

## Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

## Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

## Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

## Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

## Environment

We have analyzed this rule under Commandant Instruction M16475.ID

which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. A final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" will be available in the docket where indicated under **ADDRESSES**.

## List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

## Regulation

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6 and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T05–005 to read as follows:

#### § 165.T05–005 Regulated Navigation Area; Bonner Bridge Herbert C. Bonner Bridge, Oregon Inlet, NC.

(a) *Definitions.* For the purposes of this section, *District Commander* means the Commander, U.S. Coast Guard District Five and any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Commander, U.S. Coast Guard District Five to act as a designated representative on his behalf.

(b) *Location.* The following area is a regulated navigation area: All waters of Oregon Inlet, from the surface to the bottom, encompassing the area of the main navigational channel directly under the Herbert C. Bonner Bridge.

(c) *Regulations.* (1) The general regulations governing regulated navigation areas found in § 165.13 of this part apply to the regulated navigation area described in paragraph (b).

(2) Any vessel of 100 gross tons or greater may not transit the waterway when the available horizontal clearance is reduced by the contractor's spud

barge without first obtaining permission in accordance with paragraph (5).

(3) All vessels, including vessels of 100 gross tons or greater, will be permitted to transit the main navigational channel during non-working hours when the spud barge is removed.

(4) Vessels less than 100 gross tons are permitted to use the main navigational channel at all times, including the periods of time when the spud barge is restricting the available horizontal clearance, but must transit the area at no-wake speed.

(5) Vessels of 100 gross tons or greater desiring to transit the area of the regulated navigation area when the available horizontal clearance is reduced by the contractor's spud barge must first obtain authorization from the District Commander. To seek permission to transit the area, the District Commander can be contacted via Sector North Carolina at telephone number (252) 247–4570.

(6) Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio, VHF–FM channel 16 (156.8 MHz).

(7) If permission is granted, all persons and vessels must comply with the instructions of the District Commander and proceed at the minimum speed necessary to maintain a safe course while within the zone.

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

(e) *Enforcement period.* This section will be enforced from 5 a.m. on April 16, 2008 through 8 p.m. May 31, 2008.

Dated: February 22, 2008.

**F.M. Rosa, Jr.,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. E8–5327 Filed 3–14–08; 8:45 am]

**BILLING CODE 4910–15–P**

## LIBRARY OF CONGRESS

### Copyright Office

### 37 CFR Part 258

[Docket No. RM 2008–3]

### Section 119 and the Changes in the Consumer Price Index

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Final rule.

**SUMMARY:** The Copyright Office makes royalty rate adjustments for satellite carriers based upon changes in the Consumer Price Index.

**EFFECTIVE DATE:** March 17, 2008. These rates are applicable for the rate period of January 1, 2008, through December 31, 2008.

**FOR FURTHER INFORMATION CONTACT:** Ben Golant, Assistant General Counsel, and Tanya M. Sandros, General Counsel, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 119(c) and our implementing rules, we are hereby giving notice to the public of the Office's adoption of royalty rate adjustments for the accounting period commencing January 1, 2008, based on changes in the Consumer Price Index. This action is consistent with voluntary agreements reached between satellite carriers and copyright owners under the Copyright Act.

*Section 119 and royalty payments for analog television signals.* In 2004, Congress enacted the Satellite Home Viewer Extension and Reauthorization Act ("SHVERA"). SHVERA extended for an additional five years the statutory license for satellite carriers retransmitting over-the-air television broadcast stations to their subscribers and made a number of amendments to the Section 119 license. One of the amendments sets forth a process for adjusting the royalty fees paid by satellite carriers for retransmitting analog television networks and superstations. 17 U.S.C. 119(c)(1). The law directed the Librarian of Congress to publish a notice in the **Federal Register** announcing the initiation of a voluntary negotiation period, the result of which may be a rate settlement between the parties. The Library published such a notice on December 30, 2004, and, pursuant to the statute, requested that any agreements be submitted no later than January 10, 2005. 69 FR 78482 (December 30, 2004).

The Office received one agreement, submitted jointly by the satellite carriers DirecTV, Inc. and EchoStar Satellite, L.L.C. the copyright owners of motion pictures and syndicated television series represented by the Motion Picture Association of America, and the copyright owners of sports programming represented by the Office of the Commissioner of Baseball. Section 119(c)(1)(D)(ii)(II) requires the Library to "provide public notice of the royalty fees from the voluntary agreement and afford parties an opportunity to state that they object to those fees." 17 U.S.C.

119(c)(1)(D)(ii)(II). The Library published a Notice of Proposed Rulemaking on January 26, 2005, to fulfill this requirement. 70 FR 3656 (January 26, 2005). The Library subsequently adopted the rates in the voluntary agreement as final. 70 FR 17320 (Apr. 6, 2005).

The terms and conditions of the agreement were codified at Section 258.3 of the Copyright Office's rules. Subpart (g) of this rule specifically states, with regard to private home viewing, that the 2007 rate per subscriber per month for distant superstations and network stations shall be adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all urban consumers from January 2007 to January 2008. Similarly, for viewing in commercial establishments, the 2007 rate per subscriber per month for viewing distant superstations in commercial establishments shall also be adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all urban consumers from January 2007 to January 2008.

*Section 119 and royalty payments for digital television signals.* Another SHVERA amendment to Section 119 set forth a process, for the first time, for adjusting the royalty fees paid by satellite carriers for the retransmission of digital broadcast signals. 17 U.S.C. 119(c)(2). The initial rates were the rates set by the Librarian in 1997 for the retransmission of analog broadcast signals, 37 CFR 258.3(b)(1) and (2), reduced by 22.5 percent. 17 U.S.C. 119(c)(2)(A). These rates are to be adjusted in accordance with the procedures set forth in Section 119(c)(1) as directed by Section 119(c)(2) of the Copyright Act.

