

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****30 CFR Parts 56, 57, 62, 70 and 71****RIN 1219-AB05****Occupational Noise Exposure; Correction****AGENCY:** Mine Safety and Health Administration, Labor.**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects the RIN number to the rule for health standards for occupational noise exposure published in the **Federal Register** on December 31, 1997.

**FOR FURTHER INFORMATION CONTACT:** Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, (703) 235-1910.

**Correction**

On December 31, 1997, (62 FR 68468) MSHA published a supplemental proposed rule on health standards for occupational noise exposure. This document corrects an error that appears on the front page of the notice. The RIN number 1219-AA53 is corrected to read 1219-AB05.

Dated: May 7, 1998.

**Patricia W. Silvey,***Director, Office of Standards, Regulations, and Variances.*

[FR Doc. 98-12757 Filed 5-13-98; 8:45 am]

BILLING CODE 4510-43-P

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Ch. I****46 CFR Ch. I****[USCG-1997-3198]****Alternate Convention Tonnage****AGENCY:** Coast Guard, DOT.**ACTION:** Notice; request for comments; extension of comment period.

**SUMMARY:** The Coast Guard is extending the comment period on its notice requesting comments on the potential implementation of alternate convention tonnage thresholds to October 15, 1998, to allow additional time for public comment.

**DATES:** Comments must be received on or before October 15, 1998.

**ADDRESSES:** You may mail comments to the Docket Management Facility, [USCG-1997-3198], U.S. Department of

Transportation, room PL-401, 400 Seventh Street SW., Washington DC 20590-0001, or deliver them to room PL-401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

The Docket Management Facility maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room PL-401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** For questions about the notice, call Lieutenant John G. White, Office of Standards Evaluation and Development (G-MSR-2), Coast Guard, telephone 202-267-6885. For information on the public docket, call Carol Kelley, Coast Guard Dockets Team Leader, or Paulette Twine, Chief, Documentary Services Division, Department of Transportation, telephone 202-366-9329.

**SUPPLEMENTARY INFORMATION:****Request for Comments**

The Coast Guard encourages you to participate in this request by submitting written data, views, or arguments. If you submit comments, you should include your name and address, identify this notice (USCG-1997-3198) and the specific section or question in this document to which your comments apply, and give the reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing to the DOT Docket Management Facility at the address under **ADDRESSES**. If you want acknowledgment of receipt of your comments, you should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period.

The Coast Guard may schedule a public meeting depending on input received in response to this notice. You may request a public meeting by submitting a request to the address under **ADDRESSES**. The request should include the reasons why a meeting would be beneficial. If the Coast Guard determines that a public meeting should be held, it will hold the meeting at a time and place announced by a later notice in the **Federal Register**.

**Background and Purpose**

On February 4, 1998, the Coast Guard published a notice requesting comments in the **Federal Register** (63 FR 5767) to announce it was considering development of alternate tonnage thresholds for certain vessels based on the measurement system established under the International Convention on Tonnage Measurement of Ships, 1969. Existing tonnage thresholds in domestic laws and regulations are based on the U.S. regulatory measurement system. Establishing alternate convention tonnages as an option for the application of domestic regulations may result in the building of safer, more efficient vessels and may enable designers and operators of U.S. vessels to be more competitive in the international market. The Coast Guard asked for comments on the issues and questions listed in the notice. Due to the special need for public comment on this issue and requests for a comment period extension from the public, the Coast Guard is extending the comment period to October 15, 1998.

Dated: May 8, 1998.

**Joseph J. Angelo,***Acting Assistant Commandant for Marine Safety and Environment Protection.*

[FR Doc. 98-12847 Filed 5-13-98; 8:45 am]

BILLING CODE 4910-15-M

**LIBRARY OF CONGRESS****Copyright Office****37 CFR Parts 201 and 256****[Docket No. RM 98-4]****Cable Compulsory Licenses: Application of the 3.75% Rate****AGENCY:** Copyright Office, Library of Congress.**ACTION:** Proposed amendments and policy statement.

