

Korea would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>3</sup>

The Commission transmitted its remand determinations to U.S. Court of International Trade on January 25, 2002. The views of the Commission are contained in USITC Publication 3485 (January 2002), entitled Top-of-the-Stove Stainless Steel Cooking Ware from Korea (Views on Remand); Investigations Nos. 701-TA-267 and 731-TA-304 (Review) (Remand).

By order of the Commission.  
Issued: January 24, 2002.

**Marilyn R. Abbott,**  
*Acting Secretary.*

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**DEPARTMENT OF LABOR**

**Office of the Secretary**

**Submission for OMB Review; Comment Request**

January 15, 2002.

The Department of Labor (DOL) has submitted the following public

information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Marlene Howze at ((202) 219-8904 or Email *Howze-Marlene@dol.gov*.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ESA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- \* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

- \* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- \* Enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Type of Review:* Revision of a currently approved collection.

*Agency:* Employment Standards Administration (ESA).

*Title:* Report of Ventilatory Study (CM-907), Roentgenographic (CM-933), Roentgenographic Quality Rereading (CM-933b), Medical History and Examination for Coal Mine Workers' Pneumoconiosis (CM-988), Report of Arterial Blood Gas Study (CM-1159) and Report of Ventilatory Study (CM-2907).

*OMB Number:* 1215-0090.

*Affected Public:* Business or other for-profit and Not-for-profit institutions.

*Frequency:* On Occasion.

*Responses and Estimated Burdens:*

Form	Number of respondents	Annual responses	Per response (in minutes)	Total burden hours
CM-907 .....	100	100	20	33
CM-933 .....	6,000	6,000	5	500
CM-933b .....	5,000	5,000	5	417
CM-988 .....	5,000	5,000	30	2,500
CM-1159 .....	5,000	5,000	15	1,250
CM-2907 .....	4,900	4,900	20	1,634
Totals .....	26,000	26,000	.....	6,334

*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$7,418.25.

*Description:* 20 CFR 718 specifies that certain information relative to the medical condition of a claimant who is alleging the presence of pneumoconiosis be obtained as a routine function of the claim adjudication process. The medical specifications in the regulations have been formatted in a variety of forms to promote efficiency and accuracy in gathering the required data. These forms were designed to meet the need to establish medical evidence. If this information were not gathered,

determinations on total disability could not be made.

**Ira L. Mills,**  
*Departmental Clearance Officer.*  
[FR Doc. 02-2234 Filed 1-29-02; 8:45 am]  
BILLING CODE 4510-CK-M

**LIBRARY OF CONGRESS**

**Copyright Office**

[Docket No. 2002-1 CARP DTRA3]

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

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

**ACTION:** Initiation of voluntary negotiation period.

**SUMMARY:** The Copyright Office is announcing the initiation of the voluntary negotiation period for determining reasonable rates and terms for two compulsory licenses, which in one case, allows public performances of sound recordings by means of eligible nonsubscription transmissions, and in the second instance, allows the making of an ephemeral phonorecord of a sound recording in furtherance of making a permitted public performance of the sound recording.

**EFFECTIVE DATE:** The voluntary negotiation period begins on January 30, 2002.

<sup>3</sup> Vice Chairman Deanna Tanner Okun and Commissioner Lynn M. Bragg dissenting.

**ADDRESSES:** Copies of voluntary license agreements and petitions, if sent by mail, should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. If hand delivered, they should be brought to: Office of the General Counsel, James Madison Memorial Building, Room LM-403, First and Independence Avenue, SE, Washington, DC 20559-6000.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or Tanya M. Sandros, Senior Attorney, Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:** In 1995, Congress enacted the Digital Performance Right in Sound Recordings Act of 1995 ("DPRA"), Pub. L. 104-39, which created an exclusive right for copyright owners of sound recordings, subject to certain limitations, to perform publicly the sound recordings by means of certain digital audio transmissions. Among the limitations on the performance right was the creation of a new compulsory license for nonexempt, noninteractive, digital subscription transmissions. 17 U.S.C. 114(f).

The scope of this license was expanded in 1998 upon passage of the Digital Millennium Copyright Act of 1998 ("DMCA" or "Act"), Pub. L. 105-304, in order to allow a nonexempt eligible nonsubscription transmission and a nonexempt transmission by a preexisting satellite digital audio radio service to perform publicly a sound recording in accordance with the terms and rates of the statutory license. 17 U.S.C. 114(a).

