

and consolidations and their shareholders under sections 358, 368(a)(1)(A), 367 and 884 of the Internal Revenue Code.

**DATES:** The public hearing originally scheduled for Thursday, May 19, 2005, at 10 a.m., is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Treena Garrett of the Publications and Regulations Branch, Associate Chief Counsel (Procedures and Administration) (202) 622-7180 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The notices of proposed rulemaking and notices of public hearing that appeared in the **Federal Register** on Wednesday, January 5, 2005 (70 FR 746 and 70 FR 749), announced that a public hearing was scheduled for Thursday, May 19, 2005, at 10 a.m. in the IRS Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under sections 358, 368(a)(1)(A), 367, and 884 of the Internal Revenue Code. The public comment period for these proposed regulations expired on Thursday, April 28, 2005. Outlines of oral comments were due on Thursday, April 28, 2005.

The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit outlines of the topics to be addressed. As of Friday, May 6, 2005, no one has requested to speak. Therefore, the public hearing scheduled for Thursday, May 19, 2005, is cancelled.

**Cynthia E. Grigsby,**

*Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. 05-9612 Filed 5-16-05; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 31

[REG-162813-04]

RIN 1545-BE20

#### Withholding Exemptions: Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to Notice of proposed rulemaking by cross-reference to temporary regulations.

**SUMMARY:** This document corrects a notice of proposed rulemaking by cross-

reference to temporary regulations that was published in the **Federal Register** on Thursday, April 14, 2005 (70 FR 19721). The document contains temporary regulations providing guidance under section 3402(f) of the Internal Revenue Code (Code) for employers and employees relating to the Form W-4, "Employee's Withholding Allowance Certificate."

**FOR FURTHER INFORMATION CONTACT:** Margaret A. Owens, (202) 622-0047 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

The notice of proposed rulemaking by cross-reference to temporary regulations (REG-162813-04), that is the subject of this correction is under section 3402 of the Internal Revenue Code.

##### Need for Correction

As published, the notice of proposed rulemaking by cross-reference to temporary regulations (REG-162813-04) contains an error that may prove to be misleading and is in need of clarification.

##### Correction of Publication

Accordingly, the notice of proposed rulemaking by cross-reference to temporary regulations (REG-162813-04) that was the subject of FR Doc. 05-6719, is corrected as follows:

On page 19722, column 2, under the amendatory instructional "Paragraph 1.", Line 2, the language "for part 1 continues to read, in part, as" is corrected to read, "for part 31 continues to read, in part, as".

**Cynthia Grigsby,**

*Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedures and Administration).*

[FR Doc. 05-9611 Filed 5-16-05; 8:45 am]

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## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 258

[Docket No. 2005-4 CARP SRA-Digital]

#### 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 the retransmission of digital over-the-air television broadcast signals by satellite carriers under the statutory license.

**DATES:** Comments and Notices of Intent to Participate must be submitted no later than June 16, 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: Office of the 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: Office of the 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. 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 Tanya Sandros, Associate General Counsel, Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. 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 making a number of amendments to the license. One of the amendments to section 119 sets forth a process, for the first time, for adjusting the royalty fees paid by

satellite carriers for the retransmission of digital broadcast signals. 17 U.S.C. 119(c)(2). The law set the initial rates as the rates set by the Librarian in 1997 for the retransmission of analog broadcast signals, 37 CFR 258.3(b)(1)&(2), reduced by 22.5 percent. 17 U.S.C. 119(c)(2)(A). These rates are to be adjusted in accordance with the procedures set forth in section 119(c)(1) of the Copyright Act.

On March 8, 2005, the Copyright Office received a letter from EchoStar Satellite L.L.C., DirecTV, Inc., Program Suppliers, and the Joint Sports Claimants requesting that the Office begin the process of setting the rates for the retransmission of digital broadcast signals by initiating a voluntary negotiation period so that rates for both digital and analog signals “will be in place before the July 31, 2005 deadline for satellite carriers to pay royalties for the first accounting period of 2005.” Letter at 2. The Office granted the request and, pursuant to section 119(c)(1), published in the **Federal Register** a notice initiating a voluntary negotiation period during which parties could negotiate in an effort to reach a voluntary agreement regarding the rates. See 70 FR 15368 (March 25, 2005).

In accordance with the March 25 notice, the Office has received one agreement, submitted jointly by the satellite carriers EchoStar Satellite L.L.C. and DirecTV, Inc., 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. The agreement proposes rates for the private home viewing of distant superstations and distant network stations for the 2005–2009 period, as well as the viewing of those signals in commercial establishments. The agreement specifies that distant superstations and network stations that are significantly viewed do not require a royalty payment, which is consistent with 17 U.S.C. 119(a)(3), as amended. In addition, the agreement proposes that, in the case of multicasting of digital superstations and network stations, each digital stream that is retransmitted by a satellite carrier must be paid for at the prescribed rate but no royalty payment is due for any program-related material contained on the stream within the meaning of *WGN v. United Video, Inc.*, 693 F.2d 622, 626 (7th Cir. 1982) and *Second Report and Order and First Order On Reconsideration in CS Doc. No. 98–120*, FCC 05–27 at ¶ 44 & n.158 (Feb. 23, 2005).

