

Signed at Washington, DC, this 3rd day of April, 2013.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2013-08927 Filed 4-16-13; 8:45 am]

**BILLING CODE 4510-FN-P**

## DEPARTMENT OF LABOR

### Wage and Hour Division

**RIN 1235-0021**

#### Proposed Extension of the Employment Information Form Information Collection

**AGENCY:** Wage and Hour Division, Department of Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95). 44 U.S.C. 3056(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Wage and Hour Division is soliciting comments concerning its proposal to extend Office of Management and Budget (OMB) approval of the Information Collection: Employment Information Form. A copy of the proposed information request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before June 17, 2013.

**ADDRESSES:** You may submit comments identified by Control Number 1235-0021, by either one of the following methods: *Email:*

*WHDPRAComments@dol.gov; Mail, Hand Delivery, Courier:* Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue NW., Washington, DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control

Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

#### FOR FURTHER INFORMATION CONTACT:

Mary Ziegler, Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693-0406 (this is not a toll-free number). Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape, or Disc), upon request, by calling (202) 693-0023 (not a toll-free number). TTY/TTD callers may dial toll-free (877) 889-5627 to obtain information or request materials in alternative formats.

#### SUPPLEMENTARY INFORMATION:

*I. Background:* The Wage and Hour Division of the Department of Labor administers the Fair Labor Standards Act (FLSA), 29 U.S.C. 201, *et seq.*, which sets the Federal minimum wage, overtime pay, recordkeeping, and youth employment standards of most general application. *See* 29 U.S.C. 206; 207; 211; 212. FLSA requirements apply to employers of employees engaged in interstate commerce or in the production of goods for interstate commerce and of employees in certain enterprises, including employees of a public agency; however, the FLSA contains exemptions that apply to employees in certain types of employment. *See* 29 U.S.C. 213, *et al.* FLSA section 11(a) provides that the Secretary of Labor may investigate and gather data regarding the wages, hours, or other conditions and practices of employment in any industry subject to the FLSA, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters deemed necessary or appropriate to determine whether any person has violated any provision of the FLSA. 29 U.S.C. 211(a).

Other Federal laws the WHD administers provide similar authority. These Acts include the: Walsh-Healey Public Contracts Act (41 U.S.C. 38); McNamara-O'Hara Service Contract Act

(41 U.S.C. 353(a)); Davis-Bacon Act (40 U.S.C. 3141 *et seq.*, pursuant to Reorganization Plan No. 14 of 1950, and Related Acts); Consumer Credit Protection Act (15 U.S.C. 1676); Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1862(a)); Employee Polygraph Protection Act (29 U.S.C. 2004(a)(3)); Family and Medical Leave Act (29 U.S.C. 2616(a)); Immigration and Nationality Act H-2A program (8 U.S.C. 1188(g)); the Immigration and Nationality Act H-2B program (8 U.S.C. 1184(c)(14)(B) and the Immigration and Nationality Act H-1C program (8 U.S.C. 1182(m)(2)(E)(ii)). The regulatory provisions authorizing the filing of complaints under these laws and how the agency acts upon the concerns can be found at 29 CFR 4.191, 5.6, 500.1(e), 501.1(c), 501.5, 801.7(a)(3), 825.401; 41 CFR 50-201.1202; and 20 CFR 655.1200(b).

WHD staff use Form WH-3 as a guide for obtaining optional information from complainants (e.g., current and former employees, unions, and competitor employers) about alleged employer violations of the labor standards provisions of the above-cited Acts. Complainants generally provide the optional information requested on the form to WHD staff over the telephone or in-person. Where the information provided does not support a potential WHD enforcement action, complainants are advised and referred to the appropriate agency for further assistance. When the WHD schedules a complaint-based investigation, the agency makes the completed Form WH-3 part of the investigation case file. The form is printed in both English and Spanish.

The Wage and Hour Division (WHD) uses this information to determine whether covered employers have complied with various legal requirements of the laws administered by the Wage and Hour Division. The WHD seeks approval to renew this information collection related to the Employment Information Form.

*II. Review Focus:* The Department of Labor 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;
- Enhance the quality, utility, and clarity of the information to be collected;
- 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;

- 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 submissions of responses.

**III. Current Actions:** The Department of Labor seeks an approval for the extension of this information collection that requires employers to make, maintain, and preserve records in accordance with statutory and regulatory requirements.

*Type of Review:* Extension.

*Agency:* Wage and Hour Division.

*Title:* Employment Information Form.

*OMB Number:* 1235-0021.

*Affected Public:* Business or other for-profit, not-for-profit institutions, farms.

*Agency Numbers:* Form WH-3.

*Total Respondents:* 35,000.

*Total Annual Responses:* 35,000.

*Estimated Total Burden Hours:* 11,667.

*Estimated Time per Response:* 20 minutes.

*Frequency:* On occasion.

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Costs (operation/maintenance):* \$0.

Dated: April 11, 2013.

