

A copy of the proposed information clearance request (ICR), including the proposed revised form and instructions, can be obtained directly through the Web site: <http://www.doleta.gov/Performance/guidance/OMBControlNumber.cfm> or by contacting the office listed above in the addressee section of this notice.

**III. Current Actions**

*Type of Review:* New.  
*Agency:* Employment and Training Administration.  
*Title:* Financial Reporting Requirements for ETA Programs Currently Reporting on SF 269.

*Affected Public:* State agencies, local governments, and/or other for profit and non-profit organizations; and consortia of any and/or all of the above.

*Total Respondents:* 680.

*Frequency:* Quarterly.

**DOL-ETA REPORTING BURDEN FOR ENTITIES THAT WILL BE REPORTING ON REVISED FINANCIAL STATUS REPORT**

	PY 2004			PY 2005		
	PY 2004	FY 2005	Total	PY 2005	FY 2006	Total
Average number of reports per entity per quarter .....	1	1	2	1	1	2
Average number of reports per entity per year .....	4	4	8	4	4	8
Average number of hours required for reporting per quarter per report .....	1/2	1/2	1/2	1/2	1/2	1/2
Average number of hours required for reporting per entity per year .....	2	2	4	2	2	4
Number of entities reporting .....	680	680	680	680	680	680
Average number of hours required for reporting burden per year .....	1360	1360	2720	1360	1360	2720
Total burden cost @ \$30.22 per hour .....			\$82,198			\$82,198

**Note:** The above data represents average burden figures for all ETA programs that will be reporting on the revised U.S. DOL ETA Financial Report and that are currently reporting on the SF 269. Programs included in this compilation are: State Employment Security Agencies (SESAs), comprised of Employment Service (ES), Unemployment Service (UI), and Trade Program Grant Agreements (TAs); Hardmark Grants; Business Relations Group High Growth Grants; H-I B Grants; Youth, comprised of Offender, Foster Care, Opportunity, and Rewarding Achievement Grants; and Performance Incentive Grants. Estimates also include provision for other miscellaneous grants which are yet to be funded, but which will report on the revised Financial Report. (An exception to the average number of reports per entity per quarter are the SESAs which each have 3 components, ES, UI, and Trade, for an approximate total of 25 reports per quarter.) Total burden cost was based upon a GS-12, Step 1 salary as calculated from Salary Table 2005-DCB, effective January 2005.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the ICR; they will become a matter of public record.

Dated: December 28, 2005.

**Emily Stover DeRocco,**

*Assistant Secretary, Employment and Training Administration.*

[FR Doc. E5-8288 Filed 1-4-06; 8:45 am]

**BILLING CODE 4510-30-P**

**LIBRARY OF CONGRESS**

**Copyright Office**

[Docket No. 2005-5 CARP]

**Notice of Intent To Audit**

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

**ACTION:** Public notice.

**SUMMARY:** The Copyright Office of the Library of Congress is announcing receipt of eleven notices of intent to audit eligible nonsubscription and new subscription services that transmit sound recordings under statutory licenses. The audits intend to verify statements of account for the years 2002, 2003, and 2004.

**FOR FURTHER INFORMATION CONTACT:** Tanya M. Sandros, Associate General Counsel, or Gina Giuffreda, Attorney-Advisor, 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:** Section 106(6) of the Copyright Act, title 17 of the United States Code, gives the copyright owner of a sound recording the right to perform the sound recording publicly by means of a digital audio transmission, subject to certain limitations. Among these limitations are certain exemptions and a statutory license which allows for the public performance of sound recordings as part of "eligible nonsubscription transmissions" and digital transmissions made by "new

subscription services."<sup>1</sup> 17 U.S.C. 114. Moreover, these services may make any necessary ephemeral reproductions to facilitate the digital transmission of the sound recording under a second license set forth in section 112(e) of the Copyright Act. Use of these licenses requires that services make payments of royalty fees to and file reports of sound recording performances with SoundExchange. SoundExchange is a collecting rights entity that was designated by the Librarian of Congress to collect statements of account and royalty fee payments from services and distribute the royalty fees to copyright owners and performers entitled to receive such royalties under sections 112(e) and 114(g) following a proceeding<sup>2</sup> before a Copyright Arbitration Royalty Panel ("CARP")—the entity responsible for setting rates and terms for use of the section 112 and section 114 licenses prior to the passage of the Copyright Royalty and Distribution Reform Act of 2004

