on the relationship between the national government and the States, or on the
distribution of power and
responsibilities among the various
levels of government. We have analyzed
this rule under that Order and have
determined that it is consistent with the
fundamental federalism principles and
preemption requirements described in
E.O. 13132.

Also, this rule does not have tribal
implications under E.O. 13175,
Consultation and Coordination with
Indian Tribal Governments, because it
does not have a substantial direct effect
on one or more Indian tribes, on the
relationship between the Federal
Government and Indian tribes, or on the
distribution of power and
responsibilities between the Federal
Government and Indian tribes. If you
believe this rule has implications for
Government and Indian tribes. If you
contact the person listed in the FOR
FURTHER INFORMATION CONTACT
section above.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires
Federal agencies to assess the effects of
their discretionary regulatory actions. In
particular, the Act addresses actions
that may result in the expenditure by a
State, local, or tribal government, in the
aggregate, or by the private sector of
$100,000,000 (adjusted for inflation) or
more in any one year. Though this rule
will not result in such an expenditure,
we do discuss the effects of this rule
elsewhere in this preamble.

F. Environment

We have analyzed this rule under
Department of Homeland Security
Management Directive 023–01, and
Commandant Instruction M16475.1D,
which guide the Coast Guard in
complying with the National
Environmental Policy Act of 1969(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 involves a safety
zone in force from November 20, 2015
to December 31, 2015, that prohibits
entry of vessels in Pea Patch Island
Anchorage No. 5 and the upper portion
of Reed Point Anchorage No. 3. It is
categorically excluded from further
review under paragraph 34(g) of Figure
2–1 of the Commandant Instruction. An
environmental analysis checklist
supporting this determination and a
Categorical Exclusion Determination are
available in the docket where indicated
under ADDRESSES. We seek any
comments or information that may lead
to the discovery of a significant
environmental impact from this rule.

G. Protest Activities

The Coast Guard respects the First
Amendment rights of protesters.
Protesters are asked to contact the
person listed in the FOR FURTHER
INFORMATION CONTACT section to
coordinate protest activities so that your
message can be received without
jeopardizing the safety or security of
people, places or vessels.

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. Add temporary § 165.T05–1032, to
read as follows:

§ 165.T05–1032 Safety Zone, Delaware
River; New Castle, DE

(a) Location: The safety zone will
include all waters within the boundaries of
Pea Patch Island Anchorage No. 5 (as
defined in 33 CFR 110.157(a)(6)) and all
waters within a portion of Reedy Point
South Anchorage No. 3 (as defined in 33
CFR 110.157(a)(4)) north of a line drawn
between positions 39°33′2.7″ N, 75°33′2.0″ W and 39°33′8.8″ N, 75°32′31.8″ W, as charted on NOAA
chart 12311. These coordinates are
based upon North American Datum 83
(NAD 83).

(b) Definitions.—(1) The Captain of
the Port means the Commander of
Sector Delaware Bay or any Coast Guard
commissioned, warrant, or petty officer
who has been authorized by the Captain of
the Port to act on his behalf.

(2) Designated representative means
any Coast Guard commissioned, warrant
or petty officer who has been authorized
by the Captain of the Port, Delaware
Bay, to assist in enforcing the safety
zone described in paragraph (a) of this
section.

(c) Regulations: The general safety
zone regulations found in 33 CFR part
165 subpart C apply to the safety zone
created by this section.

(1) Entry into, transiting, or anchoring
within the safety zone is prohibited
unless vessels obtain permission from
the Captain of the Port (COTP) or make
satisfactory passing arrangements, via
VHF–FM channel 16, with the dredge
ESSEX per this rule and the Rules of the
Road (33 CFR chapter I, subchapter E).

(2) To seek permission to transit the
safety zone, the Captain of the Port’s
representative can be contact via VHF–
FM channel 16.

(3) Vessels granted permission to
transit the safety zone must do so in
accordance with the directions provided
by the Captain of the Port or his
designated representative.

(4) No person or vessel may enter or
remain in a safety zone without
permission from the Captain of the Port;

(5) Each person and vessel in a safety
zone shall obey any direction or order of
the Captain of the Port or his
designated representative.

(6) At least one side of the main
navigational channel will be clear for
safe passage of vessels in the vicinity of
the safety zone. At no time will the
main navigational channel be closed for
vessel traffic. Vessels are advised to
ensure safety passage by contacting the
dredge ESSEX on VHF–FM channel 16
one hour prior to arrival.

(7) This section applies to all vessels
wishing to transit through the safety
zone except vessels that are engaged in
the following operations: enforcing
laws; servicing aids to navigation, and
emergency response vessels.

(d) Enforcement officials. The U.S.
Coast Guard may be assisted by Federal,
State, and local agencies in the patrol
and enforcement of the zone.

