

(d) *Enforcement.* The Coast Guard will begin enforcement of the security zone described in this section upon the SBX-1's departure from Pearl Harbor, HI.

(e) *Informational notice.* The Captain of the Port of Honolulu will cause notice of the enforcement of the security zone described in this section to be made by broadcast notice to mariners.

(f) *Authority to enforce.* Any Coast Guard commissioned, warrant, or petty officer, and any other Captain of the Port representative permitted by law, may enforce this temporary security zone.

(g) *Waiver.* The Captain of the Port may waive any of the requirements of this rule for any person, vessel, or class of vessel upon finding that application of the security zone is unnecessary or impractical for the purpose of maritime security.

(h) *Penalties.* Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Dated: November 3, 2006.

V. B. Atkins,

*Captain, U.S. Coast Guard, Captain of the Port, Honolulu.*

[FR Doc. E6-20355 Filed 11-30-06; 8:45 am]

BILLING CODE 4910-15-P

## LIBRARY OF CONGRESS

### Copyright Royalty Board

#### 37 CFR Part 253

[Docket No. 2006-2 CRB NCBRA]

#### Cost of Living Adjustment for Performance of Musical Compositions by Colleges and Universities

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

**ACTION:** Final rule.

**SUMMARY:** The Copyright Royalty Judges, on behalf of the Copyright Royalty Board of the Library of Congress, announce a cost of living adjustment of 1.3% in the royalty rates paid by colleges, universities, or other nonprofit educational institutions that are not affiliated with National Public Radio for the use of copyrighted published nondramatic musical compositions in the ASCAP, BMI and SESAC repertoires. The cost of living adjustment is based on the change in the Consumer Price Index from October 2005 to October 2006.

**EFFECTIVE DATE:** January 1, 2007.

**FOR FURTHER INFORMATION CONTACT:** Gina Giuffreda, Attorney Advisor, or Abioye

E. Oyewole, CRB Program Specialist. Telephone: (202) 707-7658. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:** Section 118 of the Copyright Act, 17 U.S.C., creates a compulsory license for the use of published nondramatic musical works and published pictorial, graphic, and sculptural works in connection with noncommercial broadcasting. Terms and rates for this compulsory license, applicable to parties who are not subject to privately negotiated licenses, are published in 37 CFR part 253 and are subject to adjustment at five-year intervals. 17 U.S.C. 118(c).

The most recent proceeding to consider the terms and rates for the section 118 license occurred in 2002. 67 FR 15414 (April 1, 2002). Final regulations governing the terms and rates of copyright royalty payments with respect to certain uses by public broadcasting entities of published nondramatic musical works, and published pictorial, graphic, and sculptural works for the license period beginning January 1, 2003, and ending December 31, 2007, were published in the **Federal Register** on December 17, 2002. 67 FR 77170 (December 17, 2002). Pursuant to these regulations, on December 1 of each year, the Librarian shall publish a notice of the change in the cost of living as determined by the Consumer Price Index (all consumers, all items) during the period from the most recent Index published prior to the previous notice, to the most recent Index published prior to December 1 of that year. 37 CFR 253.10(a). The regulations also require that the Librarian publish a revised schedule of rates for the public performance of musical compositions in the ASCAP, BMI, and SESAC repertoires by public broadcasting entities licensed to colleges and universities, reflecting the change in the Consumer Price Index. 37 CFR 253.10(b). Accordingly, the Copyright Royalty Judges, on behalf of the Copyright Royalty Board of the Library of Congress, are hereby announcing the change in the Consumer Price Index and performing the annual cost of living adjustment to the rates set out in § 253.5(c).

The change in the cost of living as determined by the Consumer Price Index (all consumers, all items) during the period from the most recent Index published before December 1, 2005, to the most recent Index published before December 1, 2006, is 1.3% (2005's figure was 199.2; the figure for 2006 is 201.8, based on 1982-1984 = 100 as a reference base). Rounding off to the nearest dollar, the royalty rates for the use of musical

compositions in the repertoires of ASCAP, BMI, and SESAC are \$277, \$277, and \$90, respectively.

