

Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

**Signing Authority**

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. John R. Gingrich approved this document for publication on December 28, 2009.

**John R. Gingrich,**

*Chief of Staff, Department of Veterans Affairs.*

■ For the reasons set forth in the preamble, VA amends 38 CFR part 17 as follows:

**PART 17—MEDICAL**

■ 1. The authority citation for part 17 continues to read as follows:

**Authority:** 38 U.S.C. 501, 1721, and as noted in specific sections.

■ 2. In § 17.110, paragraph (b) is revised to read as follows:

**§ 17.110 Copayments for medication.**

\* \* \* \* \*

(b) *Copayments*—(1) *Copayment amount.* Unless exempted under paragraph (c) of this section, a veteran is obligated to pay VA a copayment for each 30-day or less supply of medication provided by VA on an outpatient basis (other than medication administered during treatment). For the period from January 1, 2010 through June 30, 2010, the copayment amount is \$8. Thereafter, the copayment amount for each calendar year or other period as determined by the Secretary will be established by using the prescription drug component of the Medical Consumer Price Index as follows: The Index as of the previous September 30 will be divided by the Index as of September 30, 2001. The ratio so obtained will be multiplied by the original copayment amount of \$7. The new copayment amount will be this result, rounded down to the whole dollar amount.

**Note to paragraph (b)(1):** Example for determining copayment amount.

The ratio of the prescription drug component of the Medical Consumer Price Index for September 30, 2005, to the corresponding Index for September 30, 2001, was 1.1542. This ratio, when multiplied by the original copayment amount of \$7 equals \$8.08, and the copayment amount beginning in calendar year 2006, rounded down to the whole dollar amount, was set at \$8.

(2) The total amount of copayments in a calendar year for a veteran enrolled in

one of the priority categories 2 through 6 of VA's health care system (see § 17.36) shall not exceed the cap established for the calendar year. During the period from January 1, 2010 through June 30, 2010, the cap will be \$960. If the copayment amount increases after June 30, 2010, the cap of \$960 shall be increased by \$120 for each \$1 increase in the copayment amount.

(3) *Information on copayment/cap amounts.* Current copayment and cap amounts are available at any VA Medical Center and on our Web site, <http://www.va.gov>. Notice of any increases to the copayment and corresponding increases to annual cap amount will be published in the **Federal Register**.

\* \* \* \* \*

[FR Doc. E9-31124 Filed 12-30-09; 8:45 am]

**BILLING CODE P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 76**

[FCC 09-113]

**Implementation of Section 1003(b) of the Department of Defense Appropriations Act, 2010**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document establishes a new sunset date for certain Commission's rules applicable to retransmission consent in accordance with Section 1003(b) of the Department of Defense Appropriations Act, 2010, Public Law No. 111-118.

**DATES:** Effective December 31, 2009.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** For additional information on this proceeding, contact David Konczal, [David.Konczal@fcc.gov](mailto:David.Konczal@fcc.gov), of the Media Bureau, Policy Division, (202) 418-2120.

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Order*, FCC 09-113, adopted and released on December 28, 2009. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY-A257, Washington, DC 20554. This document will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs/>). (Documents will be available

electronically in ASCII, Word 97, and/or Adobe Acrobat.) The complete text may be purchased from the Commission's copy contractor, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

**Summary of the Order**

*I. Introduction*

1. In this *Order*, we amend §§ 76.64(l) and 76.65(f) of the Commission's rules in accordance with Section 1003(b) of the Department of Defense Appropriations Act, 2010, Public Law No. 111-118, Sec. 1003(b) (2009), which was enacted on December 19, 2009. Section 325(b)(3)(C)(ii) of the Communications Act of 1934, as amended (the "Act"), required the Commission to adopt regulations that, until January 1, 2010, prohibit a television broadcast station that provides retransmission consent from engaging in exclusive contracts for carriage or failing to negotiate in good faith. 47 U.S.C. 325(b)(3)(C)(ii). Section 325(b)(3)(C)(iii) required the Commission to adopt regulations that, until January 1, 2010, prohibit a multichannel video programming distributor from failing to negotiate in good faith for retransmission consent. 47 U.S.C. 325(b)(3)(C)(iii). The Commission has previously adopted rules to implement these provisions, including §§ 76.64(l) and 76.65(f) to reflect the sunset date of January 1, 2010. *See* 47 CFR 76.64(l) ("Exclusive retransmission consent agreements are prohibited. No television broadcast station shall make or negotiate any agreement with one multichannel video programming distributor for carriage to the exclusion of other multichannel video programming distributors. This paragraph shall terminate at midnight on December 31, 2009."); 47 CFR 76.65(f) ("Termination of rules. This section shall terminate at midnight on December 31, 2009.").

