

consumers from January 2007 to January 2008. 72 FR 68198 (Dec. 4, 2007). Through this final rule, we hereby announce those changes.

The change in the cost of living as determined by the Consumer Price Index (all consumers, all items) for the relevant period is 4.3% (January 2007 figure was 202.4; the figure for January 2008 is 211.080, based on 1982 – 1984 = 100 as a reference base). Rounding off to the nearest cent, the new rates are as follows. For private home viewing of analog stations: 24 cents per subscriber per month for distant superstations and 24 cents per subscriber per month for distant network stations. For viewing in commercial establishments: 48 cents per subscriber per month for distant superstations. For private home viewing of digital stations: 24 cents per subscriber per month for distant superstations and 24 cents per subscriber per month for distant network stations. For viewing in commercial establishments: 48 cents per subscriber per month for distant superstations.

#### List of Subjects in 37 CFR Part 258

Copyright, Satellite, Television.

#### Final Regulations

■ For the reasons set forth above, the Copyright Office amends 37 CFR chapter II as follows:

#### PART 258—ADJUSTMENT OF ROYALTY FEE FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS

■ 1. The authority citation for part 258 continues to read as follows:

**Authority:** 17 U.S.C. 119, 702, 802.

■ 2. Section 258.3(g) is revised to read as follows:

#### § 258.3 Royalty fee for secondary transmission of analog signals of broadcast stations by satellite carriers.

\* \* \* \* \*

(g) Commencing January 1, 2008, the royalty rate for secondary transmission of analog signals of broadcast stations by satellite carriers shall be as follows:

(1) For private home viewing—

(i) 24 cents per subscriber per month for distant superstations.

(ii) 24 cents per subscriber per month for distant network stations.

(2) For viewing in commercial establishments, 48 cents per subscriber per month for distant superstations.

\* \* \* \* \*

■ 3. Section 258.4(d) is revised to read as follows:

#### § 258.4 Royalty fee for secondary transmission of digital signals of broadcast stations by satellite carriers.

\* \* \* \* \*

(d) Commencing January 1, 2008, the royalty rate for secondary transmission of digital signals of broadcast stations by satellite carriers shall be as follows:

(1) For private home viewing—

(i) 24 cents per subscriber per month for distant superstations.

(ii) 24 cents per subscriber per month for distant network stations.

(2) For viewing in commercial establishments, 48 cents per subscriber per month for distant superstations.

\* \* \* \* \*

Dated: March 11, 2008

Marybeth Peters,

Register of Copyright.

[FR Doc. E8–5301 Filed 3–14–08; 8:45 am]

BILLING CODE 1410–30–S

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket No. FEMA–8015]

#### Suspension of Community Eligibility

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

**DATES: Effective Dates:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

**ADDRESSES:** If you want to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office.

#### FOR FURTHER INFORMATION CONTACT:

David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2953.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b)

are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

*National Environmental Policy Act.* This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

*Regulatory Flexibility Act.* The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of

1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

*Regulatory Classification.* This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 13132, Federalism.* This rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This rule meets the applicable standards of Executive Order 12988.

*Paperwork Reduction Act.* This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

**PART 64—[AMENDED]**

■ 1. The authority citation for part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

