

material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(g) This amendment becomes effective on June 13, 2005.

**Note:** The subject of this AD is addressed in Ente Nazionale per l'Aviazione Civile (Italy) AD No. 2004-108, dated April 8, 2004.

Issued in Fort Worth, Texas, on April 27, 2005.

**Carl Mittag,**

*Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.*

[FR Doc. 05-8953 Filed 5-6-05; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD13-05-013]

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 in West Bay, Olympia, WA on Monday, May 9, 2005, at 8 a.m. Pacific daylight time. The security zone provides for the security of Department of Defense assets and military cargo in the navigable waters of Puget Sound and adjacent waters. The security zone will be enforced until Friday, May 13, 2005, at 11:59 p.m. Pacific daylight time.

**DATES:** The Budd Inlet security zone set forth in 33 CFR 165.1321 will be enforced from Monday, May 9, 2005, at 8 a.m. to Friday, May 13, 2005, at 11:59 p.m. Pacific daylight time, at which time enforcement will be suspended.

**FOR FURTHER INFORMATION CONTACT:** Captain of the Port Puget Sound, 1519 Alaskan Way South, Seattle, WA 98134 at (206) 217-6200 or (800) 688-6664 to obtain information concerning enforcement of 33 CFR 165.1321.

**SUPPLEMENTARY INFORMATION:** On August 27, 2004, the Coast Guard published a final rule (69 FR 52603) establishing regulations, in 33 CFR 165.1321, for the security of Department of Defense assets and military cargo in the navigable waters of Puget Sound and adjacent waters. On December 10, 2004, the Coast Guard published a final rule (69 FR 71709), which amended 33 CFR

165.1321 by adding Budd Inlet, Olympia, WA as a permanent security zone. These security zones provide for the regulation of vessel traffic in the vicinity of military cargo loading facilities in the navigable waters of the United States. These security zones also exclude persons and vessels from the immediate vicinity of these facilities during military cargo loading and unloading operations. In addition, the regulation establishes requirements for all vessels to obtain permission of the COTP or the COTP's designated representative, including the Vessel Traffic Service Puget Sound (VTS) to enter, move within, or exit these security zones when they are enforced. Entry into these zones is prohibited unless otherwise exempted or excluded under 33 CFR 165.1321 or unless 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.

Dated: May 3, 2005.

**Danny Ellis,**

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

[FR Doc. 05-9208 Filed 5-6-05; 8:45 am]

**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:** David O. Carson, General Counsel, or

William J. Roberts, Jr. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:** Digital audio services provide copyrighted sound recordings of music 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. Congress initially established these licenses in the Digital Performance Right in Sound Recordings Act of 1995, Pub. L. No. 104-39, for subscription digital audio services then in existence, and later amended sections 112 and 114 in the Digital Millennium Copyright Act of 1998, Pub. L. No. 105-304, to include other types of digital audio services. It is the former category of services (hereinafter referred to as "preexisting subscription services") to which this final rule applies.

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 pursuant to section 112(e)” after “17 U.S.C. 802(f)” and by removing “twentieth” and adding “forty-fifth” in its place;

d. In paragraph (d) introductory text, by removing “20th” and adding “forty-fifth” in its place; and

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.

\* \* \* \* \*

(b) \* \* \*

(2) 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.

(3) 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.

\* \* \* \* \*

Dated: April 20, 2005.

**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:

1. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

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](mailto:martin.scott@epa.gov).

4. Fax: (404) 562-9019.

5. Mail: “R04-OAR-2005-GA-0004”, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960.

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