**Mary Ziegler,**

*Director, Division of Regulations, Legislation, and Interpretation.*

[FR Doc. 2013-09040 Filed 4-16-13; 8:45 am]

**BILLING CODE 4510-27-P**

## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. 2013-4]

### Review of Copyright Royalty Judges Determination

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

**ACTION:** Notice.

**SUMMARY:** The Register of Copyrights issues the following decision identifying and correcting an erroneous resolution of a material question of substantive law under title 17 that underlies or is contained in the Copyright Royalty Judges' final determination of rates and terms of royalty payments for the use of sound recordings in transmissions made by Preexisting Subscription Services.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline C. Charlesworth, Senior

Counsel to the Register, or Stephen Ruwe, Attorney Advisor Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

### SUPPLEMENTARY INFORMATION:

#### Background

The Copyright Royalty Judges ("CRJs"), who constitute the Copyright Royalty Board ("CRB"), are required by 17 U.S.C. 803(b) to issue determinations of rates and terms for royalty payments due for the public performance of sound recordings in certain digital transmissions by licensees, including Preexisting Subscription Services ("PSS") and Satellite Digital Audio Radio Services ("SDARS"), in accordance with the provisions of 17 U.S.C. 114 and 112(e). Pursuant to 17 U.S.C. 801(b)(1), the rates applicable to PSS and SDARS are to be reasonable and shall be calculated by the CRJs to achieve the following objectives:

(A) To maximize the availability of creative works to the public.

(B) To afford the copyright owner a fair return for his or her creative work and the copyright user a fair income under existing economic conditions.

(C) To reflect the relative roles of the copyright owner and the copyright user in the product made available to the public with respect to relative creative contribution, technological contribution, capital investment, cost, risk, and contribution to the opening of new markets for creative expression and media for their communication.

(D) To minimize any disruptive impact on the structure of the industries involved and on generally prevailing industry practices.

17 U.S.C. 801(b)(1); *see also* 17 U.S.C. 114(f)(1)(B) (specifying that CRJs shall consider factors set forth in section 801(b)(1) in establishing rates for PSS and SDARS).

On February 14, 2013, the CRJs issued a final determination of rates and terms of royalty payments for the use of sound recordings in transmissions made by PSS and SDARS ("Final Determination"). For PSS, for the period 2013 through the end of 2017, the CRJs established a phased-in royalty rate commencing at 8.0% of gross revenues and rising to 8.5% in 2014. For SDARS, the CRJs established a phased-in rate commencing at 9.0% gross revenues and escalating to 11.0% by 2017.

Under 17 U.S.C. 802(f)(1)(D), the Register of Copyrights may review for legal error the resolution by the CRJs of a material question of substantive law under title 17 that underlies or is contained in a final determination of the CRJs. If the Register of Copyrights concludes, after taking into consideration the views of the

participants in the proceeding, that any resolution reached by the CRJs was in material error, the Register of Copyrights shall issue a written decision correcting such legal error. 17 U.S.C. 802(f)(1)(D). The Register's correction, which must specifically identify the legal conclusion of the CRJs determined to be erroneous, is to be published in the **Federal Register** along with the CRJs' final determination. *Id.* "As to conclusions of substantive law involving an interpretation of the statutory provisions of [title 17], the decision of the Register of Copyrights shall be binding as precedent upon the Copyright Royalty Judges in subsequent proceedings \* \* \*." *Id.*

The Register concludes that the CRJs' determination of rates for royalty payments to be paid by PSS pursuant to 17 U.S.C. 114 for the use of sound recordings did not properly consider the four statutory factors as required under 17 U.S.C. 801(b)(1). The CRJs' misinterpretation of the applicable statutory standard constitutes an erroneous resolution of a material question of substantive law under title 17 that underlies or is contained in the final determination.

### Copyright Royalty Judges' Determination Setting Rates and Terms for Preexisting Subscription Services

On January 5, 2011, the CRJs announced the commencement of proceeding 2011-1 CRB PSS/Satellite II ("PSS SDARS II") to determine the reasonable rates and terms applicable to PSS and SDARS for the period January 1, 2013 through December 31, 2017. 76 FR 591, Jan. 5, 2011. Pursuant to 17 U.S.C. 804(b)(3)(B), the CRJs gave notice of a request for petitions to participate. *Id.* By the time of the commencement of the PSS SDARS hearing, of the original participants, only Music Choice, Sound Exchange, and Sirius XM remained as non-settling participants in the proceeding. Final Determination at 2. On May 25, 2012, these participants submitted a stipulation to the CRJs in which they agreed to \$ 112 license rates and terms, and the proceeding continued with respect to the \$ 114 rates and terms. *Id.* at 2. On December 14, 2012, the CRJs issued their Initial Determination in the proceeding. *Id.* at 3. SoundExchange and Sirius XM filed motions for a rehearing asserting various errors of fact and law, both of which were denied on January 30, 2013. Order Denying Motions for Rehearing, Docket No. 2011-1 CRB PSS/Satellite II (Jan. 30, 2013). On February 14, 2013, the