APPENDIX A.—COMPARISON OF EXISTING AND REVISED FEE AMOUNTS—Continued

37 CFR	Description	Pre-Oct 1998	Final rule Oct 1998	H.R. 3723	H.R. 3989
1.492(a)(3)	PTO Not ISA nor IPEA	1,070	790	970	—
1.492(a)(3)	PTO Not ISA nor IPEA (Small Entity)	535	395	485	—
1.492(a)(4)	Claims—IPEA	98	78	96	—
1.492(a)(4)	Claims—IPEA (Small Entity)	49	39	48	—
1.492(a)(5)	Filing with EPO/JPO Search Report	930	790	—	—
1.492(a)(5)	Filing with EPO/JPO Search Report (Small Entity)	465	395	—	—
1.492(b)	Claims—Extra Individual (Over 3)	82	64	78	—
1.492(b)	Claims—Extra Individual (Over 3) (Small Entity)	41	32	39	—
1.492(c)	Claims—Extra Total (Over 20)	22	14	18	—
1.492(c)	Claims—Extra Total (Over 20) (Small Entity)	11	7	9	—
1.492(d)	Claims—Multiple Dependents	270	210	260	—
1.492(d)	Claims—Multiple Dependents (Small Entity)	135	105	130	—
1.492(e)	Surcharge	130	—	—	—
1.492(e)	Surcharge (Small Entity)	65	—	—	—
1.492(f)	English Translation—After 20 Months	130	—	—	—
2.6(a)(1)	Application for Registration, Per Class	245	—	—	—
2.6(a)(2)	Amendment to Allege Use, Per Class	100	—	—	—
2.6(a)(3)	Statement of Use, Per Class	100	—	—	—
2.6(a)(4)	Extension for Filing Statement of Use, Per Class	100	—	—	—
2.6(a)(5)	Application for Renewal, Per Class	300	—	—	—
2.6(a)(6)	Surcharge for Late Renewal, Per Class	100	—	—	—
2.6(a)(7)	Publication of Mark Under § 12(c), Per Class	100	—	—	—
2.6(a)(8)	Issuing New Certificate of Registration	100	—	—	—
2.6(a)(9)	Certificate of Correction of Registrant's Error	100	—	—	—
2.6(a)(10)	Filing Disclaimer to Registration	100	—	—	—
2.6(a)(11)	Filing Amendment to Registration	100	—	—	—
2.6(a)(12)	Filing Affidavit Under Section 8, Per Class	100	—	—	—
2.6(a)(13)	Filing Affidavit Under Section 15, Per Class	100	—	—	—
2.6(a)(14)	Filing Affidavit Under Sections 8 & 15, Per Class	200	—	—	—
2.6(a)(15)	Petitions to the Commissioner	100	—	—	—
2.6(a)(16)	Petition to Cancel, Per Class	200	—	—	—
2.6(a)(17)	Notice of Opposition, Per Class	200	—	—	—
2.6(a)(18)	Ex Parte Appeal to the TTAB, Per Class	100	—	—	—
2.6(a)(19)	Dividing an Application, Per New Application Created	100	—	—	—
2.6(b)(1)(i)	Copy of Registered Mark	3	—	—	—
2.6(b)(1)(ii)	Copy of Registered Mark, overnight delivery to PTO box or fax	6	—	—	—
2.6(b)(1)(iii)	Copy of Reg. Mark Ordered Via Exp. Mail or Fax, Exp. Svc	25	—	—	—
2.6(b)(2)(i)	Certified Copy of TM Application as Filed	15	—	—	—
2.6(b)(2)(ii)	Certified Copy of TM Application as Filed, Expedited	30	—	—	—
2.6(b)(3)	Cert. or Uncert. Copy of TM-Related File Wrapper/Contents	50	—	—	—
2.6(b)(4)(i)	Cert. Copy of Registered Mark, Title or Status	15	—	—	—
2.6(b)(4)(ii)	Cert. Copy of Registered Mark, Title or Status—Expedited	30	—	—	—
2.6(b)(5)	Certified or Uncertified Copy of TM Records	25	—	—	—
2.6(b)(6)	Recording Trademark Property, Per Mark, Per Document	40	—	—	—
2.6(b)(6)	For Second and subsequent Marks in Same Document	25	—	—	—
2.6(b)(7)	For Assignment Records, Abstracts of Title and Cert	25	—	—	—
2.6(b)(8)	Terminal Use X-SEARCH	40	—	—	—
2.6(b)(9)	Self-Service Copy Charge	0.25	—	—	—
2.6(b)(10)	Labor Charges for Services	40	—	—	—
2.6(b)(11)	Unspecified Other Services	(1)	—	—	—
2.7(a)	Recordal application fee	20	—	—	—
2.7(b)	Renewal application fee	20	—	—	—
2.7(c)	Late fee renewal application	20	—	—	—

