DEPARTMENT OF HOMELAND SECURITY
Coast Guard

33 CFR Part 165

3CGD13–05–013

RIN 1625–AA87

Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement.

SUMMARY: The Captain of the Port Puget Sound will begin enforcing the Budd Inlet security zone established by 33 CFR 165.1321 on Monday, May 9, 2005, at 8 a.m. Pacific daylight time. The security zone will be enforced until Friday, May 13, 2005, at 11:59 p.m. Pacific daylight time. All persons and vessels are unauthorized to enter, move within, and exit the security zone unless they are authorized by the Captain of the Port or his designee.

The Captain of the Port Puget Sound will begin enforcing the Budd Inlet security zone established by 33 CFR 165.1321 on Monday, May 9, 2005, at 8 a.m. Pacific daylight time. The security zone will be enforced until Friday, May 13, 2005, at 11:59 p.m. Pacific daylight time. All persons and vessels are authorized to enter, move within, and exit the security zone on or after Friday, May 13, 2005, at 11:59 p.m. Pacific daylight time unless a new notice of enforcement is issued before then.


Danny Ellis,
Captain, U.S. Coast Guard, Captain of the Port, Puget Sound

BILLING CODE 4910–15–P

LIBRARY OF CONGRESS
Copyright Office

37 CFR Part 270

[Docket No. RM 2005–2A]

Reports of Use of Sound Recordings Under Statutory License

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Office of the Library of Congress is adopting amendments to the rules governing reports of use of sound recordings under the statutory license for preexisting subscription services.

DATES: June 8, 2005.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION: Digital audio services provide copyrighted sound recordings of musical works for the listening enjoyment of the users of those services. In order to provide these sound recordings, however, a digital audio service must license the copyrights to each musical work, as well as the sound recording of the musical work. There are two statutory licenses in the Copyright Act that enable a digital audio service to transmit performances of copyrighted sound recordings: section 112 and section 114. 17 U.S.C. 112 & 114.


On June 24, 1998, the Copyright Office published interim regulations establishing the requirements by which copyright owners receive reasonable notice of the use of their works from preexisting subscription services, and how reports of use shall be kept and made available to copyright owners. Originally codified at § 201.35 through 201.37 of title 37 of the Code of Federal Regulations, these regulations have recently been moved to part 270 of the CFR, but have remained unchanged. On March 18, 2003, the preexisting subscription services—Music Choice, DMX Music Inc., and Muzak LLC—and representative organizations of copyright owners of sound recordings—SoundExchange, Inc., the American Federation of Television and Radio Artists, and the American Federation of Musicians—filed a petition with the Copyright Office seeking to amend the regulations regarding reports of use (formerly § 201.36, now § 270.2) for preexisting subscription services. At that time, the Office was conducting a rulemaking proceeding to establish notice and recordkeeping requirements for digital audio services other than preexisting subscription services and declined to include the petition in that proceeding. See 69 FR 11515, 11517 n.9 (March 11, 2004). Instead, the Office determined to address the petition “in a separate Federal Register document.” Id. A Notice of Proposed Rulemaking (“NPRM”) was published on March 15, 2005. 70 FR 12631 (March 15, 2005).
The Office did not receive any public comments and, consequently, is adopting the rule changes as proposed in the NPRM.

List of Subjects in Part 270
Copyright, Sound Recordings.

Final Regulations
In consideration of the foregoing, the Copyright Office is amending part 270 of 37 CFR to read as follows:

PART 270—NOTICE AND RECORDKEEPING REQUIREMENTS FOR STATUTORY LICENSES
1. The authority citation for part 270 continues to read as follows:
Authority: 17 U.S.C. 702

2. Section 270.2 is amended as follows:

(a) By revising paragraph (b)(2); (b) By revising paragraph (b)(3); (c) In paragraph (c), by adding “or pursuant to a settlement agreement reached or statutory license adopted” after “17 U.S.C. 802(0)” and by removing “and” in its place; (d) In paragraph (d) introductory text, by removing “20th” and adding “forty–fifth” in its place; (e) By revising paragraph (e). The additions and revisions to §270.2 read as follows:

§270.2 Reports of use of sound recordings under statutory license for preexisting subscription services.

