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Proposed CoC No. 1032, Amendment No. 0, Revision 1	ML15124A631
Appendix A of Proposed TS	ML15124A636
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List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Hazardous waste, Indians, Intergovernmental relations, Manpower training programs, Nuclear energy, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161,

10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

■ 2. In § 72.214, Certificate of Compliance No. 1032 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1032.
Initial Certificate Effective Date: June 13, 2011, superseded by Amendment Number 0, Revision 1, on April 25, 2016.

Amendment Number 0, Revision 1, Effective Date: April 25, 2016.

Amendment Number 1 Effective Date: December 17, 2014, superseded by Amendment Number 1, Revision 1, on June 2, 2015.

Amendment Number 1, Revision 1, Effective Date: June 2, 2015.

SAR Submitted by: Holtec International, Inc.

SAR Title: Final Safety Analysis Report for the Holtec International HI-STORM FW System.

Docket Number: 72-1032.

Certificate Expiration Date: June 12, 2031.

Model Number: HI-STORM FW MPC-37, MPC-89.

* * * * *

Dated at Rockville, Maryland, this 18th day of September, 2015.

For the Nuclear Regulatory Commission.

Michael F. Weber,

Acting, Executive Director for Operations.

[FR Doc. 2015-24615 Filed 9-25-15; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2015-1137; Airspace Docket No. 15-ANM-4]

Amendment of Class E Airspace; Portland, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E surface area airspace designated as an extension to Class C airspace, and Class E airspace extending upward from 700 feet above the surface at Portland International Airport, Portland, OR. After reviewing the airspace, the FAA found the Portland VHF omnidirectional radio range/distance measuring equipment (VOR/DME) and Laker non-directional beacon (NDB) has been decommissioned, thereby necessitating airspace redesign for the safety and management of Instrument Flight Rules (IFR) operations at the airport. This action also corrects the geographic coordinates of the airport.

DATES: Effective 0901 UTC, December 10, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Z, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at http://www.faa.gov/air_traffic/publications/. For further information, you can contact the Airspace Policy and ATC Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington DC 29591; telephone: 202-267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Steve Haga, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203-4563.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace at Portland International Airport, Portland, OR.

History

On July 20, 2015, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify Class E surface area airspace designated as an extension to the Class C airspace, and Class E airspace extending upward from 700 feet above the surface at Portland International Airport, Portland, OR, (80 FR 42760). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Subsequent to publication, the FAA found minor latitudinal and longitudinal adjustments were required to ensure sectional chart accuracy. The 2.7 mile references are changed to 3 miles to compensate for calculation differences between nautical and statute miles. These errors have been corrected in this document.

Class E airspace designations are published in paragraph 6003 and 6005, respectively, of FAA Order 7400.9Z, dated August 6, 2015, and effective September 15, 2015, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015. FAA Order 7400.9Z is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order 7400.9Z lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace designated as an extension to Class C airspace, and Class E airspace extending upward from 700 feet above the surface at Portland International Airport, Portland, OR. A review of the airspace revealed modification necessary due to the decommissioned Portland VOR/DME and Laker NDB navigation aids. Also, the geographic coordinates of the airport are amended to coincide with the FAA's aeronautical database.

Class E airspace designated as an extension to Class C airspace is modified to an area 4.7 miles west and 4 miles east of the 044° bearing from Portland International Airport extending to 18 miles northeast of the airport. The lateral boundary for Class E airspace extending upward from 700 feet above the surface is defined utilizing latitudinal and longitudinal reference points instead of navigation aids. This does not change the lateral boundaries or operating requirements of the airspace.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Z, Airspace Designations and Reporting Points, dated August 6, 2015, and effective September 15, 2015, is amended as follows:

Paragraph 6003 Class E Airspace Areas Designated as an Extension

* * * * *

ANM OR E3 Portland, OR [Modified]

Portland International Airport, OR
(Lat. 45°35'19" N., long. 122°35'49" W.)

That airspace extending upward from the surface bounded by a line beginning at lat. 45°40'12" N., long. 122°37'24" W.; to lat. 45°41'14" N., long. 122°37'21" W.; to lat. 45°51'45" N., long. 122°22'16" W.; to lat. 45°45'40" N., long. 122°13'32" W.; to lat. 45°35'13" N., long. 122°28'42" W.; thence counter-clockwise along the 5-mile radius of Portland International Airport to the point of beginning.

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

ANM OR E5 Portland, OR [Modified]

Portland International Airport, OR
(Lat. 45°35'19" N., long. 122°35'49" W.)
McMinnville, McMinnville Municipal
Airport, OR
(Lat. 45°11'40" N., long. 123°08'10" W.)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 45°59'59" N., long. 123°30'04" W.; to lat. 46°00'00" N., long. 122°13'00" W.; thence via an 8.5-mile radius centered at lat. 45°55'07" N., long. 122°03'02" W. clockwise to lat. 45°46'39" N., long. 122°04'00" W.; thence via a line south to lat. 45°09'59" N., long. 122°04'00" W.; thence to lat. 45°09'59" N., long. 123°02'34" W.; to lat. 45°09'59" N., long. 123°30'04" W.; thence to the point of beginning; and within a 4.3-mile radius of McMinnville Municipal Airport; and within 2 miles each side of the 215° bearing from McMinnville Municipal Airport to 8.1 miles south of the airport; and that

airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 46°30'29" N., long. 124°06'51" W.; to lat. 46°30'29" N., long. 120°29'40" W.; to lat. 45°42'49" N., long. 121°06'03" W.; to lat. 44°15'10" N., long. 121°18'13" W.; to lat. 44°29'59" N., long. 123°17'38" W.; to lat. 44°29'59" N., long. 124°08'036" W. to a point 3 miles offshore; thence along a line 3 miles offshore to the point of beginning.