#### List of Subjects in 37 CFR Part 253

Copyright, Radio, Television.

#### Final Regulations

■ For the reasons set forth in the preamble, part 253 of title 37 of the Code of Federal Regulations is amended as follows:

#### PART 253—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING

■ 1. The authority citation for part 253 continues to read as follows:

**Authority:** 17 U.S.C. 118, 801(b)(1) and 803.

■ 2. Section 253.5 is amended by revising paragraphs (c)(1) through (c)(3) as follows:

#### § 253.5 Performance of musical compositions by public broadcasting entities licensed to colleges and universities.

\* \* \* \* \*

(c) \* \* \*

(1) For all such compositions in the repertoire of ASCAP, \$277 annually.

(2) For all such compositions in the repertoire of BMI, \$277 annually.

(3) For all such compositions in the repertoire of SESAC, \$90 annually.

\* \* \* \* \*

Dated: November 22, 2006.

James Scott Sledge,

*Chief Copyright Royalty Judge, Copyright Royalty Board.*

[FR Doc. E6-20110 Filed 11-30-06; 8:45 am]

BILLING CODE 1410-72-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2006-0728; FRL-8249-7]

#### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Emission Reductions to Meet Phase II of the Nitrogen Oxides (NO<sub>x</sub>) SIP Call; Correction

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

**ACTION:** Direct final rule; correcting amendment.

**SUMMARY:** This document corrects an error in the rule language of a final rule pertaining to EPA's direct final action to

convert a conditional approval in the West Virginia State Implementation Plan (SIP) to a full approval. The SIP revision pertains to nitrogen oxides (NO<sub>x</sub>) emission reductions required in West Virginia to meet Phase II of the NO<sub>x</sub> SIP Call.

**EFFECTIVE DATE:** December 1, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Marilyn Powers, (215) 814-2308 or by e-mail at [powers.marilyn@epa.gov](mailto:powers.marilyn@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document wherever “we,” “us,” or “our” are used we mean EPA. On September 28, 2006 (71 FR 56881), we published a final rulemaking action announcing our action to approve nitrogen oxides (NO<sub>x</sub>) emission reductions required in West Virginia to meet Phase II of the NO<sub>x</sub> SIP Call. In that document, we inadvertently omitted information describing the **Federal Register** publication date and page citation of the approval date for West Virginia Regulation 45 CSR 1. This action adds the omitted language.

In rule document E6-15981 published in the **Federal Register** on September 28, 2006 (71 FR 56881), on pages 56883 (bottom) and 56884 (top), the revised rule language described in Amendatory Instruction Number 2 is corrected to add a **Federal Register** publication date and page citation for each revised entry in 40 CFR 52.2520(c) for West Virginia Regulation 45 CSR 1.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today’s rule final without prior proposal and opportunity for comment because we are merely correcting an incorrect citation in a previous action. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

**Statutory and Executive Order Reviews**

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore 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)). Because the agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative Procedures Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does 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), nor will it 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 governments, as specified by Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This technical correction action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the “Attorney General’s Supplemental

Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995. (44 U.S.C. 3501 *et seq.*)

The Congressional Review Act (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and established an effective date of December 1, 2006. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This correction to 40 CFR § 52.2520(c) for West Virginia is not a “major rule” as defined by 5 U.S.C. 804(2).