—Indicates fees remain at pre-October 1998 amount.
[1] At cost.

[FR Doc. 98–19722 Filed 7–23–98; 8:45 am]
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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: Final rule.

SUMMARY: The Copyright Office is amending its rules in order to clarify how a cable system shall calculate its royalty fees when it carries a distant signal which under the former Federal Communications Commission's regulations would be considered a permitted signal in some communities and a non-permitted signal in others. These amendments also make clear that both the base rate fee and the 3.75% fee

shall be applied toward the statutory minimum fee.

EFFECTIVE DATE: August 24, 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, DC 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, 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. 17 U.S.C. 801(b)(2)(B)–(C).

In 1982, the former Copyright Royalty Tribunal (CRT) concluded a rate adjustment proceeding in response to an FCC order repealing its distant signal carriage and program syndication exclusivity restrictions on cable retransmission; wherein the CRT created two new rate structures, apart from those set by 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).

Although the Copyright Office adopted final rules to implement the new rate structure of the CRT in 1984, the rules did not specify how a cable system was to calculate its royalty obligation for the carriage of a distant signal which under the former FCC rules was a permitted signal in some communities and a non-permitted signal in others. Instead, the Office allowed each cable system to determine whether to report the signal as entirely permitted, entirely non-permitted, or as partially permitted/partially non-permitted, and calculate its royalty obligation accordingly.

This practice came to an end when, in April, 1997, the Copyright Office adopted a final rule which requires a cable system to calculate the 3.75% rate fees 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 pay the base rate with respect to those communities where the signal would be considered permitted under the FCC'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 under those rules), and the 3.75% rate with respect to those communities where the signal would be considered non-permitted. In each case, however, the cable system must base its calculations upon the total amount of gross receipts from subscribers within the relevant community without regard to whether the subscriber actually receives the distant signal.

To assure uniformity in the reporting process and to clarify that both the base rate fees and the 3.75% rate fees shall be applied toward the minimum fee, the Copyright Office proposed additional amendments to its rules detailing how a cable system was to report and calculate its royalty fees for the carriage of a partially permitted/partially non-permitted distant signal. 63 FR 26756 (May 14, 1998). In response to the proposed amendments, the Joint Sports Claimants (JSC), the Motion Picture Association of America, Inc. (MPAA), and the National Cable Television Association (NCTA) filed comments with the Copyright Office.

While no party objects to the underlying rational for the proposed amendments,[1] both JSC and MPAA request clarification of the regulatory language to make it clear that a cable system may not ''prorate gross receipts within communities—claiming that they are not required to apply the 3.75 rate (or any other rate) to revenues from subscribers who do not actually receive the signal in question.'' JSC comment at 2–3 (emphasis omitted); *see also* MPAA comment at 1–2. Because two of the three parties found the proposed regulatory language somewhat ambiguous on this point, the Copyright Office is adopting the language proposed by JSC, since the proposed change merely restates in an affirmative manner the obligation of a cable system to pay royalties based on gross receipts from all subscribers within the relevant community.

