

**ACTION:** Direct final rule; request for comments; correction.

**SUMMARY:** This action corrects an error in the legal description of Class D airspace in a direct final rule, request for comments that was published in the **Federal Register** on Tuesday, July 12, 2005 (70 FR 39914).

**DATES:** This direct final rule is effective on 0901 UTC, October 27, 2005.

**FOR FURTHER INFORMATION CONTACT:** Brenda Mumper, Air Traffic Division, Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2524.

**SUPPLEMENTARY INFORMATION:**

**History**

Federal Register Document 2005-21703 published on Tuesday, July 12, 2005 (70 FR 39914), modified Class D and Class E Airspace at Topeka, Forbes Field, KS. The phrase "This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory." was incorrectly deleted from the legal description of Class D airspace. This action corrects that error.

■ Accordingly, pursuant to the authority delegated to me, the error in the legal description of Class D Airspace, Topeka, Forbes Field, KS as published in the **Federal Register** Tuesday July 12, 2005 (70 FR 39914), (FR Doc. 2005-21703), is corrected as follows:

**PART 71—[CORRECTED]**

**§ 71.1 [Corrected]**

On page 39915, Column 2, at the end of the legal description of ACE KS D Topeka, Forbes Field, KS, add the phrase "This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

Issued in Kansas City, MO, on August 18, 2005.

**Elizabeth S. Wallis,**

*Acting Area Director, Western Flight Services Operations.*

[FR Doc. 05-20046 Filed 10-5-05; 8:45am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2005-21874; Airspace Docket No. 05-ACE-28]

**Modification of Class E Airspace; Dodge City Regional Airport, KS**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Direct final rule; request for comments; Correction.

**SUMMARY:** This action corrects an error in the legal description of a direct final rule, request for comments that was published in the **Federal Register** on Friday, July 29, 2005 (70 FR 43744).

**DATES:** This direct final rule is effective on 0901 UTC, October 27, 2005.

**FOR FURTHER INFORMATION CONTACT:** Brenda Mumper, Air Traffic Division, Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2524.

**SUPPLEMENTARY INFORMATION:**

**History**

Federal Register Document 2005-21874 published on Friday, July 29, 2005 (70 FR 43744), modified Class E Airspace at Dodge City, KS. The latitude and longitude used in the airport reference point was incorrect. This action corrects that error.

■ Accordingly, pursuant to the authority delegated to me, the errors for Class E Airspace, Dodge City, KS as published in the **Federal Register** Friday, July 29, 2005 (70 FR 43744), (FR Doc. 2005-21874), are corrected as follows:

**PART 71—[CORRECTED]**

**§ 71.1 [Corrected]**

On page 43745, Column 2, change the latitude and longitude of Dodge City Regional Airport, KS to (Lat. 37°45'48" N., long. 99°57'56" W.) for ACE KS E2 and ACE KS E5.

Issued in Kansas City, MO, on August 18, 2005.

**Elizabeth S. Wallis,**

*Acting Area Director, Western Flight Services Operations.*

[FR Doc. 05-20047 Filed 10-5-05; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[CGD01-05-029]

RIN 1625-AA09

**Drawbridge Operation Regulations: Passaic River, NJ**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily changing the drawbridge operation regulations for the operation of the Route 280 Bridge, mile 5.8, across the Passaic River, at Harrison, New Jersey. Under this temporary rule the Route 280 Bridge may remain in the closed position for the passage of vessel traffic from March 1, 2006 through November 30, 2007. This temporary rulemaking is necessary to facilitate rehabilitation repairs at the bridge.

**DATES:** This rule is effective March 1, 2006 through November 30, 2007.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01-05-029) and are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Joe Arca, Project Officer, First Coast Guard District, (212) 668-7165.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

On June 2, 2005, we published a notice of proposed rulemaking (NPRM) entitled; Drawbridge Operation Regulations, Passaic River, New Jersey (70 FR 32278). We received no comments in response to the notice of proposed rulemaking. No public hearing was requested and none was held.

**Background and Purpose**

The Route 280 Bridge has a vertical clearance in the closed position of 35 feet at mean high water and 40 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.739(h). Under the existing operation regulations a 24-hour advance notice is required for bridge openings at all times.

The owner of the bridge, the New Jersey Department of Transportation, requested a temporary change to the

drawbridge operation regulations to facilitate rehabilitation maintenance at the bridge.

Under this temporary rule the bridge will remain in the closed position for the passage of vessel traffic from March 1, 2006 through November 30, 2007.

The Route 280 Bridge has not received any requests to open during the past ten years.

#### **Discussion of Comments and Changes**

The Coast Guard received no comments in response to the notice of proposed rulemaking and no changes have been made to this temporary final rule as a result.

#### **Regulatory Evaluation**

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3), of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

This conclusion is based on the fact that the bridge has not received any opening requests for the past ten years.

#### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities.

This conclusion is based on the fact that the bridge has not received any opening requests for the past ten years.

#### **Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

No small entities requested Coast Guard assistance and none was given.

Small businesses may send comments on the actions of Federal employees

who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

#### **Collection of Information**

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### **Federalism**

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

#### **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 State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 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.

#### **Taking of Private Property**

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### **Civil Justice Reform**

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### **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 concern an environmental risk

to health or risk to safety that may disproportionately affect children.

