

responsibilities between the Federal Government and Indian tribes.

#### 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 Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), 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 lasting only 2 hours that will prohibit entry within 500 feet of a barge within a portion of the Potomac River. It is categorically excluded from further review under paragraph L63(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email 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:** 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.3.

■ 2. Add § 165.T05–0685 to read as follows:

#### § 165.T05–0685 Safety Zone; Potomac River, Washington, DC.

(a) *Location.* The following area is a safety zone: All navigable waters of the Potomac River within 500 feet of the fireworks barge in approximate position latitude 38°53'43.13" N, longitude 77°03'30.62" W located near the John F. Kennedy Center for Performing Arts, Washington, DC. These coordinates are based on datum NAD 83.

(b) *Definitions.* As used in this section—

*Captain of the Port (COTP)* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

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

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative by telephone at 410–576–2693 or on Marine Band Radio VHF–FM channel 16 (156.8 MHz). The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio VHF–FM channel 16 (156.8 MHz). Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 7:30 p.m. to 9:30 p.m. on October 5, 2023.

Dated: September 29, 2023.

**David O'Connell,**

*Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.*

[FR Doc. 2023–22166 Filed 10–4–23; 8:45 am]

**BILLING CODE 9110–04–P**

### LIBRARY OF CONGRESS

#### Copyright Royalty Board

#### 37 CFR Part 390

[Docket No. 23–CRB–0007–AA]

#### Determination of Adjustment to Administrative Assessment to Fund Mechanical Licensing Collective

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

**ACTION:** Final rule; adoption of voluntary agreement.

**SUMMARY:** The Copyright Royalty Judges publish final regulations that adjust the amounts and terms of the Administrative Assessment To fund the Mechanical Licensing Collective.

#### DATES:

*Effective date:* October 5, 2023.

*Applicability date:* These rates and terms are applicable starting January 1, 2023.

**ADDRESSES:** *Docket:* For access to the docket to read background documents go to eCRB, the Copyright Royalty Board's electronic filing and case management system, at <https://app.crb.gov/>, and search for docket number 23–CRB–0007–AA.

**FOR FURTHER INFORMATION CONTACT:** Anita Brown, (202) 707–7658, [crb@loc.gov](mailto:crb@loc.gov).

**SUPPLEMENTARY INFORMATION:** On May 31, 2023, the Mechanical Licensing Collective (MLC) and the Digital Licensee Coordinator (DLC) filed a Joint Petition to Commence Proceeding to Adjust Administrative Assessment by Adoption of a Voluntary Agreement (Petition) and a Joint Motion to Adopt Voluntary Agreement and Proposed Regulations (Voluntary Agreement). By notice published in the **Federal Register** the Copyright Royalty Judges (Judges) commenced the captioned proceeding to determine an adjustment to the administrative assessment that digital music providers and any significant nonblanket licensees must pay to fund the operations of the Mechanical Licensing Collective. 88 FR 42396 (June 30, 2023) (Notice of Commencement). The Notice of Commencement included a request for petitions to participate and a schedule for submissions and proceedings.

Only two parties filed Petitions to Participate: the Mechanical Licensing Collective and the Digital Licensee Coordinator; participation in this proceeding was required by the two Petitioners. The Judges gave notice of the identity of petitioners as required by 37 CFR 355.2(f) and, in light of the

Voluntary Agreement, suspended the case schedule. See Notice of Identity of Petitioners and Case Scheduling Order (July 18, 2023).

Section 115(d)(7)(D)(v) of the Copyright Act authorizes the Judges to approve and adopt a negotiated agreement that has been agreed to by the Mechanical Licensing Collective and the Digital Licensee Coordinator in lieu of a determination of the administrative assessment. An administrative assessment adopted under sec. 115(d)(7)(D)(v) “shall apply to all digital music providers and significant nonblanket licensees engaged in covered activities during the period the administrative assessment is in effect.” *Id.*

However, the Judges, in their discretion, may reject a proposed settlement for good cause shown. 17 U.S.C. 115(d)(7)(D)(v) and 37 CFR 355.6(d). Section 355.4(c)(4) of 37 CFR establishes a process for non-settling participants to comment on a proposed settlement and for the settling participants to respond. Because there were no non-settling participants in the instant proceeding, the proposed settlement was unopposed. Moreover, the participants explained to the Judges’ satisfaction how the Proposed Regulations comply with the provisions of the Copyright Act. See generally Voluntary Agreement. The Judges, finding no cause to reject the proposed settlement embodied in the Voluntary Agreement, hereby adopt it, and publish these final regulations implementing the settlement.

