United States and Northern Mexico. The conditional risk along this flight corridor is approximately E_c 13×10^{-3}. The FAA multiplied 13×10^{-3} by one-third, to account for the fact that this failure mode is only applicable to one-third of the burn, which results in an E_c of 41×10^{-4}. The total conditional risk associated with an autonomous reentry, where a burn failure is assumed, is 19×10^{-3}. Thus, there is theoretically 20% less risk in an attempt to reenter Dragon than there is in leaving it in orbit given a communications failure.

Also of importance to the FAA's decision to grant a waiver, Dragon is equipped with a number of mitigating features. First, the vehicle automatically safes itself in the case of an off-nominal burn. This means that if Dragon conducted its reentry burn, but computed that the desired landing spot would not be achieved, it would vent the rest of its fuel, thereby reducing the possibility of explosion or dispersion of toxic fumes on impact. Second, the vehicle has the ability to autonomously guide itself to its planned landing location in the Pacific Ocean, some 780 kilometers from the coastline. This internal capability allows Dragon to act independently, based on programmed instructions and information regarding its location, if communications with the ground are lost. Third, the vehicle has the ability to monitor its safety-critical systems in real-time. This means Dragon has near-immediate awareness of the operability of its on-board systems that allow it to operate safely, and this awareness enables Dragon to react in time to conduct a reentry. Fourth, the vehicle has a space-grade IMU and flight computer. This means Dragon is equipped with a system that provides information on where Dragon is, which is pertinent to its guidance capabilities, and the IMU and flight computer are designed and tested to operate in the rigorous conditions of space.

C. National Security and Foreign Policy Implications

The FAA has not identified any national security or foreign policy implications associated with granting this waiver.

Summary and Conclusion: A waiver is in the public interest because it accomplishes the goals of Chapter 701 and decreases risk to the public. The waiver will not jeopardize public health and safety or safety of property because allowing autonomous reentry of a healthy Dragon vehicle that has lost all communications presents less risk than a random reentry. A waiver will not jeopardize national security and foreign policy interests of the United States. For the foregoing reasons, the FAA has waived the requirement of 14 CFR 431.43(e) for a commanded reentry, and allows SpaceX to autonomously initiate reentry flight of Dragon in the event that all communication between ground operators and Dragon has been lost, and Dragon is healthy.

Issued in Washington, DC on November 30, 2010.

Kenneth Wong,

Licensing and Safety Division Manager.

[FR Doc. 2010–30399 Filed 12–3–10; 8:45 am]

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Copyright Royalty Board

37 CFR Part 386

[Docket No. 2010–10 CRB Satellite COLA]

Cost of Living Adjustment to Satellite Carrier Compulsory License Royalty Rates

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Royalty Judges announce a cost of living adjustment ("COLA") of 1.2% in the royalty rates paid by satellite carriers under the satellite carrier compulsory license of the Copyright Act. The COLA is based on the change in the Consumer Price Index from October 2009 to October 2010.

DATES: *Effective Date:* January 1, 2011.

Applicability Dates: These rates are applicable for the period January 1, 2011, through December 31, 2011.

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

SUPPLEMENTARY INFORMATION: The satellite carrier compulsory license establishes a statutory copyright licensing scheme for the retransmission of distant television programming by satellite carriers. 17 U.S.C. 119. Congress created the license in 1988 and has reauthorized the license for additional five-year periods, most recently with the passage of the Satellite Television Extension and Localism Act of 2010, ("STELA"), Public Law 111–175, which was signed into law by the President on May 27, 2010.

Program Suppliers and Joint Sports Claimants (collectively, the "Copyright Owners") and DIRECTV, Inc., DISH Network, LLC, and National Programming Service, LLC (collectively, the "Satellite Carriers") submitted a voluntary agreement proposing rates for the section 119 compulsory license for the period 2010–2014 and 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). After publishing the proposed rates in the **Federal Register** and receiving no objections, the Judges adopted the rates as final in 37 CFR part 386. 75 FR 53198 (August 31, 2010).

Section 119(c)(2) requires the Judges annually to adjust these rates "to reflect any changes occurring in the cost of living adjustment (for all consumers and for all items) published * * * before December 1 of the preceding year" with such rates being effective on January 1 of each year. 17 U.S.C. 119(c)(2). The Judges are required to publish in the **Federal Register** "[n]otification of the adjusted fees * * * at least 25 days before January 1." *Id.* Today's notice fulfills this obligation.