2. In Section 1003(b) of the Department of Defense Appropriations Act, 2010, Congress amended Sections 325(b)(3)(C)(ii) and (iii) to replace the previous sunset date of January 1, 2010 with a new sunset date of March 1, 2010. *See* Department of Defense Appropriations Act, 2010, Public Law No. 111-118, Sec. 1003(b). Accordingly, we are amending our rules to reflect the

new sunset date, provided that if Congress further extends this date, the rules remain in effect until the statutory authorization expires. We are amending these rules without providing prior public notice and comment because prior notice and comment would be impracticable in this case. See 5 U.S.C. 553(b)(3)(B). Section 1003(b) of the Department of Defense Appropriations Act, 2010 was enacted on December 19, 2009, less than two weeks before the sunset date of January 1, 2010. This provides the Commission with an insufficient amount of time to publish a Notice of Proposed Rulemaking in the **Federal Register**, to allow time for meaningful comment, and to consider those comments before taking the necessary actions prior to the sunset date of January 1, 2010. See *Petry v. Block*, 737 F.2d 1193, 1201 (D.C. Cir. 1984) (holding that the “extremely limited time given by Congress” established “good cause” for not seeking prior notice and comment). Moreover, our action here is largely ministerial, because it simply implements a new sunset date established by Congress. See 5 U.S.C. 553(b)(3)(B). See, e.g., *Metzenbaum v. Federal Energy Regulatory Commission*, 675 F.2d 1282, 1291 (DC Cir. 1982) (agency order, issued pursuant to congressional waiver of certain provisions of federal law that would otherwise have governed construction and operation of Alaskan natural gas pipeline, was appropriately issued without notice and comment as a nondiscretionary ministerial action); *Implementation of Section 505 of the Telecommunications Act of 1996 (Scrambling of Sexually Explicit Adult Video Service Programming)*, 11 FCC Rcd 5386, 5387 (1996); *Implementation of Sections 204(A) and 204(C) of the Telecommunications Act of 1996 (Broadcast License Renewal Procedures)*, 11 FCC Rcd 6363, 6364 (1996); *Implementation of Sections 202(A) and 202(B)(1) of the Telecommunications Act of 1996 (Broadcast Radio Ownership)*, 11 FCC Rcd 12368, 12371 (1996); *Implementation of Sections 202(c)(1) and 202(e) of the Telecommunications Act of 1996 (National Broadcast Television Ownership and Dual Network Operations)*, 11 FCC Rcd 12374, 12377 (1996). Accordingly, we find that this action falls within the “good cause” exception to the notice and comment requirements of the Administrative Procedure Act (“APA”). Because we have found good cause for not seeking prior notice and comment, the Regulatory Flexibility Act and the Congressional Review Act do not apply

to our action here. See 5 U.S.C. 603(a); 5 U.S.C. 808. For similar reasons, we find good cause to make these amendments to our rules effective upon publication in the **Federal Register**. Because the legislation establishing the new sunset date was enacted less than two weeks prior to the previous sunset date of January 1, 2010, we are unable to provide for a 30-day period before the new sunset date in these rules takes effect. See 5 U.S.C. 553(d)(3) (“The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except \* \* \* as otherwise provided by the agency for good cause found and published with the rule.”); see also 47 CFR 1.427(b).

## II. Procedural Matters

3. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

## III. Ordering Clauses

4. *It is ordered* that pursuant to the authority found in Section 325 of the Communications Act of 1934, as amended, 47 U.S.C. 325, and Section 1003(b) of the Department of Defense Appropriations Act, 2010, Public Law No. 111–118, Sec. 1003(b) (2009), §§ 76.64(l) and 76.65(f) of the Commission’s rules *are hereby amended* as set forth in the rule changes below and are effective December 31, 2009.

Federal Communications Commission.

**William F. Caton**,  
Deputy Secretary.

## Rule Changes

■ For the reasons stated in the preamble, the Federal Communications Commission amends 47 CFR part 76 as follows:

### PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 1. The authority citation for part 76 continues to read as follows:

**Authority:** 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 338, 339, 340, 503, 521, 522, 531, 532, 533, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572 and 573.

■ 2. Section 76.64 is amended by revising the last sentence of paragraph (l) to read as follows:

#### § 76.64 Retransmission consent.

\* \* \* \* \*

(l) \* \* \* This paragraph shall terminate at midnight on February 28, 2010, provided that if Congress further extends this date, the rules remain in effect until the statutory authorization expires.

\* \* \* \* \*

■ 3. Section 76.65 is amended by revising paragraph (f) to read as follows:

#### § 76.65 Good faith and exclusive retransmission consent complaints.

\* \* \* \* \*

(f) Termination of rules. This section shall terminate at midnight on February 28, 2010, provided that if Congress further extends this date, the rules remain in effect until the statutory authorization expires.

[FR Doc. E9–31095 Filed 12–30–09; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### 49 CFR Part 192

[Docket No. PHMSA–RSPA–2004–19854; Amdt. 192–113]

RIN 2137–AE15

### Pipeline Safety: Integrity Management Program for Gas Distribution Pipelines

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Final rule; extension of comment period.

**SUMMARY:** PHMSA is extending for 30 days, until February 4, 2010, the period for filing comments to the requirement adopted in the final rule, “Pipeline Safety: Integrity Management Program for Gas Distribution Pipelines” to require the reporting of failures of compression couplings used in metal pipe. PHMSA had invited public comment on the extension of this requirement to include reporting of failure of compression couplings used in metal pipe until January 4, 2010. The American Gas Association (AGA) requested that PHMSA extend the comment period for thirty days.

**DATES:** *Comment Date:* Interested persons are invited to submit comments on the provisions for reporting failures of compression couplings by February 4,