

Sandros, Attorney Advisor, Copyright Arbitration Royalty Panels, P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380.

SUPPLEMENTARY INFORMATION: The Digital Performance Right in Sound Recordings Act of 1995 ("Digital Performance Act"), Public Law No. 104-39, 109 Stat. 336., confirms and clarifies that the scope of the compulsory license to make and distribute phonorecords of nondramatic musical compositions includes digital transmissions which constitute "digital phonorecord deliveries." 17 U.S.C. 115(c)(3). A "digital phonorecord delivery" is each individual delivery of a phonorecord by digital transmission of a sound recording which results in a specifically identifiable reproduction by or for any transmission recipient. 17 U.S.C. 115(d), 37 CFR 255.4.

The rate for all digital phonorecord deliveries made or authorized under a compulsory license on or before December 31, 1997, is the same as the current rate for the making and distribution of physical phonorecords: 6.95 cents for each work embodied in a phonorecord, or 1.3 cents per minute of playing time or fraction thereof, whichever amount is larger. 37 CFR 255.5.

The current rate for digital phonorecord deliveries expires on December 31, 1997. Accordingly, in the Digital Performance Act, Congress established a two-step process for adjusting the royalty rate, a negotiation period wherein the owners and the users attempt to reach their own voluntary licenses, and then if necessary, and upon the filing of a petition in 1997, the convening of a copyright arbitration royalty panel (CARP) to establish rates and terms for those persons who are not covered by such voluntary licenses. 17 U.S.C. 115(c)(3) (C) and (D).

On July 17, 1996, the Copyright Office published a notice initiating a period for the users and owners to negotiate reasonable rates and terms for digital transmissions that constitute a digital phonorecord delivery. 61 FR 37213 (July 17, 1996). In that notice, the Office acknowledged that the Digital Performance Act specified neither a date for initiating the negotiation period, nor a date for concluding the negotiations and instituting an arbitration proceeding. Nevertheless, the expiration of the current rates on December 31, 1997, prompted the Office to create a schedule which would have new effective rates in place by January 1, 1998. *Id.*

The parties with an interest in negotiating the rates and terms for the

digital phonorecord delivery license established in the Digital Performance Act, however, believed that the Office's proposed schedule did not provide sufficient time for negotiating a voluntary set of rates and terms. Therefore, on November 8, 1996, the Recording Industry Association of America, the National Music Publishers' Association, Inc., and the Harry Fox Agency, Inc. (collectively, "the Parties") filed a joint motion with the Library to vacate the scheduled dates appearing in the July 17, 1996, Federal Register notice. The Parties informed the Office that adherence to the proposed schedule would prematurely terminate their efforts to reach a voluntary license. The Office announced a new schedule for this proceeding, 61 FR 65243 (December 11, 1996), which moved the date for the filing of direct cases from January 31, 1997, to April 1, 1997.

In response to the new schedule, the parties requested a meeting with the Register of Copyrights to discuss the problems associated with negotiating rates and terms for the digital phonorecord delivery compulsory license within the proposed time frame. The Copyright Office met with representatives of the Recording Industry of America, the National Music Publishers' Association, and the Harry Fox Agency, Inc. on January 9, 1997. At this meeting, the Parties outlined the difficulties in determining rates and terms for use of a new technology in a marketplace with little definition or clear direction. The Parties indicated that they fully expected to reach a voluntary agreement through negotiations over the next few months; however, they believe it is not possible to conclude negotiations before April 1, nor to prepare adequate direct cases for presentation to an arbitration panel by this date in the event the Office chose to proceed with its schedule. At the conclusion of the meeting, the Parties asked the Office to reconsider their original motion to vacate the schedule and to refrain from setting a new schedule while the Parties continue their negotiations.

Upon further consideration, the Office is granting the Parties' request to vacate the announced schedule for this proceeding, thereby removing any impediment for constructive negotiations between the users and the owners. The setting of the rates and terms for the delivery of digital phonorecords is not an open ended process; therefore, the Office will continue to monitor the progress of the negotiations through periodic status meetings, the first of which is scheduled for April 1, 1997.

Dated: January 27, 1997.

Marybeth Peters,

Register of Copyrights.

[FR Doc. 97-2539 Filed 1-31-97; 8:45 am]

BILLING CODE 1410-33-P

NATIONAL COMMUNICATIONS SYSTEM

Telecommunications Service Priority System Oversight Committee

AGENCY: National Communications System (NCS).

ACTION: Notice of meeting.

A meeting of the Telecommunications Service Priority (TSP) System Oversight Committee will convene Thursday March 6, 1997 from 9 a.m. to 12:00 a.m. The meeting will be held at Booz-Allen & Hamilton 8283 Greensboro Drive, McLean VA.

—Opening/Administrative Remarks

—Status of the TSP Program

—Preview of the TSP and CPAS Home Page

—Status of the CPAS Program

Anyone interested in attending or presenting additional information to the Committee, please contact LCDR Angela Abrahamson, Manager, TSP Program Office, (703) 607-4930, or Betty Hoskin (703) 607-4932 by March 1, 1997.

Dr. Dennis Bodson,

Federal Register Liaison Officer, National Communications System.

