

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 14 CFR 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, 2016, and effective September 15, 2015, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AGL IN D Grissom ARB, IN [Amended]

Peru, Grissom Air Reserve Base, IN
(Lat. 40°38'53" N., long. 086°09'08" W.)

That airspace extending upward from the surface to and including 3,300 feet MSL within a 5.8 mile radius of Grissom ARB. This Class D airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Issued in Fort Worth, TX, on August 30, 2016.

Walter Tweedy,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2016–21709 Filed 9–12–16; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. FAA–2010–0302; Amdt. No. 93–101]

RIN 2120–AK84

Extension of the Requirement for Helicopters To Use the New York North Shore Helicopter Route; Technical Amendment

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; technical amendment.

SUMMARY: The FAA is correcting an error, whereby the applicability of a regulation was extended instead of its

effectivity. Consequently, a section of the pertinent regulation was relocated in Title 14, Code of Federal Regulations and all remaining provisions of the regulation inadvertently expired. However, the entire regulation was intended to be extended for four years in the final rule published on July 25, 2016 (Doc. No. 2016–17427, 81 FR 48323), which became effective on August 7, 2016.

DATES: This action becomes effective on September 13, 2016.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Kenneth Ready, Airspace and Rules Team, AJV–113, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3396; email kenneth.ready@faa.gov.

SUPPLEMENTARY INFORMATION:

Good Cause for Immediate Adoption Without Prior Notice

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency for “good cause” finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking.

Section 553(d)(3) of the Administrative Procedure Act requires that agencies publish a rule not less than 30 days before its effective date, except as otherwise provided by the agency for good cause found and published with the final rule.

This document is correcting an error that is in 14 CFR part 93. This correction will not impose any additional restrictions on the persons affected by these regulations. Furthermore, any additional delay in making the regulations correct would be contrary to the public interest. Accordingly, the FAA finds that (i) public comment on these standards prior to promulgation is unnecessary, and (ii) good cause exists to make this rule effective in less than 30 days and upon its publication in the **Federal Register**.

Background

On July 25, 2016, the FAA published a final rule extending the requirement an additional four years for pilots operating civil helicopters under Visual Flight Rules (VFR) to use the New York North Shore Helicopter Route when

operating along the north shore of Long Island, New York. The final rule extended the expiration date of the applicability, rather than the effectivity, to August 6, 2020. Consequently, that error in the final rule resulted in the inadvertent removal of Subpart H of part 93 of Title 14, Code of Federal Regulations (14 CFR). This final rule corrects that error and reinstates the provisions of Subpart H, extending those provisions to August 6, 2020.

Technical Amendment

This technical amendment will correct the current error of § 93.101 being moved to Subpart G, § 93.103 expiring, and Subpart H being reserved. Because this action results in no further substantive change to 14 CFR part 93, we find good cause exists under 5 U.S.C. 553(d)(3) to make this technical amendment effective in less than 30 days and upon its publication in the **Federal Register**.

List of Subjects in 14 CFR Part 93

Air traffic control, Airspace, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of Title 14 of the Code of Federal Regulations as follows:

PART 93—SPECIAL AIR TRAFFIC RULES

- 1. The authority citation for part 93 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40109, 40113, 44502, 44514, 44701, 44715, 44719, 46301.

- 2. Add subpart H consisting of § 93.103 to read as follows:

Subpart H—Mandatory Use of the New York North Shore Helicopter Route

§ 93.103 Helicopter operations.

(a) Unless otherwise authorized, each person piloting a helicopter along Long Island, New York’s northern shoreline between the VPLYD waypoint and Orient Point, shall utilize the North Shore Helicopter route and altitude, as published.

(b) Pilots may deviate from the route and altitude requirements of paragraph (a) of this section when necessary for safety, weather conditions or transitioning to or from a destination or point of landing.

§ 93.101 [Transferred to Subpart H]

- 3. Transfer § 93.101 from subpart G to subpart H.

Issued under authority provided by 49 U.S.C. 106(f), 44701(a), and 44703, in Washington, DC, on September 7, 2016.

Lirio Liu,

Director, Office of Rulemaking.

[FR Doc. 2016–21963 Filed 9–12–16; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 387

[Docket No. 15–CRB–0010–CA]

Adjustment of Cable Statutory License Royalty Rates

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Final rule.

SUMMARY: On April 26, 2016, the Copyright Royalty Judges (Judges) published for comment proposed regulations governing royalty rates and terms for the distant retransmission of over-the-air television and radio broadcast stations by cable television systems to their subscribers. The participants in the proceeding concluded their negotiations and asked for readoption of the cable rate regulations without change. The Judges accepted the negotiated settlement and did not propose any substantive changes to the participants' proposed rates and terms. However, the Judges' proposed regulations updated terms, moved the rules to the chapter of the CFR that includes other applicable rules of the Copyright Royalty Board, and proposed certain other non-substantive changes to make the rules easier to read. The Judges received comments from the Phase I parties on the proposed changes and finding the suggested revisions therein clarified the rule, accepted all of the proposed changes.

DATES: *Effective:* September 13, 2016.

Applicability date: January 1, 2015, through December 31, 2019.

ADDRESSES: The final rule is also posted on the agency's Web site (www.loc.gov/crb).