On March 8, 2005, the Copyright Office received a letter from EchoStar Satellite, L.L.C. DirecTV, Inc., Program Suppliers, and the Joint Sports Claimants requesting that the Office begin the process of setting the rates for the retransmission of digital broadcast signals by initiating a voluntary negotiation period so that rates for both digital and analog signals would be in place before the July 31, 2005, deadline for satellite carriers to pay royalties for the first accounting period of 2005. The Office granted the request and, pursuant to Section 119(c)(1), published a notice in the **Federal Register** initiating a voluntary negotiation period and requesting that any agreements reached during this period be submitted no later than April 25, 2005. See 70 FR 15368 (March 25, 2005).

In accordance with the March 25 Notice, the Office received one agreement, submitted jointly by EchoStar Satellite, L.L.C. and DirecTV, Inc., the copyright owners of motion pictures and syndicated television series represented by the Motion Picture Association of America, and the copyright owners of sports programming represented by the Office of the Commissioner of Baseball. The agreement proposed rates for the private home viewing of distant superstations and distant network stations for the 2005-2009 period, as well as the viewing of those signals for commercial establishments.

As required by statute, the Library provided public notice of the royalty fees from the voluntary agreement and afforded parties an opportunity to state that they object to those fees. 17 U.S.C. 119(c)(1)(D)(ii)(II). The Library published a Notice of Proposed Rulemaking on May 17, 2005, to fulfill this requirement. 70 FR 28231 (May 17, 2005). Consequently, the Library adopted the rates as set forth in the voluntary agreement as final. 70 FR 39178 (July. 7, 2005).

The terms and conditions of the agreement were codified at Section 258.4 of the Copyright Office's rules. Subpart (d) of the rule states the royalty rate for secondary transmission of digital signals of broadcast stations by satellite carriers for the first three years of the licensing period and the process for readjusting the rates for the last two years of the five year licensing period (2008 and 2009).

The Copyright Office's regulations prescribe that the 2008 rates should be adjusted according to the following schedule. For private home viewing, the 2007 rate per subscriber per month for distant superstations and network stations is to be adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all urban consumers from January 2007 to January 2008. For viewing in commercial establishments, the 2007 rate per subscriber per month for viewing distant superstations in commercial establishments is to be adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all urban consumers from January 2007 to January 2008.

*2008 rates.* In December 2007, the Copyright Office published a notice in the **Federal Register** announcing that it will be adjusting the royalty rates for the secondary transmission of the analog and digital transmissions of network and superstations to reflect changes in the Consumer Price Index for all urban

consumers from January 2007 to January 2008. 72 FR 68198 (Dec. 4, 2007). Through this final rule, we hereby announce those changes.

The change in the cost of living as determined by the Consumer Price Index (all consumers, all items) for the relevant period is 4.3% (January 2007 figure was 202.4; the figure for January 2008 is 211.080, based on 1982–1984 = 100 as a reference base). Rounding off to the nearest cent, the new rates are as follows. For private home viewing of analog stations: 24 cents per subscriber per month for distant superstations and 24 cents per subscriber per month for distant network stations. For viewing in commercial establishments: 48 cents per subscriber per month for distant superstations. For private home viewing of digital stations: 24 cents per subscriber per month for distant superstations and 24 cents per subscriber per month for distant network stations. For viewing in commercial establishments: 48 cents per subscriber per month for distant superstations.

#### List of Subjects in 37 CFR Part 258

Copyright, Satellite, Television.

#### Final Regulations

■ For the reasons set forth above, the Copyright Office amends 37 CFR chapter II as follows:

#### PART 258—ADJUSTMENT OF ROYALTY FEE FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS

■ 1. The authority citation for part 258 continues to read as follows:

**Authority:** 17 U.S.C. 119, 702, 802.

■ 2. Section 258.3(g) is revised to read as follows:

#### § 258.3 Royalty fee for secondary transmission of analog signals of broadcast stations by satellite carriers.

\* \* \* \* \*

(g) Commencing January 1, 2008, the royalty rate for secondary transmission of analog signals of broadcast stations by satellite carriers shall be as follows:

- (1) For private home viewing—
  - (i) 24 cents per subscriber per month for distant superstations.
  - (ii) 24 cents per subscriber per month for distant network stations.
- (2) For viewing in commercial establishments, 48 cents per subscriber per month for distant superstations.

\* \* \* \* \*

■ 3. Section 258.4(d) is revised to read as follows:

#### § 258.4 Royalty fee for secondary transmission of digital signals of broadcast stations by satellite carriers.

\* \* \* \* \*

(d) Commencing January 1, 2008, the royalty rate for secondary transmission of digital signals of broadcast stations by satellite carriers shall be as follows:

- (1) For private home viewing—
  - (i) 24 cents per subscriber per month for distant superstations.
  - (ii) 24 cents per subscriber per month for distant network stations.
- (2) For viewing in commercial establishments, 48 cents per subscriber per month for distant superstations.

\* \* \* \* \*

Dated: March 11, 2008

Marybeth Peters,

Register of Copyright.

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BILLING CODE 1410–30–S

#### DEPARTMENT OF HOMELAND SECURITY

#### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket No. FEMA–8015]

#### Suspension of Community Eligibility

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

**DATES: Effective Dates:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

**ADDRESSES:** If you want to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office.

#### FOR FURTHER INFORMATION CONTACT:

David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2953.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b)