Document No.	Pages	Revision	Date
Allison Engine Company Alert, CEB–A–73–6010	1–7	Original	October 15, 1996.
Total pages: 7.			
BHTC Rotorcraft Flight Manual BHT–407–FM–1	Cover	5	June 24, 1997.
	NP	3	July 30, 1996.
	A,B	5	June 24, 1997.
	C/D	5	June 24, 1997.
	1–3	5	June 24, 1997.
	1–4–1–7	4	November 4, 1996.
	1–8	5	June 24, 1997.
	1–13	4	November 4, 1996.
	1–14	5	June 24, 1997.
	1–14A/14B	5	June 24, 1997.
	1–19/1–20	5	June 24, 1997.
	2–3	5	June 24, 1997.
	2–4	1	March 8, 1996.
	2–7–2–10	5	June 24, 1997.
	2–13, 2–14	5	June 24, 1997.
	3–3–3–5	5	June 24, 1997.
	3–6	2	May 9, 1996.
	3–7, 3–8	5	June 24, 1997.
	3–15	5	June 24, 1997.
	3–16	2	May 9, 1996.
	3–17–3–22	5	June 24, 1997.
	4–5, 4–6	5	June 24, 1997.
	4–9	Original	February 9, 1996.
	4–10–4–12	5	June 24, 1997.
Total pages: 40.			
Allison Engine Company Alert, CEB–A–73–6015	1–4	1	July 30, 1997.
Total pages: 4.			
Allison Engine Company Alert, CEB–A–73–6015	1–4	2	October 31, 1997.
Total pages: 4.			
Allison Engine Company Alert, CEB–A–73–6017	1–5	1	February 18, 1998.
Total pages: 5			
Allison Engine Company Alert, CEB–A–73–6017	1–5	2	April 9, 1998.
Total pages: 5			

(h) The incorporation by reference of Allison Engine Company Alert CEB–A–73–6010, dated October 15, 1996, CEB A–73–6015, Revision 1, dated July 30, 1997, and Revision 2, dated October 31, 1997, and BHTC RFM BHT–407–FM–1, Revision 5, dated June 24, 1997, was approved previously by the Director of the Federal Register as of December 3, 1997 (62 FR 61438, November 18, 1997).

(i) The incorporation by reference of Allison Engine Company Alert CEB–A–73–6017, Revision 1, dated February 18, 1998, and Revision 2, dated April 9, 1998, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of May 26, 1998.

(j) Copies of these service documents may be obtained from Allison Engine Company, P.O. Box 420, Speed Code P–40A, Indianapolis, IN 46206–0420; telephone (317) 230–2720, fax (317) 230–3381. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(k) This amendment becomes effective on May 26, 1998.

Issued in Burlington, Massachusetts, on April 29, 1998.

Thomas A. Boudreau,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 98–12063 Filed 5–7–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 918

[SPATS No. LA–017–FOR]

Louisiana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Louisiana regulatory program (hereinafter referred to as the ''Louisiana program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Louisiana proposed revisions to and additions of regulations pertaining to definitions, request for

hearing, permitting requirements, small operator assistance program, bond release requirements, performance standards, and enforcement procedures/civil penalties. The amendment is intended to revise the Louisiana program to be consistent with the corresponding Federal regulations.

EFFECTIVE DATES: May 8, 1998.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135–6548, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Louisiana Program
II. Submission of the Proposed Amendment
III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

I. Background on the Louisiana Program

On October 10, 1980, the Secretary of the Interior conditionally approved the Louisiana program. Background information on the Louisiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the October 10, 1980, **Federal Register** (45 FR 67340). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 918.15 and 918.16.

II. Submission of the Proposed Amendment

By letter dated October 24, 1997 (Administrative Record No. LA–362), Louisiana submitted a proposed amendment to its program pursuant to SMCRA. Louisiana submitted the proposed amendment in response to a June 17, 1997, letter (Administrative Record No. LA–361) that OSM sent to Louisiana in accordance with 30 CFR 732.17(c).

OSM announced receipt of the proposed amendment in the November 19, 1997, **Federal Register** (62 FR 61712), and in the same document opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the proposed amendment. The public comment period closed on December 19, 1997. Because no one requested a public hearing or meeting, none was held.

During its review of the amendment, OSM identified concerns relating to Section 2725., Reclamation plan: ponds, impoundments, bank, dams and embankments, and Section 6507., Service of notices of violation and cessation orders. OSM notified Louisiana of these concerns by electronic mail dated March 12, 1998, (Administrative Record No. LA–362.07).

By letter dated March 24, 1998 (Administrative Record No. AL–362.09), Louisiana responded to OSM's concerns by submitting additional explanatory information and revisions to its proposed program amendment. Louisiana proposed additional revisions to paragraph A. and A.2. of Section 2725., Reclamation plan: ponds, impoundments, bank, dams and embankments. Because the additional information merely clarified certain provisions of Louisiana's proposed amendment, OSM did not reopen the public comment period.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment.