[FR Doc. 97-2602 Filed 1-31-97; 8:45 am]

BILLING CODE 5003-25-M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Change in Subject of Meeting

The National Credit Union Administration Board determined that its business required the deletion of the following items from the previously announced open meeting (Federal Register, Vol. 62, No. 17, page 3922, January 27, 1997) scheduled for Wednesday, January 29, 1997.

3. Chartering and Field of Membership Issues.

7. Final Rule: Amendments to Part 704, NCUA's Rules and Regulations, Corporate Credit Unions.

The Board voted unanimously that Agency business required that these items be deleted from the open agenda and earlier announcement of these changes was not possible.

The previously announced items were:

1. Approval of Minutes of Previous Open Meeting.

2. Proposed Revision to the Operating Fee Scale.

3. Chartering and Field of Membership Issues.
4. Requests from Federal Credit Unions to Convert to a Community Charter.
5. Request to Charter a Low-Income Community Federal Credit Union.
6. Requests from Corporate Federal Credit Unions for Field of Membership Amendments.
7. Final Rule: Amendments to Part 704, NCUA's Rules and Regulations, Corporate Credit Unions.

FOR FURTHER INFORMATION CONTACT:

Becky Baker, Secretary of the Board,
Telephone (703) 518-6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 97-2760 Filed 1-30-97; 2:54 pm]

BILLING CODE 7535-01-M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Revision.
2. *The title of the information collection:* 10 CFR Part 55, "Operators' Licenses."
3. *The form number if applicable:* Not applicable.
4. *How often the collection is required:* As necessary in order for NRC to meet its responsibilities to determine the eligibility of applicants for operators' licenses and perform a review of applications and reports for simulation facilities submitted to the NRC.
5. *Who will be required or asked to report:* Holders of and applicants for facility (i.e., nuclear power, research, and test reactor) operating licenses and individual operators' licenses.
6. *An estimate of the number of responses:* 135.
7. *The estimated number of annual respondents:* 135.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 3,556 (approximately 964 hours of reporting burden and approximately 2,592 hours of recordkeeping burden).

9. *An indication of whether Section 3507(d), Pub. L. 104-13 applies:* Not applicable.

10. *Abstract:* 10 CFR Part 55 of the NRC's regulations, "Operators' Licenses," specifies information and data to be provided by applicants and facility licensees so that the NRC may make determinations concerning the licensing of operators for nuclear power plants necessary to promote the health and safety of the public. The reporting and recordkeeping requirements contained in 10 CFR Part 55 are mandatory for the licensees and applicants affected.

A copy of the submittal may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC. Members of the public who are in the Washington, DC, area can access the submittal via modem on the Public Document Room Bulletin Board (NRC's Advanced Copy Document Library) NRC subsystem at FedWorld, 703-321-3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1-800-303-9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703-487-4608. Additional assistance in locating the document is available from the NRC Public Document Room, nationally at 1-800-397-4209, or within the Washington, DC, area at 202-634-3273.

Comments and questions should be directed to the OMB reviewer by March 5, 1997: Edward Michlovich, Office of Information and Regulatory Affairs (3150-0018), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 415-7233.

Dated at Rockville, Maryland, this 28th day of January 1997.

For the Nuclear Regulatory Commission.
Gerald F. Cranford,
Designated Senior Official for Information Resources Management.

[FR Doc. 97-2538 Filed 1-31-97; 8:45 am]

BILLING CODE 7590-01-P

[IA 97-004]

James C. Nelson, Order Prohibiting Involvement In NRC-Licensed Activities (Effective Immediately)

I

Mr. James C. Nelson owns and operates Nelson Excavating, Inc. in Thomas, West Virginia. Nelson Excavating, Inc. (Licensee) holds By-product License No. 47-24923-02, issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30. The License was initially issued on June 24, 1987, and last renewed on September 17, 1992. The License authorizes the Licensee to use a Troxler Electronic Model 3400 series portable moisture density gauge for soil compaction measurements in accordance with the conditions specified therein. The License was extended for a period of five years on March 1, 1996, and will expire on September 30, 2002. On August 15, 1996, the Licensee discontinued licensed activities and transferred its gauge containing nominally 11 millicuries (mCi) of Cesium-137 and 44 mCi of Americium-241 to an authorized recipient. On August 15, 1996, the Licensee formally requested termination of its NRC License. The License is being terminated separately in accordance with this request.

II

On October 24, 1995, the NRC's Office of the Controller issued an Order Suspending License (Effective Immediately) to Nelson Excavating, Inc. suspending its License for the non-payment of fees in the amount of \$2,873.48, including late penalties of \$753.48. The Order required, among other things, that the Licensee immediately restrict its activities involving licensed material to safe, secure storage or appropriate disposal until notified by the NRC in writing that the License had been terminated. The Order became final on November 24, 1995, following the Licensee's failure to respond to the NRC or pay the fees within the 30 days specified in the Order.

During the period March 19 through April 1, 1996, NRC Region II conducted a special safety inspection of licensed activities to determine the status of the gauge and compliance with the October 24, 1995 Order. The inspection determined the following: (1) The Licensee used the gauge containing by-product material on November 6, 1995, and January 4, 1996, contrary to the requirements of the October 24, 1995,