(b) *Enforcement*. During the loading of the fireworks, and until the start of the fireworks displays on October 9 and 10, 2009, this regulation will be enforced within a radius of 100 feet around the fireworks launch sites. From 9:30 p.m. until 9:50 p.m. on October 9 and 10, 2009, this regulation will be enforced within a radius of 1,000 feet around the fireworks launch sites.

(b) *Definitions*. As used in this section, ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port San Francisco (COTP) in the enforcement of the safety zone.

(c) *Regulations*. (1) Under the general regulations in § 165.23, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the COTP or the COTP's designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or the designated representative. Persons and vessels may request permission to enter the safety zones on VHF–16 or through the 24-hour Command Center at telephone (415) 399–3547.

(d) *Effective period*. This section is effective from 8:45 a.m. through 10 p.m. on October 9 and 8:45 a.m. through 10 p.m. on October 10, 2009.

Dated: July 16, 2009.

P.M. Gugg,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

[FR Doc. E9–18494 Filed 8–3–09; 8:45 am]

BILLING CODE 4910–15–P

LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 351

[Docket No. RM 2009–5]

Proceedings of the Copyright Royalty Board; Remand

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Interim rule and request for comments.

SUMMARY: The Copyright Royalty Board is issuing an interim regulation to amend its procedural regulations to include a provision governing remands of final determinations pursuant to the Copyright Act, which sets forth in significant detail the procedural structure to be followed by the Copyright Royalty Judges in making determinations to distribute royalty fees and establish royalty rates and terms under the various statutory licenses of the Copyright Act. The Judges have adopted regulations governing the conduct of these proceedings.

DATES: *Effective Date:* August 4, 2009.

Comments are due no later than September 3, 2009.

ADDRESSES: Comments may be sent electronically to *crb@loc.gov.* In the alternative, send an original, five copies, and an electronic copy on a CD either by mail or hand delivery. Please do not use multiple means of transmission. Comments may not be delivered by an overnight delivery service other than the U.S. Postal Service Express Mail. If by mail (including overnight delivery), comments must be addressed to: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977. If hand delivered by a private party, comments must be brought to the Copyright Office Public Information Office, Library of Congress, James Madison Memorial Building, Room LM–401, 101 Independence Avenue, SE., Washington, DC 20559–6000. If delivered by commercial courier, comments must be delivered between 8:30 a.m. and 4 p.m. to the Congressional Courier Acceptance Site located at 2nd and D Street, NE., Washington, DC, and the envelope must be addressed to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Avenue, SE., Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: Richard Strasser, Senior Attorney, or Gina Giuffreda, Attorney Advisor, by telephone at (202) 707–7658 or e-mail at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: Section 803 of the Copyright Act, 17 U.S.C., sets forth in significant detail the procedural structure to be followed by the Copyright Royalty Judges in making determinations to distribute royalty fees and establish royalty rates and terms under the various statutory licenses of the Copyright Act. Pursuant to the authority granted us in 17 U.S.C. 803(b)(6), the Judges have adopted regulations, set forth in Subchapter B, Chapter III of title 37 of the Code of Federal Regulations, governing the conduct of these proceedings. Every proceeding to distribute royalty fees or establish royalty rates and terms results in a final determination of the Judges that is reviewable by the United States Court of Appeals for the District of Columbia Circuit, 17 U.S.C. 803(d). The Court of Appeals may, inter alia, vacate a determination or portion thereof, and remand to the Judges for further action. Until today, the Judges did not have any procedural regulations in place for handling the disposition of a remand.

On July 7, 2009, and again on July 10, 2009, the Court of Appeals issued decisions reviewing the first two royalty rate proceedings conducted under the Copyright Royalty Judges system. *See SoundExchange, Inc.* v. *Librarian of Congress,* No. 08–1078, 2009 WL 1930180 (D.C. Cir. July 7, 2009); *Intercollegiate Broadcast System, Inc.* v. *Copyright Royalty Board,* No. 07–1123, 07–1168, 07–1172, 07–1174, 07–1177, 07–1178, 2009 WL 1978453 (D.C. Cir. July 10, 2009). Although the Court affirmed the determinations of the Judges in the main, each case remanded an issue for further consideration by the Judges. Lacking any regulations governing the procedures for disposing of remands, the adoption of today's interim regulation is necessary for these and any future cases.

The interim regulation provides that, within 45 days of the date of issuance of the mandate of a decision of the Court of Appeals remanding a determination of the Judges, the parties to the proceeding shall submit, in writing, their proposals setting forth the procedures and schedule to be followed in addressing the remand. The interim rule is purposely flexible to permit the Judges, and the parties, to address the particulars of each remand before the Judges in an effort to promote administrative efficiency and reduce costs.

Interested parties are encouraged to offer comments as to the interim regulation as well as propose any additional procedures or regulations necessary for the handling of remands.

List of Subjects in 37 CFR Part 351

Administrative practice and procedure, Copyright.

Interim Regulation

■ For the reasons set forth in the preamble, the Copyright Royalty Judges are amending part 351 of 37 CFR as follows:

PART 351—PROCEEDINGS

■ 1. The authority citation for part 351 is revised to read as follows:

Authority: 17 U.S.C. 803.

■ 2. Part 351 is amended by adding § 351.15 to read as follows:

§ 351.15 Remand.

In the event of a remand from the United States Court of Appeals for the District of Columbia Circuit of a final determination of the Copyright Royalty Judges, the parties to the proceeding shall within 45 days from the issuance of the mandate from the Court of Appeals file with the Judges written proposals for the conduct and schedule of the resolution of the remand.

Dated: July 16, 2009.