Revisions not specifically discussed below concern nonsubstantive wording changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

A. Revisions to Louisiana's Regulations That Are Substantively Identical to the Corresponding Provisions of the Federal Regulations

The proposed State regulations listed in the table below contain language that is the same as or similar to the corresponding sections of the Federal regulations. Differences between the proposed State regulations and the Federal regulations are nonsubstantive.

Topic	State Regulation	Federal Counterpart Regulation
Definitions: ''other treatment facilities,'' ''previously mined area,'' and ''qualified laboratory''.	Section 105	30 CFR 701.5 and 795.3.
Reclamation plan: Ponds, Impoundments, Bank, Dams and Embankments—General.	Section 2725.A, A.2., A.3., A.3.a., C.1., and F.	30 CFR 780.25(a), (a)(2), (a)(3), (a)(3)(i), (c)(3), and (f).
Prime Farmlands Issuance of Permit	Section 2907.C.5	30 CFR 785.17(e)(5).
Eligibility for Assistance	Section 3705.A.2.a. and A.2.b	30 CFR 795.6(a)(2)(i) and (a)(2)(ii).
Program Services and Data Requirements	Section 3711.A., B.1. through B.6	30 CFR 795.9(b)(1) through (b)(6).
Applicant Liability	Section 3717.A., A.2., and A.3	30 CFR 795.12(a), (a)(2), and (a)(3).
Backfilling and Grading: Thin Overburden	Section 5411.A	30 CFR 816.104(a).
Backfilling and Grading: Thick Overburden	Section 5413.A	30 CFR 816.105(a).
Prime Farmland: Soil Removal	Section 5503.A.2	30 CFR 823.12(c)(2).
Prime Farmland: Soil Replacement	Section 5507.A.4	30 CFR 823.14(d).
Service of Notices of Violation and Cessation Orders	Section 6507.A.2	30 CFR 843.14(a)(2)
Procedures for Assessment Conference	Section 6915.B.1.	30 CFR 845.18(b)(1).

Because the above proposed revisions are identical in meaning to the corresponding Federal regulations, the Director finds that Louisiana's proposed regulations are no less effective than the Federal regulations.

B. Section 2537. Permit Application Requirements

Louisiana proposed to delete paragraph A.11. regarding cross sections, maps, and plans from its regulations. The Director is approving this deletion because OSM deleted the Federal counterpart regulation from its regulations that was previously found at 30 CFR 779.25(a)(11) (See 59 FR 27932, dated May 27, 1994).

C. Section 3705. Eligibility for Assistance

At paragraph A.2., an applicant is eligible for assistance if his or her probable total actual and attributed production from all locations does not exceed 100,000 tons during any consecutive 12-month period either during the term of his or her permit or during the first five years after issuance

of his or her permit, whichever period is shorter. Louisiana proposed to increase the tonnage limit to 300,000 tons. The Director is approving this tonnage increase because it will result in the State regulation being no less effective than the counterpart Federal regulation at 30 CFR 795.6(a)(1).

D. Section 4501. Procedures for Seeking Release of Performance Bond

Louisiana proposed to add new paragraph A.3. that requires each application for each phase of bond release to include a notarized statement certifying that all applicable reclamation activities have been accomplished in accordance with the requirements of the State Act, the regulatory program, and the approved reclamation plan. Louisiana also proposed to redesignate old paragraph A.3 as A.4. The Director is approving the revisions because the resulting regulations will be no less effective than the counterpart Federal regulations at 30 CFR 800.40 (a)(2) and (a)(3).

E. Section 5333. Hydrologic Balance: Impoundments

Louisiana proposed to add new paragraph A.1. that requires impoundments meeting the Class B or C criteria for dams in the U.S. Department of Agriculture, Soil Conservation Service Technical Release No. 60 (120–VI–TR60, Oct. 1985), ''Earth Dams and Reservoirs,'' to comply with the ''Minimum Emergency Spillway Hydrologic Criteria'' table in TR–60 and the requirements of Section 5333. Louisiana also proposed to redesignate paragraphs A.1. through A.12. as paragraphs A.2. through A.13. The Director is approving these revisions because they will not render the State regulations less effective than the counterpart Federal regulations at 30 CFR 816.49.

F. Section 6913. Procedures for Assessment of Civil Penalties

Paragraph B. of this section pertains to procedures the State can use to serve a person, who is issued a violation notice or cessation order, a copy of the proposed civil penalties assessment and the worksheet showing the computation of the proposed assessment. Louisiana proposed to add a new and alternative provision for serving these documents. The new provision allows the State to use any means consistent with the rules governing service of a summons and complaint under the Louisiana Rules of Civil Procedure. The Director is approving the new provision because it is no less effective than the counterpart Federal regulation at 30 CFR 843.14(a)(2).

