

(62 FR 47166–47167, make the following corrections in the Summary section. On page 47166, in the center column, in the third sentence correct “600 feet” to read “600 yards”, and in the following sentence correct “1,000 feet” to read “1,000 yards”.

In the **SUPPLEMENTARY INFORMATION** section, correct the third sentence to read “The Navy also proposed to enlarge the existing restricting area at the Hannibal Target from a water area with a radius of 600 yards to a radius of 1,000 yards, and entry into the area is prohibited at all times.”

Dated: September 25, 1997.

Ralph T. Eppard,

Liaison Officer to the Federal Register, U.S. Army Corps of Engineers.

[FR Doc. 97–26154 Filed 10–1–97; 8:45 am]

BILLING CODE 3710–92–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 253

[Docket No. 96–6 CARP NCBRA]

Noncommercial Educational Broadcasting Compulsory License

AGENCY: Copyright Office, Library of Congress.

ACTION: Request for comments.

SUMMARY: The Copyright Office of the Library of Congress is submitting for public comment certain settlement proposals for the adjustment of the royalty rates for the noncommercial educational broadcasting compulsory license.

DATES: Comments and notices of intent to participate are due by November 3, 1997.

ADDRESSES: If sent by mail, an original and five copies of comments, and Notices of Intent to Participate, should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, D.C. 20024. If hand delivered, an original and five copies of comments, and Notices of Intent to Participate, should be brought to: Office of the Copyright General Counsel, James Madison Memorial Building, Room LM–403, First and Independence Avenue, S.E., Washington, D.C. 20559–6000.

FOR FURTHER INFORMATION CONTACT: William J. Roberts, Senior Attorney, or Tanya Sandros, Attorney Advisor, Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, D.C. 20024.

Telephone (202) 707–8380. Telfax: (202) 707–8366.

SUPPLEMENTARY INFORMATION:

Background

Section 118 of the Copyright Act, 17 U.S.C., creates a compulsory license for the use of certain copyrighted works in connection with noncommercial broadcasting. Terms and rates for this compulsory license, applicable to parties who are not subject to privately negotiated licenses, are published in 37 CFR part 253 and are subject to adjustment at five year intervals. The last adjustment of the terms and rates for the section 118 license occurred in 1992, making 1997 a window year for the adjustment of these terms and rates.

On October 18, 1996, the Library published a notice in the **Federal Register** requesting comments from interested parties as to the need for a CARP proceeding to adjust the section 118 terms and rates. 61 FR 54459 (Oct. 18, 1996). After a protracted negotiation period, certain parties identified the need for a CARP proceeding, and the Library has announced the precontroversy discovery period and the initiation of the CARP. Order in Docket No. 96–6 CARP NCBRA (July 30, 1997).

Most of the rates and terms adopted for the section 118 license are for the use of works of copyright owners represented by one or more of the performing rights societies or organizations. Although not all copyright owners belong to such organizations, their works are nonetheless subject to usage under the section 118 license. It is, therefore, necessary to adopt royalty terms and rates for those “unaffiliated” copyright owners whose identity is not known, and whose interests are not currently represented in this proceeding.

Adjusting the Terms and Rates for Unaffiliated Copyright Owners

Section 251.63 of 37 CFR prescribes the procedure for adopting terms and rates for unaffiliated copyright owners under section 118. Because the identity of such copyright owners is not known, copyright users are unable to negotiate with them to reach private agreements; and their interests would not be represented if the matter were submitted to a CARP. Section 251.63 of the rules, therefore, allows copyright users to submit their proposals for adjustment of the terms and rates for the section 118 license to the Librarian of Congress. The Librarian then submits the proposals to a public notice and comment proceeding, whereby unaffiliated copyright owners who would be

affected by the proposals are given the opportunity to challenge them. The unaffiliated copyright owners must submit their challenges by a date certain and must be willing to participate in the CARP proceeding adjusting the section 118 terms and rates. If no challenges are received, or if challenges are received by unaffiliated copyright owners who will not participate in a CARP proceeding, then the Librarian will adopt the proposals of the copyright users.

Accordingly, unaffiliated copyright owners must submit their written challenges to the Librarian of Congress no later than close of business on November 3, 1997. The content of the written challenge should describe the unaffiliated copyright owner's interest in this proceeding, which proposal described below that the owner finds objectionable, and the reasons for the challenge.

