opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program helps 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, ETA is soliciting comments concerning the collection of data about Form ETA–750, *Application for Alien Employment Certification* (OMB Control Number 1205–0015), which expires April 30, 2014. The form is used by employers to request permission to bring professional athletes to the United States and by individuals applying for a waiver in the national interest of the job offer requirement in employment-based immigration.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before March 4, 2014.

ADDRESSES: Submit written comments to William L. Carlson, Ph.D., Administrator, Office of Foreign Labor Certification, Room C–4312, Employment & Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202–693–3010 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Fax: 202–693–2768. Email: *ETA.OFLC.Forms@dol.gov* subject line: ETA–750. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed above.

SUPPLEMENTARY INFORMATION:

I. Background

The information collection is required by sections 203(b)(2)(B)(i) and 212(a)(5)(A) of the Immigration and Nationality Act (INA) (8 U.S.C. 1153(b)(2)(B)(i) and 1182(a)(5)(A) and 8 CFR 204.5(k)(4)(ii). The Secretary of Labor is required by the INA to certify that any alien seeking to enter the United States for the purpose of performing skilled or unskilled labor does not adversely affect wages and working conditions of U.S. workers similarly employed and that there are not sufficient U.S. workers able, willing, and qualified to perform such skilled or unskilled labor. Many foreign professional athletes must qualify as skilled labor to gain permanent admission into the United States. The Form ETA–750 is used to certify that the admission of an alien athlete meets these requirements. Section 212(a)(5)(A)(iii) of the INA deals specifically with professional athletes coming to the United States on a permanent basis as immigrants. Part B of Form ETA–750 is also required by the Department of Homeland Security under 8 CFR 204.5(k)(4)(ii) for aliens applying for the National Interest Waiver (NIW) of the job offer requirement, which allows aliens to self-petition without an employer sponsor and does not require a labor certification.

II. Review Focus

DOL is particularly interested in comments that:

- 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 submissions of responses.

III. Current Actions

In order to meet its statutory responsibilities under the INA, DOL needs to extend an existing collection of information pertaining to employers seeking to import foreign labor. The form used to collect the information is used not only by DOL, but also by other Federal agencies to meet the requirements of the INA. DOL uses the information collected in its permanent certification program for the employment of alien professional athletes. The Department of Homeland Security U.S. Citizenship and Immigration Services uses the form for its NIW program for employment-based immigration.

Type of Review: Extension.

Title: Form ETA–750, *Application for Alien Employment Certification.*

OMB Number: 1205–0015.

Affected Public: Individuals, Business or other for-profits, and not-for-profit institutions.

Form(s): ETA–750.

Total Annual Respondents: 2033.

Annual Frequency: On occasion.

Total Annual Responses: 2033.

Average Time per Response: 1 hour 49 minutes.

Estimated Total Annual Burden Hours: 3,692.

Total Annual Burden Cost for Respondents: 0.

Comments submitted in response to this comment request will be summarized and/or included in the request for OMB approval of the ICR; they will also become a matter of public record.

Signed at Washington, DC, this 13th day of December, 2013.

Eric M. Seleznow,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2013–31469 Filed 1–2–14; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–82,728]

The Boeing Company, Boeing Defense and Space Division, Including On-Site Leased Workers From Geologics Corporation, Wichita, Kansas; Notice of Negative Determination on Remand

On October 22, 2013, the United States Court of International Trade (USCIT) granted the Department of Labor's request for voluntary remand to conduct further investigation in *Former Employees of The Boeing Company, Boeing Defense and Space Division, Wichita, Kansas* v. *United States Secretary of Labor* (Court No. 13–00281).

On May 14, 2013, former workers of The Boeing Company, Boeing Defense and Space Division, Wichita, Kansas (subject firm) filed a petition for Trade Adjustment Assistance (TAA) on behalf of workers at the subject firm. AR 1–3. Workers at the subject firm (subject worker group) are engaged in employment related to the maintenance and modification of military aircraft.

The initial investigation revealed that the subject firm had not shifted abroad services like or directly competitive with those provided by the subject worker group, had not acquired such services from abroad, and there had not been an increase in imports of articles like or directly competitive with those

produced or services supplied by the subject firm. AR 54–62.

Additionally, with respect to Section 222(c) of the Act, the initial investigation revealed that the subject firm could not be considered a Supplier or Downstream Producer to a firm that employed a worker group eligible to apply for TAA benefits. AR 54–62.

On June 12, 2013, the Department of Labor (Department) issued a negative Determination regarding eligibility to apply for TAA applicable to workers and former workers of the subject firm. The Department's Notice of negative determination was published in the **Federal Register** on July 2, 2013 (78 FR 39776).

The petitioning workers did not request administrative reconsideration of the Department's negative determination.