(e) Enforcement period. This rule will
be enforced from November 20, 2015, to
December 31, 2015, unless cancelled
earlier by the Captain of the Port.

Dated: November 18, 2015.

B.A. Cooper,
Captain, U.S. Coast Guard, Captain of the
Port Delaware Bay.

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LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 381

[Docket No. 15–CRB–0013–NCEBR–COLA
(2016)]

Cost of Living Adjustment for
Performance of Musical Compositions
by Colleges and Universities

AGENCY: Copyright Royalty Board,
Library of Congress.
ACTION: Final rule.

SUMMARY: The Copyright Royalty Judges announce a cost of living adjustment (COLA) of 2% in the royalty rates that colleges, universities, and other educational institutions not affiliated with National Public Radio pay for the use of published nondramatic musical compositions in the SESAC repertory for the statutory license under the Copyright Act for noncommercial broadcasting.

DATES: Effective Date: December 24, 2015.

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

SUPPLEMENTARY INFORMATION: Section 118 of the Copyright Act, title 17 of the United States Code, creates a statutory license for the use of published nondramatic musical works and published pictorial, graphic, and sculptural works in connection with noncommercial broadcasting.

On November 29, 2012, the Copyright Royalty Judges (Judges) adopted final regulations governing the rates and terms of copyright royalty payments under section 118 of the Copyright Act for the license period 2013–2017. See 77 FR 71104. Pursuant to these regulations, on or before December 1 of each year, the Judges shall publish in the Federal Register a notice of the change in the cost of living for the rate codified at §381.5(c)(3) relating to compositions in the repertory of SESAC—$146 per station—results in an adjusted rate of $149 per station.

SESAC—$146 per station—results in an adjusted rate of $149 per station.

List of Subjects in 37 CFR Part 381
Copyright, Music, Radio, Television, Rates.

Final Regulations
In consideration of the foregoing, the Judges amend part 381 of title 37 of the Code of Federal Regulations 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 381.5 is amended by revising paragraph (c)(3)(iv) to read as follows:
§381.5 Performance of musical compositions by public broadcasting entities licensed to colleges and universities. * * * * * *

(c) * * *

(3) * * *

(iv) 2016: $149 per station.
* * * * *

Dated: November 18, 2015.

Suzanne M. Barnett,
Chief Copyright Royalty Judge.

LIBRARY OF CONGRESS
Copyright Royalty Board
37 CFR Part 386


Cost of Living Adjustment to Satellite Carrier Compulsory License Royalty Rates

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Royalty Judges announce a cost of living adjustment (COLA) of 0% in the royalty rates satellite carriers pay for a compulsory license under the Copyright Act. The COLA is based on the change in the Consumer Price Index from October 2014 to October 2015.

DATES: Effective Date: January 1, 2016.

Applicability Dates: These rates are applicable to the period January 1, 2016, through December 31, 2016.

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

SUPPLEMENTARY INFORMATION: The satellite carrier compulsory license establishes a statutory copyright licensing scheme for the retransmission of distant television programming by satellite carriers. 17 U.S.C. 119. Congress created the license in 1988 and has reauthorized the license for additional five-year periods, most recently with the passage of the STELA Reauthorization Act of 2014, Public Law 113–200.

On August 31, 2010, the Copyright Royalty Judges (Judges) adopted rates for the section 119 compulsory license for the 2010–2014 term. See 75 FR 53198. The rates were proposed by Copyright Owners and Satellite Carriers1 and were unopposed. Id. Section 119(c)(2) of the Copyright Act provides that, effective January 1 of each year, the Judges shall adjust the royalty fee payable under Section 119(b)(1)(B) “to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) [CPI–U] published by the Secretary of Labor before December 1 of the preceding year.” Section 119 also requires that “[n]otification of the adjusted fees shall be published in the Federal Register at least 25 days before January 1.” 17 U.S.C. 119(c)(2).

The change in the cost of living as determined by the CPI–U during the period from the most recent index published before December 1, 2014, to the most recent index published before December 1, 2015, is .2%.2 Application of the .2% COLA to the current rate for the secondary transmission of broadcast stations by satellite carriers for private home viewing—27 cents per subscriber per month—results in an unchanged rate of 27 cents per subscriber per month (rounded to the nearest cent). See 37 CFR 386.2(b)(1). Application of the .2% COLA to the current rate for viewing in commercial establishments—56 cents per subscriber per month—results in an unchanged rate of 56 cents per subscriber per month (rounded to

1 Program Suppliers and Joint Sports Claimants comprised the Copyright Owners while DIRECTV, Inc., DISH Network, LLC, and National Programming Service, LLC, comprised the Satellite Carriers.

2 On November 17, 2015, the Bureau of Labor Statistics announced that the CPI–U increased .2% over the last 12 months.