

c. *Review Under the National Environmental Policy Act.* The Corps expects that the final rule will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment has been prepared and it may be reviewed at the District office listed at the end of the **FOR FURTHER INFORMATION CONTACT**, above. If we receive adverse comment, an environmental assessment will be prepared for the subsequent final rule.

d. *Unfunded Mandates Act.* The final rule does not impose an enforceable duty among the private sector and, therefore, are not a Federal private sector mandate and are not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Reform Act (Pub. L. 104-4, 109 Stat. 48, 2 U.S.C. 1501 *et seq.*). We have also found under Section 203 of the Act, that small governments will not be significantly or uniquely affected by this rulemaking.

#### List of Subjects in 33 CFR Part 334

Danger zones, Navigation (water), Restricted areas, Waterways.

■ For the reasons set out in the preamble, the Corps amends 33 CFR part 334 as follows:

#### PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for 33 CFR part 334 continues to read as follows:

**Authority:** 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Revise § 334.450 as follows:

##### § 334.450 Cape Fear River and tributaries at Sunny Point Army Terminal, Brunswick County, NC; restricted area.

(a) *The area.* That portion of Cape Fear River due west of the main ship channel extending from U.S. Coast Guard buoy No. 35 (34°02'03.218" N, 077°56'28.755" W) at the north approach channel to Sunny Point Army Terminal to U.S. Coast Guard buoy No. 27 (33°58'16.12" N, 077°56'59.736" W) at the south approach channel to Sunny Point Army Terminal and all waters of its tributaries therein.

(b) Except in cases of extreme emergency, all persons or vessels of any size or rafts other than those authorized by the Commander, Sunny Point Army Terminal, are prohibited from entering this area without prior permission of the enforcing agency.

(c) The regulations in this section shall be enforced by the Commander, Sunny Point Army Terminal, Southport, North Carolina, and such agencies as he/she may designate.

Dated: August 13, 2010.

**Michael G. Ensich,**

*Chief, Operations, Directorate of Civil Works.*

[FR Doc. 2010-21752 Filed 8-30-10; 8:45 am]

**BILLING CODE 3720-58-P**

## LIBRARY OF CONGRESS

### Copyright Royalty Board

#### 37 CFR Part 386

[Docket No. 2010-4 CRB Satellite Rate]

#### Rate Adjustment for the Satellite Carrier Compulsory License

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

**ACTION:** Final rule.

**SUMMARY:** The Copyright Royalty Judges are publishing final regulations setting the rates for the satellite carrier statutory license of the Copyright Act for the license period 2010-2014.

**DATES: Effective Date:** August 31, 2010.

*Applicability Dates:* These regulations apply to the license period January 1, 2010, to December 31, 2014.

#### 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](mailto:crb@loc.gov).

**SUPPLEMENTARY INFORMATION:** On June 9, 2010, the Copyright Royalty Judges ("Judges") received from the Program Suppliers and the Joint Sports Claimants (collectively, the "Copyright Owners") and DIRECTV, Inc., DISH Network, LLC, and National Programming Service, LLC (collectively, the "Satellite Carriers") a voluntary agreement negotiated pursuant to 17 U.S.C. 119 proposing rates for the satellite carrier statutory license for the period 2010-2014. The Copyright Owners and Satellite Carriers requested that the proposed rates be applied to all satellite carriers, distributors and copyright owners without holding a rate proceeding. *See* 17 U.S.C. 119(c)(1)(D)(ii)(I). As required by section 119(c)(1)(D)(ii)(II), the Judges published for comment the proposed rates in the **Federal Register**, 75 FR 39891 (July 13, 2010).

Section 119(c)(1)(D)(ii)(III) provides that the Judges shall adopt the negotiated rates "unless a party with an intent to participate in the proceeding and a significant interest in the outcome of that proceeding objects under clause (II)." Objections to the proposed rates were to be submitted no later than August 12, 2010. No objections were submitted.

Having received no objections to the proposed rates, the Judges are now adopting as final the proposed rates as published on July 13, 2010. *See* 75 FR 39891.

#### List of Subjects in 37 CFR Part 386

Copyright, Satellite, Television.

#### Final Regulations

■ For the reasons set forth in the preamble, the Copyright Royalty Judges are adding part 386 to Chapter III of title 37 of the Code of Federal Regulations to read as follows:

#### PART 386—ADJUSTMENT OF ROYALTY FEES FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS

Sec.

386.1 General.

386.2 Royalty fee for secondary transmission by satellite carriers.

**Authority:** 17 U.S.C. 119(c), 801(b)(1).

##### § 386.1 General.

This part 386 adjusts the rates of royalties payable under the statutory license for the secondary transmission of broadcast stations under 17 U.S.C. 119.

##### § 386.2 Royalty fee for secondary transmission by satellite carriers.

(a) *General.* (1) For purposes of this section, *Per subscriber per month* shall mean for each subscriber subscribing to the station in question (or to a package including such station) on the last day of a given month.

(2) In the case of a station engaged in digital multicasting, the rates set forth in paragraph (b) of this section shall apply to each digital stream that a satellite carrier or distributor retransmits pursuant to 17 U.S.C. 119, provided however that no additional royalty shall be paid for the carriage of any material related to the programming on such stream.