In addition, unaffiliated copyright owners submitting written challenges must also submit accompanying notices of intent to participate. Failure to submit a notice of intent to participate will preclude an unaffiliated copyright owner from participating in this proceeding and consideration of his or her written challenge. Those unaffiliated copyright owners who do submit notices of intent to participate will be contacted by the Librarian as to when their written direct cases are due. It is the intention of the Librarian to include such owners in the CARP proceeding that shall commence on December 31, 1997.

Proposals for Adjustment of Terms and Rates

Three parties, representing certain copyright users of works in connection with noncommercial broadcasting, filed proposals for adjustment of terms and rates.

1. National Religious Broadcasters Music Licensing Committee

The National Religious Broadcasters Music Licensing Committee (“NRBMLC”) proposes a rate for the public performance of copyrighted published nondramatic musical compositions not in the repertory of the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), or SESAC by radio stations not licensed to colleges, universities, or other nonprofit educational institutions and not affiliated with National Public Radio. The royalty rate for such performances from 1993–1997 is \$1 per performance, and is established in 37 CFR 253.6(c)(4). NRBMLC proposes that the rate remain the same for the period 1998–2002.

In addition, NRBMLC proposes a rate for the recording of nondramatic performances and displays of musical works on and for the radio and television programs of public broadcasting entities, and for the making, reproduction, and distribution of copies and phonorecords of public broadcasting programs containing such nondramatic performances and displays of musical works solely for the purpose of transmission by public broadcasting entities.

The rates for such uses, other than in a National Public Radio produced radio program, for the 1993–1997 period are:

Feature composition	\$.70
Feature (concert) (per half hour)	\$1.45
Background composition	\$.35

These rates are codified at 37 CFR 253.7(b)(4). NRBMLC proposes that the rates for the 1998–2002 period remain the same.

2. Public Broadcasting Service and National Public Radio

The Public Broadcasting Service (PBS) and National Public Radio (NPR) submitted a joint proposal to adjust the terms and rates for copyrighted works of unaffiliated copyright owners used by them for the 1998–2002 period. For adjustment of rates, PBS and NPR propose a one-time upward adjustment to the relevant rates in the amount of 6.2 percent. This one-time adjustment equals the average of the increases that would result from annual 2 percent increases over a five-year period.

With respect to terms, PBS and NPR propose that the current terms for the use of unaffiliated copyright owners' works by PBS and NPR remain unchanged, except to clarify that the proposed rates would not apply to works the rights to which are licensed by ASCAP, BMI, SESAC, The Harry Fox Agency, or the National Music Publishers Association. Unaffiliated copyright owners should consult 37 CFR part 253 for a description of the current terms.

The proposed changes in rates of PBS and NPR are as follows:

(a) Section 253.4 of the rules establishes the rates for performance of nondramatic musical compositions by PBS, NPR and other public broadcasting entities engaged in the activities set forth in 17 U.S.C. 118(d). PBS and NPR propose that the changes in these rates for the 1998–2002 period be as follows:

(i) For the performance of such a work in a feature presentation of PBS, \$211.53, up from the current rate of \$199.18;

(ii) For the performance of such a work as background or theme music in

a PBS program, \$53.59, up from the current rate of \$50.46;

(iii) For the performance of such work in a feature presentation of a station of PBS, \$18.08, up from the current rate of \$17.02;

(iv) For the performance of such a work as background or theme music in a program of a station of PBS, \$3.81, up from the current rate of \$3.59;

(v) For the performance of such a work in a feature presentation of NPR, \$21.44, up from the current rate of \$20.19;

(vi) For the performance of such a work as background or theme music in an NPR program, \$5.20, up from the current rate of \$4.90;

(vii) For the performance of such a work in a feature presentation of a station of NPR, \$1.52, up from the current rate of \$1.43; and

(viii) For the performance of such a work as background or theme music in a program of a station of NPR, \$.54, up from the current rate of \$.51.

