

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete and accurately describe all material terms of the transaction which is the subject of the exemption. In the case of continuing exemption transactions, if any of the material facts or representations described in the application change after the exemption is granted, the exemption will cease to apply as of the date of such change. In the event of any such change, application for a new exemption may be made to the Department.

Signed at Washington, DC, this 19th day of March, 1996.

Ivan Strasfeld,

*Director of Exemption Determinations,
Pension and Welfare Benefits Administration,
Department of Labor.*

[FR Doc. 96-6991 Filed 3-21-96; 8:45 am]

BILLING CODE 4510-29-P

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 96-2 CARP-CRA]

Adjustment of Cable Compulsory License Royalty Rates

AGENCY: Copyright Office, Library of Congress.

ACTION: Announcement of negotiation period; filing Notice of Intent to Participate.

SUMMARY: The Copyright Office of the Library of Congress is announcing the 30-day negotiation period to allow interested parties to the cable rate adjustment proceeding to settle their differences. The Office is also announcing, in the event that settlement negotiations are unsuccessful, the date by which parties wishing to participate in the rate adjustment proceeding before a Copyright Arbitration Royalty Panel (CARP) must file their Notice of Intent to Participate.

EFFECTIVE DATES: The 30-day negotiation period begins on April 15, 1996, and ends on May 15, 1996. Notices of Intent

to Participate are due no later than May 20, 1996.

ADDRESSES: If sent by mail, an original and five copies of the Notice of Intent to Participate should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. If hand delivered, an original and five copies of the Notice of Intent to Participate should be brought to: Office of the Copyright General Counsel, James Madison Memorial Building, Room 407, First and Independence Avenue, S.E., Washington, DC 20540.

FOR FURTHER INFORMATION CONTACT: Marilyn Kretsinger, Acting General Counsel, or William Roberts, Senior Attorney, Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone (202) 707-8380. Telefax (202) 707-8366.

SUPPLEMENTARY INFORMATION:

I. Background

Section 111 of the Copyright Act, 17 U.S.C., grants a compulsory copyright license to cable television systems for the retransmission of over-the-air broadcast stations to their subscribers. In exchange for the license, cable operators submit royalty payments, along with statements of account detailing their retransmissions, to the Copyright Office on a semi-annual basis. The Office then deposits the royalties with the United States Treasury for later distribution to copyright owners of broadcast programming. Royalties collected by the Office in recent years for the cable compulsory license have amounted to approximately \$175 million annually.

A cable system calculates its royalty payments in accordance with the statutory formula described in 17 U.S.C. 111(d). The cable system then makes a payment based upon its gross receipts from subscribers for the retransmission of broadcast signals. Section 111(d) subdivides cable systems, based on the amount of their gross receipts, into three categories: small, medium and large. Small systems pay a fixed amount without regard to the number of broadcast signals they retransmit, while medium-sized systems pay a royalty within a specified range, with a maximum amount, based on the number of signals they retransmit. Large cable systems calculate their royalties according to the number of distant broadcast signals which they retransmit to their subscribers.¹ Under this

¹ For cable systems which retransmit only local broadcast signals, there is still a minimum royalty

formula, a large cable system is required to pay a specified percentage of its gross receipts for each distant signal that it retransmits.

Congress established the gross receipts limitations that determine a cable system's size, and provided the gross receipts percentages (rates) for distant signals. 17 U.S.C. 111(d)(1). It also provided for adjustment of both the gross receipts limitations and the distant signal rates. 17 U.S.C. 801(b)(2). The limitations and rates can be adjusted to reflect national monetary inflation, changes in the average rates charged by cable systems for retransmission of broadcast signals, or changes in certain cable rules of the Federal Communications Commission in effect on April 15, 1976. 17 U.S.C. 801(b)(2) (A), (B), (C) and (D). Prior rate adjustments of the Copyright Royalty Tribunal (CRT) made under section 801(b)(2) (B) and (C) may also be reconsidered at five year intervals. 17 U.S.C. 803(b). The current gross receipts limitations and rates are set forth in 37 CFR 256.2. Originally, the CRT performed the rate adjustment, but in 1993, Congress abolished the CRT and vested the rate adjustment authority in the Copyright Arbitration Royalty Panels (CARPs) as administered by the Library of Congress and the Copyright Office.

