

(202) 514-0097, phone confirmation number (202) 514-1547. If requesting a copy of the proposed Consent Decree, including attachments, please enclose a check in the amount of \$70.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ronald G. Gluck,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division, Department of Defense.*

[FR Doc. 05-6304 Filed 3-29-05; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Under the policy set out at 28 CFR 50.7, notice is hereby given that on March 18, 2005, the United States lodged with the United States District Court for the Southern District of Ohio a proposed consent decree ("Consent Decree") in the case of *United States, et al v. Ohio Edison Co., et al.*, Civ. A. No. 2:99-CV-1181. The Consent Decree settles claims under the Clean Air Act ("Act") by the United States and the States of New York, New Jersey and Connecticut against Ohio Edison Company ("Ohio Edison"), a subsidiary of FirstEnergyCorp. ("FirstEnergy"), regarding its W.H. Sammis Station coal-fired power plant ("Sammis plant") in Stratton, Ohio.

The settlement resolves a lawsuit filed in 1999 alleging that Ohio Edison undertook construction projects at the Sammis plant in violation of the Prevention of Significant Deterioration provisions of the Act, 42 U.S.C. 7470-7492, and the New Source Review provisions of the Act, 42 U.S.C. 7501-7515. In a 2003 trial on liability, the U.S. District Court for the Southern District of Ohio upheld the Clean Air Act violations. The Consent Decree settles the remedy phase of the litigation, averting a second trial.

Under the Consent Decree, Ohio Edison agrees to significantly reduce its annual emissions of sulfur dioxide ("SO<sub>2</sub>") and nitrogen oxide ("NO<sub>x</sub>") by installing state-of-the-art pollution controls on the two largest steam-generating units of the Sammis plant (Units 6 and 7); installing other pollution controls on the five smaller Sammis units (Units 1 to 5); and capping its annual SO<sub>2</sub> and NO<sub>x</sub> emissions from the Sammis plant. In addition, Ohio Edison agrees to undertake pollution reduction measures at several other FirstEnergy coal-fired plants.

As part of the settlement, Ohio Edison agrees to pay a civil penalty of \$8.5 million. Ohio Edison also agrees to undertake projects to mitigate past harm to the environment including renewable energy projects valued at approximately \$14.4 million, involving electricity generated by wind power (or, with the governments' approval, landfill gas). In addition, Ohio Edison agrees to fund \$10 million worth of environmentally beneficial projects in the States of New York, New Jersey and Connecticut. Finally, Ohio Edison agrees to fund a solar energy project in Allegheny County, Pennsylvania, and a project addressing air quality in the Shenandoah National Park.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, D.C. 20044-7611, and should refer to *United States, et al v. Ohio Edison Co., et al.*, DOJ Ref. No. 90-5-2-1-06894.

The Consent Decree may be examined at the offices of the United States Attorney, Southern District of Ohio, 280 North High Street, Fourth Floor, Columbus, Ohio 43215, and at the offices of U.S. EPA Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604-3590.

During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$20 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Catherine R. McCabe,**

*Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 05-6303 Filed 3-29-05; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on February 28, 2005, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), IMS Global Learning Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, HarvestRoad, Ltd., Perth, Western Australia, Australia; Indiana University-Purdue University Indianapolis, Indianapolis, IN; and Pearson Education, Inc., Boston, MA have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and IMS Global Learning Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On April 7, 2000, IMS Global Learning Consortium, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on December 8, 2004. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 2, 2005 (70 FR 5485).

**Dorothy B. Fountain,**

*Deputy Director of Operations, Antitrust Division.*

[FR Doc. 05-6278 Filed 3-29-05; 8:45 am]

**BILLING CODE 4410-11-M**

## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. 2005-2 CARP CRA]

#### Adjustment of Cable Statutory License Royalty Rates

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

**ACTION:** Request for notices of intention to participate, and announcement of negotiation period.

**SUMMARY:** The Copyright Office of the Library of Congress announces the deadline for filing Notices of Intent to Participate in a CARP proceeding to adjust the rates for the cable statutory license and announces the dates of the 30-day negotiation period.

