

non-agricultural water uses within the District. The 500 acre-feet of water is to be resold by the District under third-party contracts approved by Reclamation, to water users located within the District's boundaries. Contract executed on April 1, 2004.

1.(c) Hawk Haven LLC, Aspinall Unit, CRSP: Hawk Haven LLC has requested a 40-year water service contract for 1 acre-foot of water out of Blue Mesa Reservoir to support its plan of augmentation, case No. 03WC091, District Court, Water Division 4. Contract executed March 11, 2004.

1.(d) Robert V. Ketchum, Aspinall Unit, CRSP: Robert V. Ketchum has requested a 40-year water service contract for 1 acre-foot water out of Blue Mesa Reservoir to support his plan of augmentation, case No. 02WC252, District Court, Water Division 4. Contract executed March 11, 2004.

Great Plains Region: Bureau of Reclamation, P.O. Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107-6900, telephone 406-247-7790.

New contract actions:

42. Hill County WD, Milk River Project, Montana: Initiating renewal of municipal water contract No. 14-06-600-8954 which expires August 1, 2006.

43. East Bench ID, East Bench Unit, P-SMBP, Montana: The District requested a deferment of its 2004 distribution works repayment obligation. A request is being prepared to amend contract No. 14-06-600-3593 to defer payments in accordance with the Act of September 21, 1959.

44. Stutsman County Park Board, Jamestown Unit, P-SMBP, North Dakota: The Board is requesting a contract for minor amounts of water under a long-term contract to serve domestic needs for cabin owners at Jamestown Reservoir, North Dakota.

45. City of Huron, P-SMBP, South Dakota: Renewal of long-term operation, maintenance, and replacement agreement for O&M of the James Diversion Dam, South Dakota.

46. Tom Green County Water Control and Improvement District No. 1, San Angelo Project, Texas: Public Law 108-231, dated May 28, 2004, authorized the Secretary of the Interior to extend the repayment period for the District from 40 to 50 years. A public notice will be published in the San Angelo Times, and a BON will be prepared to amend the District's repayment contract No. 14-06-500-369, to extend the repayment period and revise the repayment schedule.

47. Garrison Diversion Unit, P-SMBP, North Dakota: Contracts to provide for project use pumping power or project

use pumping power and supplemental irrigation water with various irrigation districts in North Dakota, covering a combined maximum 28,000 acres within the boundaries and limits set by the Dakota Water Resources Act of 2000.

48. Security Water and Sanitation District, Fryingpan-Arkansas Project, Colorado: Consideration of a request for a long-term contract for the use of excess capacity in the Fryingpan-Arkansas Project.

Modified contract actions:

20. Glendo Unit, P-SMBP, Wyoming: Contract renewal for long-term water service contracts with Burbank Ditch, New Grattan Ditch Company, Torrington ID, Lucerne Canal and Power Company, and Wright and Murphy Ditch Company.

21. Glendo Unit, P-SMBP, Nebraska: Contract renewal for long-term water service contracts with Bridgeport, Enterprise, and Mitchell IDs, and Central Nebraska Public Power and ID.

Dated: June 24, 2004.

Roseann Gonzales,
Director, Office of Program and Policy Services.

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LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2004-5 CARP CD 2002]

Ascertainment of Controversy for the 2002 Cable Royalty Funds

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice with request for comments and notices of intention to participate.

SUMMARY: The Copyright Office of the Library of Congress directs all claimants to royalty fees collected for calendar year 2002 under the cable statutory license to submit comments as to whether a Phase I or Phase II controversy exists as to the distribution of those fees and announces the deadline for the filing of Notices of Intention to Participate in a royalty distribution proceeding concerning those royalty fees.

DATES: Comments and Notices of Intention to Participate are due on August 25, 2004.

ADDRESSES: If hand delivered by a private party, an original and five copies of written comments and a Notice of Intention to Participate 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 written comments and a Notice of Intention to Participate 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, an original and five copies of written comments and a Notice of Intention to Participate should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. Comments and Notices of Intention to Participate 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 Tanya M. Sandros, Senior Attorney, Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380; Telefax: (202) 252-3423.

SUPPLEMENTARY INFORMATION: Each year cable systems submit royalties to the Copyright Office for the retransmission to their subscribers of over-the-air television and radio broadcast signals. These royalties are, in turn, distributed in one of two ways to copyright owners whose works were included in a retransmission of an over-the-air broadcast signal and who timely filed a claim for royalties with the Copyright Office. The copyright owners may either negotiate the terms of a settlement as to the division of the royalty funds, or the Librarian of Congress may convene a Copyright Arbitration Royalty Panel ("CARP") to determine the distribution of the royalty fees that remain in controversy. See 17 U.S.C. chapter 8.

During the pendency of any proceeding, the Librarian of Congress may distribute any amounts that are not in controversy, provided that sufficient funds are withheld to cover reasonable administrative costs and to satisfy all claims for which a controversy exists under his authority set forth in section 111(d)(4) of the Copyright Act, title 17 of the United States Code. See, e.g.,

Orders, Docket No. 2003-2 CARP CD 2001 (dated October 1, 2003), Docket No. 2002-8 CARP CD 2000 (dated December 4, 2002), Docket No. 2001-6 CARP CD 99 (dated October 17, 2001), Docket No. 2000-6 CARP CD 98 (dated October 12, 2000) and Docket No. 99-5 CARP CD 97 (dated October 18, 1999). However, the Copyright Office must, prior to any distribution of the royalty fees, ascertain who the claimants are and the extent of any controversy over the distribution of the royalty fees.

