

properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed collection: Rehabilitation Plan and Award (OWCP-16). A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before February 28, 2005.

**ADDRESSES:** Ms. Hazel M. Bell, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0418, fax (202) 693-1451, E-mail [bell.hazel@dol.gov](mailto:bell.hazel@dol.gov). Please use only one method of transmission for comments (mail, fax, or E-mail).

## SUPPLEMENTARY INFORMATION

### I. Background

The Office of Workers' Compensation Programs (OWCP) is the agency responsible for administration of the Longshore and Harbor Workers' Compensation Act (LHWCA); 33 U.S.C. 901 *et seq.*, and the Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101 *et seq.* Both of these Acts authorize OWCP to pay for approved vocational rehabilitation services to eligible workers with work-related disabilities. OWCP must receive the signatures of the worker and the rehabilitation counselor to show that the worker agrees to follow the proposed plan, and that the proposed plan is appropriate. The OWCP-16 is the standard format for the collection of information needed to approve proposed vocational rehabilitation services. Form OWCP-16 serves to document the agreed upon plan for rehabilitation services submitted by the injured worker and vocational rehabilitation counselor, the costs involved, and OWCP's award of payment from funds provided for rehabilitation. Form OWCP-16 summarizes the costs of the rehabilitation plan to enable OWCP to make a prompt decision on funding. This information collection is currently approved for use through June 30, 2005.

### II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

### III. Current Actions

The Department of Labor seeks the approval of the extension of this information collection in order to carry out its responsibility to provide vocational rehabilitation services to eligible workers currently unemployed because of disability.

*Type of Review:* Extension.

*Agency:* Employment Standards Administration.

*Titles:* Rehabilitation Plan and Award.

*OMB Number:* 1215-0067.

*Agency Numbers:* OWCP-16.

*Affected Public:* Business or other for-profit; Individuals or households.

*Total Respondents:* 7,000.

*Total Annual responses:* 7,000.

*Estimated Total Burden Hours:* 3,500.

*Estimated Time Per Response:* 30 minutes.

*Frequency:* On Occasion.

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintenance):* \$0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: December 22, 2004.

**Sue R. Blumenthal,**

*Acting Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.*

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**BILLING CODE 4510-CH-P**

## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. 2004-9 CARP SRA]

### Rate Adjustment for the Satellite Carrier Compulsory License

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice of voluntary negotiation period.

**SUMMARY:** The Copyright Office of the Library of Congress is announcing the voluntary negotiation period for the purpose of determining the royalty fees for analog signals to be paid by satellite carriers under the satellite carrier compulsory license.

**DATES:** The voluntary negotiation period commences on December 30, 2004 and concludes on January 10, 2005.

**ADDRESSES:** If hand delivered by a private party, an original and five copies of voluntary agreements should be brought to Room LM-401 of the James Madison Memorial Building and the envelope should be addressed as follows: Office of the General Counsel/CARP, U.S. Copyright Office, James Madison Memorial Building, Room LM-401, 101 Independence Avenue, SE., Washington, DC 20559-6000 between 8:30 a.m. and 5 p.m. If delivered by a commercial courier, an original and five copies of voluntary agreements must be delivered to the Congressional Courier Acceptance Site located at 2nd and D Streets, NE. between 8:30 a.m. and 4 p.m. The envelope should be addressed as follows: Office of the General Counsel/CARP, Room LM-403, James Madison Memorial Building, 101 Independence Avenue, SE., Washington, DC. If sent by mail (including overnight delivery using U.S. Postal Service Express Mail), an original and five copies of voluntary agreements should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC. 20024. Voluntary agreements may not be delivered by means of overnight delivery services such as Federal Express, United Parcel Service, etc., due to delays in processing receipt of such deliveries.

### FOR FURTHER INFORMATION CONTACT:

David O. Carson, General Counsel, or Gina Giuffreda, Attorney Advisor, Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC. 20024. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

### SUPPLEMENTARY INFORMATION:

## Background

The satellite carrier compulsory license establishes a statutory copyright licensing scheme for satellite carriers that retransmit television broadcast signals to satellite dish owners for their private home viewing. 17 U.S.C. 119. Congress created the license in 1988 with the passage of the Satellite Home Viewer Act of 1988. Congress reauthorized the satellite license for additional five-year periods in 1994 and 1999, and the license was slated to expire on December 31, 2004. However, Congress again reauthorized the satellite license for another five years with the passage of the Satellite Home Viewer Extension and Reauthorization Act of 2004 ("the 2004 Act") (as part of the Consolidated Appropriations Act, 2005), Pub. L. 108-447, which was signed into law by the President on December 8, 2004.

Satellite carriers pay royalties based on a flat, per-subscriber, per-month fee. These rates were initially set by Congress in the Satellite Home Viewer Act of 1988 and then later adjusted by a three-person arbitration panel convened by the former Copyright Royalty Tribunal. 57 FR 19052 (May 1, 1992). When the license was reauthorized in 1994, Congress directed that the rates be adjusted by the Librarian of Congress using the system that replaced the Copyright Royalty Tribunal, namely, *ad hoc* Copyright Arbitration Royalty Panels ("CARPs") administered by the Librarian of Congress and the Copyright Office. Accordingly, the Librarian adjusted the rates in 1997. 62 FR 55742 (October 28, 1997). In the Satellite Home Viewer Improvement Act of 1999, which reauthorized the license for an additional five years, Congress reduced the rates set by the Librarian.