**SUMMARY:** On April 30, 1997, the Copyright Office published an amendment to its rules to allow a cable system to calculate its copyright liability for carriage of distant signals on a partially permitted/partially non-permitted basis where applicable. Under the new rule, a cable system will apply the current base rates and the syndicated exclusivity surcharge, where applicable, to those subscribers in communities where the signal would have been permitted on or before June 24, 1981, and the 3.75% rate to those subscribers in communities where the signal would not have been permitted before that date. Both the base rate fee

and the 3.75% fee shall be applied toward the required minimum fee. These changes, however, are not reflected clearly in the current regulations. Therefore, the Copyright Office is proposing amendments which would harmonize the existing regulations with the new methodology for calculating the royalty fees for carriage of partially permitted/partially non-permitted distant signals.

**DATES:** Comments on the proposed technical amendments are due June 15, 1998.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or Tanya M. Sandros, Attorney Advisor, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone (202) 707-8380 or Telefax (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** Section 111 of the Copyright Act, 17 U.S.C., establishes a compulsory license which authorizes a cable system to make secondary transmissions of copyrighted works embodied in broadcast signals provided that it pays a royalty fee according to the fee structure set out in section 111 and meets all other conditions of the statutory license. The license also provides for an opportunity to adjust the statutory royalty rates once every five years, see 17 U.S.C. 803(a)(2), or whenever the Federal Communications Commission (FCC) amends its rules to allow a cable system to carry additional signals beyond the local service area of the primary transmitter, or its rules governing syndicated program and sports exclusivity. See 17 U.S.C. 801(b)(2)(B)-(C).

The FCC's distant signal and syndicated program exclusivity rules were promulgated in 1972. Cable Television Report and Order, 36 F.C.C. 2d 143 (1972). In 1976 after Congress created the cable compulsory license, the FCC conducted an inquiry to reexamine the need for these rules and determined ultimately that there was no longer a need for maintaining the distant signal and syndicated program exclusivity rules. Report and Order in Docket Nos. 20988 and 21284, 79 FCC2d 663 (1980).

In response to the FCC's order repealing its distant signal carriage and program syndication exclusivity restrictions on cable retransmissions, see Report and Order in Docket Nos. 20988 and 21284, 79 F.C.C. 2d 663 (1980),<sup>1</sup> the National Cable Television

Association (NCTA) filed a petition with the former Copyright Royalty Tribunal (CRT) to initiate a cable rate adjustment proceeding in 1981.<sup>2</sup> In that proceeding, the CRT set two new rate structures, apart from those specified in the statute, to compensate the copyright owners for the loss of the surrogate copyright protection afforded them under the FCC rules: a 3.75% rate for the secondary transmission of formerly non-permitted distant signals, and a syndicated exclusivity surcharge for the secondary transmission of permitted signals that had been subject to the FCC's former syndicated program exclusivity regulations. 47 FR 52146 (November 19, 1982).

In 1984, the Copyright Office adopted final regulations to implement the new rate decision of the CRT, but when questions concerning the proper application of the rules concerning the 3.75% rate arose, the Office decided to take no position on this issue. See 49 FR 26722, 26726 (June 29, 1984). Instead, the Office allowed each cable system to decide whether to report a distant signal as entirely permitted, entirely non-permitted, or in some instances as partially permitted and partially non-permitted, and calculate its copyright liability accordingly.

This practice comes to an end under a regulation promulgated last year which directs cable systems to calculate the 3.75% rate fee for distant signals on a "partially permitted/partially non-permitted" basis. 62 FR 23360 (April 30, 1997). Under the new rule, a cable system shall calculate its royalty fees for a partially permitted/partially non-permitted signal on the basis of gross receipts from subscribers within the relevant communities, without regard to whether the subscriber actually receives the signal. If the distant signal is considered permitted with respect to particular communities under the Federal Communication Commission's former distant carriage rules in effect on June 24, 1981 (or in the case of those systems that commenced operation after June 24, 1981, would have been considered permitted subject to these regulations), then the cable system shall apply the base rate to the signal in those communities. Alternatively, if the FCC rules would not have allowed carriage of the signal with respect to specific communities, then the cable system

F.C.C., 652 F.2d 1140 (2d Cir. 1981), cert. denied, 454 U.S. 1143 (1982), and vacated the stay on June 25, 1981.

