

7.7 South Hampton Fresh Air Home Fireworks	<ul style="list-style-type: none"> • Date: June 30, 2017. • Rain Date: July 2, 2017. • Time: 8:30 p.m. to 10:30 p.m. • Waters of Shinnecock Bay, South Hampton, NY in approximate position 40°51'48" N., 072°26'30" W. (NAD 83).
7.7 Westport Police Athletic League Fireworks	<ul style="list-style-type: none"> • Date: July 3, 2017. • Rain Date: July 5, 2017. • Time: 8:45 p.m. to 10:15 p.m. • Waters off Campo Beach, Westport, CT in approximate position 41°06'15" N., 073°20'57" W. (NAD 83).
7.27 City of Long Beach Fireworks	<ul style="list-style-type: none"> • Date: July 7, 2017. • Rain Date: July 8, 2017. • Time: 8:30 p.m. to 10:00 p.m. • Location: Waters off Riverside Blvd., City of Long Beach, NY in approximate position 40°34'38.77" N., 073°39'41.32" W. (NAD 83).
7.30 Shelter Islands Fireworks	<ul style="list-style-type: none"> • Date: July 8, 2017. • Rain Date: July 9, 2017. • Time: 9:00 p.m. to 11:00 p.m. • Location: Waters of Gardiner Bay, Shelter Island, NY in approximate position 41°04'39.11" N., 072°22'01.07" W. (NAD 83).
7.34 Devon Yacht Club Fireworks	<ul style="list-style-type: none"> • Date: July 1, 2017. • Rain Date: July 2, 2017. • Time: 8:45 p.m. to 10:45 p.m. • Location: Waters of Napeague Bay, in Block Island Sound off Amagansett, NY in approximate position 40°59'41.40" N., 072°06'08.70" W. (NAD 83).
9.4 The Creek Fireworks	<ul style="list-style-type: none"> • Date: September 02, 2016. • Rain Date: September 03, 2016. • Time: 7:45 p.m. to 9:00 p.m. • Location: Waters of Long Island Sound off the Creek Golf Course, Lattintown, NY in approximate position 40°54'13" N., 073°35'58" W. (NAD 83).

This rule is issued under authority of 33 CFR 165 and 5 U.S.C. 552(a). In addition to this document in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners or marine information broadcasts. If the COTP determines that these safety zones need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: March 13, 2017.

A.E. Tucci,

Captain, U.S. Coast Guard, Captain of the Port Sector Long Island Sound.

[FR Doc. 2017-06093 Filed 3-27-17; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2009-0559]

Safety Zone; San Francisco Giants Fireworks Display, San Francisco Bay, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone for the annual San Francisco Giants Fireworks Display in the Captain of the Port, San Francisco area of responsibility during the dates and times noted below. This action is necessary to protect life and property of the maritime public from the hazards associated with the fireworks display. During the enforcement period, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone, unless authorized by the Patrol Commander (PATCOM).

DATES: The regulations in 33 CFR 165.1191, Table 1, Item number 1, will be enforced from 11 a.m. on May 26, 2017 to 1 a.m. on May 27, 2017, or as announced via Broadcast Notice to Mariners.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Junior Grade Christina Ramirez, U.S. Coast Guard Sector San Francisco; telephone (415) 399-3585 or email at *D11-PF-MarineEvents@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce a 100 foot safety zone around the fireworks barge during the loading, transit, and arrival of the fireworks barge from the loading location to the display location and

until the start of the fireworks display. From 11 a.m. on May 26, 2017 until 5 p.m. on May 26, 2017, the fireworks barge will be loading pyrotechnics from Pier 50 in San Francisco, CA. The fireworks barge will remain at the loading location until its transit to the display location. From 8:30 p.m. to 9 p.m. on May 26, 2017, the loaded fireworks barge will transit from Pier 50 to the launch site near Pier 48 in approximate position 37°46'36" N., 122°22'56" W. (NAD 83) where it will remain until the conclusion of the fireworks display. Upon the commencement of the 15 minute fireworks display, scheduled to begin at the conclusion of the baseball game, at approximately 10 p.m. on May 26, 2017, the safety zone will increase in size and encompass the navigable waters around and under the fireworks barge within a radius 700 feet near Pier 48 in approximate position 37°46'36" N., 122°22'56" W. (NAD 83) for the San Francisco Giants Fireworks in 33 CFR 165.1191, Table 1, Item number 1. This safety zone will be in effect from 11 a.m. on May 26, 2017 until 1 a.m. on May 27, 2017, or as announced via Broadcast Notice to Mariners.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring in the safety zone during all applicable effective dates and times, unless

authorized to do so by the PATCOM. Additionally, each person who receives notice of a lawful order or direction issued by an official patrol vessel shall obey the order or direction. The PATCOM is empowered to forbid entry into and control the regulated area. The PATCOM shall be designated by the Commander, Coast Guard Sector San Francisco. The PATCOM may, upon request, allow the transit of commercial vessels through regulated areas when it is safe to do so.

