Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2004–19579; Airspace Docket No. 04–ACE–69]

Proposed Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Newton, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This action corrects a notice of proposed rulemaking that was published in the **Federal Register** on Friday, January 7, 2005, (70 FR 1399) [FR Doc. 05–374]. It corrects errors in the legal descriptions of the proposed Class E airspace area designated as a surface area and the Class E airspace area extending upward from 700 feet above the surface at Newton, KS.

DATES: Comments for inclusion in the Rules Docket must be received on or before March 1, 2005.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 05–374, published on Friday, January 7, 2005, (70 FR 1399) proposed to establish a Class E airspace area designated as a surface area and to modify the existing Class E airspace area extending upward from 700 feet above the surface at Newton, KS. The proposed airspace and changes were to protect aircraft departing from and executing instrument approach procedures to Newton-City-County Airport. However, the Newton-City-County airport reference point used in both proposed airspace areas was incorrect.

Accordingly, pursuant to the authority delegated to me, the legal description of the Class E airspace area designated as a surface area and the Class E airspace area extending upward from 700 feet above the surface at Newton, KS, as published in the **Federal Register** on Friday, January 7, 2005 (70 FR 1399) [FR Doc. 05–374] are corrected as follows:

§ 71.1 [Corrected]

On page 1400, Column 1, second and fourth paragraphs from the bottom, third line, change ''(lat. 38°05′26″ N., long. 97°16′31″ W.)'' to read ''(lat. 38°03′26″ N., long. 97°16′31″ W.)''

Issued in Kansas City, MO, on January 11, 2005.

Donna R. McCord,

Acting Area Director, Western Flight Services Operations.

[FR Doc. 05–1416 Filed 1–25–05; 8:45 am]

BILLING CODE 4910–13–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 258

[Docket No. 2004–9 CARP SRA]

Rate Adjustment for the Satellite Carrier Compulsory License

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Copyright Office of the Library of Congress is submitting for public comment a proposed settlement of royalty rates for analog television broadcast stations retransmitted by satellite carriers under statutory license.

DATES: Comments and Notices of Intent to Participate must be submitted no later than February 25, 2005.

ADDRESSES: If hand delivered by a private party, an original and five copies of a comment and a Notice of Intent to Participate should be brought to Room LM–401 of the James Madison Memorial Building between 8:30 a.m. and 5 p.m. and the envelope should be addressed as follows: Copyright Office General Counsel/CARP, U.S. Copyright Office, James Madison Memorial Building, Room LM–401, 101 Independence Avenue, S.E., Washington, DC 20559–6000. If delivered by a commercial courier, an original and five copies of a comment and a Notice of Intent to Participate must be delivered to the Congressional Courier Acceptance Site located at 2nd and D Streets, N.E., between 8:30 a.m. and 4 p.m. The envelope should be addressed as follows: Copyright Office General Counsel/CARP, Room LM–403, James Madison Memorial Building, 101 Independence Avenue, S.E., Washington, DC. If sent by mail (including overnight delivery using U.S. Postal Service Express Mail), an original and five copies of a comment and a Notice of Intent to Participate should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024–0977. Comments and Notices of Intent 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 William J. Roberts, Jr., Senior Attorney, Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024–0977. Telephone: (202) 707–8380. Telefax: (202) 252–3423.

SUPPLEMENTARY INFORMATION: On December 8, 2004, the President signed the Satellite Home Viewer Extension and Reauthorization Act (''SHVERA''), a part of the Consolidated Appropriations Act of 2005, Pub. L. 108–447. SHVERA extends for an additional five years the statutory license for satellite carriers retransmitting over–the–air television broadcast stations to their subscribers, 17 U.S.C. 119, as well as makes a number of amendments to the license. One of the amendments to section 119 sets forth a process for adjusting the royalty fees paid by satellite carriers for retransmitting analog television network and superstations. 17 U.S.C. 119(c)(1). The law directs the Librarian of Congress to publish notice in the **Federal Register** requesting satellite carriers, distributors and copyright owners to submit to the Copyright Office any voluntary agreements they have negotiated as to the adjustment of the rates for analog stations. The Library published such a notice on

December 30, 2004, and, pursuant to the statute, requested that any agreements be submitted no later than January 10, 2005. 69 FR 78482 (December 30, 2004).