(a) The featured recording artist, group, or orchestra;
(b) The catalog number;
(c) The date of transmission; and
(d) The marketing label of the sound recording;
(e) The name of the preexisting subscription service or entity;
(f) The channel;
(g) The time of transmission;
(h) The marketing label of the sound recording;
(i) The catalog number;
(j) The date of transmission; and
(k) The time of transmission.

(b) A Report of Use of Sound Recordings Under Statutory License is the report of use required under this section to be provided by a Service transmitting sound recordings and making ephemeral phonorecords therewith under statutory licenses.

(2) A Service is a preexisting subscription service, as defined in 17 U.S.C. 114(j)(11).

(e) Content. A “Report of Use of Sound Recordings Under Statutory License” shall be identified as such by prominent caption or heading, and shall include a preexisting subscription service’s “Intended Playlists” for each channel and each day of the reported month. The “Intended Playlists” shall include a consecutive listing of every recording scheduled to be transmitted, and shall contain the following information in the following order:

(1) The name of the preexisting subscription service or entity;
(2) The channel;
(3) The sound recording title;
(4) The featured recording artist, group, or orchestra;
(5) The retail album title (or, in the case of compilation albums created for commercial purposes, the name of the retail album identified by the preexisting subscription service for purchase of the sound recording);
(6) The marketing label of the commercially available album or other product on which the sound recording is found;
(7) The catalog number;
(8) The International Standard Recording Code (ISRC) embedded in the sound recording, where available and feasible;
(9) Where available, the copyright owner information provided in the copyright notice on the retail album or other product (e.g., following the symbol (P), that is the letter P in a circle) or, in the case of compilation albums created for commercial purposes, in the copyright notice for the individual sound recording:
   (10) The date of transmission; and
   (11) The time of transmission.


Marybeth Peters,
Register of Copyrights.
Approved by:
James H. Billington,
The Librarian of Congress.

[FR Doc. 05–9221 Filed 5–6–05; 8:45 am]
BILLING CODE 1410–33–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52
[R04–OAR–2005–GA–0004–200504(a); FRL–7909–3]

Approval and Promulgation of Implementation Plans Georgia:
Approval of Revisions to the Georgia State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving the State Implementation Plan (SIP) revisions submitted by the State of Georgia, through the Georgia Environmental Protection Division (GAEPD), on March 15, 2005. These revisions pertain to Georgia’s rules for Air Quality Control. These revisions were the subject of a public hearing held on March 18, 2004, adopted by the Board of Natural Resources on April 28, 2004, and became effective on July 8, 2004. On September 26, 2003, EPA published a final rule in the Federal Register (see 68 FR 55469) reclassifying the Atlanta 1-hour ozone nonattainment area from serious to severe. These revisions satisfy the additional requirements for severe 1-hour ozone nonattainment areas.

DATES: This direct final rule is effective July 8, 2005 without further notice, unless EPA receives adverse comment by June 8, 2005. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the Federal Register and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Regional Material in EDocket (RME) ID No. R04–OAR–2005–GA–0004, by one of the following methods:


2. Agency Web site: http://docket.epa.gov/rmepub/RME. EPA’s electronic public docket and comment system, is EPA’s preferred method for receiving comments. Once in the system, select “quick search,” then key in the appropriate RME Docket identification number. Follow the on-line instructions for submitting comments.

3. E-mail: martin.scott@epa.gov.

4. Fax: (404) 562–9019.


6. Hand Delivery or Courier. Deliver your comments to: Scott M. Martin, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division 12th floor, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office’s normal hours of operation. The Regional Office’s official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

Instructions: Direct your comments to RME ID No. R04–OAR–2005–GA–0004. EPA’s policy is that all comments received will be included in the public docket without change and may be made available online at http://docket.epa.gov/rmepub/, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information