Issued in Seattle, Washington, on September 21, 2015.

Christopher Ramirez,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2015-24434 Filed 9-25-15; 8:45 am]

BILLING CODE 4910-13-P

LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 380

[Docket No. 2014-CRB-0001-WR (2016-2020) (Web IV)]

Digital Performance Right in Sound Recordings and Ephemeral Recordings

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 digital performances of sound recordings by certain noncommercial educational webcasters and for the making of ephemeral recordings necessary to facilitate those transmissions for the period commencing January 1, 2016, and ending on December 31, 2020.

DATES: *Effective:* January 1, 2016.

FOR FURTHER INFORMATION CONTACT: LaKeshia Keys, Program Specialist, at (202) 707-7658, or at crb@loc.gov.

SUPPLEMENTARY INFORMATION: The Copyright Royalty Judges (Judges) received a joint motion from SoundExchange, Inc. (SoundExchange), and College Broadcasters, Inc. (CBI) in which they announced a partial settlement of the above proceeding for certain internet transmissions by college radio stations and other noncommercial webcasters.¹ SoundExchange and CBI requested that the Judges adopt their agreement as a partial settlement of rates and terms under Section 112(e) and 114 of the Copyright Act (Act) for eligible nonsubscription transmissions by

noncommercial educational webcasters (NEWs) over the internet, and related ephemeral recordings. The Judges published the proposed settlement and requested comments from the public.² For the reasons discussed below, the Judges hereby adopt the proposed settlement, with the exception of a single provision that would identify SoundExchange as the designated Collective for the upcoming license period. The Judges defer designation of the Collective for the upcoming licensing period until the conclusion of the proceeding.

Background

The proposed SoundExchange/CBI settlement (Settlement) generally continues in effect, with certain adjustments, the extant rates for eligible NEWs that were codified in 37 CFR part 380 Subpart C. The Judges adopted those rates and terms pursuant to Section 801(b)(7)(A) of the Act as part of the prior webcasting determination. *See Digital Performance Right in Sound Recordings and Ephemeral Recordings*, 76 FR 13026 (*Web-III*).

Under the proposed Settlement, an eligible NEW would pay a \$500 annual fee for each of the individual channels, side channels, or stations through which it makes Eligible Transmissions. Proposed Rule 37 CFR 380.22(a). The \$500 fee would also serve as the minimum fee for eligible NEWs. All other NEWs would pay the royalties established under Part 380 Subpart A applicable to noncommercial webcasters. Proposed Rule 37 CFR 380.22(c).

To qualify for the rates under the Settlement, a NEW's total monthly per channel or per station transmissions must remain below 159,140 aggregate tuning hours (ATH). If a NEW's transmissions exceed that threshold, the NEW must pay royalties for the relevant month, and for the remainder of the relevant year, in accordance with the otherwise applicable noncommercial rates to be determined in this proceeding. In subsequent years, a NEW that wishes to pay the rates under the Settlement must take affirmative steps not to exceed the 159,140 ATH threshold. Proposed Rule 37 CFR 380.22(b).

Commercial webcasters are required to make detailed, census reports of all sound recordings they transmit. NEWs with limited listenership may pay the Collective a proxy fee to avoid the burden of census reporting. The Settlement increases the listenership cap (from 55,000 ATH to 80,000 ATH)

for services electing the proxy fee *in lieu* of the census reporting option provided in 37 CFR 380.23(g)(1). *See* Proposed Rule 37 CFR 380.22(g)(1).³ A NEW electing the reporting waiver in 37 CFR 380.23(g)(1) must pay a \$100 annual proxy fee to the Collective. Proposed Rule 37 CFR 380.22(a).

Comment Summary

The Judges received nearly 60 comments—some supporting and some opposing adoption of the Settlement—in response to their request for comments published in the **Federal Register**. Many of the comments appeared to be form letters; hence, the number of commenters exceeded the number of substantive comments. Some of the comments came from affiliated entities. The Judges considered the views of all commenters in reaching their decision and all comments are posted to the CRB's Web site. The Judges discuss illustrative examples here.

Comments Supporting Adoption of the Settlement

In its comment supporting adoption of the joint proposal, CBI noted that the Settlement contains

the same terms that NEWs have been successfully using for several years to comply with the statutory license for webcasting copyright works. Keeping these rates and terms in place will prevent disruption of their operation and ensure the noncommercial educational webcasters [remain able to provide] creators of musical recordings access to the noncommercial educational listener market.

Comment by College Broadcasters, Inc. in Support of Adopting The Joint Settlement Between College Broadcasters, Inc. and SoundExchange at 1 (Nov. 26, 2014) (CBI Comment).

CBI further noted that

[T]he current Settlement continues essentially the same recordkeeping terms that have been integral for NEWs to be able to comply with the statutory license. In particular, these recordkeeping terms include an optional proxy fee, which allows NEWs to pay an additional \$100 in lieu of complying with ordinarily-applicable recordkeeping rules, which are frequently impossible for NEWs to comply with due to their more limited budgets, older broadcasting technology, and other operational limitations. [T]he new Settlement makes this extremely necessary reporting option available for more stations than the previous one did. It also continues to provide recordkeeping relief for those stations whose audience size makes them ineligible for this

³ The Settlement also "makes a handful of further minor changes to the current rates and terms for NEWs." [SoundExchange's] Comments Concerning Proposed Settlement at n.1 (Nov. 26, 2014) (SoundExchange Comments).

¹ Joint Motion to Adopt Partial Settlement, Docket No. 2014-CRB-0001-WR (2016-2020) (Oct. 7, 2014) (Joint Motion).

² *See* 79 FR 65609 (Nov. 5, 2014).