

(3) The payment of the processing fee set forth in § 1.492(i) is required for acceptance of an English translation later than the expiration of thirty months after the priority date. The payment of the surcharge set forth in § 1.492(h) is required for acceptance of any of the search fee, the examination fee, or the oath or declaration of the inventor after the date of the commencement of the national stage (§ 1.491(a)).

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Dated: May 19, 2005.

Jon W. Dudas,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 05-10585 Filed 5-25-05; 8:45 am]

BILLING CODE 3510-16-P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 2005-4]

Statements of Account

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Office is amending its rules to require cable operators, satellite carriers, and manufacturers and importers of digital audio recording technology and media to file with the Licensing Division of the Copyright Office a copy of their statement of account together with the original statement of account.

DATE: This rule shall take effect on July 1, 2005.

FOR FURTHER INFORMATION CONTACT:

David O. Carson, General Counsel, or Tanya M. Sandros, Associate General Counsel, Copyright GC/R&I, P.O. Box 70400, Southwest Station, Washington, DC 20024-0400. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION: The Copyright Act, title 17 of the United States Code, requires cable operators and satellite carriers making secondary transmissions of broadcast signals under a statutory license to file with the Copyright Office statements of account every six months together with the royalty fees required for use of the licenses. 17 U.S.C. 111(d)(2) and 119(b)(1). Similarly, entities that manufacture and distribute and/or import and distribute digital audio recording devices or digital audio

recording media in the United States must file with the Licensing Division quarterly and annual statements of account. 17 U.S.C. 1003.

Currently, a licensee operating under any of these three statutory licenses need file only the original statement of account with the Copyright Office at the appropriate time. In the case of cable filings, this form is then copied by the staff in the Licensing Division before examination, a process which may take four to six months to complete. In the meantime, statements of account are not available for routine public viewing. Such a process is inefficient and inhibits the timely processing of the statements. For this reason, the copyright owners who are the beneficiaries of the royalty fees paid to the Copyright Office have requested that the Office amend its rules to require the licensees to file both an original statement of account and a copy of the statement at the time of payment of the royalty fees.

Their suggestion offers a practical and inexpensive solution to the problems noted above. Filing an original and one copy of the statement of account will have a two-fold benefit. The submission of a second copy will eliminate one time-consuming step in the processing of the statements, thereby increasing the efficiency associated with handling the statements at the initial stage. Certainly, it is far easier and less expensive for the licensee to make a single copy of its statement of account than to have the staff of the Licensing Division assume this burden on behalf of the thousands of licensees who file quarterly, semi-annual, and annual statements of account. Moreover, the ready availability of a copy of the cable and satellite statements of account will expedite the creation of the public file for review by copyright owners and other interested parties.

For these reasons, the Copyright Office is amending its rules to require each licensee to file a copy of its statement of account with the Licensing Division of the Copyright Office along with the original statement of account.

The Office is also revising the section heading for § 201.11 by removing the phrase "for private home viewing" to reflect the fact that the section 119 statutory license is no longer limited to private home viewing. Under the Satellite Home Viewer Extension and Reauthorization Act ("SHVERA"), Public Law 108-447, which was signed into law on December 8, 2004, satellite carriers can now provide secondary retransmissions to private homes and to commercial establishments.

This final rule is being published without opportunity for notice and comment because it is a rule of agency practice and procedure. Moreover, the Office finds that there is good cause to conclude that providing the opportunity for notice and comment would be impracticable, unnecessary and contrary to the public interest because this rule simply requires a licensee to make and submit a single copy of its statements of account, a trivial burden compared to the administrative burden to the Office of making copies of all statements of account. See 5 U.S.C. 553(b)(A) and (B).

Regulatory Flexibility Act Statement

Although the Copyright Office, as a department of the Library of Congress and part of the Legislative Branch, is not an "agency" subject to the Regulatory Flexibility Act, 5 U.S.C. 601-612, the Register of Copyrights has considered the effect of the proposed amendment on small businesses. The Register has determined that the amendments would not have a significant economic impact on a substantial number of small business entities that would require a provision of special relief for them. The amendments are designed to minimize any significant economic impact on small business entities.

