

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.

2004, Public Law 108-419, 118 Stat. 2341.

### List of Subjects

37 CFR Part 201

Copyright, Procedures.

37 CFR Part 256

Cable television, Royalties.

### Final Regulations

■ For the reasons set forth in the preamble, the Library amends 37 CFR parts 201 and 256 as follows:

#### PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

**Authority:** 17 U.S.C. 702

##### § 201.17 [Amended]

■ 2. Section 201.17 is amended as follows:

- a. In paragraph (d)(2), by removing “\$379,600” each place it appears and adding “\$527,600” in its place;
- b. In paragraph (e)(12), by removing “\$98,600” and adding “\$137,100” in its place; and
- c. In paragraph (g)(2)(ii), by removing “0.956” and adding “1.013” in its place.

#### PART 256—ADJUSTMENT OF ROYALTY FEE FOR CABLE COMPULSORY LICENSE

■ 3. The authority citation for part 256 continues to read as follows:

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

##### § 256.2 [Amended]

■ 4. Section 256.2 is amended as follows:

- a. In paragraph (a) introductory text, by removing the phrase “the second semiannual accounting period of 2000” and adding the phrase “the second semiannual accounting period of 2005” in its place;
- b. In paragraph (a)(1), by removing “.956” and adding “1.013” in its place;
- c. In paragraph (a)(2), by removing “.956” and adding “1.013” in its place;
- d. In paragraph (a)(3), by removing “.630” and adding “.668” in its place;
- e. In paragraph (a)(4), by removing “.296” and adding “.314” in its place;
- f. In paragraph (b) introductory text, by removing the phrase “the second semiannual accounting period of 2000” and adding the phrase “the second semiannual accounting period of 2005” in its place;
- g. In paragraph (b)(1), by removing “\$189,800” each place it appears and adding “\$263,800” in its place, and by removing \$7,400” and adding “\$10,400” in its place; and

■ h. In paragraph (b)(2), by removing “\$189,800” each place it appears, and adding “\$263,800” in its place, and by removing “\$379,600” each place it appears and adding “\$527,600” in its place.

Dated: September 13, 2005

**Marybeth Peters,**

*Register of Copyrights.*

Approved by:

**James H. Billington,**

*The Librarian of Congress.*

[FR Doc. 05-20096 Filed 10-5-05; 8:45 am]

**BILLING CODE 1410-33-S**

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[R10-OAR-2005-ID-0002; FRL-7977-5]

#### Approval and Promulgation of Implementation Plans; Idaho; Correcting Amendment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** In this final action, EPA is correcting an error in the incorporation by reference provisions in the approval of revisions to the Rules for the Control of Air Pollution in Idaho (IDAPA 58.01.01) published on January 16, 2003 (68 FR 2217). This correction removes the list of State toxic air pollutants from the definition of “regulated air pollutant” in the EPA-approved Idaho State implementation plan.

**DATES:** This action is effective on November 7, 2005.

**ADDRESSES:** Copies of the State’s request and other supporting information used in developing this action are available for inspection during normal business hours at the following locations: EPA, Office of Air, Waste, and Toxics (AWT-107), 1200 Sixth Avenue, Seattle, Washington 98101. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. A reasonable fee may be charged for copies.

**FOR FURTHER INFORMATION CONTACT:** David C. Bray, Office of Air, Waste and Toxics, AWT-107, Environmental Protection Agency, Region 10, 1200 Sixth Ave., Seattle, WA 98101; phone: (206) 553-4253.

#### SUPPLEMENTARY INFORMATION:

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#### I. Background

On January 16, 2003 (68 FR 2217), EPA approved numerous changes to the Idaho Department of Environmental Quality (IDEQ) rules as revisions to the Idaho State implementation plan (SIP). In that rulemaking, EPA did not approve the IDEQ rules for toxic air pollutants or TAP’s and specifically excluded the toxic air pollutant provisions (IDAPA 58.01.01.203.03, 210, 223, 585, and 586) from its incorporation by reference. See 40 CFR 52.670(c)(37); 68 FR at 2224 (January 16, 2003); 67 FR 52666, 52668, 52672-73 (August 13, 2002). However, EPA inadvertently incorporated a cross reference to the toxic air pollutant provisions (Sections 585 and 586) within the IDEQ definition of “regulated air pollutant” (IDAPA 58.01.01.006(84)). It was EPA’s intention to exclude all aspects of the IDEQ toxic air pollutant program from the federally-approved SIP.

EPA also received a request from the IDEQ to correct the inadvertent incorporation by reference. In an October 20, 2004 letter to EPA, the Administrator of the IDEQ Air Quality Division requested that EPA clarify or correct its approval of the Idaho SIP.

On July 20, 2005, EPA proposed to correct this error by amending the incorporation by reference of the Idaho SIP to exclude paragraph (f) from the definition of “regulated air pollutant” at IDAPA 58.01.01.006(84).

#### II. This Action

A. *What Comments Did We Receive on the Proposed Action?*

EPA provided a 30-day review and comment period on the proposal published in the **Federal Register** on July 20, 2005. 70 FR 41652. We received no comments on our proposed rulemaking.

B. *What Is the Basis for This Action?*

Under section 110(k)(6) of the Clean Air Act, whenever EPA determines that its action approving, disapproving, or promulgating any plan or plan revision (or part thereof), area designation, redesignation, classification, or reclassification was in error, EPA may in the same manner as the approval, disapproval, or promulgation revise such action as appropriate without requiring any further submission from the state. Such determination and the basis thereof shall be provided to the state and public. Pursuant to section