(b) *Rates*—(1) *Private home viewing.* The rates applicable to Satellite Carriers' carriage of each broadcast signal for private home viewing shall be as follows:

(i) 2010: 25 cents per subscriber per month (for each month of 2010);

(ii) 2011: The 2010 rate, adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all Urban Consumers All Items for October 2009 to October 2010;

(iii) 2012: The 2011 rate, adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all Urban Consumers All Items for October 2010 to October 2011;

(iv) 2013: The 2012 rate, adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all Urban Consumers All Items from October 2011 to October 2012;

(v) 2014: The 2013 rate, adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all Urban Consumers All Items from October 2012 to October 2013.

(2) *Viewing in commercial establishments.* The rates applicable to Satellite Carriers' carriage of each broadcast signal for viewing in commercial establishments shall be as follows:

(i) 2010: 50 cents per subscriber per month (for each month of 2010);

(ii) 2011: The 2010 rate, adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all Urban Consumers All Items from October 2009 to October 2010;

(iii) 2012: The 2011 rate, adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all Urban Consumers All Items from October 2010 to October 2011;

(iv) 2013: The 2012 rate, adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all Urban Consumers All Items for October 2011 to October 2012;

(v) 2014: The 2013 rate, adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all Urban Consumers All Items from October 2012 to October 2013.

Dated: August 26, 2010.

**James Scott Sledge,**

*Chief U.S. Copyright Royalty Judge.*

[FR Doc. 2010-21684 Filed 8-30-10; 8:45 am]

BILLING CODE 1410-72-P

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Part 1

RIN 2900-AN14

#### Deceased Indebted Servicemembers and Veterans: Authority Concerning Certain Indebtedness

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document amends Department of Veterans Affairs (VA) regulations to implement certain statutory provisions that grant limited authority to the Secretary of Veterans Affairs to terminate collection action on certain debts arising from a VA benefit program when the indebted individual is a member of the Armed Forces or a veteran who dies as a result of injury

incurred or aggravated in the line of duty while serving in a theater of combat operations in a war or in combat against a hostile force during a period of hostilities on or after September 11, 2001, and to refund amounts collected after the individual's death. This document also implements statutory provisions that grant the Secretary discretionary authority to suspend or terminate collection of debts owed to VA by individuals who died while serving on active duty as a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard during a period when the Coast Guard is operating as a service in the Navy, and to refund amounts collected after the individual's death.

**DATES:** *Effective Date:* September 30, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Peter Mulhern, Office of Financial Policy (047G), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-6487. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On June 30, 2008, Congress enacted the Combat Veterans Debt Elimination Act of 2008, Public Law 110-252, of which section 1303 amended chapter 53 of title 38, United States Code, to add a new section (38 U.S.C. 5302A) to grant limited authority to the Secretary of Veterans Affairs to terminate collection action on certain debts arising from an individual's indebtedness from a VA benefit program.

The indebted individual must be a member of the Armed Forces or a veteran who dies as a result of injury incurred or aggravated in the line of duty while serving in a theater of combat operations, as determined by the Secretary in consultation with the Secretary of Defense, in a war or in combat against a hostile force during a period of hostilities on or after September 11, 2001. This authority may be exercised in the Secretary's discretion when determined to be in the best interest of the United States. This authority does not apply to any amounts owed the United States under any program carried out under the authority of 38 U.S.C. chapter 37 relating to housing and small business loans. This legislation eliminates the need to contact family members and avoids further hardship on them. Instead, it demonstrates appreciation for sacrifice on behalf of a grateful Nation.

Section 1303 of Public Law 110-252 also states that in any case where all or any part of a debt of a covered individual, as described in 38 U.S.C. 5302A(a), was collected on or after

September 11, 2001, but before the date of Public Law 110-252, enacted on June 30, 2008, the Secretary may refund the amount collected if, in the Secretary's determination, collection of the indebtedness would have been terminated had section 5302A been in effect at the time, and the individual is equitably entitled to such a refund.

On October 10, 2008, Congress enacted the Veterans' Benefits Improvement Act of 2008, Public Law 110-389, of which section 801 amended 31 U.S.C. 3711(f) to grant limited authority to the Secretary to suspend or terminate action by the Secretary to collect a claim against the estate of a person who died while serving on active duty as a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard during a period when the Coast Guard is operating as a service in the Navy. The Secretary must determine that, under circumstances applicable with respect to the deceased person, it is appropriate to do so. Section 801 of Public Law 110-389 also grants the Secretary the authority to refund to the estate of the deceased member any amount collected by the Secretary from a member who died while serving on active duty as a member of the Armed Forces if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so, whether collected before, on, or after October 10, 2008.

In a document published in the **Federal Register** on August 7, 2009, VA published the proposed rule associated with this document, *see* 74 FR 39589, which would implement the provisions of 38 U.S.C. 5302A and 31 U.S.C. 3711(f). In that document, we proposed to add 38 CFR 1.945 to implement the Secretary's limited authority to suspend or terminate collection action on certain debts arising from an individual's indebtedness from a VA benefit program. Under proposed § 1.945, the individual must either be a person who died while serving on active duty after September 11, 2001, as a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard during a period when the Coast Guard is operating as a service in the Navy or the individual must be a member of the Armed Forces or a veteran who dies as a result of injury incurred or aggravated in the line of duty while serving in a theater of combat operations, as determined by the Secretary in consultation with the Secretary of Defense, in a war or in combat against a hostile force during a period of hostilities after September 11, 2001.