#### **Indian Tribal Governments**

This final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have 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 final rule under Commandant Instruction M16475.1D, 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 (32)(e), of the Instruction, from further environmental documentation. It has been determined that this final rule does not significantly impact the environment.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

■ For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1(g); Department of Homeland Security Delegation No. 0170.1; section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. From March 1, 2006 through November 30, 2007, paragraph (h) in § 117.739 is temporarily suspended and a new paragraph (u) is added to read as follows:

#### § 117.739 Passaic River.

\* \* \* \* \*

(u) From March 1, 2006 through November 30, 2007, the Route 280 Bridge, mile 5.8, may remain in the closed position for the passage of vessel traffic.

Dated: September 25, 2005.

**David P. Pekoske,**

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

[FR Doc. 05–19950 Filed 10–5–05; 8:45 am]

BILLING CODE 4910–15–P

#### LIBRARY OF CONGRESS

#### Copyright Office

#### 37 CFR Parts 201 and 256

[Docket No. 2005–2 CARP CRA]

#### Adjustment of Cable Statutory License Royalty Rates

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

**ACTION:** Final rule.

**SUMMARY:** The Copyright Office of the Library of Congress is publishing final regulations governing the adjustment of the royalty rates for the cable statutory license.

**DATES:** These regulations are effective as of July 1, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Tanya M. Sandros, Associate General Counsel, or Gina Giuffreda, Attorney–Advisor, Copyright Arbitration Royalty Panel (CARP), P.O. Box 90779, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Telefax: (202) 252–3423.

#### SUPPLEMENTARY INFORMATION:

Section 111 of the Copyright Act, 17 U.S.C., creates a statutory license for cable systems that retransmit to their subscribers over–the–air broadcast signals. Royalty fees for this license are calculated as percentages of a cable system’s gross receipts received from subscribers for receipt of broadcast signals. A cable system’s individual gross receipts determine the applicable percentages. These percentages, and the gross receipts limitations, are published in 37 CFR part 256 and are subject to adjustment at five–year intervals. 17 U.S.C. 801(b)(2)(A) & (D).<sup>1</sup> This was a window year for such an adjustment.

Such rate adjustment proceedings may be commenced upon receipt of a petition from a party with a significant interest in the royalty rates. The Library received two such petitions—one on behalf of the Office of the Commissioner of Baseball, the National Football League, the National Basketball Association, the Women’s National Basketball Association, the National Hockey League, and the National Collegiate Athletic Association (collectively, the “Joint Sports Claimants”) and the Motion Picture Association of America, Inc., its member companies and other producers and/or distributors of syndicated television programs (collectively, the “Program Suppliers”) and the other from National Cable & Telecommunications Association (hereinafter “NCTA”). In response to the Joint Sports Claimants/Program Suppliers’ petition and before receipt of the NCTA petition, the Library published a **Federal Register** notice seeking comment on the former petition and directing interested parties to file a Notice of Intent to Participate in a Copyright Arbitration Royalty Panel (“CARP”) rate adjustment proceeding. 70 FR 16306 (March 30, 2005). The notice also designated a 30–day period to enable the parties to negotiate a new rate schedule. 37 CFR 251.63(a).

In accordance with the March 30 notice, the Office received one agreement submitted jointly by representatives of all of the parties who

filed notices of intent to participate in this proceeding. The agreement proposed amending the basic royalty rates and the gross receipts limitations, the regulations governing the filing of the statements of account to reflect these changes, and proposed that the changes become effective beginning with the second semiannual accounting period of 2005. The agreement also noted that the syndex rates were not being adjusted for the new license period. In addition, the parties stated that they were unable to agree on whether or how to adjust the 3.75% rate set forth in § 256.2(c) but would continue their discussions and notify the Office, on or before August 10, 2005, as to whether they would seek such an adjustment.

Pursuant to § 251.63(b) of the CARP rules, the Library published in the **Federal Register** the proposed adjustments to the percentages of gross receipts paid by cable systems and the gross receipts limitations. 70 FR 41650 (July 20, 2005). Section 251.63(b) provides that the Library “may adopt the rate embodied in the proposed settlement without convening an arbitration panel, provided that no opposing comment is received by the Librarian [of Congress] from a party with an intent to participate in a CARP proceeding.” 37 CFR 251.63(b). No comments or Notices of Intent to Participate were received, enabling publication of today’s final regulations adopting the proposed agreement.

These regulations are effective as of July 1, 2005, which means that the new cable rates and the gross receipts limitations are applicable to the second accounting period of 2005 and thereafter. Payment of royalties calculated on the basis of the new rates shall be due no later than March 1, 2006, for the accounting period beginning on July 1, 2005, and ending on December 31, 2005.

The parties to this proceeding have also notified the Copyright Office that they will not seek an adjustment of the 3.75% rate set forth in § 256.2(c). NCTA filed its notice with the Copyright Office on August 2, 2005, and a joint notice of intent not to seek adjustment of the 3.75% rate was filed on August 10, 2005, on behalf of the remaining parties. As no further adjustments of the cable rates are to be considered, the Library is terminating this proceeding, effective as of October 6, 2005. In future years, proceedings to adjust the section 111 cable royalty rates shall be considered by the Copyright Royalty Judges under a new program established by Congress with the passage of the Copyright Royalty and Distribution Reform Act of

<sup>1</sup> Unless otherwise noted, all references are to chapter 8 of title 17 of the United States Code as in effect prior to May 31, 2005, the effective date of the Copyright Royalty and Distribution Reform Act of 2004.