As noted by NCTA, these amendments are tailored narrowly and address only the calculation of royalties for the carriage of a partially permitted/partially non-permitted distant signal. They do not resolve any issues concerning the reporting and payment of royalty fees for merged and acquired systems. These questions, which remain unresolved today, were the subject of earlier rulemaking proceedings, see Docket No. RM 89–2 and Docket No. 89–2A, which the Office terminated until further notice when Congress asked the Copyright Office to prepare a report on the compulsory license scheme. 62 FR 23360 (April 30, 1997).

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, 37 CFR parts 201 and 256 are 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 syndicated exclusivity surcharge, where applicable,'' after the phrase ''the current base rate'' and by adding two 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 all subscribers, within the relevant communities, for the basic service of providing secondary transmissions of primary broadcast transmitters, without regard to whether those subscribers

[1] JSC continues to oppose the formation of subscriber groups which would reduce either the value of the distant signal equivalent or a system's gross receipts. *See* Comments of the Joint Sports Claimants in Docket No. 89–2A (filed February 23, 1995); Comments of Joint Sports Claimants in Docket No. 89–2 (filed December 1, 1989). Nevertheless, JSC has supported the premise of the current rule. In its December 1, 1989 comment, JSC stated that it ''continue[s] to believe that a cable operator should be required to pay 1) the 3.75 percent rate on gross receipts derived from subscribers located in communities where the particular signal could not have been carried under the former FCC rules; and 2) the statutory (non-3.75 percent) rates on gross receipts derived from all other subscribers.'' JSC comment in Docket No. RM 89–2 at 10.

actually received the station in question. 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

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

Authority: 17 U.S.C. 702, 802.

4. Section 256.2(a)(1) is amended by adding the letter ''s'' to the word ''fee'' and by adding the phrase ''and (c)'' to the end of the paragraph after ''(4)''.

5. In § 256.2 the concluding text of paragraph (c) is amended by adding the phrase ''(2) through (4)'' after the phrase ''royalty rates specified in paragraphs (a)''.

Dated: July 1, 1998.

Marybeth Peters,

Register of Copyrights.

So approved.

James H. Billington,

The Librarian of Congress.

[FR Doc. 98–19415 Filed 7–23–98; 8:45 am]

BILLING CODE 1410–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[FRL–6125–1]

OMB Approval Numbers Under the Paperwork Reduction Act: Technical Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendments.

SUMMARY: This document contains corrections to the final regulations which were published in the **Federal Register** on February 17, 1998 (63 FR 7709). The regulations related to the amendment of the table that lists the Office of Management and Budget (OMB) control numbers issued under the PRA for Regulation of Fuel and Fuel Additives, Standards for Reformulated and Conventional Gasoline.

EFFECTIVE DATE: This correction is effective July 24, 1998.

FOR FURTHER INFORMATION CONTACT: Karen Smith, 202–564–9674.

SUPPLEMENTARY INFORMATION:

Need for Correction

As published, the final regulations contain errors and inadvertently include portions of the OMB approval list which may prove misleading and need to be clarified. The final regulation inadvertently added sections that were already properly included in an earlier document (See 63 FR 1059, January 8, 1998). Since these entries are duplicative, this document removes the spans that are no longer needed (80.91–80.94 and 80.128–80.130). These ICRs were previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is ''good cause'' under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to correct this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. However, section 808 provides that any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of July 24, 1998. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

Dated: July 17, 1998.

Margo T. Oge,

Director, Office of Mobile Sources.

For the reasons set out in the preamble, 40 CFR Part 9 is amended as follows:

PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242B, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

§ 9.1 [Amended]

2. Section 9.1 is amended by removing entries 80.91–80.94 and 80.128–80.130.

[FR Doc. 98–19833 Filed 7–23–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY–100–1–9814a; FRL–6126–1]

Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving the revisions to the Commonwealth of Kentucky's State Implementation Plan (SIP) for the general application and attainment status designations. The Commonwealth of Kentucky, through the Kentucky Natural Resources and Environmental Protection Cabinet (KNREPC) submitted the revisions to EPA on December 19, 1997.