Dated: November 21, 2006

**William T. Wisniewski,**

*Acting Regional Administrator, Regional Administrator, Region III.*

■ 40 CFR Part 52 is amended as follows:

**PART 52—[AMENDED]**

■ 1. The authority citation for 40 CFR part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart XX—West Virginia**

■ 2. In § 52.2520, the table in paragraph (c) is amended by revising entries for [45CSR] Series 1, Sections 1–5, 22, 70–72, 74, 89, 90, and 100 to read as follows:

**§ 52.2520 Identification of plan.**

\* \* \* \* \*

(c) *EPA-Approved Regulations.*

## EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP

State citation [Chapter 16– 20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR § 52.2565
[45 CSR] Series 1 .....	Control and Reduction of Nitrogen Oxides From Non-Electric Generating Units As a means to Mitigate Transport of Ozone Precursors			
Section 45–1–1 .....	General .....	5/1/06	9/28/06, 71 FR 58661	
Section 45–1–2 .....	Definitions .....	5/1/06	9/28/06, 71 FR 58661	
Section 45–1–3 .....	Acronyms .....	5/1/06	9/28/06, 71 FR 58661	
Section 45–1–4 .....	NO <sub>x</sub> Budget Trading Program Applicability .....	5/1/06	9/28/06, 71 FR 58661	
Section 45–1–5 .....	Retired Unit Exemption .....	5/1/06	9/28/06, 71 FR 58661	
* .....	* .....	*	*	*
Section 45–1–22 .....	Information Requirements for NO <sub>x</sub> Budget Permit Applications.	5/1/06	9/28/06, 71 FR 58661	
* .....	* .....	*	*	*
Section 45–1–70 .....	General Monitoring Requirements .....	5/1/06	9/28/06, 71 FR 58661	
Section 45–1–71 .....	Initial Certification and Recertification Procedures .....	5/1/06	9/28/06, 71 FR 58661	
Section 45–1–72 .....	Out of Control Periods .....	5/1/06	9/28/06, 71 FR 58661	
* .....	* .....	*	*	*
Section 45–1–74 .....	Recordkeeping and Reporting .....	5/1/06	9/28/06, 71 FR 58661	
* .....	* .....	*	*	*
Section 45–1–89 .....	Appeal Procedures .....	5/1/06	9/28/06, 71 FR 58661	New Section
Section 45–1–90 .....	Requirements for Stationary Internal Combustion Engines.	5/1/06	9/28/06, 71 FR 58661	New Section.
Section 45–1–100 .....	Requirements for Emissions of NO <sub>x</sub> from Cement Manufacturing Kilns.	5/1/06	9/28/06, 71 FR 58661	
* .....	* .....	*	*	*

\* \* \* \* \*

[FR Doc. E6–20291 Filed 11–30–06; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF DEFENSE

## Defense Acquisition Regulations System

## 48 CFR Part 201

RIN 0750–AF30

## Defense Federal Acquisition Regulation Supplement; Contracting Officers' Representatives (DFARS Case 2005–D022)

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to the designation of a contracting officer's representative. The rule clarifies the authority of a contracting officer's representative and relocates text to the DFARS companion resource, Procedures, Guidance, and Information.

**DATES:** *Effective Date:* December 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms. Robin Schulze, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DARS), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0326; facsimile (703) 602–0350. Please cite DFARS Case 2005–D022.

**SUPPLEMENTARY INFORMATION:****A. Background**

This final rule revises DFARS text addressing contracting officers' representatives. The DFARS changes—

- Clarify the authority of a contracting officer's representative; and
- Remove internal DoD procedures relating to the designation of a contracting officer's representative. Text on this subject has been relocated to the DFARS companion resource, Procedures, Guidance, and Information (PGI), available at <http://www.acq.osd.mil/dpap/dars/pgi>.

DoD published a proposed rule at 71 FR 27659 on May 12, 2006. One source submitted comments on the proposed rule. That source recommended revising the rule at 201.602–2(2)(v) to require that the contracting officer include a copy of the written designation of the contracting officer's representative in the official contract file. DoD agrees with the recommended requirement for file documentation, but, since this is an

administrative matter internal to the Government, DoD has added the requirement to the corresponding text at PGI 201.602–2. DoD has adopted the proposed DFARS rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

**B. Regulatory Flexibility Act**

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule addresses internal DoD procedural matters and makes no significant change to DoD contracting policy.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply, because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*