

caused by FOD, locked shrouds, which can reduce blade vibratory dampening, and leading edge erosion, which can produce blade flutter. That condition, if not corrected, could result in fan blade failure, which can result in damage to the aircraft.

Since the issuance of that AD, the manufacturer has introduced into service fan blades with an improved design configuration that is more resistant to HCF-induced failures.

The FAA has reviewed and approved the technical contents of PW Alert Service Bulletin (ASB) No. A6241, dated January 25, 1996, that describes procedures for inspection of fan blades for locked rotors and FOD, unlocking of shrouds if necessary, lubrication of fan blade shrouds, and dimensional restoration of the fan blade leading edge. This ASB also provides procedures for modification or replacement of fan blades with an improved design configuration that is more resistant to HCF-induced failures.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 95-12-19 to continue to require the inspection and maintenance requirements of that AD, and to add a requirement to modify or install the improved design fan blades as terminating action for those inspections and maintenance requirements.

The FAA estimates that 1,100 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 19 work hours per engine to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. The FAA also estimates that the parts modification would cost is \$2,720 per engine, which includes a manufacturer's discount of \$1,700 per engine. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$4,246,000.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44

FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### **PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40113, 44701.

#### **§ 39.13 [Amended]**

2. Section 39.13 is amended by removing amendment 39-9270 (60 FR 31388, June 15, 1995) and by adding a new airworthiness directive to read as follows:

Pratt & Whitney: Docket No. 96-ANE-02.

Supersedes AD 95-12-19, Amendment 39-9270.

*Applicability:* Pratt & Whitney (PW) Models JT8D-209, -217, -217A, -217C, and -219 turbofan engines that have not incorporated PW Service Bulletin (SB) No. 6193, dated October 31, 1994, or with fan blade, Part Numbers (P/N's) 798821, 798821-001, 808121, 808121-001, 809221, 811821, 851121, 851121-001, 5000021-02, 5000021-022, and 5000021-032 installed. These engines are installed on but not limited to McDonnell Douglas MD-80 aircraft.

Note: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraphs (d) and (e) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or

repair remove any engine from the applicability of this AD.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent fan blade failure, which can result in damage to the aircraft, accomplish the following:

(a) Inspect fan blades and shrouds, unlock fan blade shrouds, lubricate fan blade shrouds, restore leading edge dimensions, and modify or install improved design fan blades in accordance with the schedule and procedures described in Parts 1, 2, and 3 of the Accomplishment Instructions of PW Alert Service Bulletin (ASB) No. A6241, dated January 25, 1996.

(b) Modification of fan blades to the improved design configuration or installation of improved design fan blades in accordance with Part 3 of the Accomplishment Instructions of PW ASB No. A6241, dated January 25, 1996, constitutes terminating action to the inspections and maintenance actions described in Parts 1 and 2 of that ASB.

(c) For the purpose of this AD, the accomplishment effective date to be used for determination of compliance intervals, as required by Section 2 of PW ASB No. A6241, dated January 25, 1996, is defined as the effective date of this AD.

(d) For the purpose of this AD, "repair" as specified in Part 3, Paragraph A.(1)(b) of the Accomplishment Instructions of PW ASB No. A6241, dated January 25, 1996, is defined as the refurbishment of fan blades in accordance with Part 3, Paragraph C of the Accomplishment Instructions of PW ASB No. A6241, dated January 25, 1996.

(e) Alternative methods of compliance that have been approved for AD 95-12-19 are applicable for this AD and additional approval is not required.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(g) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on April 1, 1996.

Jay J. Pardee,

*Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 96-11168 Filed 5-3-96; 8:45 am]

**BILLING CODE 4910-13-U**

**Coast Guard****33 CFR Part 100****[CGD01-96-015]****RIN 2115-AE46****Special Local Regulation: Swim Buzzards Bay Day, New Bedford, MA****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a permanent special local regulation for a swimming event known as Swim Buzzards Bay Day. The event will be held in Buzzards Bay, Achushnet River, on July 28, 1996, and annually thereafter on a weekend in July that has favorable tidal conditions. This regulation is needed to protect the participants from vessel traffic during the swimming event.