The 2004 Act adopts the rates as reduced by Congress in 1999 but calls for the amendment of those rates to be paid by satellite carriers for the secondary transmission of the primary analog transmission of network stations and superstations. This notice begins the process mandated by the statute.

## Voluntary Negotiation Period

Sections 119(c)(1)(B) of the Copyright Act, 17 U.S.C., provides that "[o]n or before January 2, 2005, the Librarian of Congress shall cause to be published in the **Federal Register** [notice] of the initiation of voluntary negotiation proceedings for the purpose of determining the royalty fee to be paid by satellite carriers \* \* \* under subsection (b)(1)(B)." This notice initiates the voluntary negotiation period.

The statute provides that "[w]ithin 10 days after publication in the **Federal Register** of a notice of the initiation of voluntary negotiation proceedings, parties who have reached a voluntary agreement may request that the royalty fees in that agreement be applied to all satellite carriers, distributors, and copyright owners without convening an arbitration proceeding." 17 U.S.C. 119(c)(1)(D)(ii)(I). In accordance with this provision, the voluntary negotiation period commences today, December 30, 2004, and concludes January 10, 2005.

If a voluntary agreement is reached by the end of the negotiation period, the parties can request that the Librarian publish the agreement for notice and comment in accordance with section 119(c)(1)(D)(ii)(II) and adopt the rates in the voluntary agreement if no objections are received from a party with a significant interest and an intention to participate in an arbitration proceeding. 17 U.S.C. 119(c)(1)(D)(ii)(III). If an objection to the voluntary agreement is received or if parties are unable to reach a voluntary agreement, the statute dictates that the rates be determined under the current CARP system.<sup>1</sup> Therefore, if a CARP proceeding becomes necessary, the Library must apply the rules and regulations of 37 CFR part 251. Consequently, should the parties be unable to reach a voluntary agreement by the end of the voluntary negotiation period or should a party with a significant interest and an intention to participate in an arbitration proceeding file an objection to the agreement, the Library will publish a subsequent notice calling for the filing of Notices of Intent to Participate.

Dated: December 27, 2004.

**David O. Carson,**

*General Counsel.*

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<sup>1</sup> On November 30, 2004, the President signed into law the Copyright Royalty and Distribution Act of 2004, Pub. L. 108-419, which eliminates the CARP system and replaces it with three permanent Copyright Royalty Judges. However, the 2004 Act calls for satellite royalty rates to be determined "under chapter 8 as in effect on the day before the date of enactment of the Copyright Royalty and Distribution Act of 2004." 17 U.S.C. 119(c)(1)(F).

## INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

### United States Section; Notice of Availability (NOA) of the Draft Supplemental Environmental Impact Statement (DSEIS) for Clean Water Act (CWA) Compliance at the South Bay International Wastewater Treatment Plant (SBIWTP), San Diego, California

**AGENCY:** United States Section, International Boundary and Water Commission (USIBWC).

**ACTION:** Notice of Availability.

**SUMMARY:** This announces the availability of the DSEIS that assesses the potential environmental impacts of the construction and operation of a range of treatment and disposal alternatives for the SBIWTP to achieve compliance with the CWA. Situated in the United States at the United States/Mexico border, the SBIWTP treats sewage flows originating from the City of Tijuana, Mexico and the surrounding region and discharges into the Pacific Ocean through an ocean outfall. The DSEIS considers existing and new alternatives that would enable the USIBWC to bring the SBIWTP into compliance with the CWA and the requirements contained in its National Pollutant Discharge Elimination System (NPDES) permit and to evaluate new information on the current discharges of advanced primary effluent from the SBIWTP through the South Bay Ocean Outfall (SBOO), as well as interim actions that would continue operations of the SBIWTP until the SBIWTP achieves CWA compliance. The United States Environmental Protection Agency (USEPA), Region 9, San Francisco, California, is a Cooperating Agency for this action.

**DATES:** Written comments are requested by February 28, 2005. The public comment period of the DSEIS will end 60 days after publication of the NOA in the **Federal Register**.

**Public Hearing:** A public hearing regarding the findings of the DSEIS and to take comments on the DSEIS will be held at 6:30 pm on Wednesday, February 2, 2005 at the San Ysidro Middle School (Auditorium), 4345 Otay Mesa Road, San Diego.

**ADDRESSES:** Written comments (no e-mails or faxes) must be addressed to: Mr. Daniel Borunda, Environmental Protection Specialist, Compliance Section, USIBWC, 4171 North Mesa Street, C-100, El Paso, Texas 79902. A copy of the DSEIS is available at <http://www.ibwc.state.gov> and in local public libraries in the San Diego area. A