

aggregate assessable gross revenues of all gaming operations. The information will be used to set and adjust fee rates and to verify the computations of fees paid by each gaming operation. Response is mandatory.

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### 30 CFR Parts 56, 57, 62, 70, and 71

RIN-AA53

#### Health Standards for Occupational Noise Exposure in Coal, Metal and Nonmetal Mines

**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.

**ACTION:** Proposed rule; Availability of report.

**SUMMARY:** This notice announces the availability of a report from the National Institute for Occupational Safety and Health (NIOSH) entitled "Prevalence of Hearing Loss For Noise-Exposed Metal/Nonmetal Miners." The report, which MSHA received on October 15, 1997, is cumulative evidence concerning the risk to metal and nonmetal miners of noise induced hearing loss (NIHL). The report is relevant to the magnitude of the risk of NIHL among miners. The Agency, therefore, will supplement the rulemaking record with this report and make it available to interested parties upon request.

**ADDRESSES:** Copies of the report are available from the Office of Standards, Regulations, and Variances, 703-235-1910.

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

**SUPPLEMENTARY INFORMATION:** On December 17, 1996, MSHA published a proposed rule in the **Federal Register** (61 FR 66348) revising its health standards for occupational noise exposure in coal and metal and nonmetal mines. In this proposal, MSHA stated that current scientific evidence demonstrates that NIHL constitutes a serious hazard, that evidence exists of continuing harm to miners, and that MSHA standards no longer reflect experience and expert advice. The Agency concluded that regulatory action was necessary to address the continued excess risk of NIHL resulting from mining employment.

MSHA evaluated evidence related to the risk to miners from exposure to harmful levels of noise, and evidence on the level of that risk. MSHA determined that with respect to mine safety and health, any definition of material impairment of hearing should relate to a permanent, measurable loss of hearing which, unchecked, will limit the ability to understand speech, as it is spoken in everyday social (noisy) conditions. This is because speech comprehension is essential for mine safety.

The Agency reviewed the major studies on the level of risk at different noise exposures. The studies consistently indicated that the risk of developing a material impairment became significant over a working lifetime when workplace exposure exceeded average sound levels of 85 dBA. The data further indicated that while lowering exposure from an eight-hour time-weighted average (TWA<sub>8</sub>) of 90 dBA to one of 85 dBA did not eliminate the risk, it did reduce the risk by approximately half. MSHA also reviewed a large body of data on the effects of varying industrial sound levels on worker hearing. These studies were supportive of the same conclusion. The Agency also focused on the harm that can occur at lower sound levels by reviewing studies of workers in other countries.

To confirm the magnitude of the risks of NIHL among miners, MSHA examined evidence of reported hearing loss among miners from a variety of sources audiometric data bases tracking hearing acuity among coal miners, individual commenter data, hearing loss data reported to MSHA, and workers' compensation data. MSHA also asked NIOSH to examine a body of audiometric data which tracked hearing acuity among coal miners and one which tracked hearing acuity among metal and nonmetal miners. NIOSH completed its analysis of the audiometric data on coal miners and issued a report to MSHA entitled "Analysis of Audiograms for a Large Cohort of Noise-Exposed Miners," (Franks, 1996) which is a part of the existing rulemaking record.

NIOSH has now issued its report to MSHA which analyzes audiometric data on metal and nonmetal miners. This report is entitled "Prevalence of Hearing Loss For Noise-Exposed Metal/Nonmetal Miners." The NIOSH analysis supports the conclusion from earlier scientific studies that miners are losing their hearing sensitivity faster than the general population. It indicates that 49% of the male population of metal and nonmetal miners have a hearing

impairment by age 50 as compared with only 9% of the general population.

The report is available to interested members of the public and may be obtained upon request by electronic mail, fax, phone, or mail as follows: (1) Electronic mail: [psilvey@msha.gov](mailto:psilvey@msha.gov), (2) Fax: MSHA, Office of Standards, Regulations, and Variances, 703-235-5551, (3) Phone: Patricia W. Silvey, 703-235-1910, and (4) Mail: Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, 4015 Wilson Boulevard, Room 631, Arlington, VA 22203-1984.

Dated: December 9, 1997.

**J. Davitt McAteer,**

*Assistant Secretary for Mine Safety and Health.*

[FR Doc. 97-32709 Filed 12-15-97; 8:45 am]

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## 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:** Notice of proposed rulemaking; correction.

**SUMMARY:** This document clarifies the dates for filing comments and Notices of Intent to Participate published in the **Federal Register** notice of December 1, 1997, announcing the proposed rulemaking for adjusting the royalty rates for the noncommercial educational broadcasting compulsory license.

**FOR FURTHER INFORMATION CONTACT:** Tanya M. Sandros, Attorney Advisor, Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone (202) 707-8380. Telefax: (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** The notice of proposed rulemaking concerning the adjustment of royalty rates for compulsory license governing the use of certain copyrighted works in connection with noncommercial broadcasting contains two dates for filing comments and Notices of Intent to Participate. The correct date, December 29, 1997, is announced in the date caption. The second date, December 31, 1997, stated in the section entitled, Comments and Notices of Intent to Participate, page 63504, second column, first paragraph,

first sentence, is incorrect and should also read December 29, 1997.