(b) Section 253.7 of the rules establishes the rates for the recording of nondramatic performances and displays of musical works on and for the radio and television programs of public broadcasting entities, and for the making, reproduction, and distribution of copies and phonorecords of public broadcasting programs containing such nondramatic performances and displays of musical works solely for the purpose of transmission by public broadcasting entities. PBS and NPR propose that the changes in these rates be as follows:

(i) For the use of a musical work in a PBS-distributed program, the royalty fees for the 1998–2002 period would be calculated by multiplying the following per composition rates by the number of different compositions in that PBS-distributed program:

Feature—\$106.04, up from the current rate of \$99.85

Concert feature (per minute)—\$31.84, up from the current rate of \$29.98

Background—\$53.59, up from the current rate of \$50.46

Theme

Single program or first series program—\$53.59, up from the current rate of \$50.46

Other series program—\$21.75, up from the current rate of \$20.48

(ii) For such uses other than in a PBS-distributed television program, the royalty fee for the 1998–2002 period would be calculated by multiplying the following per-composition rates by the number of different compositions in that program:

Feature—\$8.76, up from the current rate of \$8.25

Concert feature (per minute)—\$2.30, up from the current rate of \$2.17

Background—\$3.81, up from the current rate of \$3.59

Theme

Single program or first series program—\$3.81, up from the current rate of \$3.59

Other series program—\$1.52, up from the current rate of \$1.43

(iii) For uses in a musical work in a NPR program, the royalty fee for the 1998–2002 period would be calculated by multiplying the following per-composition rates by the number of different compositions in any NPR program distributed by NPR:

Feature—\$11.48, up from the current rate of \$10.81

Concert feature (per half hour)—\$16.85, up from the current rate of \$15.87

Background—\$5.75, up from the current rate of \$5.41

Theme

Single program or first series program—\$5.75, up from the current rate of \$5.41

Other series program—\$2.29, up from the current rate of \$2.16

(iv) For such uses other than in a NPR-produced radio program:

Feature—\$.74, up from the current rate of \$.70

Feature (concert) (per half hour)—\$1.54, up from the current rate of \$1.45

Background—\$.37, up from the current rate of \$.35

(c) Section 253.8 of the rules establishes rates and terms for the use of pictorial, graphic, and sculptural works by public broadcasting entities. The rates and terms include the making of reproductions described in 17 U.S.C. 118(d)(3). PBS and NPR propose that the change in rates for the 1998–2002 period be as follows:

(i) For such uses in a PBS-distributed program:

Featured display—\$64.78, up from the current rate of \$61.00

Background and montage display—\$31.59, up from the current rate of \$29.75

Program identification or thematic use.—\$127.71, up from the current rate of \$120.25

Display of an art reproduction—\$41.95, up from the current rate of \$39.50

(ii) For such uses in other than PBS-distributed programs:

Featured display—\$41.95, up from the current rate of \$39.50

Background and montage display—\$21.51, up from the current rate of \$20.25

Program identification or thematic use—\$85.76, up from the current rate of \$80.75

Display of an art reproduction—\$21.51, up from the current rate of \$20.25

Rate Adjustment for Section 253.7(b)(4)

Review of the rate proposals of NRBMLC and PBS and NPR reveals that there is a conflict between their proposed rates for the recording of nondramatic performances and displays of musical works on and for the radio and television programs of public broadcasting entities, other than in a National Public Radio produced program, and for the making, reproduction, and distribution of copies and phonorecords of public broadcasting programs containing such nondramatic performances and displays of musical works solely for the purpose of transmission by public broadcasting entities. 37 CFR 253.7(b)(4). NRBMLC proposes that the rates remain the same as the current rates, while PBS and NPR propose an increase of 6.2 percent. To resolve this conflict, the Librarian is announcing that he will adopt the proposal of PBS and NPR, described above, unless NRBMLC or some other party challenges the proposal, in which case the matter will be resolved by the CARP in this proceeding.

Marilyn J. Kretsinger,

Assistant General Counsel.

[FR Doc. 97-26062 Filed 10-1-97; 8:45 am]

BILLING CODE 1410-33-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 136

[FRL-5901-5]

Guidelines Establishing Test Procedures for the Analysis of Oil and Grease and Total Petroleum Hydrocarbons; Notice of Availability and Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability and request for comment.