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. A "preexisting satellite digital audio radio service" is a subscription digital audio radio service that received a satellite digital audio radio service license issued by the Federal Communications Commission on or before July 31, 1998. See 17 U.S.C. 114(j)(6) and (10).

In addition to expanding the current § 114 license, the DMCA also created a

new statutory license for the making of an "ephemeral recording" of a sound recording by certain transmitting organizations. 17 U.S.C. 112(e). The new statutory license allows entities that transmit performances of sound recordings to business establishments, pursuant to the limitations set forth in Section 114(d)(1)(C)(iv), to make an ephemeral recording of a sound recording for purposes of a later transmission. The new license also provides a means by which a transmitting entity with a statutory license under Section 114(f) can make more than the one phonorecord permitted by the exemption specified in Section 112(a). 17 U.S.C. 112(e).

#### Determination of Reasonable Terms and Rates

The statutory scheme for establishing reasonable terms and rates is the same for both licenses. The terms and rates for the two new statutory licenses may be determined by voluntary agreement among the affected parties, or if necessary, through compulsory arbitration conducted pursuant to Chapter 8 of the Copyright Act.

If the affected parties are able to negotiate voluntary agreements, then it may not be necessary for these parties to participate in an arbitration proceeding. See 17 U.S.C. 112(e)(5) and 114(f)(3). Similarly, if the parties negotiate an industry-wide agreement, an arbitration may not be needed. In the latter case, the Librarian of Congress will follow current rate regulation procedures and notify the public of the proposed agreement in a notice and comment proceeding. If no party with a substantial interest and an intent to participate in an arbitration proceeding files a comment opposing the negotiated rates and terms, the Librarian will adopt the proposed terms and rates without convening a copyright arbitration royalty panel. 37 CFR 251.63(b). If, however, no industry-wide agreement is reached, or only certain parties negotiate license agreements, then those copyright owners and users relying upon one or both of the statutory licenses shall be bound by the terms and rates established through the arbitration process.

Arbitration proceedings cannot be initiated unless a party files a petition for ratemaking with the Librarian of Congress during the 60-day period, beginning July 1, 2002. 17 U.S.C. 112(e)(6) and 114(f)(2)(C)(ii)(II).

On November 27, 1998, the Copyright Office initiated a six-month voluntary negotiation period in accordance with Section 112(e)(3) and 114(f)(2)(A) for the purpose of establishing rates and terms

for these licenses for the period beginning on the effective date of the DMCA and ending on December 31, 2000. 63 FR 65555 (November 27, 1998). Parties to these negotiations however, were unable to reach agreement on the rates and terms and, in accordance with Sections 112(e)(4) and 114(f)(1)(B), the Copyright Office initiated arbitration proceedings to determine the rates and terms for use of these licenses through December 31, 2000. 64 FR 52107 (September 27, 1999).

Subsequently, the Copyright Office initiated another voluntary negotiation period in January 2000 for the purpose of setting rates and terms for use of these licenses by services for the period between January 1, 2001, and December 31, 2002. 66 FR 2194 (January 13, 2000). Because the panel in both proceedings was to set rates and terms for the same licenses, albeit for different time periods, the Office consolidated the 1998-2000 proceeding with the 2001-2002 proceeding. See Order, Docket Nos. 99-6 CARP DTRA and 2000-3 CARP DTRA2 (December 4, 2000). This consolidated proceeding is still ongoing and the CARP is scheduled to submit its report on February 20, 2002. See Order, Docket No. 2000-9 CARP DTRA1&2 (November 9, 2001).

#### Initiation of the Next Round of Voluntary Negotiations

Unless the schedule has been readjusted by the parties in a previous rate adjustment proceeding, Sections 112(e)(7) and 114(f)(2)(C)(i)(II) of the Copyright Act require the publication of a notice in January 2002, and at 2-year intervals thereafter, initiating the voluntary negotiation periods for determining reasonable rates and terms for the statutory licenses permitting the public performance of a sound recording by means of certain digital transmissions and the making of an ephemeral recording in accordance with Section 112(e). Parties who negotiate a voluntary license agreement during this period are encouraged to submit two copies of the agreement to the Copyright Office at the above-listed address within 30 days of its execution.

The publication of this notice fulfills the requirement. The negotiation period shall begin on January 30, 2002, and end on June 30, 2002.