G. Section 6917. Request for Hearing

At paragraph A., Louisiana allows a person charged with a violation 15 days, from the date of service of the conference office's action, to contest the proposed penalty or the fact of the violation by submitting a petition and an amount equal to the proposed penalty. Louisiana proposed to change from 15 days to 30 days the amount of time for contesting the proposed penalty or the fact of the violation after the date of service of the conference office's action. The Director is approving this revision because it will make the State regulation no less effective than the counterpart Federal regulation at 30 CFR 845.19(a).

H. Section 7105. Procedure for Assessment of Individual Civil Penalty

Louisiana proposed to revise paragraph C. to read as follows:

C. Service. For purposes of this Section, service is sufficient if it would satisfy the Louisiana Rules of Civil Procedure for service of a summons and complaint. Service shall be complete upon tender of the notice of proposed assessment and included information or of the certified mail and shall not be deemed incomplete because of refusal to accept.

The Director is approving this revision because it is no less effective than the counterpart Federal regulation at 30 CFR 846.17(c).

IV. Summary and Disposition of Comments

Public Comments

OSM solicited public comments on the proposed amendment, but none were received.

Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Louisiana program.

In a letter dated November 17, 1997 (Administrative Record No. LA–362.04), the U.S. Army Corps of Engineers responded that Louisiana's changes to its program were satisfactory to their agency. The U.S. Department of the Interior's Fish and Wildlife Service also submitted comments in a letter dated November 17, 1997 (Administrative Record No. LA–362.05). this agency stated that it had no objections to the proposed amendments to Louisiana's Surface Mining Regulations and that the changes should result in greater program consistency and should not adversely impact fish and wildlife resources within their trusteeship.

Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). None of the revisions that Louisiana proposed to make in this amendment pertain to air or water quality standards. Therefore, OSM did not request the EPA's concurrence.

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from the EPA (Administrative Record No. LA–362.01). The EPA did not respond to OSM's request.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP).

Pursuant to 30 CFR 732.17(h)(4), OSM is required to solicit comments on proposed amendments which may have an effect on historic properties from the SHPO and ACHP. OSM solicited comments on the proposed amendment from the SHPO and ACHP (Administrative Record No. LA–362.02). Neither the SHPO nor ACHP responded to OSM's request.

V. Director's Decision

Based on the above findings, the Director approves the proposed amendment as submitted by Louisiana on October 24, 1997, and as revised on March 24, 1998.

The Director approves the regulations as proposed by Louisiana with the provision that they be fully promulgated in identical form to the regulations submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR Part 918, codifying decisions concerning the Louisiana program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget

(OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 918

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 28, 1997.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR Part 918 is amended as set forth below:

PART 918—LOUISIANA

1. The authority citation for Part 918 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 918.15 is amended in the table by adding a new entry in chronological order by ''Date of final publication'' to read as follows:

§ 918.15 Approval of Louisiana regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	*
October 24, 1997	May 8, 1998	Sections 105.; 2537.A.11.; 2725.A., A.2., A.3., A.3.a., C.1., F; 2907.C.5.; 3705.A.2., A.2a., A.2.b.; 3711.A., B.1. through B.6.; 3717.A., A.2., A.3.; 4501.A.3., A.4.; 5333.A.1. through A.13.; 5411.A.; 5413.A.; 5503.A.2.; 5507.A.4.; 6507.A.2.; 6913 .B.; 6915.B.1.; 6917.A.; 7105.C.

[FR Doc. 98–12249 Filed 5–7–98; 8:45 am]

BILLING CODE 4310–05–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 260

[Docket No. 96–5 CARP DSTRA]

Determination of Reasonable Rates and Terms for the Digital Performance of Sound Recordings

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule and order.

SUMMARY: The Librarian of Congress, upon recommendation of the Register of Copyrights, is announcing the determination of the reasonable rates and terms for the compulsory license permitting certain digital performances of sound recordings.

EFFECTIVE DATE: May 8, 1998.

ADDRESS(ES): The full text of the public version of the Copyright Arbitration Royalty Panel's report to the Librarian of Congress is available for inspection and copying during normal working hours in the Office of the General Counsel, James Madison Building, Room LM–403, First and Independence Avenue, SE., Washington, DC, 20540.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Tanya Sandros, Attorney Advisor, Copyright Arbitration Royalty Panel (CARP), PO Box 70977, Southwest Station, Washington, D.C. 20024. Telephone (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION:

I. Background

The Digital Performance Right in Sound Recordings Act of 1995 (DPRSRA), Public Law 104–39, 109 Stat. 336, amended section 106 of the Copyright Act, title 17 of the United States Code, to give sound recording copyright owners an exclusive right, subject to certain limitations, to perform publicly sound recordings by digital audio transmissions. 17 U.S.C. 114. The bill affords certain digital transmission