The Office has received one agreement, submitted jointly by the satellite carriers DirecTV, Inc. and EchoStar Satellite L.L.C., the copyright owners of motion pictures and syndicated television series represented by the Motion Picture Association of America, and the copyright owners of sports programming represented by the Office of the Commissioner of Baseball. Section 119(c)(1)(D)(ii)(II) requires the Library to ''provide public notice of the royalty fees from the voluntary agreement and afford parties an opportunity to state that they object to those fees.'' 17 U.S.C. 119(c)(1)(D)(ii)(II). This Notice of Proposed Rulemaking (''NPRM'') fulfills the requirement.

The law further provides that the Librarian shall adopt the rates contained in the voluntary agreement as applicable to all satellite carriers, distributors and copyright owners ''unless a party with an intent to participate'' in a royalty rate adjustment proceeding before a Copyright Arbitration Royalty Panel (''CARP'') and a ''significant interest in the outcome'' of the CARP proceeding files an objection. Consequently, any party that objects to the rates proposed in this NPRM must submit the following on or before February 25, 2005:

1. A notice of objection to the rates identifying the rate or rates to which the objection applies and the reasons for the objection;

2. A statement setting forth in detail why the objector has a significant interest in the royalty rates to be adopted; and

3. A separate Notice of Intent to Participate in the CARP proceeding to adjust the rates. The CARP proceeding will commence on May 1, 2005. *See* 17 U.S.C. 119(c)(1)(F).

Only parties objecting to the royalty rates should submit the above–described documents.

A copy of the voluntary agreement can be viewed at *http://www.copyright.gov/carp/sat__rate__agreement.pdf.* The Library is not proposing for adoption the additional terms set forth in the agreement as the statute only provides for adoption of royalty rates. *See* 17 U.S.C. 119(c)(1)(D)(ii)(III).

Proposed Regulations

For the reasons set forth above, the Copyright Office proposes to amend 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 is amended to read as follows:

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

2. Section 258.2 is revised to read as follows:

§ 258.2 Definitions.

(a) Commercial establishment. The term ''commercial establishment'' means an establishment used for commercial purposes, such as bars, restaurants, private offices, fitness clubs, oil rigs, retail stores, banks and financial institutions, supermarkets, auto and boat dealerships, and other establishments with common business areas; *provided* that the term ''commercial establishment'' shall not include a multi–unit permanent or temporary dwelling where private home viewing occurs, such as hotels, dormitories, hospitals, apartments, condominiums and prisons, all of which shall be subject to the rates applicable to private home viewing.

(b) Syndex–proof signal. A satellite retransmission of a broadcast signal shall be deemed ''syndex proof'' for purposes of § 258.3(b) if, during any semi–annual reporting period, the retransmission does not include any program which, if delivered by any cable system in the United States, would be subject to the syndicated exclusivity rules of the Federal Communications Commission.

(c) Per subscriber per month. The term ''per subscriber per month'' means each subscriber subscribing to the station in question, or to a package including such station, on the last day of a given month.

3. Section 258.3 is amended by adding new paragraphs (d) through (h) to read as follows:

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

* * * * *

(d) Commencing January 1, 2005, the royalty rate for secondary transmission of broadcast stations by satellite carriers shall be as follows:

(1) For private home viewing–

(i) 20 cents per subscriber per month for distant superstations.

(ii) 17 cents per subscriber per month for distant network stations.

(2) For viewing in commercial establishments, 40 cents per subscriber per month for distant superstations.

(e) Commencing January 1, 2006, the royalty rate for secondary transmission of broadcast stations by satellite carriers shall be as follows:

(1) For private home viewing–

(i) 21.5 cents per subscriber per month for distant superstations.

(ii) 20 cents per subscriber per month for distant network stations.

(2) For viewing in commercial establishments, 43 cents per subscriber per month for distant superstations.

