, and ending on December 31, 2020, the rates and terms agreed to by Sirius XM and SoundExchange for digital transmission of sound recordings by new subscription services and the making of ephemeral reproductions necessary to facilitate those transmissions.

#### List of Subjects in 37 CFR Part 383

Copyright, Digital audio transmissions, Performance right, Sound recordings.

#### Final Regulation

For the reasons set forth in the preamble, the Copyright Royalty Board amends 37 CFR part 383 as follows: