

**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.T05–1011, to read as follows:

#### § 165.T05–1011 Safety Zone; Great Egg Harbor Bay, Marmora, NJ

(a) *Regulated areas.* The following area is a safety zone: All waters within 500 yards of the blasting vessel and equipment conducting pile blasting operations, in Great Egg Harbor Bay, in the vicinity of Route 9, Beesley Point Bridge, in Marmora, NJ.

(b) *Regulations.* The general safety zone regulations in § 165.23 apply to the safety zones created by this temporary section, § 165.T05–1011.

(1) All vessels and persons are prohibited from entering into or moving within the safety zone described in paragraph (a) of this section while they are subject to enforcement, unless authorized by the Captain of the Port or by his designated representative.

(2) Persons or vessels seeking to enter or pass through the safety zone must contact the Captain of the Port or his designated representative to seek permission to transit the area. The Captain of the Port, Delaware Bay can be contacted at telephone number 215–271–4807 or on Marine Band Radio VHF Channel 16 (156.8 MHz).

(3) No vessels may transit through the safety zone described in paragraph (a) of this section during times of explosives detonation. During pile blasting detonation, vessels will be required to maintain a 500 yard distance from the blasting vessel and equipment. Actual dates and times of explosive detonation will be announced with a combination of broadcast notice to mariners, local notice to mariners, posted warning signs, 500 yard marine traffic safety zone maintained by the contractors

safety boats, 10 minute, 5 minutes, and 1 minute warning made by the blasting vessel via VHF–FM channel 16, and warning signals at 5 minutes with 3 short blasts of the air horn, and 1 minute warning of 2 short blasts of the air horn. The schedule of the signals will be posted along with all other required signage.

(4) This section applies to all vessels except those engaged in the following operations: Enforcing laws, servicing aids to navigation, and emergency response vessels.

(c) *Definitions.* As used in this section:

*Captain of the Port* means Captain of the Port Delaware Bay. The Captain of the Port is also the Commander, U.S. Coast Guard Sector Delaware Bay, Philadelphia, PA.

*Captain of the Port Delaware Bay* means the Commander, U.S. Coast Guard Sector Delaware Bay, Philadelphia, PA.

*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.

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

(e) *Enforcement periods.* This section will be effective from November 15, 2016, through November 24, 2016. During this period the safety zone will only be enforced during times of explosive detonation.

Dated: November 15, 2016.

**Benjamin A. Cooper,**

*Captain, U.S. Coast Guard, Captain of the Port, Delaware Bay.*

[FR Doc. 2016–27914 Filed 11–18–16; 8:45 am]

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### LIBRARY OF CONGRESS

#### Copyright Royalty Board

#### 37 CFR Part 388

[Docket No. 16–CRB–0019–RM]

#### Procedural Regulations for the Copyright Royalty Board: Rates and Terms for Statutory Licenses; Technical Amendment

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Copyright Royalty Judges are amending their regulations to

relocate the provisions regarding coin-operated phonorecord players from the section of the Code of Federal Regulations (CFR) that contains Copyright Arbitration Royalty Panel (CARP) regulations to the section of the CFR that contains Copyright Royalty Board (CRB) regulations so that the Copyright Office may remove the outdated CARP regulation.

**DATES:** Effective on November 21, 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 October 3, 2016, the Copyright Office published a proposed rulemaking that, in part, proposes to eliminate obsolete CARP regulations from the CFR. 81 FR 67940, 67942. One of the CARP provisions, the regulation regarding rates for the statutory license for jukeboxes, is not obsolete and is therefore the only provision that would remain.<sup>1</sup> See 37 CFR 254. That provision could have been moved to the CRB section of the CFR earlier, but because the rates have remained unchanged for many years, neither the Copyright Office nor the CRB has moved the regulation.

The Copyright Royalty Judges hereby relocate that provision by adding it to Chapter III of title 37 of the CFR, the chapter governing CRB activities.

#### List of Subjects in 37 CFR Part 388

Copyright, Jukeboxes, Rates.

#### Final Regulations

For the reasons set out in the preamble, the Copyright Royalty Judges amend 37 CFR chapter III by adding part 388 to read as follows:

### PART 388—ADJUSTMENT OF ROYALTY RATE FOR COIN-OPERATED PHONORECORD PLAYERS

Sec.

388.1 General.

388.2 Definition of coin-operated phonorecord player.

388.3 Compulsory license fees for coin-operated phonorecord players.

**Authority:** 17 U.S.C. 116, 801(b)(1).

#### § 388.1 General.

This part 388 establishes the compulsory license fees for coin-operated phonorecord players beginning on January 1, 1982, in accordance with the provisions of 17 U.S.C. 116.