**DATES:** Comments must be received on or before June 20, 1996.

**ADDRESSES:** Comments should be mailed to Commander (b), First Coast Guard District, Captain John Foster Williams Federal Building, 408 Atlantic Ave., Boston, MA 02110-3350, or may be hand delivered to Room 428 at the same address, between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays. Comments will become part of this docket and will be available for inspection or copying at the above address.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (Junior Grade) B.M. Algeo, Chief, Boating Affairs Branch, First Coast Guard District, (617) 223-8311.

**SUPPLEMENTARY INFORMATION:**

## Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD01-96-015), the specific section of the proposal to which each comment applies, and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an 8½"×11" unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons requesting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments. The Coast Guard

plans no public hearing. Persons may request a public hearing by writing to Commander (b), First Coast Guard District at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it is determined that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

## Discussion of Proposed Amendments

The annual Swim Buzzards Bay Day is a local, traditional event which has been held for the previous two years on the Achushnet River, New Bedford/Fairhaven, MA. In the past, the Coast Guard has promulgated individual regulations for the event. Given the recurring nature of the event, the Coast Guard desires to establish a permanent regulation. The proposed regulation will establish a regulated area in the Acushnet River for the 1996 event and will establish a permanent regulation for following years. This proposal restricts vessels from approaching within 200 feet of participating swimmers.

The event will consist of approximately 50 swimmers transversing the Acushnet River from Fort Phoenix Beach in Fairhaven, MA, to Billy Woods Wharf in New Bedford, MA. There will be one rowing skiff per participant, along with sponsor provided vessels on scene to augment a Coast Guard patrol to alert boating traffic of the presence of the swimmers. The time period for the event is dictated by tidal conditions. Subject to Coast Guard approval, the sponsor selects a weekend in July that most closely exhibits low tide at a daytime hour reasonable for holding the event. Spectator craft are authorized to watch the race from any area as long as they remain 200 feet away from any participating swimmer. In emergency situations, provisions may be made to establish safe escort by a Coast Guard or Coast Guard designated vessel for vessels requiring transit within 200 feet of participating swimmers.

## Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact to be so

minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the limited duration of the event, the extensive advisories that will be made to the affected maritime community, and the minimal restrictions which the regulation places on vessel traffic.

## Small Entities

Under the Regulatory Flexibility Act (55 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons discussed in the Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant economic impact on a substantial number of small entities.

## Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

## Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

## Environment

The Coast Guard has considered the environmental impacts of this proposal and concluded that, under paragraph 2.B.2.e.34(h) of COMDTINST 16475.1B, (as revised by 61 FR 13563, March 27, 1996) this proposal is a special local regulation issued in conjunction with a regatta or marine parade and is categorically excluded from further environmental documentation.

## List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

## Proposed Regulation

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A permanent section, 100.116, is added to read as follows:

**§ 100.116 Swim Buzzards Bay Day, New Bedford, MA.**

(a) *Regulated area.* All waters of the Acushnet River within 200 feet of participating swimmers.

(b) *Special local regulations.* (1) The Coast Guard patrol commander may delay, modify, or cancel the race as conditions or circumstances require.

(2) No person or vessel may enter, transit, or remain in the regulated area unless participating in the event or unless authorized by the Coast Guard patrol commander.

(3) Vessels encountering emergencies which require transit through the regulated area should contact the coast Guard patrol commander on VHF Channel 16. In the event of an emergency, the Coast Guard patrol commander may authorize a vessel to transit through the regulated area with a Coast Guard designated escort.

(4) All persons and vessels shall comply with the instructions of the Coast Guard on-scene patrol commander. On-scene patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon hearing five or more short blasts from a U.S. Coast Guard vessel, the operator of a vessel shall proceed as directed. Members of the Coast Guard Auxiliary may also be present to inform vessel operators of this regulation and other applicable laws.

(c) *Effective period.* This section is in effect from 10 a.m. to 12 p.m. on July 28, 1996, and each year thereafter on a date and times published in the Federal Register.

Dated: April 23, 1996.

J.L. Linnon,

Rear Admiral, U.S. Coast Guard Commander,  
First Coast Guard District.

