

least the same measure of protection as would the mandatory standard.

15. Dandy Mining Company, Inc.

[Docket No. M-98-52-C]

Dandy Mining Company, Inc., P.O. Box 917, Gilbert, West Virginia 25621 has filed a petition to modify the application of 30 CFR 75.364(a)(1) and (b)(2) (weekly examination) to its No. 1 Mine (I.D. No. 46-08307) located in Logan County, West Virginia. The petitioner requests temporary modification of the standard to the extent that complying with the standard would put an examiner in an unsafe situation when traveling certain areas of the return air course due to deteriorating roof and conditions. The petitioner intends to mine parallel and mine into the affected area in approximately 6 months and seal the area according to MSHA requirements and West Virginia State Law. The petitioner proposes to establish evaluation points to monitor movement of air going into and returning from the affected area. The petitioner states that if the affected area is sealed according to MSHA requirement, when mining into the affected area, the West Virginia Law would require mine rescue teams to be present and operate equipment under oxygen to mine into sealed areas which would create a hazard to the miners. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

16. Chemical Lime Company

[Docket No. M-98-02-M]

Chemical Lime Company, P.O. Box 479, Montevallo, Alabama 35115 has filed a petition to modify the application of 30 CFR 56.6306 (loading, blasting, and security) to its O'Neal Quarry (I.D. No. 01-00003) located in Shelby County, Alabama. The petitioner proposes to load explosives to within one hole of the hole being drilled during the drilling cycle of overburden removal. The petitioner asserts that application of the standard as it applies to the overburden blasting at the O'Neal Quarry will create a diminution of safety to the miners and to the drilling and blasting contractors. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

17. Climax Molybdenum Company

[Docket No. M-98-03-M]

Climax Molybdenum Company, One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, Pennsylvania 15219

has filed a petition to modify the application of 30 CFR 57.12016 (work on electrically powered equipment) to its Henderson Mine (I.D. No. 05-00790) located in Clear Creek County, Colorado. The petitioner requests a modification of the standard to permit an alternative method of compliance with the requirements for lockout of equipment. The petitioner proposes to perform all lockout steps in the crusher control room except the lockout of the conveyor belt pullcord; to have the crusher operator remotely open two power contactor/breakers for each drive motor, turn the VFC off and disable all local control power for these contactor/breakers, and have an auxiliary contactor on each breaker or contactor that would indicate whether each device has opened; to disable the mill operator control and the potential network control hardware; to have persons desiring a lockout to activate a pullcord switch and lock the switch with a lockout lock; to give an indication to the crusher operator that the last pullcord switch has been deactivated; to have the crusher operator try to start the belt to ensure that starting the belt system is not possible before declaring the belt system locked out; and to have the crusher operator physically guard the PLC in the control room or lock the control room with a lockout lock. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to "comments@msha.gov", or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 3, 1998. Copies of these petitions are available for inspection at that address.

Dated: July 27, 1998.

Patricia W. Silvey,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 98-20763 Filed 8-3-98; 8:45 am]

BILLING CODE 4510-43-P

LIBRARY OF CONGRESS

Copyright Office

[Docket No. RM 98-6]

Cable Compulsory License: Specialty Station List

AGENCY: Copyright Office, Library of Congress.

ACTION: Request for information.

SUMMARY: The Copyright Office is compiling a new specialty station list to identify commercial television broadcast stations which, according to their owners, qualify as specialty stations for purposes of the former distant signal carriage rules of the Federal Communications Commission (FCC). Lists were published in 1990 and in 1995, at which time we stated that the specialty station list would be revised approximately every three years. Accordingly, the Copyright Office is again requesting all interested owners of television broadcast stations that qualify as specialty stations, including those that previously filed affidavits, to submit sworn affidavits to the Copyright Office stating that the programming of their stations meets certain requirements under the FCC regulations in effect on June 24, 1981.

DATES: Affidavits should be received on or before October 5, 1998.

ADDRESSES: If sent by mail, submit the sworn affidavit to: David O. Carson, General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024. If hand delivered, bring the document to: Office of the General Counsel, U.S. Copyright Office, James Madison Memorial Building, Room LM-403, First and Independence Avenue, SE., Washington, DC 20559-6000.

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, DC 20024. Telephone (202) 707-8380 or Telefax (202) 707-8366.

SUPPLEMENTARY INFORMATION:

Why Would a Broadcast Station Seek Specialty Station Status?

Specialty station status is significant in the administration of the cable compulsory license. 17 U.S.C. 111. The licensing system indirectly allows a cable operator to carry the signal of a television station classified as a specialty station at the base rate for "permitted" signals. See 49 FR 14944 (April 16, 1984); 37 CFR 256.2(c).

What is a Specialty Station?

The FCC regulations in effect on June 24, 1981, defined a specialty station as "a commercial television broadcast station that generally carries foreign-language, religious, and/or automated programming in one-third of the hours of an average broadcast week and one-third of the weekly prime-time hours." 47 CFR 76.5(kk) (1981).