<sup>1</sup> The Copyright Office proposed rulemaking indicated that part 256 will also remain, but the CRB recently gave notice of relocation of that part to part 387 and has notified the Copyright Office of that fact so it may now eliminate part 256 from Chapter II. *Id.*; 81 FR 62812 (Sept. 13, 2016).

**§ 388.2 Definition of coin-operated phonorecord player.**

As used in this part, the term *coin-operated phonorecord player* is a machine or device that:

(a) Is employed solely for the performance of nondramatic musical works by means of phonorecords upon being activated by insertion of coins, currency, tokens, or other monetary units or their equivalent;

(b) Is located in an establishment making no direct or indirect charge for admission;

(c) Is accompanied by a list of the titles of all the musical works available for performance on it, which list is affixed to the phonorecord player or posted in the establishment in a prominent position where it can be readily examined by the public; and

(d) Affords a choice of works available for performance and permits the choice to be made by the patrons of the establishment in which it is located.

**§ 388.3 Compulsory license fees for coin-operated phonorecord players.**

(a) Commencing January 1, 1982, the annual compulsory license fee for a coin-operated phonorecord player shall be \$25.

(b) Commencing January 1, 1984, the annual compulsory license fee for a coin-operated phonorecord player shall be \$50.

(c) Commencing January 1, 1987, the annual compulsory license fee for a coin-operated phonorecord player shall be \$63.

(d) If performances are made available on a particular coin-operated phonorecord player for the first time after July 1 of any year, the compulsory license fee for the remainder of that year shall be one half of the annual rate of paragraph (a), (b), or (c) of this section, whichever is applicable.

(e) Commencing January 1, 1990, the annual compulsory license fee for a coin-operated phonorecord player is suspended through December 31, 1999, or until such earlier or later time as the March 1990 license agreement between AMOA and ASCAP/BMI/SESAC is terminated.

Dated: November 1, 2016.

**Suzanne M. Barnett,**  
*Chief Copyright Royalty Judge.*

Approved by:

**Carla D. Hayden,**  
*Librarian of Congress.*

[FR Doc. 2016-27885 Filed 11-18-16; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[EPA-R04-OAR-2014-0756; FRL-9955-29-Region 4]

**Air Plan Approval/Disapproval; AL Infrastructure Requirements for the 2010 1-Hour NO<sub>2</sub> NAAQS**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve in part, and disapprove in part, portions of the April 23, 2013, and December 9, 2015, of the State Implementation Plan (SIP) submissions, submitted by the State of Alabama, through the Alabama Department of Environmental Management (ADEM), to demonstrate that the State meets certain infrastructure requirements of the Clean Air Act (CAA or Act) for the 2010 1-hour nitrogen dioxide (NO<sub>2</sub>) national ambient air quality standards (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance and enforcement of each NAAQS promulgated by EPA, which is commonly referred to as an “infrastructure” SIP. ADEM certified that the Alabama SIP contains provisions that ensure the 2010 1-hour NO<sub>2</sub> NAAQS is implemented, enforced, and maintained in Alabama. With the exception of the provisions pertaining to prevention of significant deterioration (PSD) permitting, and visibility in other states, for which EPA is proposing no action through this notice, and the provisions respecting state boards, for which EPA is finalizing disapproval, EPA has determined portions of Alabama’s infrastructure SIP submissions, provided to EPA on April 23, 2013, and updated on December 9, 2015, satisfy certain required infrastructure elements for the 2010 1-hour NO<sub>2</sub> NAAQS.

**DATES:** This rule will be effective December 21, 2016.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2014-0756. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly

available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Richard Wong, Air Regulatory Management Section, Air Planning and Implementation Branch, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-8726. Mr. Richard Wong can also be reached via electronic mail at [wong.richard@epa.gov](mailto:wong.richard@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Background and Overview**

On January 22, 2010 (75 FR 6474, February 9, 2010), EPA promulgated a new 1-hour primary NAAQS for NO<sub>2</sub> at a level of 100 parts per billion (ppb), based on a 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. Pursuant to section 110(a)(1) of the CAA, states are required to submit SIPs meeting the requirements of section 110(a)(2) within three years after promulgation of a new or revised NAAQS or within such shorter period as EPA may prescribe. Section 110(a)(2) requires states to address basic SIP elements such as requirements for monitoring, basic program requirements and legal authority that are designed to assure attainment and maintenance of the NAAQS. States were required to submit such SIPs for the 2010 NO<sub>2</sub> NAAQS to EPA no later than January 22, 2013.

In a proposed rulemaking published on July 20, 2016 (81 FR 47124), EPA proposed to approve Alabama’s 2010 1-hour NO<sub>2</sub> NAAQS infrastructure SIP submissions submitted on April 23, 2013, and December 9, 2015, with the exception of the PSD permitting requirements for major sources of sections 110(a)(2)(C), prong 3 of D(i), and (J) and the interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1, 2, and 4), and the state board requirements of section