[FR Doc. 96-11237 Filed 5-3-96; 8:45 am]

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**LIBRARY OF CONGRESS**

**Copyright Office**

**37 CFR Ch. II**

[Docket No. 96-2]

**Eligibility for the Cable Compulsory License**

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

**ACTION:** Notice of inquiry.

**SUMMARY:** The Copyright Office of the Library of Congress is opening a rulemaking proceeding to consider the eligibility for the cable compulsory license of open video systems of telephone companies which retransmit broadcast signals. The Office requests interested parties to submit comments as to whether, and what extent, open video systems may make use of the cable compulsory license.

**DATES:** Comments should be received on or before July 5, 1996. Reply comments are due on or before June 5, 1996.

**ADDRESSES:** If delivered BY MAIL, fifteen copies of written comments should be addressed to Office of the General Counsel, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. If delivered BY HAND, fifteen copies of written comments should be brought to: Office of the General Counsel, Copyright Office, James Madison Memorial Building, Room LM-407, First and Independence Avenue, SE., Washington, DC 20540.

**FOR FURTHER INFORMATION CONTACT:** Marilyn J. Kretsinger, Acting General Counsel, or William Roberts, Senior Attorney for Compulsory Licenses, Telephone (202) 707-8380 or Telefax (202) 707-8366.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 111 of the Copyright Act, 17 U.S.C., grants a compulsory copyright license to cable television systems for the retransmission of over-the-air broadcast stations to their subscribers. In exchange for the license, cable operators submit royalty payments, along with statements of account detailing their retransmissions, to the Copyright Office on a semi-annual basis, which deposits the royalties with the United States Treasury in interest bearing accounts for later distribution to copyright owners of non-network broadcast programming.

Cable systems determine their royalty payments according to a calculation formula devised by Congress in 1976. 17 U.S.C. 111(d). Payments are made based upon a cable system's gross receipts from subscribers for the retransmission of broadcast signals. The statute subdivides cable systems, based on their gross receipts totals, into three categories: Small, medium and large. Small systems pay a fixed amount without regard to the number of broadcast signals they retransmit, while medium-sized systems pay a royalty within a specified range, with a maximum amount, based on the number of signals they retransmit.

Large cable systems, which pay over ninety percent of royalties submitted by cable systems, calculate their royalties according to the number of distant broadcast signals which they retransmit to their subscribers.<sup>1</sup> These cable systems pay a percentage of their gross receipts for each distant signal they retransmit, and different royalty rates apply to different signals, depending upon the total number of distant signals carried. Determining when a broadcast signal is distant, what rate must be applied to it, and the royalty due for the signal is, for the most part, determined by reference to the rules and regulations of the Federal Communications Commission governing cable systems that were in effect on April 15, 1976. Copyright payments under section 111 of the Copyright Act today are, therefore, dependent upon the manner in which the cable television industry was regulated in 1976.

Section 111(f) defines a "cable system" as follows:

A "cable system" is a facility, located in any State, Territory, Trust Territory, or Possession, that in whole or in part receives signals transmitted or programs broadcast by one or more television broadcast stations licensed by the Federal Communications Commission, and makes secondary transmissions of such signals or programs by wires, cables, microwave, or other communications channels to subscribing members of the public who pay for such service. For purposes of determining the royalty fee under subsection (d)(1), two or more cable systems in contiguous communities under common ownership or control or operating from one head-end shall be considered as one system.

17 U.S.C. 111(f).

At the time of passage of the Copyright Act, the only type of retransmission system serving subscribers with broadcast programming was traditional wired cable systems regulated as such by the FCC. Consequently, it was generally well understood in 1976 what was meant by "cable system" for purposes of section 111. However, beginning in the early to mid-1980's, retransmission services other than traditional wired cable systems came into existence. Like traditional wired cable systems, these other services were capable of delivering broadcast signals to their subscribers, and they sought eligibility for the section 111 license.

The addition of new retransmission providers significantly altered the

<sup>1</sup> For large cable systems which retransmit only local broadcast signals, there is still a minimum royalty fee which must be paid. This minimum fee is not applied, however, once the cable system carries one or more distant signals.