<sup>1</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 a part of a service that provides audio programming consisting in whole or in part of performances of sound recordings the primary 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).

A "new subscription service" is "a service that performs sound recordings by means of noninteractive subscription digital audio transmissions and that is not a preexisting subscription or a preexisting satellite digital audio radio service." 17 U.S.C. 114(j)(8).

<sup>2</sup> See 69 FR 5693 (February 6, 2004).

("CRDRA"), Public Law No. 108-419, 118 Stat. 2341.

This Act, which the President signed into law on November 30, 2004, and which became effective on May 31, 2005, amends the Copyright Act, title 17 of the United States Code, by phasing out the CARP system and replacing it with three permanent Copyright Royalty Judges ("CRJs"). Consequently, the CRJs will carry out the functions heretofore performed by the CARPs, including the adjustment of rates and terms for certain statutory licenses such as the section 114 and 112 licenses. However, section 6(b)(3) of the Act states in pertinent part:

[t]he rates and terms in effect under section 114(f)(2) or 112(e) \* \* \* on December 30, 2004, for new subscription services [and] eligible nonsubscription services \* \* \* shall remain in effect until the later of the first applicable effective date for successor terms and rates \* \* \* or such later date as the parties may agree or the Copyright Royalty Judges may establish.

Successor rates and terms for these licenses have not yet been established. Accordingly, the terms of the section 114 and 112 licenses, as currently constituted, are still in effect.

One of the current terms, set forth in § 262.6 of title 37 of the Code of Federal Regulations, states that SoundExchange, as the Designated Agent, may conduct a single audit of a Licensee for the purpose of verifying their royalty payments. As a preliminary matter, the Designated Agent is required to submit a notice of its intent to audit a Licensee with the Copyright Office and serve this notice on the service to be audited. 37 CFR 262.6(c).

On December 23, 2005, SoundExchange filed with the Copyright Office eleven notices of intent to audit the following eligible nonsubscription and new subscription services for the years 2002, 2003, and 2004: Bonneville International Corporation; <sup>3</sup> Susquehanna Radio Corp.; <sup>4</sup> RealNetworks, Inc.; <sup>5</sup> Clear Channel Communications, Inc.; <sup>6</sup>

<sup>3</sup> A copy of the Notice of Intent to Audit Bonneville International Corporation is posted on the Copyright Office website at <http://www.copyright.gov/carp/bonneville-notice.pdf>.

<sup>4</sup> A copy of the Notice of Intent to Audit Susquehanna Radio Corp. is posted on the Copyright Office website at <http://www.copyright.gov/carp/susquehanna-notice.pdf>.

<sup>5</sup> A copy of the Notice of Intent to Audit RealNetworks, Inc. is posted on the Copyright Office website at <http://www.copyright.gov/carp/realnetworks-notice.pdf>.

<sup>6</sup> A copy of the Notice of Intent to Audit Clear Channel Communications, Inc. is posted on the Copyright Office website at <http://www.copyright.gov/carp/clearchannel-notice.pdf>.

America Online, Inc.; <sup>7</sup> Beethoven Radio; <sup>8</sup> MTV Networks; <sup>9</sup> Microsoft Corporation; <sup>10</sup> Live365, Inc.; <sup>11</sup> Cox Radio Interactive; <sup>12</sup> and Yahoo!, Inc. <sup>13</sup> As stated in § 262.6(c), the Copyright Office then is required to publish a notice in the **Federal Register** within thirty days of receipt of the filing announcing the Designated Agent's intent to conduct an audit.