<sup>2</sup>The American Society of Composers, Authors, and Publishers (ASCAP), and the Motion Picture Association of America (MPAA) also filed separate petitions requesting an adjustment of the cable rates with the CRT in 1981.

must apply the 3.75% rate to the signal. 62 FR 23360 (April 30, 1997). In an effort to clarify how to file a statement of account in those instances where the cable system carries partially permitted/partially non-permitted signals, the Office proposes additional regulatory language describing how to create discrete subscriber groups for calculating the appropriate 3.75% fee, the base fee, and any applicable syndicated exclusivity surcharge. Similarly, for the accounting period beginning January 1, 1998, we have begun revision of the statement of account form to include some specific changes and special instructions to guide cable systems in making these computations.

The Office also proposes amending 37 CFR 256.2 by specifying "paragraphs (a)(2) through (4)" when the reference is to the base fee in place of the more general reference to "paragraph (a)." The Office makes this proposal because paragraph (a)(1) explains how to calculate the minimum fee whereas paragraphs (a)(2) through (4) explain the methodology for calculating the base fee. The Office also suggests adding amendatory language to § 256.2(a)(1) which makes it clear that both the base fee and the 3.75% fee shall be applied toward the cable system's obligation to pay a statutory minimum.<sup>3</sup> 17 U.S.C. 111(d)(1)(B)(i). These suggested changes do not effect the substance of the current regulations in any material way.

### List of Subjects

#### 37 CFR Part 201

Cable television, Copyright, Jukeboxes, Literary works, Satellites.

#### 37 CFR Part 256

Cable television, Copyright.

In consideration of the foregoing, parts 201 and 256 are proposed to be amended 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 201.17(h)(2)(iv) is amended by adding the phrase "and the

<sup>3</sup>In a policy statement issued in 1986, the Office considered whether a cable system could apply both the base fee and the 3.75% fee toward the minimum fee imposed by law, see 17 U.S.C. 111(d)(1)(B)(i), and determined that the minimum fee would not be added to the base fee in those instances where the 3.75% fee exceeded the minimum fee. 51 FR 599 (January 7, 1986). In making this decision, the Office relied upon statements in the House report accompanying the Copyright Act of 1976, which indicated that any fee for a distant signal should be applied against the minimum. H.R. Rep. No. 94-1476, at 96 (1976).

<sup>1</sup>The U.S. Court of Appeals for the Second Circuit stayed the FCC order pending an appeal of its decision. On June 16, 1981, the court upheld the FCC order, see *Malrite T.V. of New York, Inc. v.*

syndicated exclusivity surcharge, where applicable," after the phrase "the current base rate".

3. Section 201.17(h)(2)(iv) is amended by adding three sentences to the end of the paragraph to read as follows:

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

\* \* \* \* \*

(h) \* \* \*

(2) \* \* \*

(iv) \* \* \* The calculations shall be based upon the gross receipts from subscribers within the relevant communities. No cable system shall make its calculations based solely on the number of subscribers receiving a particular signal. For partially-distant stations, gross receipts shall be the total gross receipts from subscribers outside the local service area."

\* \* \* \* \*

**PART 256—ADJUSTMENT OF ROYALTY FEE FOR CABLE COMPULSORY LICENSE**

4. The authority citation for part 256 continues to read as follows:

**Authority:** 17 U.S.C. 801–803.

5. Section 256.2(a)(1) is amended by removing the word "fee" and adding the word "fees" before the phrase ", if any,".

6. Section 256.2(a)(1) is amended by adding the phrase "and (c)" after "(4)".

7. Section 256.2(c) is amended by adding the phrase "(2) through (4)" after the "(a)" in the phrase which reads "the royalty rate shall be in lieu of the royalty rates specified in paragraphs (a) and (d) of this section,".

Dated: May 7, 1998.