**DATES:** Comments on the petition and Notices of Intent to Participate are due no later than April 29, 2005. The 30-day negotiation period begins May 4, 2005 and ends on June 3, 2005. Written notification of the status of settlement negotiations due no later than June 6, 2005.

**ADDRESSES:** If hand delivered by a private party, an original and five copies of the comments on the petition, Notices of Intent to Participate, and/or written notification of status of settlement negotiations should be addressed to: Copyright Office General Counsel/CARP, U.S. Copyright Office, James Madison Memorial Building, Room LM-401, 101 Independence Avenue, SE., Washington, DC 20059-6000; then delivered Monday through Friday, between 8:30 a.m. and 5 p.m., to the Public Information Office located at the same address. If hand delivered by a commercial courier (excluding Federal Express, United Parcel Service and similar corporate courier services), an original and five copies of the comments on the petition, Notices of Intent to Participate, and/or written notification of status of settlement negotiations should be addressed to: Copyright Office General Counsel/CARP, Room 403, James Madison Memorial Building, 101 Independence Avenue, SE., Washington, DC.; then delivered by a courier showing proper identification, *e.g.*, a valid driver's license, Monday through Friday between 8:30 a.m. and 4 p.m. to the Congressional Courier Acceptance Site (CCAS) located at Second and D Street, NE., Washington, DC. If sent through the U.S. Postal Service, an original and five copies of the comments on the petition, Notices of Intent to Participate, and/or written notification of status of settlement negotiations should be addressed to: Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, DC 20024-0977. Comments may not be delivered by means of overnight delivery services such as Federal Express, United Parcel Services, etc., due to delays in processing receipt of such deliveries.

**FOR FURTHER INFORMATION CONTACT:** Tanya M. Sandros, Associate General

Counsel, or Abioye E. Oyewole, CARP Specialist. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Section 111 of the Copyright Act, title 17 of the United States Code, grants a statutory copyright license to cable television systems for the retransmission of over-the-air broadcast stations to their subscribers. In exchange for the license, cable operators submit royalties, along with statements of account detailing their retransmissions, to the Copyright Office on a semi-annual basis. The Office then deposits the royalties with the United States Treasury for later distribution to copyright owners of the broadcast programming retransmitted by cable systems.

A cable system calculates its royalty payments in accordance with the statutory formula described in 17 U.S.C. 111(d). Royalty fees are based upon the gross receipts received by a cable system from subscribers receiving retransmitted broadcast signals. Section 111(d) subdivides cable systems into three categories based on their gross receipts: small, medium, and large. Small systems pay a fixed amount without regard to the number of broadcast signals they retransmit, while medium-sized systems pay a royalty within a specified range, with a maximum amount, based on the number of signals they retransmit. Large cable systems calculate their royalties according to the number of distant broadcast signals which they retransmit to their subscribers.<sup>1</sup> Under this formula, a large cable system is required to pay a specified percentage of its gross receipts for each distant signal that it retransmits.

Congress established the gross receipts limitations that determine a cable system's size and provided the gross receipts percentages (*i.e.*, the royalty rates) for distant signals. 17 U.S.C. 111(d)(1). It also provided for adjustment of both the gross receipts limitations and the distant signal rates. 17 U.S.C. 801(b)(2). The limitations and rates can be adjusted to reflect national monetary inflation, changes in the average rates charged by cable systems for the retransmissions of broadcast signals, or changes in certain cable rules of the Federal Communications Commission in effect on April 15, 1976.

<sup>1</sup> For large cable systems which retransmit only local broadcast stations, there is still a minimum royalty fee which must be paid. This minimum fee is not applied, however, once the cable system carries one or more distant signals.

