

broadcast signals by Satellite Master Antenna Television systems were eligible for section 111 licensing). The authority to issue a determination in this proceeding is derived from the Office's rulemaking authority under 17 U.S.C. 702.

The objections to EchoStar's petition filed by ALTV, NASA and NAB all counsel against the Copyright Office opening a rulemaking proceeding at this time, preferring instead to resolve the matter through legislation. There is no question that legislative resolution of the issue of local-into-local retransmissions of network stations under section 119 is the best solution. The Office has recommended to Congress that section 119 be clarified to allow local-into-local retransmission. Library of Congress, U.S. Copyright Office, *A Review of the Copyright Licensing Regimes Covering Retransmission of Broadcast Signals 119-120* (August 1, 1997). In the meantime, however, the Office believes that it should exercise its duties and responsibilities under section 702 of the Copyright Act and open this rulemaking.

#### Issues for Public Comment

As presented by Echostar's petition, the question of whether local-into-local retransmissions of network signals is permissible turns on the interpretation to be afforded the definition of an "unserved household." Section 119(a)(2)(B) provides that the satellite compulsory license for retransmission of network signals is "limited to secondary transmissions to persons who reside in unserved households." Section 119(d)(10) defines an "unserved household" as:

a household that—

(A) cannot receive through the use of a conventional outdoor rooftop receiving antenna, an over-the-air signal of grade B intensity (as defined by the Federal Communications Commission) of a primary network station affiliated with that network, and

(B) has not, within 90 days before the date on which that household subscribes, either initially or on renewal, to receive secondary transmissions by a satellite carrier of a network station affiliated with that network, subscribed to a cable system that provides the signal of a primary network station affiliated with that network.

17 U.S.C. 119(d)(10).

In interpreting the "unserved household" definition, the primary question is: Was it the intention of Congress to prevent all satellite retransmissions of a network station when a subscriber can receive an off-

the-air grade B intensity signal of the local network station, or was Congress attempting to exclude only distant network stations of the same network that might be imported by a satellite carrier into the local affiliate's market? Is there anything in the legislative history that offers guidance on this question? If not, does subsection (B)'s prevention of satellite retransmission when a subscriber is receiving the local network station via cable have any bearing on this issue?

If local-into-local retransmissions of network stations are permissible under section 119, how should a network station's local market be defined? Is the local market definition in section 119(d)(11) appropriate, or should some other measure be used?

In addition, the Copyright office is interested in receiving comment as to what impact, if any, local-into-local retransmissions of network stations by satellite would have on retransmission consent and other provisions and requirements of the Communications Act, 47 U.S.C. ch. 5.

The Copyright Office welcomes and encourages comments as to these questions, and well as any other matters that commenting parties may deem relevant.

Dated: January 21, 1998.

**Marybeth Peters,**

*Register of Copyrights.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Chapter I

[OPP-00473C; FRL-5767-3]

#### Antimicrobial Rule Development; Stakeholder Meetings

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Meetings.

**SUMMARY:** The Antimicrobials Division (AD) of the Office of Pesticide Programs of EPA is continuing its series of stakeholder meetings to obtain views about the antimicrobial rule that is being developed. The rule is being revised in accordance with principles set forth in the Food Quality Protection Act of 1996 (Pub. L. 104-170). To ensure that all interested parties can obtain information about activities related to developing this rule, EPA, in its discretion, has opened a docket in advance of the rule's proposal. This

docket includes, but is not limited to, a summary of major discussions at stakeholder meetings, as well as copies of any documents distributed at these meetings.

**DATES:** The next stakeholder meetings will take place on Tuesday, February 3, 1998, from 2 p.m. to 5 p.m.; and Thursday, March 26, 1998, from 2 p.m. to 5 p.m.

**ADDRESSES:** The meetings will be held at 1921 Jefferson Davis Highway (Crystal Mall #2) in Room 1126 ("Fishbowl"), Arlington, VA.

**FOR FURTHER INFORMATION CONTACT:** By mail: Barbara Mandula (7510W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Crystal Drive, Arlington, VA, (703) 308-7378, fax: (703) 308-8481; e-mail: mandula.barbara@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** This notice announces a series of public meetings to ensure that all parties interested in policies, issues, and regulatory actions affecting antimicrobial pesticides can obtain information about ongoing activities. Additionally, a public record has been established for these meetings under docket number "OPP-00473." The docket is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 119 of the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. Copies of EPA documents may be obtained by contacting: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

#### List of Subjects

Environmental protection, Antimicrobial pesticides.

Dated: January 15, 1998.

**Frank Sanders,**

*Director, Antimicrobials Division, Office of Pesticide Programs.*

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