James Scott Sledge,

U.S. Chief Copyright Royalty Judge.

James H. Billington,

The Librarian of Congress.

[FR Doc. E9–18462 Filed 8–3–09; 8:45 am]

BILLING CODE 1410–72–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3020

[Docket Nos. MC2009–31 and CP2009–42; Order No. 255]

Express Mail and Priority Mail Contract

AGENCY: Postal Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is adding Express Mail & Priority Mail Contract 6 to the Competitive Product List. This action is consistent with changes in a recent law governing postal operations. Republication of the lists of market dominant and competitive products is also consistent with new requirements in the law.

DATES: Effective August 4, 2009 and is applicable beginning July 27, 2009.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202–789–6820 and *stephen.sharfman@prc.gov*.

SUPPLEMENTARY INFORMATION: *Regulatory History,* 74 FR 33481 (July 13, 2009).

I. Introduction
II. Background
III. Information Request
IV. Comments
V. Commission Analysis
VI. Ordering Paragraphs

I. Introduction

The Postal Service seeks to add a new product identified as Express Mail & Priority Mail Contract 6 to the Competitive Product List. For the reasons discussed below, the Commission approves the Request.

II. Background

On July 2, 2009, the Postal Service filed a formal request pursuant to 39 U.S.C. 3642 and 39 CFR 3020.30, *et seq.*, to add Express Mail & Priority Mail Contract 6 to the Competitive Product List.[1] On July 6, 2009, the Postal Service filed a revised version of its filing which includes attachments inadvertently omitted from the July 2, 2009 request.[2] The Postal Service asserts that the Express Mail & Priority Mail Contract 6 product is a competitive product ''not of general applicability'' within the meaning of 39 U.S.C. 3632(b)(3). *Id.* at 1. The Request has been assigned Docket No. MC2009–31.

The Postal Service contemporaneously filed a contract related to the proposed new product pursuant to 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* The contract has been assigned Docket No. CP2009–42.

On July 8, 2009, the Postal Service filed under seal revised versions of the financial analysis workbooks originally filed under seal on July 2, 2009.[3]

In support of its Request, the Postal Service filed the following materials: (1) A redacted version of the Governors' Decision authorizing the new product which also includes an analysis of Express Mail & Priority Mail Contract 6 and certification of the Governors' vote;[4] (2) a redacted version of the contract which, among other things, provides that the contract will expire 3 years from the effective date, which is proposed to be 1 day after the Commission issues all regulatory approvals;[5] (3) requested changes in the Mail classification Schedule product list;[6] (4) a Statement of Supporting Justification as required by 39 CFR 3020.32;[7] and (5) certification of compliance with 39 U.S.C. 3633(a).[8]

In the Statement of Supporting Justification, Mary Prince Anderson, Manager, Sales and Communications, Expedited Shipping, asserts that the service to be provided under the contract will cover its attributable costs, make a positive contribution to institutional costs, and increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. *Id.*, Attachment D. Thus, Ms. Anderson contends there will be no issue of subsidization of competitive products by market dominant products as a result of this contract. *Id.* W. Ashley Lyons, Manager, Regulatory Reporting and Cost Analysis, Finance Department, certifies that the contract complies with 39 U.S.C. 3633(a). *See Id.*, Attachment E.

The Postal Service filed much of the supporting materials, including the unredacted Governors' Decision and the unredacted contract, under seal. In its Request, the Postal Service maintains that the contract and related financial information, including the customer's name and the accompanying analyses that provide prices, terms, conditions, and financial projections, should remain confidential. *Id.* at 2–3.

In Order No. 239, the Commission gave notice of the two dockets, appointed a public representative, and provided the public with an opportunity to comment.[9]

III. Information Request

On July 14, 2009, the Chairman issued an information request seeking responses to six questions.[10] The information request was filed under seal. *Id.* On July 20, 2009, the Postal Service filed its responses to CHIR No. 1.[11]

IV. Comments

Comments were filed by the Public Representative.[12] No filings were submitted by other interested parties. The Public Representative states that the Postal Service's filing complies with applicable Commission rules of practice

[1] Request of the United States Postal Service to Add Express Mail & Priority Mail Contract 6 to Competitive Product List and Notice of Establishment of Rates and Class Not of General Applicability, July 2, 2009.

[2] Errata to Request of the United States Postal Service to Add Express Mail & Priority Mail Contract 6 to Competitive Product List and Notice of Establishment of Rates and Class Not of General Applicability, July 6, 2009 (Request).

[3] *See* Notice of the United States Postal Service of Filing Under Seal of Revised Financial Analysis Workbooks for Express Mail & Priority Mail Contract 6, July 8, 2009 (Revised Workbooks).

[4] Attachment A to the Request. The analysis that accompanies the Governors' Decision notes, among other things, that the contract is not risk free, but concludes that the risks are manageable.

[5] Attachment B to the Request.

[6] Attachment C to the Request.

[7] Attachment D to the Request.

[8] Attachment E to the Request.

[9] PRC Order No. 239, Notice and Order Concerning Express Mail & Priority Mail Contract 6 Negotiated Service Agreement, July 7, 2009 (Order No. 239).

[10] Chairman's Information Request No. 1 and Notice of Filing of Questions under Seal, July 14, 2009 (CHIR No.1).

[11] *See* Notice of the United States Postal Service of Filing Response to Chairman's Information Request No.1 Under Seal, July 20, 2009 (Response to CHIR No. 1).

[12] Public Representative Comments in Response to United States Postal Service Request to Add Express Mail & Priority Mail Contract 6 to Competitive Product List and Notice of Establishment of Rates and Class Not of General Applicability, July 15, 2009 (Public Representative Comments).