**§ 64.6 [Amended]**

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
<b>Region VII</b>				
Iowa: Frederika, City of, Bremer County.	190027	December 7, 1990, Emerg; December 7, 1990, Reg; March 04, 2008, Susp.	03/04/2008 .....	03/04/2008
<b>Region IV</b>				
Alabama:				
Arab, City of, Marshall County.	010345	March 21, 1977, Emerg; August 1, 1987, Reg; March 18, 2008, Susp.	03/18/2008 .....	03/18/2008
Boaz, City of, Marshall County.	010276	July 15, 1975, Emerg; August 4, 1985, Reg; March 18, 2008, Susp.	.....*do .....	Do.
Kentucky:				
Sparta, City of, Letcher County.	210079	February 3, 1976, Emerg; August 19, 1986, Reg; March 18, 2008, Susp.	.....do .....	Do.
Trimble County, Unincorporated Areas.	210300	October 25, 1996, Emerg; September 1, 2001, Reg; March 18, 2008, Susp.	.....do .....	Do.
Tennessee:				
Bruceton, Town of, Carroll County.	470244	October 17, 1986, Emerg; February 1, 1990, Reg; March 18, 2008, Susp.	.....do .....	Do.
Carroll County, Unincorporated Areas.	470222	May 15, 1989, Emerg; September 1, 1990, Reg; March 18, 2008, Susp.	.....do .....	Do.
Clarksville, City of, Montgomery County.	470137	July 31, 1975, Emerg; June 15, 1984, Reg; March 18, 2008, Susp.	.....do .....	Do.
McKenzie, Town of, Carroll County.	470023	January 3, 1975, Emerg; September 4, 1985, Reg; March 18, 2008, Susp.	.....do .....	Do.
Montgomery County, Unincorporated Areas.	470136	September 2, 1975, Emerg; June 15, 1984, Reg; March 18, 2008, Susp.	.....do .....	Do.
<b>Region VI</b>				
New Mexico:				
Bernalillo, Town of, Sandoval County.	350056	January 17, 1975, Emerg; January 6, 1983, Reg; March 18, 2008, Susp.	.....do .....	Do.
Corrales, Village of, Sandoval County.	350094	October 14, 1975, Emerg; January 6, 1983, Reg; March 18, 2008, Susp.	.....do .....	Do.
Jemez Springs, Village of, Sandoval County.	350096	April 21, 1976, Emerg; January 3, 1986, Reg; March 18, 2008, Susp.	.....do .....	Do.
Rio Rancho, City of, Sandoval County.	350146	November 14, 1990, Emerg; April 15, 1992, Reg; March 18, 2008, Susp.	.....do .....	Do.
Sandoval County, Unincorporated Areas.	350055	-, Emerg; June 30, 1998, Reg; March 18, 2008, Susp .....	.....do .....	Do.
<b>Region VII</b>				
Nebraska:				
Hoskins, Village of, Wayne County.	310289	May 15, 1975, Emerg; March 1, 1987, Reg; March 18, 2008, Susp.	.....do .....	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Palisade, Village of, Hitchcock County.	310108	August 1, 1978, Emerg; June 3, 1986, Reg; March 18, 2008, Susp.	.....do .....	Do.
Stratton, Village of, Hitchcock County.	310112	July 31, 1975, Emerg; September 24, 1984, Reg; March 18, 2008, Susp.	.....do .....	Do.
Trenton, Village of, Hitchcock County.	310113	March 11, 1975, Emerg; September 1, 1986, Reg; March 18, 2008, Susp.	.....do .....	Do.
<b>Region VIII</b>				
South Dakota:				
Aberdeen, City of, Brown County.	460007	April 9, 1973, Emerg; June 1, 1978, Reg; March 18, 2008, Susp.	.....do .....	Do.
Brown County, Unincorporated Areas.	460006	April 9, 1973, Emerg; September 30, 1988, Reg; March 18, 2008, Susp.	.....do .....	Do.
Columbia, City of, Brown County.	460008	-, Emerg; April 7, 1994, Reg; March 18, 2008, Susp	.....do .....	Do.
Frederick, Town of, Brown County.	460009	March 24, 1976, Emerg; March 1, 1978, Reg; March 18, 2008, Susp.	.....do .....	Do.
Groton, City of, Brown County.	460179	August 8, 1975, Emerg; March 1, 1978, Reg; March 18, 2008, Susp.	.....do .....	Do.
Warner, City of, Brown County.	460298	February 26, 1997, Emerg; June 8, 1998, Reg; March 18, 2008, Susp.	.....do .....	Do.
Westport, Town of, Brown County.	460011	March 21, 1978, Emerg; August 5, 1986, Reg; March 18, 2008, Susp.	.....do .....	Do.

\* do = Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: March 5, 2008.

**David Maurstad,**

*Assistant Administrator for Mitigation  
Department of Homeland Security, Federal  
Emergency Management Agency.*

[FR Doc. E8-5243 Filed 3-14-08; 8:45 am]

**BILLING CODE 9110-12-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 060314069-6138-002]

RIN 0648-XG29

**Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Elephant Trunk Scallop Access Area to General Category Scallop Vessels**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS announces that the Elephant Trunk Scallop Access Area (ETAA) will close to general category scallop vessels until it re-opens on March 1, 2009 under current regulations. This action is based on the determination that 865 general category

scallop trips into the ETAA are projected to be taken as of 0001 hr local time, March 13, 2008. This action is being taken to prevent the allocation of general category trips in the ETAA from being exceeded during the 2008 fishing year, in accordance with the regulations implementing Framework 18 to the Atlantic Sea Scallop Fishery Management Plan (FMP) and the Magnuson-Stevens Fishery Conservation and Management Act.

**DATES:** The closure of the ETAA to all general category scallop vessels is effective 0001 hr local time, March 13, 2008, through February 28, 2009.

**FOR FURTHER INFORMATION CONTACT:** Don Frei, Fishery Management Specialist, (978) 281-9221, fax (978) 281-9135.

**SUPPLEMENTARY INFORMATION:** Regulations governing fishing activity in the Sea Scallop Access Areas are found at §§ 648.59 and 648.60. Regulations specifically governing general category scallop vessel operations in the ETAA are specified at § 648.59(e)(4)(ii). These regulations authorize vessels issued a valid general category scallop permit to fish in the ETAA under specific conditions, including a total of 865 trips that may be taken by general category vessels during the 2008 fishing year. The regulations at § 648.59(e)(4)(ii) require the ETAA to be closed to general category scallop vessels once the Northeast Regional Administrator has determined that the allowed number of trips are projected to be taken.

Based on Vessel Monitoring System (VMS) trip declarations by general category scallop vessels fishing in the ETAA, and analysis of fishing effort, a projection concluded that, given current activity levels by general category scallop vessels in the area, the trip-cap will be attained on March 12, 2008. Therefore, in accordance with the regulations at § 648.59(e)(4)(ii), the ETAA is closed to all general category scallop vessels as of 0001 hr local time, March 13, 2008. This closure is in effect for the remainder of the 2008 scallop fishing year under current regulations. The ETAA is scheduled to re-open to scallop fishing, including trips for general category scallop vessels, on March 1, 2009, unless the schedule for scallop access areas is modified by the New England Fishery Management Council.

**Classification**

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

This action closes the ETAA to all general category scallop vessels until March 1, 2009 under current regulations. The regulations at § 648.59(e)(4)(ii) allow such action to ensure that general category scallop vessels do not take more than their allocated number of trips in the ETAA. The ETAA opened for the 2008 fishing year at 0001 hours on March 1, 2008. Data indicating the general category scallop fleet has taken all of the ETAA