In accordance with this regulation, the Office is publishing today's notice to fulfill this requirement with respect to SoundExchange's eleven notices of intent to audit identified herein.

Dated: December 30, 2005.

**Tanya M. Sandros,**

*Associate General Counsel.*

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**BILLING CODE 1410-33-P**

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (05-177)]

### National Environmental Policy Act; Advanced Radioisotope Power Systems

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

**ACTION:** Notice of availability of Draft Programmatic Environmental Impact Statement (DPEIS) for the Development of Advanced Radioisotope Power Systems.

**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 policy and procedures (14 CFR subpart

<sup>7</sup> A copy of the Notice of Intent to Audit America Online, Inc. is posted on the Copyright Office website at <http://www.copyright.gov/carp/aol-notice.pdf>.

<sup>8</sup> A copy of the Notice of Intent to Audit Beethoven Radio is posted on the Copyright Office website at <http://www.copyright.gov/carp/beethoven-notice.pdf>.

<sup>9</sup> A copy of the Notice of Intent to Audit MTV Networks is posted on the Copyright Office website at <http://www.copyright.gov/carp/mtv-notice.pdf>.

<sup>10</sup> A copy of the Notice of Intent to Audit Microsoft Corporation is posted on the Copyright Office website at <http://www.copyright.gov/carp/microsoft-notice.pdf>.

<sup>11</sup> A copy of the Notice of Intent to Audit Live365, Inc. is posted on the Copyright Office website at <http://www.copyright.gov/carp/live365-notice.pdf>.

<sup>12</sup> A copy of the Notice of Intent to Audit Cox Radio Interactive is posted on the Copyright Office website at <http://www.copyright.gov/carp/coxradi-notice.pdf>.

<sup>13</sup> A copy of the Notice of Intent to Audit Yahoo!, Inc. is posted on the Copyright Office website at <http://www.copyright.gov/carp/yahoo-notice.pdf>.

1216.3), NASA has prepared and issued a DPEIS for the proposed development of two new types of advanced Radioisotope Power Systems (RPSs), the Multi-Mission Radioisotope Thermoelectric Generator (MMRTG) and the Stirling Radioisotope Generator (SRG).

The purpose of this proposed action is to develop advanced power systems, specifically the MMRTG and the SRG, that would enable a broad range of long-term space exploration missions and would be able to function in the environments encountered in space and on the surfaces of planets, moons, and other solar system bodies that have an atmosphere. Included in this proposed action are NASA's long-term research and development (R&D) activities focused on alternative radioisotope power systems and power conversion technologies. The long-term R&D activities could include, but not necessarily be limited to, improvements to further increase the versatility of future RPS designs, expanding their capability and the environments in which they can operate. The long-term R&D activities are also expected to include activities to develop RPS designs with smaller electric outputs and efforts to reduce the mass of power conversion systems to further improve specific power (watts of electrical power per unit of mass). Such long-term R&D activities do not involve the use of radioactive material.

The only alternative to the Proposed Action considered in detail is the No Action Alternative, where NASA would discontinue development efforts for the production of the MMRTG and the SRG and would continue to consider the use of currently available RPSs, such as the General Purpose Heat Source-Radioisotope Thermoelectric Generator (GPHS-RTG), for future exploration missions. As with the Proposed Action, NASA's long-term R&D activities on alternative radioisotope power systems and power conversion technologies would continue.

**DATES:** Written comments on the DPEIS must be received by NASA on or before February 20, 2006, or 45 days from the date of publication in the **Federal Register** of the U.S. Environmental Protection Agency notice of availability of the DPEIS for the Development of Advanced Radioisotope Power Systems, whichever is later.

**ADDRESSES:** Comments submitted via first class, registered, or certified mail should be addressed to Dr. Ajay Misra, Science Mission Directorate, Mail Code 3C67, Room 3N36, NASA Headquarters, 300 E Street SW., Washington, DC