#### Petitions

In the absence of a license agreement negotiated under 17 U.S.C. 112(e)(4) or 114(f)(2)(A), those copyright owners of sound recordings and entities availing themselves of the statutory licenses are subject to arbitration upon the filing of a petition by a party with a significant

interest in establishing reasonable terms and rates for the statutory licenses. Petitions must be filed in accordance with 17 U.S.C. 112(e)(7), 114(f)(2)(C)(ii)(II), and 803(a)(1) and may be filed any time during the sixty-day period beginning on July 1, 2002. See also, 37 CFR 251.61. Parties should submit petitions to the Copyright Office at the address listed in this notice. The petitioner must deliver an original and five copies to the Office.

Dated: January 24, 2002.

**David O. Carson,**

*General Counsel.*

[FR Doc. 02-2242 Filed 1-29-02; 8:45 am]

BILLING CODE 1410-33-P

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (02-010)]

### Agency Information Collection

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

**ACTION:** Notice of agency report forms under OMB review.

**SUMMARY:** The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A)). This information collection is required to ensure proper accounting of Federal funds and property provided under cooperative agreements with commercial firms.

**DATES:** Comments on this proposal should be received on or before March 1, 2002.

**ADDRESSES:** All comments should be addressed to Desk Officer for NASA; Office of Information and Regulatory Affairs; Office of Management and Budget; Room 10236; New Executive Office Building; Washington, DC, 20503.

**FOR FURTHER INFORMATION CONTACT:** Ms. Nancy Kaplan, NASA Reports Officer, (202) 358-1372.

*Title:* Cooperative Agreements with Commercial Firms.

*OMB Number:* 2700-0092.

*Type of review:* Extension.

*Need and Uses:* Reporting and recordkeeping are prescribed under 14 CFR part 1274. Information collected ensures the accountability of public funds and proper maintenance of an appropriate internal control system.

*Affected Public:* Business or other for-profit.

*Number of Respondents:* 107.

*Responses Per Respondent:* 6.

*Annual Responses:* 658.

*Hours Per Request:* 7.

*Annual Burden Hours:* 4,592.

*Frequency of Report:* On occasion.

**David B. Nelson,**

*Deputy Chief Information Officer, Office of the Administrator.*

[FR Doc. 02-2190 Filed 1-29-02; 8:45 am]

BILLING CODE 7510-01-P

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (02-011)]

### Agency Information Collection Activities

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

**ACTION:** Notice of agency report forms under OMB review.

**SUMMARY:** The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A)). This information collection is utilized by NASA procurement and technical personnel in the management of contracts valued at less than \$500K.

**DATES:** Comments on this proposal should be received on or before March 1, 2002.

**ADDRESSES:** All comments should be addressed to Desk Officer for NASA; Office of Information and Regulatory Affairs; Office of Management and Budget; Room 10236; New Executive Office Building; Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Ms. Nancy Kaplan, NASA Reports Officer, (202) 358-1372.

*Title:* NASA Acquisition Process—Reports Required On Contracts Valued at Less Than \$500K.

*OMB Number:* 2700-0088.

*Type of review:* Extension.

*Need and Uses:* Information is used by NASA procurement and technical personnel in the management of contracts. Collection is prescribed in the NASA Federal Acquisition Regulation Supplement and approved mission statements.

*Affected Public:* Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

*Number of Respondents:* 1,282.

*Responses Per Respondent:* 30.

*Annual Responses:* 38,460.

*Hours Per Request:* 27 hrs.

*Annual Burden Hours:* 1,065,600.

*Frequency of Report:* On occasion.

**David B. Nelson,**

*Deputy Chief Information Officer, Office of the Administrator.*

[FR Doc. 02-2191 Filed 1-29-02; 8:45 am]

BILLING CODE 7510-01-P

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (02-012)]

### NASA Advisory Council, Biological and Physical Research Advisory Committee, Space Station Utilization Advisory Subcommittee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Biological and Physical Research Advisory Committee, Space Station Utilization Advisory Subcommittee.

**DATES:** Tuesday, February 12, 2002, 8 a.m. to 5 p.m., and Wednesday, February 13, 2002, 8 a.m. to 5 p.m.

**ADDRESSES:** Center for Advanced Space Studies, 3600 Bay Area Boulevard, Houston, Texas.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark Ubran, Code UM, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-2233.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. Advance notice of attendance to the Executive Secretary is requested. The agenda for the meeting will include the following topics:

- Research Operations
- Executive Presentations
- Special Topics
- Response to Prior Recommendations
- Response to Prior Actions
- Task Force on Research Priorities

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key