In the complaint filed with the USCIT on August 6, 2013, the Plaintiffs claimed that their separations were directly caused by the subject firm shifting services like or directly competitive with those supplied by the subject firm worker group to a certified Boeing facility within the U.S. The Plaintiffs claimed that the Wichita facility should fall under the certification umbrella covered under various other Boeing certified facilities. AR 80.

The intent of the Department is for a certification to cover all workers of a subject firm, or appropriate subdivision, who were adversely affected by increased imports of articles produced or services supplied by the firm or shifts in production or services, based on facts obtained during the investigation of the TAA petition. On October 20, 2013, the Department requested voluntary remand to address the allegations made by the Plaintiffs, to determine whether the subject worker group is eligible to apply for TAA under the Trade Act of 1974, as amended (hereafter referred to as the Act), and to issue a new determination.

The group eligibility requirements for workers of a firm under Section 222(a) of the Act, 19 U.S.C. 2272(a), can be satisfied if the following criteria are met:

(1) a significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated; and

(2)(A)(i) the sales or production, or both, of such firm have decreased absolutely;

(ii)(I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(II) imports of articles like or directly competitive with articles—

(aa) into which one or more component parts produced by such firm are directly incorporated, or

(bb) which are produced directly using services supplied by such firm, have increased; or

(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; and

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

(B)(i)(I) there has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; or

(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; and

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

During the remand investigation, the Department confirmed all previously collected information, obtained additional information from the subject firm regarding domestic and foreign operations, and solicited input from the Plaintiffs. AR 71–452.

The information the Department received on remand contained additional detail regarding the operations of the subject firm domestically and abroad. In order to determine whether there was a shift abroad of the maintenance and modification services provided by the subject worker group, the Department had to first determine whether the services provided are covered under the International Traffic in Arms Regulations, 22 U.S.C. 2778, 22 CFR 120.1–130.17 (ITAR).

The investigation revealed that the maintenance and modification services provided by the workers at the subject firm are covered as stipulated in ITAR and, therefore, cannot be completed outside of the United States. AR 456–465.

Although the Plaintiffs declare that the subject firm shifted maintenance and modification services like or directly competitive with those provided by the subject worker group to Boeing facilities which employ worker groups eligible to apply for TAA located in the United States (AR 160), based upon the information collected during the remand investigation, the Department determines that the services supplied by the certified worker groups at those Boeing facilities are not like or directly competitive with those provided by the subject worker group. AR 456–465. Specifically, due to the nature of the services supplied by the subject worker group and the laws and regulations governing the services provided by the subject firm worker group, the work is not considered to be interchangeable with the work performed by other certified Boeing facilities. Consequently, the Department determines that the services supplied by the subject worker group are neither like nor directly competitive with those supplied by the above-mentioned former and current workers of Boeing who are eligible to apply for TAA benefits.

The remand investigation findings confirmed that the workers were not impacted by a shift in services or foreign acquisition of services by Boeing at other facilities. AR 456–465.

The remand investigation findings also confirmed that the subject firm worker group does not provide services like or directly competitive with the work which the Plaintiffs claimed was done by the subject firm worker group within the relevant time period under investigation. AR 456–465.

For Section 222(a)(A)(ii)(II)(bb) of the Act to be met, imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, must have increased. Because ITAR establishes that imports of services like or directly competitive with those provided by the workers at the subject firm is illegal, the criterion has not been met.

Based on a careful review of previously submitted information and new information obtained during the remand investigation, the Department reaffirms that the petitioning workers have not met the eligibility criteria of Section 222(a) of the Trade Act of 1974, as amended.

Conclusion

After careful reconsideration of the administrative record, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance applicable to workers and former workers of The Boeing Company, Boeing Defense and Space Division, including on-site leased workers from Geologics Corporation, Wichita, Kansas.

Signed at Washington, DC this 20th day of December 2013.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2013–31424 Filed 1–2–14; 8:45 am]

BILLING CODE 4510–FN–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[14–CRB–0002–NSR (2016–2020)]

Determination of Royalty Rates for New Subscription Services for Digital Performance Right in Sound Recordings and Ephemeral Recordings

AGENCY: Copyright Royalty Board, Library of Congress.

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

SUMMARY: The Copyright Royalty Judges announce the commencement of the proceeding to determine the rates and terms for the use of sound recordings in transmissions made by new subscription services and for the making of ephemeral recordings necessary for the facilitation of such transmissions for the period beginning on January 1, 2016, and ending on December 31, 2020. A party wishing to participate in this rate determination proceeding must file its Petition to Participate and the accompanying $150 filing fee by the deadline in this notice.

DATES: Petitions to Participate and the filing fee are due no later than February 3, 2014.