SUMMARY: On January 23, 1996 (61 FR 1730), EPA proposed to amend the Guidelines Establishing Test Procedures for the Analysis of Pollutants under section 304(h) of the Clean Water Act to replace existing gravimetric test procedures for the determination of the conventional pollutant "oil and grease" (40 CFR 401.16) with EPA Method 1664, as part of EPA's effort to reduce dependency on the use of

chlorofluorocarbons (CFCs). EPA also proposed to allow use of Method 1664 for determination of total petroleum hydrocarbons (TPH). The comment period on the proposal ended on March 25, 1996. On May 24, 1996 (61 FR 26149), EPA reopened the comment period until July 23, 1996. EPA received analytical data during both comment periods and following the close of the reopened comment period, and desires to consider these data in its rulemaking. EPA therefore is making available for public review and comment these additional analytical data which the Agency is considering in establishing the final regulation approving use of Method 1664.

DATES: Written comments on this notice must be submitted on or before November 3, 1997. All comments must be postmarked or delivered by hand by November 3, 1997.

ADDRESSES: Send written comments on this notice to "Method 1664—Notice of Data Availability," Comment Clerk, Water Docket MC-4101, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Commenters are requested to submit one copy of any references cited in their comments and an original and two copies of their written comments and enclosures. Commenters who want receipt of their comments acknowledged should include a self-addressed, stamped envelope. No facsimiles (faxes) will be accepted.

A copy of the data received by the Agency during and pursuant to the comment period for the proposed rule is available for review at EPA's Water Docket, 401 M Street, S.W., Washington, D.C. 20460. For access to the Docket materials, call (202) 260-3027 between 9:00 a.m. and 3:30 p.m. Eastern Standard Time (EST) for an appointment.

The complete text of this **Federal Register** notice and Method 1664 may be viewed or downloaded on the Internet at <http://www.epa.gov/OST>.

FOR FURTHER INFORMATION CONTACT: Mr. Ben Honaker, Engineering and Analysis Division (4303), USEPA Office of Science and Technology, 401 M Street, S.W., Washington, D.C., 20460, or call (202) 260-2272.

SUPPLEMENTARY INFORMATION: On January 23, 1996 (61 FR 1730), EPA proposed to replace currently approved gravimetric test procedures with EPA Method 1664: N-Hexane Extractable Material (HEM) and Silica Gel Treated N-Hexane Extractable Material (SGT-HEM) by Extraction and Gravimetry (Oil and Grease and Total Petroleum Hydrocarbons) for determination of "oil

and grease". Oil and grease is a conventional pollutant as defined in section 304(a) of the Clean Water Act (CWA) and at 40 CFR 401.16. Method 1664 also was proposed for determination of total petroleum hydrocarbons (TPH), a non-conventional pollutant regulated in many National Pollution Discharge Elimination System permits. The proposed rule is necessary to meet compliance monitoring requirements of CWA and the chlorofluorocarbon phaseout requirements of the Clean Air Act Amendments. Method 1664 was proposed under the authority of Sections 301, 304(h), and 501(a) of CWA and the authority of sections 604, 606, and 613 of the 1990 Clean Air Act Amendments. In the proposed rule, the Agency requested comments, analysis, and additional information on the replacement of Freon-113 with n-hexane, the utility of Method 1664 for monitoring, the quality control (QC) acceptance criteria in Method 1664, the method detection limit (MDL) and minimum level (ML), the performance-based option criteria, and the six-month implementation scenario. In response to this request, the Agency received comments that provided additional analytical data pertaining to Method 1664.

The comment period on the proposal ended on March 25, 1996. On May 24, 1996 (61 FR 26149), EPA reopened the comment period until July 23, 1996. EPA received analytical data during both comment periods and following the close of the reopened comment period. The Agency desires to consider these additional data in formulating the final rule for the use of Method 1664.

This notice makes available for public review and comment all additional analytical data received by the Agency since the publication of the proposed rule. The additional data consist of results from preparation blank analyses, solid-phase extraction analyses, comparison of n-hexane-based extraction and freon-based extraction, and MDL and ML data.

EPA is soliciting comment on the additional analytical data only. Further comments on the proposal (61 FR 1730) will not be accepted. These additional data neither represent any modification of the proposed rule, nor indicate a change in the Agency's interpretation of existing requirements. The data represent additional information which the Agency is considering in establishing the final regulation approving the use of Method 1664.