**Marybeth Peters,**

*Register of Copyrights.*

[FR Doc. 98–12652 Filed 5–13–98; 8:45 am]

BILLING CODE 1410–31–P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 97, and 101**

[WT Docket No. 98–20; DA 98–827]

**Facilitate the Development and Use of the Universal Licensing System**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking; extension of comment period.

**SUMMARY:** The Commission has released an order which extends the filing

deadlines for comments on its *Notice of Proposed Rulemaking* (FCC 98–25) regarding the Universal Licensing System. We also waive the rules that require the paper filing of comments and replies. Consequently, the electric filing of comments and replies will be permitted. These steps have been taken to permit more thorough, detailed comments and replies on the proposed rulemaking to be filed with the Commission. The effect will be to improve the quality of the Commission's final determinations in this rulemaking.

**DATES:** Comments are due on or before May 22, 1998; reply comments are due on or before June 8, 1998.

**ADDRESSES:** Federal Communications Commission, Room 222, 1919 M Street, NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Wilbert Nixon or Chris Gacek of the Policy & Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, (202) 418–7240.

**SUPPLEMENTARY INFORMATION:** The following documents relate to the aforementioned rulemaking *Notice of Proposed Rulemaking*, WT Docket No. 98–20, FCC 98–25, 63 FR 16938, April 7, 1998, (*ULS NPRM*); Electronic Filing of Documents in Rulemaking Proceedings, *Report and Order*, GC Docket No. 97–113, FCC 98–56, 63 FR 24121, May 1, 1998; Implementation of Section 255 of the Telecommunications Act of 1996, *Notice of Proposed Rulemaking*, WT Docket No. 96–198, FCC 98–55 (adopted April 2, 1998; released April 20, 1998), paragraph 185.

The order may be found on the internet at: <<http://www.fcc.gov/Bureaus/Wireless/Orders/1998/da980827.txt>>.

Federal Communications Commission.

**Ramona E. Melson,**

*Chief, Policy & Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau.*

[FR Doc. 98–12835 Filed 5–13–98; 8:45 am]

BILLING CODE 6712–01–M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Chapter 1**

[MM Docket No. 98–35; DA: 98–854]

**Broadcast Services; Radio Stations, Television Stations**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** Pursuant to the request of the National Association of Broadcasters, the Chief, Mass Media Bureau, acting under delegated authority, extends the comment and reply comment deadlines, on whether any or all of its broadcast ownership rules are no longer in the public interest as a result of competition, for sixty days. The new deadlines will be July 21, 1998, for comments and August 21, 1998, for reply comments.

**DATES:** Comments are now due by July 21, 1998, and reply comments are due by August 21, 1998.

**ADDRESSES:** Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554

**FOR FURTHER INFORMATION CONTACT:** Roger Holberg, Mass Media Bureau, Policy and Rules Division, (202) 418–2134, or Dan Bring, Mass Media Bureau, Policy and Rules Division, (202) 418–2170.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Order* in MM Docket No. 98–35, DA–854, adopted and released May 7, 1998. The complete text of this *Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, N.W., Washington, D.C. 20036. The *Order* is also available on the Internet at the Commission's web site: <http://www.fcc.gov>.

1. On March 12, 1998, the Commission, pursuant to Section 202(h) of the Telecommunications Act of 1996 ("Telecom Act"),<sup>1</sup> adopted a Notice of Inquiry ("Notice"), 63 FR 15353, March 31, 1998, in this proceeding soliciting comment on all of the Commission's broadcast ownership rules except for those already being examined in pending proceedings. The deadline for filing comments was set at May 22, 1998, and for reply comments June 22, 1998.

2. On April 20, 1998, the National Association of Broadcasters ("NAB") filed a "Motion for Extension of Time of Comment and Reply Comment Deadlines" seeking a sixty-day extension of the comment and reply comment deadlines. NAB states that it has identified several areas pertinent to the biennial review in which it plans to complete research and analysis. It believes that the results of these studies, and additional studies currently being

<sup>1</sup> Pub. L. No. 104–104, 110 Stat. 56 (1996).