FOR FURTHER INFORMATION CONTACT: Kimberly Whittle, Attorney Advisor, by telephone at (202) 707–7658, or by email at crb@loc.gov.

SUPPLEMENTARY INFORMATION:

Background

On April 26, 2016, the Copyright Royalty Judges (Judges) published for comment in the **Federal Register** proposed regulations governing royalty rates and terms for the distant

retransmission of over-the-air television and radio broadcast stations by cable television systems to their subscribers for the period 2015–2019. *See* 81 FR 24523. The proposal was the result of a settlement between the National Cable & Telecommunications Association, the American Cable Association, and a group referring to itself as the “Phase I Parties.”¹ The settlement proposed that the extant rates, terms, and gross receipts limitations remain unchanged through 2019. *See* 17 U.S.C. 111(d)(1)(B) and 37 CFR 256.2(c)–(d). The notice included a request for comments from interested parties as required by 17 U.S.C. 801(b)(7)(A).

The Judges received the following comments on the substance of the proposal from the Phase I Parties:

Proposed § 387.1, second sentence. The proposed language “. . . a cable system entity may engage in the activities set forth in 17 U.S.C. 111” appears to be vague and overly broad as compared to the scope of the Section 111 statutory license that is limited to “secondary transmissions to the public by a cable system of a performance or display of a work embodied in a primary transmission made by a broadcast station” under certain conditions that are set forth in 17 U.S.C. 111(c). Accordingly, the Phase I Parties suggest the above-quoted language of proposed § 387.1 be changed to “. . . a cable system shall be subject to a statutory license authorizing secondary transmissions of broadcast signals to the extent provided in 17 U.S.C. 111.”

Proposed § 387.2(a). The proposed language, “the royalty fee rates for secondary transmission by cable systems are those established by 17 U.S.C. 111(d)(1)(B)(i)–(iv), as amended,” is potentially ambiguous in light of the express limitation at the beginning of Section 111(d)(1)(B) that: “Except in the case of a cable system whose royalty fee is specified by subparagraph (E) or (F).” This limitation means that the royalty rates in subsections (i)–(iv) of Section 111(d)(1)(B) apply to only one class of cable systems—those with semi-annual gross receipts of \$527,600 or more (commonly known as “Form 3 systems”)—not to all “cable systems” as the general reference in proposed § 387.2(a) now suggests. Accordingly, the Phase I Parties suggest that the above-quoted language of proposed § 387.2(a) be modified to incorporate the statutory limitation, perhaps by revising the language to state “. . . by cable systems not subject to § 387.2(b) of these regulations”

Proposed § 387.2(b). The use of “alternate tiered rates” in the title and body of this section is potentially confusing because these rates are not “alternate” rates that might apply to any cable system, but a separate set of rates, established by 17 U.S.C. 111(d)(1)(E)

and (F), that apply to cable systems with less than \$527,600 in semi-annual gross receipts (commonly known as “Form ½ systems”). In addition, use of the phrase, “tiered rates,” could cause some confusion because monthly subscriber fees for cable service are almost universally based on “tiered” bundles of programming services and rates. Accordingly, the Phase I Parties suggest that the title of proposed § 387.2(b) be changed to “Rates for Certain Classes of Cable Systems,” and the words “alternate tiered” be deleted from the text of the regulation.

Proposed § 387.2(e). The language, “Computation of royalty fess shall be governed by 17 U.S.C. 111(d)(1)(C),” is potentially confusing because it might be read to suggest that any and all aspects of the royalty fee computation can be determined by reference to Section 111(d)(1)(C). While that paragraph identifies the computation to be used in some specific situations that might apply to some Form 3 systems, it does not address how some other key components (*e.g.*, gross receipts and distant signal equivalent values) of the royalty fee calculation are determined, or how the 3.75 percent rate and syndicated exclusivity surcharge are computed. Accordingly the Phase I Parties suggest that either § 387.2(e) be deleted in its entirety or it be rewritten to state: “Computation of royalty fees shall be governed by 17 U.S.C. 111(d) and 111(f), and 37 CFR 201.17.”

Comments of the Phase I Parties on Proposed Rule at 1–3 (May 17, 2016).

In addition to seeking comments on the proposed settlement, the Judges also solicited comments on the Judges' proposed relocation of the regulations to 37 CFR part 387, which includes other applicable rules of the Copyright Royalty Board. The Judges likewise solicited comments on certain non-substantive changes to the regulations to make them easier to read. The Judges received no comments on the editorial proposals.

The Judges' authority to adopt proposed settlements as statutory rates and terms is codified in Section 801(b)(7)(A) of the Copyright Act. That provision of the Act authorizes the Judges to adopt as a basis for statutory terms and rates an agreement concerning such matters reached among “some or all of the participants” in a proceeding “at any time during the proceeding” except that the Judges must provide an opportunity to comment on the agreement to those that would be bound by the agreement. 17 U.S.C. 801(b)(7)(A)(i). In light of the statutory requirements regarding adoption of settlements and the absence of any opposition to the proposed settlement, the Judges find that the proposed settlement (along with the revisions proposed by the settling parties in their comments), which leaves the current rates and terms unchanged and adjusts the regulatory language to improve

¹ The “Phase I Parties” are the Program Suppliers, Joint Sports Claimants, Public Television Claimants, Commercial Television Claimants, Music Claimants, Canadian Claimants Group, National Public Radio, and Devotional Claimants.