(f) Commencing January 1, 2007, the royalty rate for secondary transmission of broadcast stations by satellite carriers shall be as follows:

(1) For private home viewing–

(i) 23 cents per subscriber per month for distant superstations.

(ii) 23 cents per subscriber per month for distant network stations.

(2) For viewing in commercial establishments, 46 cents per subscriber per month for distant superstations.

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

(1) For private home viewing–

(i) The 2007 rate per subscriber per month for distant superstations adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all Urban Consumers from January 2007 to January 2008.

(ii) The 2007 rate per subscriber per month for distant network stations adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all Urban Consumers from January 2007 to January 2008.

(2) For viewing in commercial establishments, the 2007 rate per subscriber per month for viewing distant superstations in commercial establishments adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all Urban Consumers from January 2007 to January 2008.

(h) Commencing January 1, 2009, the royalty rate for secondary transmission of broadcast stations by satellite carriers shall be as follows:

(1) For private home viewing–

(i) The 2008 rate per subscriber per month for distant superstations adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all Urban Consumers from January 2008 to January 2009.

(ii) The 2008 rate per subscriber per month for distant network stations adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all Urban Consumers from January 2008 to January 2009.

(2) For viewing in commercial establishments, the 2008 rate per

subscriber per month for viewing distant superstations in commercial establishments adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all Urban Consumers from January 2008 to January 2009.

Dated: January 21, 2005

Marybeth Peters,

Register of Copyrights.

[FR Doc. 05–1435 Filed 1–25–05; 8:45 am]

BILLING CODE 1410–33–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R04–OAR–2004–SC–0002/0003–200421(b); FRL–7863–6]

Approval and Promulgation of Implementation Plans South Carolina: Definitions and General Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve the State Implementation Plan (SIP) revisions submitted by the South Carolina Department of Health and Environmental Control (SC DHEC) on November 14, 2003, for the purpose of clarifying current regulations and ensuring consistency between State and Federal regulations. The proposed revisions consist of those published in the South Carolina State Register on August 28, 1998 and June 25, 1999, revising Regulation 61–62.1 Definitions and General Requirements. In the Final Rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Written comments must be received on or before February 25, 2005.

ADDRESSES: Comments may be submitted by mail to: Nacosta C. Ward, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in the direct final rule, **ADDRESSES** section which is published in the Rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Nacosta C. Ward, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9140. Ms. Ward can also be reached via electronic mail at *ward.nacosta@epa.gov*.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules section of this **Federal Register**.

Dated: January 7, 2005.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 05–1373 Filed 1–25–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 710

[OPPT–2004–0106; FRL–7332–2]

RIN 2070–AC61

TSCA Inventory Update Reporting Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing amendments to the Toxic Substances Control Act (TSCA) section 8(a) Inventory Update Reporting (IUR) regulations. The IUR currently requires certain manufacturers (including importers) of certain chemical substances on the TSCA Chemical Substances Inventory to report data on chemical manufacturing, processing, and use every 4 years. EPA is proposing to extend the reporting cycle, modify the timing of the submission period, further clarify the new partial exemption for specific chemicals of low current interest, amend the petroleum refinery process streams partial exemption, amend the list of consumer and commercial product categories, revise the manner in which production volume would be reported, restrict reporting of processing and use information to domestic processing and use activities only, edit the polymer exemption definition, and remove the requirement to determine confidentiality of production volume in ranges.

DATES: Comments, identified by docket identification (ID) number OPPT–2004–0106, must be received on or before February 25, 2005.

ADDRESSES: Submit your comments, identified by docket ID number OPPT–2004–0106, by one of the following methods:

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

- *Agency Website: 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.
- *E-mail: oppt.ncic@epa.gov*.
- *Mail*: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Hand Delivery*: OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID number OPPT–2004–0106. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number OPPT–2004–0106. EPA's policy is that all comments received will be included in the public docket without change and may be made available on-line 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, or e-mail. The EPA EDOCKET and the regulations.gov websites are ''anonymous access'' systems, which means EPA will not