List of Subjects in 37 CFR 201

Copyright.

Final Regulations

■ In consideration of the foregoing, the Copyright Office is amending part 201 of 37 CFR as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

■ 2. Section 201.11 is amended as follows:

■ a. by revising the section heading,
■ b. by redesignating paragraphs (g) and (h) as paragraphs (h) and (i), respectively, and

■ c. by adding a new paragraph (g).

The revisions and additions to § 201.11 reads as follows:

§ 201.11 Satellite carrier statements of account covering statutory licenses for secondary transmissions.

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(g) *Copies of statements of account.* A licensee shall file an original and one copy of the statement of account with the Licensing Division of the Copyright Office.

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■ 3. Section 201.17 is amended as follows:

- a. by redesignating paragraphs (j) and (k) as paragraphs (k) and (l), respectively, and
 - b. by adding a new paragraph (j).
- The revisions and additions to § 201.17 reads as follows:

§ 201.17 Statements of Account covering compulsory licenses for secondary transmissions by cable systems.

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(j) *Copies of statements of account.* A licensee shall file an original and one copy of the statement of account with the Licensing Division of the Copyright Office.

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■ 4. Section 201.28 is amended as follows:

- a. by redesignating paragraphs (g) through (k) as paragraphs (h) through (l), respectively, and

- b. by adding a new paragraph (g).

The revisions and additions to § 201.28 reads as follows:

§ 201.28 Statements of Account for digital audio recording devices and media.

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(g) *Copies of statements of account.* A licensee shall file an original and one copy of the statement of account with the Licensing Division of the Copyright Office.

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Dated: May 18, 2005

Marybeth Peters,

Register of Copyrights.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 05-10552 Filed 5-25-05; 8:45 am]

BILLING CODE 1410-30-S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R01-OAR-2004-ME-0005; A-1-FRL-7913-3]

Approval and Promulgation of Air Quality Implementation Plans; Maine; VOC Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving two State Implementation Plan (SIP) revisions submitted by the State of Maine. These revisions establish requirements to reduce volatile organic compound (VOC) emissions from mobile equipment repair and refinishing, and solvent cleaning operations. The intended effect of this action is to

approve these requirements into the Maine SIP. EPA is taking this action in accordance with the Clean Air Act (CAA).

DATES: This direct final rule will be effective July 25, 2005, unless EPA receives adverse comments by June 27, 2005. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Regional Material in EDocket (RME) ID Number R01-OAR-2004-ME-0005 by one of the following methods:

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

2. Agency Web site: <http://docket.epa.gov/rmepub/> Regional Material in EDocket (RME), EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Once in the system, select "quick search," then key in the appropriate RME Docket identification number. Follow the on-line instructions for submitting comments.

3. E-mail: conroy.dave@epa.gov.

4. Fax: (617) 918-0661.

5. Mail: "RME ID Number R01-OAR-2004-ME-0005," David Conroy, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (mail code CAQ), Boston, MA 02114-2023.

6. Hand Delivery or Courier. Deliver your comments to: David Conroy, Unit Manager, Air Quality Planning, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, 11th floor, (CAQ), Boston, MA 02114-2023. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

Instructions: Direct your comments to Regional Material in EDocket (RME) ID Number R01-OAR-2004-ME-0005. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://docket.epa.gov/rmepub/>, 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 Regional Material in EDocket (RME), regulations.gov, or e-mail. The EPA RME Web site and the federal 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 RME or 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.

Docket: All documents in the electronic docket are listed in the Regional Material in EDocket (RME) index at <http://docket.epa.gov/rmepub/>. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in RME or in hard copy at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Anne Arnold, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, One Congress Street, Suite 1100 (CAQ), Boston, MA 02114-2023, (617) 918-1047, arnold.anne@epa.gov.

SUPPLEMENTARY INFORMATION: