

March 4, 2005, in accordance with the requirements in the "Submissions" section below. In the event that no requests to appear at the hearing are received by the close of business on March 4, 2005, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary to the Commission ((202) 205-1816) after March 4, 2005 to determine whether the hearing will be held.

**Written Submissions:** In lieu of or in addition to participating in the hearing, interested parties are invited to submit written statements or briefs concerning these investigations. All written submissions, including requests to appear at the hearing, statements, and briefs, should be addressed to the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436. Any prehearing statements or briefs should be filed not later than 5:15 p.m., March 7, 2005; the deadline for filing posthearing statements or briefs is 5:15 p.m., March 30, 2005. All written submissions must conform with the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Section 201.8 of the rules requires that a signed original (or a copy designated as an original) and fourteen (14) copies of each document be filed. In the event that confidential treatment of the document is requested, at least four (4) additional copies must be filed, in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). The Commission's rules do not authorize filing submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, [ftp://ftp.usitc.gov/pub/reports/electronic\\_filing\\_handbook.pdf](ftp://ftp.usitc.gov/pub/reports/electronic_filing_handbook.pdf)). Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "nonconfidential" version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available in the Office of the Secretary to the Commission for inspection by interested parties.

The Commission may include some or all of the confidential business

information submitted in the course of these investigations in the report it sends to the USTR and the President. As requested by the USTR, the Commission will publish a public version of the report. However, in the public version, the Commission will not publish confidential business information in a manner that would reveal the operations of the firm supplying the information.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Secretary at (202) 205-2000.

Issued: February 10, 2005.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 05-2924 Filed 2-15-05; 8:45 am]

**BILLING CODE 7020-02-P**

## **INTERNATIONAL TRADE COMMISSION**

### **Index and Description of Major Information Systems and Availability of Records**

**AGENCY:** International Trade Commission.

**ACTION:** Notice announcing availability of public information.

**SUMMARY:** The United States International Trade Commission (USITC or Commission) provides notice of its index and description of major information systems and availability of its records.

**FOR FURTHER INFORMATION CONTACT:** Marilyn R. Abbott ((202) 205-2000), Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission and persons seeking information on the Commission, or making submittals or requests, and seeking decisions, may contact the Office of the Secretary at (202) 205-2000.

**SUPPLEMENTARY INFORMATION:** The Commission makes agency records available to the public in a number of ways: *Electronic Document Information System (II)*. This system provides Internet access to public documents filed with the Office of the Secretary. Docketing information for USITC investigations instituted since 1996 is available electronically by accessing the

USITC Internet site at "<http://www.usitc.gov>" or directly at "<http://edis.usitc.gov>."

**FOIA.** Commission records may also be requested under the Freedom of Information Act (FOIA) (5 U.S.C. 552). These requests are filed with the Secretary at 500 E Street, SW., Washington, DC 20436, and shall indicate clearly in the request letter, and on the envelope if the request is in paper form, that it is a "Freedom of Information Act Request." A written request may be made either (1) in paper form, or (2) electronically by contacting the Commission at "<http://www.usitc.gov/secretary/foia/index.htm>." Commission rules for requesting information under FOIA are set out in 19 CFR 201.17-201.21.

Frequently requested FOIA-processed records can be accessed by following the "Privacy Statement, Accessibility Statement, Freedom of Information, and Other Web Site Policies and Important Links" link on the USITC Internet site at "<http://www.usitc.gov>."

**Harmonized Tariff Schedule of the United States.** The USITC maintains and publishes the Harmonized Tariff Schedule of the United States (HTS) pursuant to the omnibus Trade and Competitiveness Act of 1988. The Tariff Information Center, providing the current HTS and related materials, is available on-line at "<http://www.usitc.gov/tata/hts/index.html>."

**Government Information Locator.** The USITC has an entry in the Government Information Locator Service, at "[http://www.access.gpo.gov/su\\_docs/gils/index.html](http://www.access.gpo.gov/su_docs/gils/index.html)."

**Libraries.** The Commission maintains two libraries, its National Library of International Trade (the Commission's main reference library), located on the 3rd floor of the Commission building, and a law library, located on the 6th floor. Both are open to the public during normal business hours of 8:45 a.m. to 5:15 p.m. The libraries contain, among other things, complete sets of Commission reports. To determine whether the respective libraries have the information sought, persons seeking information may call the main library at (202) 205-2630, or the law library at (202) 205-3287.

**Public Reading Room.** The Commission's docket files in the Office of the Secretary contain the submissions made in all Commission investigations. The files are available for inspection in the Public Reading Room in the Office of the Secretary. The Public Reading Room is located on the 1st floor of the Commission building. Persons having questions regarding availability of records may call the Dockets staff at

(202) 205-1802. Depending on the age of the records requested, the files are available electronically, in hard copy, and/or on microfiche.

**Reports.** Reports containing the findings and conclusions of Commission investigations and Commissioner opinions are available in hard copy and/or CD-ROM, generally at no charge, from the Office of the Secretary (telephone (202) 205-1806). Reports are also made available for download from the USITC Internet site "<http://www.usitc.gov>."

**Rules.** The Commission's Rules of Practice and Procedure set out the procedures used in Commission proceedings. The rules in 19 CFR Parts 200-213 are located in the Code of Federal Regulations and the Commission's Internet site.

**Tariff and Trade DataWeb.** The Commission's DataWeb, "<http://dataweb.usitc.gov>," provides public access to U.S. tariff and international trade data. Data from 1989 are available and can be retrieved in a number of classification systems.