ADDRESSES: Participants must submit a Petition to Participate in a hard-copy original, with five paper copies and an electronic copy in Portable Document Format (PDF) on a Compact Disc, along with the $150 filing fee, to the Copyright Royalty Board by either mail or hand delivery. Participants may not submit Petitions to Participate and the $150 filing fee by an overnight delivery service other than the U.S. Postal Service Express Mail. If participants choose to use the U.S. Postal Service (including overnight delivery), they must address their submissions to: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977. If participants choose hand delivery by a private party, they must deliver the submissions to the Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Avenue SE., Washington, DC 20559–6000. If participants choose delivery by a commercial courier, they must deliver the submissions to the Congressional Courier Acceptance Site, located at 2nd and D Street NE., Washington, DC. The envelope must be addressed to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Avenue SE., Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: LaKeshia Keys, CRB Program Specialist, by telephone at (202) 707–7658 or email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 114(f)(2)(C) of the Copyright Act, title 17 of the United States Code, provides that a copyright owner of sound recordings or an eligible nonsubscription service or a new subscription service may file a petition with the Copyright Royalty Judges (Judges) requesting the determination of reasonable terms and rates of royalty payments for a new type of eligible nonsubscription service or a new subscription service on which sound recordings are performed that is or is about to become operational. Upon receipt of such a petition, the Judges must commence a proceeding to determine such reasonable terms and rates by publishing a notice in the **Federal Register**. 17 U.S.C. 803(b)(1)(A)(i)(III), 804(b)(3)(C)(ii).

In 2005, the Judges received a petition requesting that reasonable rates and terms be set for a new type of subscription service that ''performs sound recordings on digital audio channels programmed by the licensee for transmission by a satellite television distribution service to its residential customers, where the audio channels are bundled with television channels as part of a 'basic' package of service and not for a separate fee''; the Judges commenced a proceeding as required by section 804(b)(3)(C)(ii). *See* 70 FR 72471, 72472 (Dec. 5, 2005). The Judges adopted the rates and terms agreed to by the parties to that proceeding [1]; those rates expired on December 31, 2010. *See* 72 FR 72253 (Dec. 20, 2007).

In order to have successor rates and terms in place prior to the expiration of those rates, the Judges, in 2009, commenced the rate determination proceeding for the 2011–2015 period for the new subscription service as defined in § 383.2(h). *See* 17 U.S.C. 804(b)(3)(C), 74 FR 319 (Jan. 5, 2009). The parties reached agreement regarding the rates and terms for the 2011–2015 license period and the Judges adopted them in 2010. *See* 75 FR 14074 (Mar. 24, 2010). With the current rates set to expire on December 31, 2015, the Judges, by this notice, commence the rate proceeding for the license period 2016–2020. *See* 17 U.S.C. 803(b)(1)(A)(i)(III), 804(b)(3)(C).

Scope of Proceeding

In addition to all other submissions and arguments required by the Act and the applicable regulations, and in addition to any other submissions or arguments that the Participants choose to make, the Judges note below certain potential matters that the Participants may elect to address in this proceeding.

The Judges are open to receiving evidence, testimony, and argument regarding any reasonable rate structure that a Participant may elect to propose, such as, *inter alia,* a rate structure based on the number of subscribers or a percentage of webcaster revenue. This openness is consistent with the determination in *Web II,* 72 FR at 24089,[2] in which the Judges held that, although the record did not support a percentage-of-revenue based royalty, ''[t]his does not mean that some revenue-based metric could not be successfully developed as a proxy for the usage-based metric at some time in the future. . . .'' The Judges make particular note of this holding in *Web II* because they recognize that, as a practical and strategic matter, participants in these proceedings carefully consider prior rate proceedings as roadmaps to ascertain the structure of the rates they propose.

Pursuant to 17 U.S.C. 114(f)(2)(B), ''[i]n determining . . . rates and terms the Copyright Royalty Judges shall base their decision on . . . *information presented by the parties. . . .*'' (emphasis added). Thus, the Judges are best served if the participants, their economic witnesses, and their counsel craft arguments in a manner that assists the Judges in identifying and applying the optimal economic analysis when establishing rates and terms pursuant to the Act. As a former federal appellate jurist has noted:

> The truism that judicial analysis, economic or otherwise, takes place only in the context of lawsuits between two or more parties imposes a practical constraint on the judge's ability to use economic analysis. . . . [A] judge will, for the most part, be limited by what the parties serve up to her.

Patricia Wald, *Limits on the Use of Economic Analysis in Judicial*

[1] The rates are codified at 37 CFR Part 383.

[2] *Digital Performance Right in Sound Recordings and Ephemeral Recordings, Final rule and order,* 72 FR 24084 (May 1, 2007), *aff'd in relevant part sub nom. Intercollegiate Broad. Sys.* v. *Copyright Royalty Bd.,* 574 F.3d 748 (D.C. Cir. 2009) (*Web II*).