17 U.S.C. 801(b)(2)(A),(B),(C) and (D). Prior rate adjustments of the Copyright Royalty Tribunal made under section 801(b)(2)(B) and (C) may also be reconsidered at five-year intervals. 17 U.S.C. 803(b). The current gross receipts limitations and rates are set forth in 37 CFR 256.2. Rate adjustments are now made by a Copyright Arbitration Royalty Panel ("CARP"), subject to review by the Librarian of Congress.<sup>2</sup>

Section 803 of the Copyright Act provides that the gross receipts limitations and royalty rates may be adjusted every five years, making 2005 a royalty adjustment year, upon the filing of a petition from a party with a "significant interest" in the proceeding. If the Librarian determines that a petitioner has a "significant interest" in the royalty rate or rates in which adjustment is requested, the Librarian must convene a CARP to determine the adjustment. 17 U.S.C. 803(a)(1). Section 37 CFR 251.63 of the CARP rules provides that the Librarian shall designate a 30-day negotiation period to allow interested parties to settle differences regarding the adjustment of cable rates before commencement of a formal CARP proceeding.

**II. Petitions**

This is a window year for filing. On January 10, 2005, the Library received a petition to adjust the cable rates and gross receipts limitations from Joint Sports Claimants and Program Suppliers seeking commencement of the 30-day voluntary negotiation period under § 251.63. See <http://www.copyright.gov/carp/cable-rate-petition.pdf>. On January 26, 2005, the Office published a **Federal Register** notice requesting public comments as to whether or not it was appropriate and/or required that the 2005 cable rate adjustment be resolved through the CARP process set forward under chapter 8 of the Copyright Act prior to the passage of the Copyright Royalty Distribution and Reform Act ("CRDRA"), or whether the petition filed by the Joint Sports Claimants and the Program Suppliers should be terminated and transferred to the Copyright Royalty Judges under the CRDRA. 70 FR 3738 (January 26, 2005). In response, on February 16, 2005, the Library received one comment from the Copyright Owners requesting a CARP for the resolution of the 2005 cable rate adjustment. Having received no comments in opposition and persuaded that it is appropriate to conduct a CARP

<sup>2</sup> The Library is conducting this rate adjustment proceeding under the CARP system as opposed to the new Copyright Royalty Judges system adopted by Congress at the end of last year. See, *infra*.

Proceeding, the Library now seeks comment consistent with 17 U.S.C. 803(a)(1) as to whether Joint Sports Claimants and Program Suppliers have a significant interest in the adjustment of the cable rates. Comments are due no later than April 29, 2005.

### III. Negotiation Period and Notices of Intent To Participate

As discussed above, the Library's rules require that a 30-day negotiation period be prescribed by the Librarian to enable the parties to a rate adjustment proceeding to settle their differences. 37 CFR 251.63(a). The rules also require interested parties to file Notices of Intent to Participate with the Library. 37 CFR 251.45(a). Consequently, in addition to requiring parties to file comments on the Joint Sports Claimants' and Program Suppliers' petition, the Library is directing parties to file their Notices of Intent to Participate on the same day, April 29, 2005. Failure to file a timely Notice of Intent to Participate will preclude a party from further participation in this proceeding.

The 30-day negotiation period shall begin on May 4, 2005, and conclude on June 3, 2005. Those parties that have filed Notices of Intent to Participate are directed to submit to the Library a written notification of the status of their settlement negotiations no later than June 6, 2005. If, after the submission of these notifications it is clear that no settlement has been reached, the Library will issue a scheduling order for a CARP proceeding to resolve this rate adjustment proceeding.

Dated: March 25, 2005.