This notice is issued under authority of 33 CFR 165.1191 and 5 U.S.C. 552 (a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of the safety zone and its enforcement period via the Local Notice to Mariners. If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: March 9, 2017.

Anthony J. Ceraolo,
Captain, U.S. Coast Guard, Captain of the
Port of San Francisco.

[FR Doc. 2017-06082 Filed 3-27-17; 8:45 am]

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Copyright Royalty Board

37 CFR Part 385

[Docket No. 16-CRB-0003-PR]

Determination of Royalty Rates and Terms for Making and Distributing Phonorecords (Phonorecords III); Subpart A Configurations of the Mechanical License

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Royalty Judges publish final regulations that set continued, unaltered rates and terms for subpart A configurations subject to the statutory license to use nondramatic musical works to make and distribute phonorecords of those works (the Mechanical License). In addition, the Judges correct an outdated cross-reference in the regulations.

DATES: *Effective Date:* March 28, 2017.

FOR FURTHER INFORMATION CONTACT: Anita Blaine, Program Specialist, by telephone at (202) 707-7658 or by email at crb@loc.gov.

SUPPLEMENTARY INFORMATION:

Background

The Copyright Royalty Judges (Judges) received a Motion to Adopt Settlement (Motion) from UMG Recordings, Inc. (UMG)¹ and Warner Music, Inc. (WMG),² in their respective capacities as licensees of nondramatic musical works. The Motion sought approval of a partial settlement of the license rate proceeding before the Judges titled *Determination of Royalty Rates and Terms for Making and Distributing Phonorecords (Phonorecords III)*, Docket No. 16-CRB-0003-PR. UMG and WMG reported that they reached the settlement with “a significant portion of the sound recording and music publishing industries” to continue unaltered the currently existing rates and terms in subpart A of 37 CFR part 385 for the “Mechanical License”, *i.e.*, the statutory license for the use of nondramatic musical works in the making and distributing of phonorecords. *See* 17 U.S.C. 115.

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” 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 published the proposed settlement in the **Federal Register** and requested comments from the public.³ 81 FR 48371 (July 25, 2016). The Judges received comments from three entities: American Association of Independent Music (A2IM), Sony Music Entertainment (SME), and George D. Johnson dba GEO Music (Mr. Johnson). A2IM urged adoption of the agreed settlement. SME did not oppose continuing the existing royalty rates, but opposed adoption of one portion of the proposed regulation, *viz.*, the late fee provision. Mr. Johnson opposed adoption of the settlement.

The National Music Publishers’ Association (NMPA) and the Nashville

¹ UMG Recordings, Inc. includes its successors and affiliates that engage in the production and distribution of recorded music, including Capitol Christian Music group, Inc., and Capitol Records, LLC.

² Warner Music, Inc. includes its successors and affiliates that engage in the production and distribution of recorded music.

³ The notice of settlement included a proposed rule that purported to limit the license rates at issue to the time period 2018 to 2022. *See* 81 FR 48371 (Jul. 25, 2016). In fact, the license rates adopted in this Final Rule will remain in effect until superseded by a subsequent rulemaking. *See* 17 U.S.C. 115(c)(3)(C).

Songwriters Association International (NSAI) (together, Copyright Owners) filed a motion seeking leave to respond to the SME comment and partial objection to the settlement. The Judges granted the Copyright Owners’ motion and extended the initial comment period to permit interested parties to submit responsive comments. *See* 81 FR 71657 (Oct. 18, 2016). The Judges thus considered Copyright Owners’ responsive comments, which they had attached to their motion for leave to respond. During the extended comment period, the Judges received a comment in support of the proposed settlement from “Anonymous.”⁴

On or about October 28, 2016, the Judges received a Motion to Adopt Settlement Industry-Wide (Second Motion). In the Second Motion, the Copyright Owners reported an agreement between Copyright Owners and SME, resolving all issues SME raised in its partial objection to the proposed settlement. According to the Second Motion, the parties agreed that: (1) SME would withdraw its objection to the proposed rule, (2) Copyright Owners would withdraw their response to SME’s objection, (3) the parties to the settlement would request that the Judges adopt the settlement industry-wide, and (4) SME would withdraw from the proceeding, except to support adoption of the settlement or, if the settlement were not adopted, to litigate matters relating to the subpart A regulations.

By its terms, the partial settlement applied originally only to UMG, WMG, and the unnamed “significant portion of the . . . music publishing industries” with whom the licensees had agreed. The Second Motion expanded the settlement to include SME as a licensee subject to the settlement rates and terms.

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 [in 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).

Mr. Johnson’s Objections to the Settlement

George Johnson, dba GEO Music, appears in this proceeding as a *pro se* participant. Mr. Johnson’s comment

⁴ Without more information, the Judges cannot determine whether “Anonymous” is a participant in this proceeding. As “Anonymous” made no objection, however, participant status is irrelevant.