How is a Station Deemed To Be a Specialty Station?¹

Under a procedure adopted by the Copyright Office in 1989, see 54 FR 38461 (September 18, 1989), an owner or licensee of a broadcast station files a sworn affidavit attesting that the station's programming comports with the 1981 FCC definition, and hence, qualifies as a specialty station. A list of the stations filing affidavits is then published in the **Federal Register** in order to allow any interested party to file an objection to an owner's claim of specialty station status for the listed station. Once the period to file objections closes, we publish a final list which includes references to the specific objections filed against a particular station owner's claim. In addition, affidavits that are submitted after the close of the filing period are accepted and kept on file at the Copyright Office.

The staff of the Copyright Office, however, does not verify the specialty station status of any station listed in an affidavit.

How Does the Staff of the Copyright Office Use the List?

Copyright Office licensing examiners refer to the final annotated list in examining a statement of account where a cable system operator claims that particular stations are specialty stations. If a cable system operator claims specialty station status for a station not on the final list, the examiner determines whether the owner of the station has filed an affidavit since publication of the list.

How Often Has the Copyright Office Published Specialty Station Lists?

The Copyright Office compiled and published its first specialty station list in 1990, together with an announcement of its intention to update the list approximately every three years in order to maintain as current a list as possible. 55 FR 40021 (October 1, 1990). Its

¹ Originally, the FCC identified whether a station qualified as a specialty station, but after it deleted its distant signal carriage rules, it discontinued this practice. See *Malrite T.V. of New York v. FCC*, 652 F.2d 1140 (2d Cir. 1981), cert. denied, 454 U.S. 1143 (1982).

second list was published in 1995. 60 FR 34303 (June 30, 1995). With this notice, the Copyright Office is initiating the procedure for the compilation and publication of the third specialty station list.

Does This Notice Require Action on the Part of an Owner of a Television Broadcast Station?

Yes, we are requesting that the owner, or a valid agent of the owner, of any eligible television broadcast station submit an affidavit to the Copyright Office stating that he or she believes that the station qualifies as a specialty station under 47 CFR 76.5(kk) (1981), the FCC's former rule defining "specialty station." The affidavit must be certified by the owner or an official representing the owner.

Affidavits are due within 60 days of the publication of this notice in the **Federal Register**. There is no specific format for the affidavit; however, the affidavit must confirm that the station owner believes that the station qualifies as a specialty station under the 1981 FCC rule.

Notwithstanding the above, any affidavit submitted to the Copyright Office within the 45-day period prior to publication of this notice need not be resubmitted to the Office. Any affidavit filed during this 45-day period shall be considered timely filed for purposes of this notice.

What Happens After the Affidavits Are Filed With the Copyright Office?

Once the period for filing the affidavits closes, we will compile and publish in the **Federal Register** a list of the stations identified in the affidavits. At the same time, we will solicit comment from any interested party as to whether or not particular stations on the list qualify as specialty stations. Thereafter, a final list of the specialty stations that includes references to any objections filed to a station's claim will be published in the **Federal Register**.

In addition, affidavits that, for good cause shown, are submitted after the close of the filing period will be accepted and kept on file at the Copyright Office. Affidavits received in this manner will be accepted with the understanding that the owners of those stations will resubmit affidavits when the Office next formally updates the specialty station list. An interested party may file an objection to any late-filed affidavit. Such objections shall be kept on file in the Copyright Office together with the corresponding affidavit.

Dated: July 28, 1998.

Marybeth Peters,

Register of Copyrights.

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BILLING CODE 1410-30-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-440]

Notice of Consideration of Approval of Transfer of License and Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing; The Cleveland Electric Illuminating Company, Centerior Service Company, Duquesne Light Company, Ohio Edison Company, OES Nuclear, Inc., Pennsylvania Power Company, Toledo Edison Company

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. NPF-58 issued to The Cleveland Electric Illuminating Company, Centerior Service Company, Toledo Edison Company, Ohio Edison Company, Pennsylvania Power Company, OES Nuclear, Inc., and Duquesne Light Company (the licensees) with respect to operating authority thereunder for the Perry Nuclear Power Plant, Unit No.1, located in Lake County, Ohio, and considering issuance of a conforming amendment under 10 CFR 50.90.

The proposed transfer of operating authority under the license would authorize a new operating company, called the FirstEnergy Nuclear Operating Company, to use and operate the Perry Nuclear Power Plant and to possess and use related licensed nuclear materials in accordance with the same conditions and authorizations included in the current operating license. The FirstEnergy Nuclear Operating Company would be formed by FirstEnergy Corporation, the corporate parent of the licensees except for Duquesne Light Company, to become the licensed operator for the Perry Nuclear Power Plant and would have exclusive control over the operation and maintenance of the facility. The license would be amended to reflect the transfer of authority under the license. After issuance of the transfer order and conforming license amendment, the owners of the facility will be authorized only to possess the facility and