**USITC Internet Site.** Recent Commission notices, news releases, meeting agendas, monthly calendars, general information "fact sheets," Commissioner biographies, schedules of pending investigations (including hearing dates and deadlines for written submissions), reports, information frequently requested under FOIA, and general information about the Commission are available electronically through the Internet at "<http://www.usitc.gov>."

Copies of Commission public records can also be obtained from the Secretary.

By order of the Commission:

Issued: February 10, 2005.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 05-2923 Filed 2-15-05; 8:45 am]

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## LIBRARY OF CONGRESS

### Copyright Royalty Judges

[Docket No. 2005-1 CRJ DTRA]

### Digital Performance Right in Sound Recordings and Ephemeral Recordings

**AGENCY:** Copyright Royalty Judges, Library of Congress.

**ACTION:** Notice announcing commencement of proceeding with request for Petitions to Participate.

**SUMMARY:** The Interim Chief Copyright Royalty Judge of the Library of Congress

is announcing the commencement of the proceeding to determine the reasonable rates and terms for two statutory licenses for the period beginning January 1, 2006, and ending on December 31, 2010. One license allows public performances of sound recordings by means of an eligible nonsubscription transmission and transmissions made by a new subscription service; the other permits the making of an ephemeral phonorecord of a sound recording in furtherance of making a permitted public performance of the sound recording. The Interim Chief Copyright Royalty Judge is also announcing the date by which a party who wishes to participate in the rate adjustment proceeding must file its Petition to Participate and the accompanying \$150 filing fee.

**DATES:** Petitions to Participate and the filing fee are due no later than March 18, 2005.

**ADDRESSES:** If hand delivered by a private party, an original and five copies of a Petition to Participate along with the \$150 filing fee 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/CRJ, U.S. Copyright Office, James Madison Memorial Building, Room LM-401, 101 Independence Avenue, SE., Washington, DC 20559-6000. If delivered by a commercial carrier, an original and five copies of a Petition to Participate along with the \$150 filing fee must be delivered to the Congressional Courier Acceptance Site located at 2nd and D Street, NE., between 8:30 a.m. and 4 p.m. The envelope should be addressed as follows: Copyright Office General Counsel/CRJ, Room 403, James Madison Memorial Building, 101 Independence Avenue, SE., Washington, DC. If sent by mail (including overnight delivery using U.S. Postal Service Express Mail), an original and five copies of a Petition to Participate along with the \$150 filing fee should be addressed to: Copyright Royalty Judges (CRJ)/CARP, P.O. Box 70977, Southwest Station, Washington, DC 20024-0977. Petitions to Participate and the \$150 filing fee 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:

William J. Roberts, Jr., Senior Attorney, or Abioye E. Oyewole, CARP Specialist.

Telephone: (202) 707-8380. Telefax: (202) 252-3423.

### SUPPLEMENTARY INFORMATION:

#### Background

On November 30, 2004, the President signed into law the Copyright Royalty and Distribution Reform Act of 2004 (the "Act"), Public Law 108-419, 118 Stat. 2341. This Act, which becomes effective on May 31, 2005, amends the Copyright Act, title 17 of the United States Code, by phasing out the Copyright Arbitration Royalty Panel ("CARP") system and replacing it with three permanent Copyright Royalty Judges ("CRJs"). As such, the CRJs will conduct proceedings to adjust the royalty rates paid under certain statutory licenses and to determine the distribution of royalties collected under sections 111, 119, and chapter 10. See 17 U.S.C. 801 (effective May 31, 2005).<sup>1</sup>

The Act directs that "as soon as practicable after the date of enactment of this Act," the CRJs or interim CRJs shall publish a notice initiating "a proceeding to establish or adjust rates and terms for the statutory licenses under section 114(f)(2) and 112(e) . . . for new subscription services and eligible nonsubscription services for the period commencing on January 1, 2006."<sup>2</sup> Section 6(b)(4) of the Copyright Royalty and Distribution Reform Act of 2004, Public Law 108-419. This notice initiates the rate adjustment proceeding.

#### Petitions To Participate

Any party who wishes to participate in the proceeding to adjust the rates and terms for the digital public performance of sound recordings by means of an eligible nonsubscription transmission<sup>3</sup> or a transmission made by a new subscription service<sup>4</sup> under section

<sup>1</sup> Unless otherwise noted, all references to Chapter 8 of title 17 of the United States Code become effective May 31, 2005.

<sup>2</sup> In 2004, a proceeding to adjust the rates and terms for these services for the license period 2005-2006 was initiated by the Copyright Office under the CARP system. See 69 FR 689 (January 6, 2004) and 69 FR 5196 (February 3, 2004). However, the Act terminated this proceeding and directed that the rates and terms in effect on December 31, 2004, shall remain in effect at least for 2005. Section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, Public Law 108-419; see also 70 FR 6736 (February 8, 2005).

<sup>3</sup> An "eligible nonsubscription transmission" is a noninteractive digital audio transmission which, as the name implies, does not require a subscription for receiving the transmission. The transmission must also be made as part of a service that provides audio programming consisting in whole or in part of performances of sound recordings the purpose of which is to provide audio or entertainment programming, but not to sell, advertise, or promote particular goods or services. See 17 U.S.C. 114(j)(6).

<sup>4</sup> A "new subscription service" is "a service that performs sound recordings by means of