

expected retirement age based on both the earliest age a participant could retire under the plan and the unreduced retirement age. This expected retirement age is used to compute the value of the early retirement benefit and, thus, the total value of benefits under the plan.

This document amends appendix D to replace Table I-04 with Table I-05 in order to provide an updated correlation, appropriate for calendar year 2005, between the amount of a participant's benefit and the probability that the participant will elect early retirement. Table I-05 will be used to value benefits in plans with valuation dates during calendar year 2005.

The PBGC has determined that notice of and public comment on this rule are impracticable and contrary to the public interest. Plan administrators need to be

able to estimate accurately the value of plan benefits as early as possible before initiating the termination process. For that purpose, if a plan has a valuation date in 2005, the plan administrator needs the updated table being promulgated in this rule. Accordingly, the public interest is best served by issuing this table expeditiously, without an opportunity for notice and comment, to allow as much time as possible to estimate the value of plan benefits with the proper table for plans with valuation dates in early 2005.

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this regulation, the Regulatory Flexibility

Act of 1980 does not apply (5 U.S.C. 601(2)).

**List of Subjects in 29 CFR Part 4044**

Pension insurance, Pensions.

■ In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

**PART 4044—[AMENDED]**

■ 1. The authority citation for part 4044 continues to read as follows:

**Authority:** 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 2. Appendix D to part 4044 is amended by removing Table I-04 and adding in its place Table I-05 to read as follows:

**Appendix D to Part 4044—Tables Used To Determine Expected Retirement Age**

TABLE I-05.—SELECTION OF RETIREMENT RATE CATEGORY  
[For Plans with valuation dates after December 31, 2004, and before January 1, 2006]

Participant reaches URA in year—	Participant's retirement rate category is—			
	Low <sup>1</sup> if monthly benefit at URA is less than—	Medium <sup>2</sup> if monthly benefit at URA is		High <sup>3</sup> if monthly benefit at URA is greater than—
		From	To	
2006 .....	477	477	2,018	2,018
2007 .....	486	486	2,056	2,056
2008 .....	497	497	2,102	2,102
2009 .....	509	509	2,154	2,154
2010 .....	522	522	2,208	2,208
2011 .....	535	535	2,263	2,263
2012 .....	549	549	2,320	2,320
2013 .....	562	562	2,378	2,378
2014 .....	576	576	2,437	2,437
2015 or later .....	591	591	2,498	2,498

<sup>1</sup> Table II-A.  
<sup>2</sup> Table II-B.  
<sup>3</sup> Table II-C.

\* \* \* \* \*  
Issued in Washington, DC, this 23rd day of November, 2004.

**Joseph H. Grant,**  
*Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation.*

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**LIBRARY OF CONGRESS**

**Copyright Office**

**37 CFR Part 253**

[Docket No. 2004-8 CARP NCBRA]

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

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

**ACTION:** Final rule.

**SUMMARY:** The Copyright Office of the Library of Congress announces a cost of living adjustment of 3.2% 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 BMI, ASCAP and SESAC repertoires. The cost of living adjustment is based on the change in the Consumer Price Index from October, 2003 to October, 2004.

**DATES:** January 1, 2005.

**FOR FURTHER INFORMATION CONTACT:** Tanya M. Sandros, Associate General Counsel, Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. 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 Office of the Library of Congress is 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, 2003, to the most recent Index published before December 1, 2004, is 3.2% (2003's figure was 185.0; the figure for 2004 is 190.9, 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 \$262, \$262, and \$85, respectively.

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

Copyright, Radio, Television.

#### Final Regulation

■ 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 repertory of ASCAP, \$262 annually.

(2) For all such compositions in the repertory of BMI, \$262 annually.

(3) For all such compositions in the repertory of SESAC, \$85 annually.

\* \* \* \* \*

Date: November 22, 2004

**Marybeth Peters,**

*Register of Copyrights.*

[FR Doc. 04–26265 Filed 11–30–04; 8:45 am]

BILLING CODE 1410–33–S

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[R10–OAR–2004–OR–0001; FRL–7839–5]

#### Approval and Promulgation of Air Quality Implementation Plans; Oregon; Removal of Perchloroethylene Dry Cleaning Systems Rules

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve a revision to the Oregon State Implementation Plan and repeal rules which are no longer required by the Clean Air Act. The revision consists of the repeal of Oregon's control technology guidelines for perchloroethylene (perc) dry cleaning systems and related definitions and provisions. Perc is a solvent commonly used in dry cleaning, maskant operations, and degreasing operations. In 1996, EPA excluded perc from the Federal definition of volatile organic compounds for the purpose of preparing state implementation plans to attain the national ambient air quality standards for ozone under title I of the Clean Air Act. Emissions from perc dry cleaners continue to be regulated as

hazardous air pollutants under the National Emissions Standards for Hazardous Air Pollutants.

**DATES:** This direct final rule will be effective January 31, 2005, without further notice, unless EPA receives adverse comments by January 3, 2005. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. R10–OAR–2004–OR–0001, by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- Agency Web site: <http://www.epa.gov/edocket>. EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

- Mail: Colleen Huck, Office of Air, Waste and Toxics, AWT–107 EPA, Region 10, 1200 Sixth Ave., Seattle, Washington 98101.

- Hand Delivery: Colleen Huck, Office of Air, Waste and Toxics, AWT–107, 9th Floor, EPA, Region 10, 1200 Sixth Ave., Seattle, Washington 98101. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. R10–OAR–2004–OR–0001. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.epa.gov/edocket>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through EDOCKET, [regulations.gov](http://www.epa.gov/edocket) or e-mail. The EPA EDOCKET and the Federal [regulations.gov](http://www.epa.gov/edocket) Web site are "anonymous access" systems, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through EDOCKET or [regulations.gov](http://www.epa.gov/edocket), your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you