**David O. Carson,**

*General Counsel.*

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (05-065)]

### National Environmental Policy Act; Development of Nuclear Reactors for Space Electric Power Applications

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of intent to prepare a Programmatic Environmental Impact Statement (PEIS) and to conduct scoping for the research and development activities associated with nuclear fission reactors to produce electrical power for potential use in

space on future NASA exploration missions.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), and NASA's policy and procedures (14 CFR subpart 1216.3), NASA, in cooperation with the U.S. Department of Energy (DOE), intends to prepare a PEIS for the research and development activities associated with space nuclear fission reactors for electric power production in potential future NASA missions. The design and development effort would take advantage of relevant knowledge gained from earlier space nuclear reactor development efforts. NASA will hold public scoping meetings as part of the scoping process associated with the PEIS. If the proposed technology proves to be feasible for space applications, the first mission could be launched from the Cape Canaveral, Florida area. A separate mission-specific EIS would be prepared prior to launch of a space nuclear reactor powered mission.

**DATES:** Interested parties are invited to submit comments on environmental issues and concerns in writing on or before May 31, 2005, to assure full consideration during the scoping process.

**ADDRESSES:** Hardcopy comments should be mailed to NASA Prometheus PEIS, NASA Headquarters, Exploration Systems Mission Directorate, Mail Suite 2V-39, 300 E Street, SW., Washington, DC 20546-0001. Comments may be submitted by e-mail to: [nasa-prometheus-peis@nasa.gov](mailto:nasa-prometheus-peis@nasa.gov), or via the Internet at: <http://exploration.nasa.gov/nasa-prometheus-peis.html>.

**FOR FURTHER INFORMATION CONTACT:** NASA Prometheus PEIS, NASA Headquarters, Exploration Systems Mission Directorate, Mail Suite 2V-39, Washington, DC 20546-0001, by telephone at 866-833-2061, by electronic mail at [nasa-prometheus-peis@nasa.gov](mailto:nasa-prometheus-peis@nasa.gov), or on the Internet at: <http://exploration.nasa.gov/nasa-prometheus-peis.html>.

**SUPPLEMENTARY INFORMATION:** NASA is entering the next phase in its scientific exploration of the solar system that will increase the quantity, quality, and types of information collected on scientific exploration missions throughout the solar system including missions to the Moon, Mars and beyond. However, this phase of exploration missions cannot be accomplished with the current propulsion, energy production and

storage technologies presently available. Space nuclear fission reactor technology may offer the potential to provide sufficient energy to enable long-duration spacecraft propulsion capabilities as well as provide abundant, continuous electrical power for spacecraft operations, high capability science instruments, and high data-rate communication systems. While a space nuclear reactor would possess a larger amount of stored energy, providing greater exploration capability than was previously available to spacecraft, the physical size and power output would be relatively small; about the size of a kitchen refrigerator and able to power a 400-pupil elementary school. NASA's development initiative responds to concerns raised by the space science community regarding limitations of current and reasonably foreseeable technologies for Solar System exploration.

Space nuclear fission reactor systems could enable exploration missions requiring substantially greater amounts of electrical power (on the order of many kilowatts of electricity), where currently available and reasonably foreseeable energy systems are likely to be inadequate. The ability to generate high levels of sustained electrical power regardless of location in the solar system would permit a new class of missions designed for longevity, flexibility, and comprehensive scientific exploration. This new technology could enable multi-destination, multi-year exploration missions capable of entering into desired orbits around a body, conducting observations, and then departing to a new destination. Increased power and energy on-board the spacecraft would also permit: (1) Launching spacecraft with larger science payloads; (2) use of advanced high capability scientific instruments; and (3) transmission of large amounts of data back to Earth. The PEIS will articulate the purpose and need for space nuclear fission reactors for production of electric power and their relation to NASA's overall exploration strategy. The PEIS will also evaluate known and reasonably foreseeable power technologies to determine whether they are reasonable alternatives to meet NASA's purpose and need. NASA has commissioned early feasibility and conceptual studies for mission capabilities that could be enabled by space nuclear fission reactors for the production of electric power. The PEIS will include a high-level discussion of the projected reactor technology development activities at NASA and DOE through final design,