The change in the cost of living as determined by the CPI–U during the period from the most recent index published before December 1, 2009, to the most recent index published before December 1, 2010, is 1.2%.[1] Rounding to the nearest cent, the royalty rates for the secondary transmission of broadcast stations by satellite carriers for private home viewing and viewing in commercial establishments are 25 cents and 51 cents, respectively.

List of Subjects in 37 CFR Part 386

Copyright, Satellite, Television.

Final Regulations

■ For the reasons set forth in the preamble, part 386 of title 37 of the Code of Federal Regulations is amended as follows:

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

■ 1. The authority citation for part 386 continues to read as follows:

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

■ 2. Section 386.2 is amended by revising paragraphs (b)(1)(ii) and (b)(2)(ii) as follows:

§ 386.2 Royalty fee for secondary transmission by satellite carriers.

* * * * *

[1] The most recent CPI–U figures are published in November of each year and use the period 1982–1984 to establish a reference base of 100. The index for October 2009 was 216.177, while the figure for October 2010 was 218.711.

(b)(1) * * *

(ii) 2011: 25 cents per subscriber per month;

* * * * *

(2) * * *

(ii) 2011: 51 cents per subscriber per month;

* * * * *

Dated: November 30, 2010.

James Scott Sledge,

Chief U.S. Copyright Royalty Judge.

[FR Doc. 2010–30416 Filed 12–3–10; 8:45 am]

BILLING CODE 1410–72–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2009–0561–201053(c); FRL–9235–4]

Approval and Promulgation of Implementation Plans; North Carolina: Greensboro-Winston-Salem-High Point; Determination of Attaining Data for the 1997 Fine Particulate Matter Standard; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendment.

SUMMARY: On January 4, 2010, EPA published a final rule determining that the Greensboro-Winston-Salem-High Point nonattainment area (hereafter referred to as the "Greensboro Area") has attaining data for the 1997 fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS). This action corrects a typographical error in the regulatory language in paragraph (e) of EPA's January 4, 2010, final rule.

DATES: This action is effective December 6, 2010.

ADDRESSES: Copies of the documentation used in the action being corrected are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Lynorae Benjamin, Chief, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Ms. Benjamin can be reached at 404–562–9040, or via electronic mail at benjamin.lynorae@epa.gov.

SUPPLEMENTARY INFORMATION: This action corrects a typographical error in the regulatory language for an entry that appears in paragraph (e) of North Carolina's Identification of Plan at 40 CFR 52.1781. The final action, which determined that the Greensboro Area has attaining data for the 1997 $PM_{2.5}$ NAAQS, was approved by EPA on January 4, 2010 (75 FR 56). However, EPA inadvertently cited 40 CFR 52.1004(c) as the section of the Code of Federal Regulations (CFR) that suspends the requirements for areas attaining the 1997 $PM_{2.5}$ NAAQS to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning state implementation plans related to attainment of the $PM_{2.5}$ NAAQS. The correct citation is 40 CFR 51.1004(c). Therefore, EPA is correcting this typographical error by inserting 51.1004(c) into paragraph (e) of 40 CFR 52.1781.

EPA has determined that today's action falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation where public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest. Public notice and comment for this action are unnecessary because today's action to correct an inadvertent error contained in paragraph (e) of 40 CFR 52.1781 of the rulemaking and has no substantive impact on EPA's January 4, 2010, approval. In addition, EPA can identify no particular reason why the public would be interested in being notified of the correction, or in having the opportunity to comment on the correction prior to this action being finalized, since this correction action does not change the meaning of EPA's analysis or action to approve the addition of paragraph (e) to 40 CFR 52.1781.

EPA also finds that there is good cause under APA section 553(d)(3) for this correction to become effective on the date of publication of this action. Section 553(d)(3) of the APA allows an effective date less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule." 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period prescribed in APA section 553(d)(3) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's action merely corrects a typographical error in paragraph (e) of a prior rulemaking by correcting the citation as identified above in 40 CFR 52.1781 in a revision, which EPA approved on January 4, 2010. For these reasons, EPA finds good cause under APA section 553(d)(3) for this correction to become effective on the date of publication of this action.

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely corrects a typographical error in paragraph (e) of a prior rulemaking by correcting the citation as identified above in 40 CFR 52.1781, which EPA approved on January 4, 2010, and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule merely corrects an inadvertent error in paragraph (e) of a prior rule, and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have Tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This rule also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in