

States District Court entered a judgment of conviction. The court then sentenced Respondent to terms of thirty-six months imprisonment followed by three years of supervised release. *See United States v. Sabbagh*, Judgment at 1–3.

### Discussion

Section 303(h) of the CSA provides that “[t]he Attorney General shall register an applicant to distribute a list I chemical unless the Attorney General determines that registration of the applicant is inconsistent with the public interest.” 21 U.S.C. 823(h). In making this determination, Congress directed that I consider the following factors:

- (1) Maintenance by the applicant of effective controls against diversion of listed chemicals into other than legitimate channels;
- (2) Compliance by the applicant with applicable Federal, State, and local law;
- (3) Any prior conviction record of the applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;
- (4) Any past experience of the applicant in the manufacture and distribution of chemicals; and
- (5) Such other factors as are relevant to and consistent with the public health and safety.

*Id.*

“These factors are considered in the disjunctive.” *Joy’s Ideas*, 70 FR 33195, 33197 (2005). I may rely on any one or a combination of factors, and may give each factor the weight I deem appropriate in determining whether an application for a registration should be denied. *See, e.g., David M. Starr*, 71 FR 39367, 39368 (2006); *Energy Outlet*, 64 FR 14269 (1999). Moreover, I am “not required to make findings as to all of the factors.” *Hoxie v. DEA*, 419 F.3d 477, 482 (6th Cir. 2005); *Morall v. DEA*, 412 F.3d 165, 173–74 (D.C. Cir. 2005).

Given Respondent’s conviction for conspiring to distribute pseudoephedrine knowing that it would be used to manufacture methamphetamine, I conclude that factor three is dispositive and that it is unnecessary to make findings as to the remaining factors. Respondent’s conviction indisputably establishes that granting him a registration would be “inconsistent with the public interest.” 21 U.S.C. 823(h). Respondent’s application will therefore be denied.

### Order

Pursuant to the authority vested in me by 21 U.S.C. 823(h), and 28 CFR 0.100(b) & 0.104, I order that the application of Ammar Sabbagh for a DEA Certificate of Registration as a distributor of list I chemicals be, and it hereby is, denied. This order is effective January 3, 2008.

Dated: November 21, 2007.

**Michele M. Leonhart**,

*Deputy Administrator.*

[FR Doc. E7–23476 Filed 12–3–07; 8:45 am]

BILLING CODE 4410–09–P

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review: Comment Request

November 28, 2007.

The Department of Labor (DOL) hereby announces the submission the following public information collection requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of each ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at <http://www.reginfo.gov/public/do/PRAMain> or by contacting Darrin King on 202–693–4129 (this is not a toll-free number)/e-mail: [king.darrin@dol.gov](mailto:king.darrin@dol.gov).

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: Brenda Aguilar, OMB Desk Officer for the Employee Benefits Security Administration (EBSA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–6974 (these are not toll-free numbers), E-mail: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov) within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* Employee Benefits Security Administration.

*Type of Review:* Extension without change of currently approved collection.

*Title:* Notice to Participants and Beneficiaries and the Federal Government of Electing One Percent Increased Cost Exemption.

*OMB Control Number:* 1210–0105.

*Affected Public:* Private Sector: Business or other for-profit.

*Estimated Number of Respondents:* 10.

*Estimated Total Annual Burden Hours:* 300.

*Estimated Total Annual Cost Burden:* \$7,000.

*Description:* Group health plans may be exempted from Mental Health Parity Act of 1996 (Pub. L. 104–194) requirements for parity between mental health and medical/surgical benefits if parity would result in cost increase of one percent or more. This request pertains to notice to participants and beneficiaries and the Federal Government that is required in order to make use of the exemption. For additional information, please refer to a related notice published at 72 FR 54072 on September 21, 2007 and the interim final rule published at 62 FR 66931 on December 22, 1997.

*Agency:* Employee Benefits Security Administration.

*Type of Review:* Extension without change of currently approved collection.

*Title:* Calculation and Disclosure of Documentation of Eligibility for Exemption.

*OMB Control Number:* 1210–0106.

*Affected Public:* Private Sector: Business or other for-profit.

*Estimated Number of Respondents:* 10.

*Estimated Total Annual Burden Hours:* 110.

*Estimated Total Annual Cost Burden:* \$216.

*Description:* The Mental Health Parity Act of 1996 (Pub. L. 104–194) requires parity between the dollar limits imposed on mental health benefits and those imposed on medical/surgical benefits offered by group health plans and issuers. Upon receipt of notice that a plan claims exemption from these requirements, participants and beneficiaries may request a summary of the information upon which the exemption was based. This request pertains to the calculation and

disclosure of information on which the exemption was based. For additional information, please refer to a related notice published at 72 FR 54072 on September 21, 2007 and the interim final rule published at 62 FR 66931 on December 22, 1997.

**Darrin A. King,**

*Acting Departmental Clearance Officer.*

[FR Doc. E7-23461 Filed 12-3-07; 8:45 am]

**BILLING CODE 4510-29-P**

## **LIBRARY OF CONGRESS**

### **Copyright Office**

**[Docket No. 2007-12]**

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

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

**ACTION:** Notice of Rate Adjustment.

**SUMMARY:** The Library of Congress, through the Copyright Office, is announcing an upcoming royalty rate adjustment for satellite carriers based upon changes in the Consumer Price Index.

**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 that royalty rates will be adjusted 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 license. One of the amendments to Section 119 sets forth a process for adjusting the royalty fees paid by satellite carriers for retransmitting analog television network and superstations. 17 U.S.C. 119(c)(1). The law directs the Librarian of Congress to publish notice in the Federal Register

requesting satellite carriers, distributors and copyright owners to submit to the Copyright Office any voluntary agreements they have negotiated as to the adjustment of the rates for analog stations. 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). No objections were received. Consequently, the Library 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. Paragraph (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. For viewing in commercial establishments, the 2007 rate per subscriber per month for viewing distant superstations in commercial establishments 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.

*Section 119 and royalty payments for digital television signals.* Another amendment to Section 119 promulgated by SHVERA 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 law set the initial rates as the rates set by the Librarian in 1997 for the retransmission of analog broadcast signals, 37 CFR 258.3(b)(1)-(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 the satellite carriers 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). The Office received no objections as a result of the Notice. Consequently, the Library adopted the rates as set forth in the voluntary agreement as final. 70 FR 39178 (Jul. 7, 2006).

The terms and conditions of the agreement were codified at Section 258.4 of the Copyright Office's rules. Paragraph (d) of the rule states the royalty rate for secondary transmission of digital signals of broadcast stations by satellite carriers and the process for readjusting the rates for the accounting period commencing on January 1, 2008. For private home viewing, the 2007 rate per subscriber per month for distant superstations and network stations shall be adjusted for the amount of inflation