The CARP rules provide that:

In the case of a royalty fee distribution proceeding, the Librarian of Congress shall, after the time period for filing claims, publish in the **Federal Register** a notice requesting each claimant on the claimant list to negotiate with each other a settlement of their differences, and to comment by a date certain as to the existence of controversies with respect to the royalty funds described in the notice. Such notice shall also establish a date certain by which parties wishing to participate in the proceeding must file with the Librarian a notice of intention to participate.

37 CFR 251.45(a). The Copyright Office may publish this notice on its own initiative, *see, e.g.*, 64 FR 23875 (May 4, 1999); in response to a motion for partial distribution from an interested party, *see, e.g.*, 68 FR 48415 (August 13, 2003), or in response to a petition requesting that the Office declare a controversy and initiate a CARP proceeding. In this case, the Office has received a motion for a partial distribution of the 2002 cable royalty fees.

On July 15, 2004, representatives of the Phase I claimant categories to which royalties have been allocated in prior cable distribution proceedings filed a motion with the Copyright Office for a partial distribution of the 2002 cable royalty fund. The Office will consider this motion after each interested party has been identified by filing the Notice of Intention to Participate requested herein and has had an opportunity to file responses to the motion.

1. Comments on the Existence of Controversies

Before commencing a distribution proceeding or making a partial distribution, the Librarian of Congress must first ascertain whether a controversy exists as to the distribution of the royalty fees and the extent of those controversies. 17 U.S.C. 803(d). Therefore, the Copyright Office is requesting comment on the existence and extent of any controversies, at Phase I and Phase II, as to the distribution of the 2002 cable royalty fees.

In Phase I of a cable royalty distribution, royalties are distributed to

certain categories of broadcast programming that has been retransmitted by cable systems. The categories have traditionally been syndicated programming and movies, sports, commercial and noncommercial broadcaster-owned programming, religious programming, music programming, and Canadian programming. The Office seeks comments as to the existence and extent of controversies between these categories for royalty distribution.

In Phase II of a cable royalty distribution, royalties are distributed to claimants within a program category. If a claimant anticipates a Phase II controversy, the claimant must state each program category in which he or she has an interest that has not, by the end of the comment period, been satisfied through a settlement agreement and the extent of the controversy.

The Copyright Office must be advised of the existence and extent of all Phase I and Phase II controversies by the end of the comment period. It will not consider any controversies that come to its attention after the close of that period.

2. Notice of Intention To Participate

Section 251.45(a) of the rules, 37 CFR, requires that a Notice of Intention to Participate be filed in order to participate in a CARP proceeding, but it does not prescribe the contents of the Notice. In a prior proceeding, the Library was forced to address the issue of what constitutes a sufficient Notice and to whom it is applicable. *See* 65 FR 54077 (September 6, 2000); *see also* Orders in Docket No. 2000-2 CARP CD 93-97 (June 22, 2000, and August 1, 2000). These rulings will result in a future amendment to § 251.45(a) to specify the content of a properly filed Notice. In the meantime, the Office advises those parties filing Notices of Intention to Participate in this proceeding to comply with the following instructions.

Each claimant that has a dispute over the distribution of the 2002 cable royalty fees, either at Phase I or Phase II, shall file a Notice of Intention to Participate that contains the following: (1) The claimant's full name, address, telephone number, facsimile number (if any), and e-mail address (if any); (2) identification of whether the Notice covers a Phase I proceeding, a Phase II proceeding, or both; and (3) a statement of the claimant's intention to fully participate in a CARP proceeding.

Claimants may, in lieu of individual Notices of Intention to Participate, submit joint Notices. In lieu of the requirement that the Notice contain the

claimant's name, address, telephone number, facsimile number, and e-mail address, a joint Notice shall provide the full name, address, telephone number, facsimile number (if any), and e-mail address (if any) of the person filing the Notice; and it shall contain a list identifying all the claimants that are parties to the joint Notice. In addition, if the joint Notice is filed by counsel or a representative of one or more of the claimants that are parties to the joint Notice, the joint Notice shall contain a statement from such counsel or representative certifying that, as of the date of submission of the joint Notice, such counsel or representative has the authority and consent of the claimants to represent them in the CARP proceeding.

Notices of Intention to Participate must be received by the Copyright Office no later than 5 p.m. on August 25, 2004.

3. Motion of Phase I Claimants for Partial Distribution

A claimant who is not a party to the motion may file a response to the motion no later than August 25, 2004, provided that the respondent files a Notice of Intention to Participate in this proceeding in accordance with this Notice.

The Motion of Phase I Claimants for Partial Distribution is posted on the Copyright Office Web site at <http://www.copyright.gov/carp/phase1motion.pdf>.

Dated: July 20, 2004.

David O. Carson,
General Counsel.

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MILLENNIUM CHALLENGE CORPORATION

[FR 04-08]

Report on Countries That Are Candidates for Millennium Challenge Account Eligibility in FY 2005 and Countries That Would Be Candidates but for Legal Prohibitions

AGENCY: Millennium Challenge Corporation.

SUMMARY: Section 608(d) of the Millennium Challenge Act of 2003 requires the Millennium Challenge Corporation to publish a report that identifies countries that are "candidate countries" for Millennium Challenge Account assistance during FY 2005. The report is set forth in full below.

Report: This report to Congress is provided in accordance with section