The notice also contains an error in the regulatory text which requires correction.

#### List of Subjects in 37 CFR Part 253

Copyright, Music, Radio, Television.

Accordingly, 37 CFR part 253 is corrected by making the following correcting amendments:

#### PART 253—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING

1. The authority citation for part 253 continues to read as follows:

**Authority:** 17 U.S.C. 118, 801(b)(1) and 803.

#### § 253.7 Recording rights, rates and terms.

2. In § 253.7, paragraph (b)(4), correct the parenthetical “(per half” to read “(per half hour)”.

Dated: December 11, 1997.

**Marilyn J. Kretsinger,**

*Assistant General Counsel.*

[FR Doc. 97-32792 Filed 12-15-97; 8:45 am]

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#### LIBRARY OF CONGRESS

##### Copyright Office

##### 37 CFR Part 255

[Docket No. 96-4 CARP DPRA]

#### Mechanical and Digital Phonorecord Delivery Rate Adjustment Proceeding

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

**ACTION:** Notice of proposed rulemaking; correction.

**SUMMARY:** This document clarifies the dates for filing comments and Notices of Intent to Participate published in the **Federal Register** notice of December 1, 1997, announcing a proposed rulemaking concerning the adjustment of the physical phonorecord and digital phonorecord delivery royalty rates.

**FOR FURTHER INFORMATION CONTACT:** Tanya M. Sandros, Attorney Advisor, Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone (202) 707-8380. Telefax: (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** The notice of proposed rulemaking concerning the adjustment of royalty rates for the making and distribution of a physical phonorecord and a digital phonorecord

delivery contains two dates for filing comments and Notices of Intent to Participate. The correct date, December 29, 1997, is announced in the date caption. The second date, December 31, 1997, stated in the section entitled, Comments and Notices of Intent to Participate, page 63507, third column, is incorrect and should also read December 29, 1997.

Dated: December 11, 1997.

**Marilyn J. Kretsinger,**

*Assistant General Counsel.*

[FR Doc. 97-32791 Filed 12-15-97; 8:45 am]

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#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Administration for Children and Families

##### 45 CFR Part 1302

RIN 0970-AB52

#### Head Start Program

**AGENCY:** Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), HHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Administration on Children, Youth and Families is issuing this notice of proposed rulemaking to amend its procedures regarding replacement of Indian tribal grantees. The proposed change would add provisions to implement a new statutory provision that allows Indian tribes which are Head Start grantees to identify an agency, and request that the agency be designated by the Department as an alternative grantee, when the grantee is terminated or denied refunding.

**DATES:** In order to be considered, comments on this proposed rule must be received on or before February 17, 1998.

**ADDRESSES:** Please address comments to the Associate Commissioner, Head Start Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013. Beginning 14 days after close of the comment period, comments will be available for public inspection in Room 2217, 330 C Street, S.W., Washington, D.C. 20201, Monday through Friday between the hours of 9:00 a.m. and 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Douglas Klafehn, Deputy Associate Commissioner, Head Start Bureau, Administration for Children, Youth and

Families, P.O. Box 1182, Washington, D.C. 20013; (202) 205-8572.

#### SUPPLEMENTARY INFORMATION:

##### I. Program Purpose

Head Start is authorized under the Head Start Act (42 U.S.C. 9801 *et seq.*). It is a national program providing comprehensive developmental services primarily to low-income preschool children, age three to the age of compulsory school attendance, and their families. In addition, Section 645A of the Head Start Act provides authority to fund programs for families with infants and toddlers, known as Early Head Start programs. To help enrolled children achieve their full potential, Head Start programs provide comprehensive health, nutritional, educational, social and other services. Additionally, Head Start programs are required to provide for the direct participation of the parents of enrolled children in the development, conduct, and direction of local programs. Parents also receive training and education to foster their understanding of and involvement in the development of their children. In fiscal year 1996, Head Start served 752,000 children through a network of over 2,000 grantees and delegate agencies.

While Head Start is intended to serve primarily children whose families have incomes at or below the poverty line, or who receive public assistance, the Head Start Act and implementing regulations permit up to 10 percent (and more for Indian tribes under certain circumstances) of the children in local programs to be from families who do not meet these low-income criteria. The Act also requires that a minimum of 10 percent of the enrollment opportunities in each program be made available to children with disabilities. Such children are expected to participate in the full range of Head Start services and activities with their non-disabled peers and to receive needed special education and related services.

##### II. Summary of the Proposed Regulation

The authority for this Notice of Proposed Rulemaking (NPRM) is section 646 of the Head Start Act (42 U.S.C. 9841), as amended by Public Law 103-252, Title I of the Human Service Amendments of 1994. Section 646(e) directs the Secretary to specify a process by which an Indian tribe may identify an agency, and request that the agency identified be designated as the Head Start agency providing services to the tribe, if (a) financial assistance to the tribal grantee is terminated, and (b) the