#### List of Subjects in 37 CFR Part 390

Copyright, Licensing and registration, Music, Phonorecords, Recordings, Royalties.

#### Final Regulations

For the reasons set forth in the preamble, the Copyright Royalty Judges amend 37 CFR part 390 as follows:

#### PART 390—AMOUNTS AND TERMS FOR ADMINISTRATIVE ASSESSMENTS TO FUND MECHANICAL LICENSING COLLECTIVE

- 1. The authority citation for part 390 continues to read as follows:

Authority: 17 U.S.C. 115, 801(b).

##### § 390.1 [Amended]

- 2. Amend § 390.1 as follows:
- a. In the definition of “Annual Assessment” remove “2021” and add in its place “2023”.
- b. Remove the definition of “Certified Minimum Fee Disclosure”.

- 3. Amend § 390.2 by revising paragraphs (a), (b), and (c)(1) introductory text to read as follows:

##### § 390.2 Amount of assessments.

(a) *2023 Annual Assessment.* The Annual Assessment for the calendar year 2023 shall be in the amount of \$32,900,000.

(b) *2024 Annual Assessment.* The Annual Assessment for the calendar year 2024 shall be in the amount of \$39,050,000.

(c) \* \* \* (1) For the calendar year 2025 and all subsequent years, the amount of the Annual Assessment will be automatically adjusted by increasing the amount of the Annual Assessment of the preceding calendar year by the lesser of:

\* \* \* \* \*

- 4. Amend § 390.3 by:

- a. In paragraph (b);
- i. Removing “2021” and adding in its place “2024”;
- ii. Removing “2019” and adding in its place “2022”; and
- iii. Removing “2020” and adding in its place “2023”.
- b. Remove paragraph (c) and redesignate paragraphs (d) and (e) as paragraphs (c) and (d).
- c. Revise newly redesignated paragraph (c) introductory text.

The revision reads as follows:

##### § 390.3 Annual minimum fees.

\* \* \* \* \*

(c) *Calculation by the MLC.* The MLC will calculate each Licensee’s annual minimum fee based on usage reporting received from Licensees pursuant to 17 U.S.C. 115(d)(4). The MLC shall send invoices for the appropriate annual minimum fee to each Licensee. Licensees shall pay the annual minimum fee invoices from the MLC by the later of:

\* \* \* \* \*

- 5. Amend § 390.4 as follows:

- a. In paragraph (b) remove the words “, except that the calculation period for the Quarterly Allocation for the first and second quarters of 2021 shall be the same as for the annual minimum fee for the 2021 Annual Assessment, and shall be calculated based upon the information provided in the Certified Minimum Fee Disclosures, as required by this part.”
- b. Remove paragraph (c)(2)(i)(D) and redesignate paragraphs (c)(2)(i)(E) and (F) as (c)(2)(i)(D) and (E).
- c. Revise paragraph (h).
- The revision reads as follows:

##### § 390.4 Annual Assessment allocation and payment.

\* \* \* \* \*

(h) *2023 Annual Assessment allocation and payment.* The 2023 Annual Assessment shall be paid in two separate processes:

(1) The MLC will collect from Licensees the amount of \$30,235,650 pursuant to the standard procedures outlined in the other provisions of this part for collection of the 2023 Annual Assessment, including the collection of Annual Minimum Fees and Quarterly Allocations.

(2) The MLC will collect from Allocated Licensees the amount of \$2,664,350 through a separately invoiced, one-time collection, with no minimum fees applied. The amount shall be divided into two equal parts and allocated among Licensees using the formulas set forth in paragraphs (a)(1) and (a)(2) of this section. The calculation period shall be the first three months of 2023. The MLC may invoice for this collection at any time, with payment to be due no later than 45 days after receipt of the invoice from the MLC.

Dated: September 25, 2023.

**David P. Shaw,**  
Chief Copyright Royalty Judge.

**David R. Strickler,**  
Copyright Royalty Judge.

**Steve Ruwe,**  
Copyright Royalty Judge.

Approved by:

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

[FR Doc. 2023–22179 Filed 10–4–23; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 180

[EPA–HQ–OPP–2021–0269; FRL–10944–01–OCSPP]

#### Ledprona Double-Stranded RNA; Exemption From the Requirement of a Tolerance

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes an exemption from the requirement of a tolerance for residues of Ledprona double-stranded (ds) RNA in or on potato when used as a foliar-applied insecticide for the selective control of Colorado potato beetle and in accordance with label directions and good agricultural practices. GreenLight Biosciences, Inc. submitted a petition to EPA under the Federal Food, Drug, and