The statute requires the Librarian 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 opposed in this NPRM must submit the following on or before June 16, 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 Intention to Participate in the CARP proceeding to adjust the rates. The CARP proceeding will commence on or before December 31, 2005. See 17 U.S.C. 119(c)(2).

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

A copy of the voluntary agreement can be viewed at [www.copyright.gov/carp/sat\\_rate\\_agreement\\_amend.pdf](http://www.copyright.gov/carp/sat_rate_agreement_amend.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).

#### List of Subjects in 37 CFR Part 258

Copyright, Satellite, Television.

#### 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 revised to read as follows:

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

2. In § 258.2, paragraph (b) is amended by removing “§ 258.3(b)” and adding “§ 258.3(a)” in its place.

3. Section 258.3 is amended by revising the section heading and in paragraphs (a) through (h), by adding

“analog signals of” before “broadcast stations” each place it appears.

The revisions to § 258.3 read as follows:

#### **§ 258.3 Royalty fee for secondary transmission of analog signals of broadcast stations by satellite carriers.**

\* \* \* \* \*

4. Add a new § 258.4 to read as follows:

#### **§ 258.4 Royalty fee for secondary transmission of digital signals of broadcast stations by satellite carriers.**

(a) Commencing January 1, 2005, the royalty rate for secondary transmission of digital signals 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.

(b) Commencing January 1, 2006, the royalty rate for secondary transmission of digital signals 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.

(c) Commencing January 1, 2007, the royalty rate for secondary transmission of digital signals 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.

(d) Commencing January 1, 2008, the royalty rate for secondary transmission of digital signals 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.

(e) Commencing January 1, 2009, the royalty rate for secondary transmission of digital signals 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.

(f) For purposes of calculating the royalty rates for secondary transmission of digital signals of broadcast stations by satellite carriers—

(1) In the case of digital multicasting, the rates in paragraphs (a) through (e) of this section apply to each digital stream that a satellite carrier or distributor retransmits pursuant to section 119; *provided*, however that no additional royalty shall be paid for the carriage of any material related to the programming on such stream; and

(2) Satellite carriers and distributors are not required to pay a section 119 royalty for the retransmission of a digital signal to a subscriber who resides in a community where that signal is “significantly viewed,” within the meaning of 17 U.S.C. 119(a)(3) and (b)(1), as amended.

Dated: May 12, 2005

**Tanya Sandros,**

*Associate General Counsel.*

[FR Doc. 05–9804 Filed 5–16–05; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[RME Docket Number R08–OAR–2004–CO–0004; FRL–7912–7]

### Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Greeley Revised Carbon Monoxide Maintenance Plan and Approval of Related Revisions

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing approval of a State Implementation Plan (SIP) revision submitted by the State of Colorado. On June 20, 2003, the Governor of Colorado submitted a revised maintenance plan for the Greeley carbon monoxide (CO) maintenance area for the CO National Ambient Air Quality Standard (NAAQS). The revised maintenance plan contains transportation conformity budgets for 2005 through 2009, 2010 through 2014, and 2015 and beyond. In addition, the Governor submitted revisions to Colorado’s Regulation No. 11 “Motor Vehicle Emissions Inspection Program” and revisions to Colorado’s Regulation No. 13 “Oxygenated Fuels Program.” In this action, EPA is proposing approval of the Greeley CO revised maintenance plan, the transportation conformity budgets, and the revisions to Regulation No. 11 and Regulation No. 13. This action is being taken under section 110 of the Clean Air Act.

**DATES:** Comments must be received on or before June 16, 2005.

**ADDRESSES:** Submit your comments, identified by RME Docket Number R08–OAR–2004–CO–0004, by one of the following methods:

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

- Agency Website: <http://docket.epa.gov/rmepub/index.jsp>. Regional Materials in EDOCKET (RME), EPA’s electronic public docket and comment system for regional actions, is EPA’s preferred method for receiving comments. Follow the on-line instructions for submitting comments.

- E-mail: [long.richard@epa.gov](mailto:long.richard@epa.gov) and [russ.tim@epa.gov](mailto:russ.tim@epa.gov).

- Fax: (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).

- Mail: Richard R. Long, Director, Air and Radiation Program, Environmental

Protection Agency (EPA), Region 8, Mailcode 8P–AR, 999 18th Street, Suite 300, Denver, Colorado 80202–2466.

- Hand Delivery: Richard R. Long, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 999 18th Street, Suite 300, Denver, Colorado 80202–2466. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:55 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to RME Docket Number R08–OAR–2004–CO–0004. EPA’s policy is that all comments received will be included in the public docket without change and may be made available at <http://docket.epa.gov/rmepub/index.jsp>, 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://regulations.gov), or e-mail. EPA’s Regional Materials in EDOCKET and Federal [regulations.gov](http://regulations.gov) 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://regulations.gov), 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 include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA’s public docket visit EDOCKET online or see the **Federal Register** of May 31, 2002 (67 FR 38102). For additional instructions on submitting comments, go to Section I. General Information of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* All documents in the docket are listed in the Regional Materials in EDOCKET index at <http://docket.epa.gov/rmepub/index.jsp>. Although listed in the index, some