Section 803 of the Copyright Act, 17 U.S.C., provides that the gross receipts limitations and rates of the cable compulsory license may be adjusted in 1995, and every subsequent fifth calendar year, upon filing a petition with the Library of Congress requesting an adjustment during these window years. If the Library determines that the petitioner has a "significant interest" in the royalty rate or rates in which adjustment is requested, the Library must convene a CARP to determine the adjustment. 17 U.S.C. 803(a)(1). Section 251.63 of the Library's rules provides that "[t]o allow time for the parties to settle their differences regarding rate adjustments, the Librarian of Congress shall * * * designate a 30-day period for consideration of their settlement. The Librarian shall cause notice of the dates for that period to be published in the Federal Register." 37 CFR 251.63.

II. Petitions

Last year was a window year for filing cable rate adjustment petitions and the Copyright Office received two such petitions on December 29, 1995. The first, filed by the National Cable

fee which must be paid. This minimum fee is not applied, however, once the cable system carries one or more distant signals.

Television Association, Inc. ("NCTA") on behalf of its member cable companies, requests an upward adjustment of the gross receipts limitations to reflect national monetary inflation, and a downward adjustment of "the rates currently specified in 37 CFR 256.2 (c) and (d) (the "3.75 percent" rate and the "syndex surcharge")." NCTA petition at 1. NCTA asserts that it has a "significant interest" in the proposed adjustments as the trade association of cable systems serving over 80 percent of all cable subscribers. *Id.* at 1-2.

The second petition was filed by Program Suppliers, Joint Sports Claimants, the National Association of Broadcasters, Music Claimants (the American Society of Composers, Authors and Publishers, Broadcast Music, Inc., and SESAC, Inc.), Canadian Claimants, Devotional Claimants, the Public Broadcasting Service and National Public Radio (collectively, the "Copyright Owners"). The Copyright Owners request an upward adjustment of the rates specified in 37 C.F.R. 256.2, and claim that they have a "significant interest" in such adjustment as representatives of the major claimant categories entitled to distribution of cable royalty funds. Copyright Owners' petition at 1.

III. Negotiation Period and Notices of Intent to Participate

As discussed above, the Library of Congress rules provide a 30-day negotiation period prior to the filing of rate adjustment petitions to enable the parties to settle their differences. 37 C.F.R. 251.63(a). In accordance with this rule, the Library is designating the thirty day period to commence on April 15, 1996, and close on May 15, 1996. If settlement is not reached during this time period, those parties wishing to participate in a rate adjustment proceeding before a CARP must file a Notice of Intent to Participate no later than close of business on May 20, 1996. Failure to file a timely Notice of Intent to Participate will preclude a party from participating in the proceeding.

Dated: March 18, 1996.

Marybeth Peters,
Register of Copyrights.

Approved by:
James H. Billington,
The Librarian of Congress.
[FR Doc. 96-7027 Filed 3-21-96; 8:45 am]

BILLING CODE 1410-33-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 96-031]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that the Science and Technology Corporation, of Hampton, Virginia 23666-1340, has applied for a partially exclusive license to practice the inventions disclosed in NASA Case No. LAR-15, 317-1-CU entitled, "Oxidation Catalyst Promoter," and NASA Case No. LAR-15, 327-1-CU entitled, "Process for Coating Substrates With Catalytic Materials," both for which U.S. Patent Applications were filed on March 6, 1996, and assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objection to the prospective grant of a license should be sent to Mr. George F. Helfrich, Patent Counsel, Langley Research Center.

DATES: Responses to this notice must be received by May 21, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. George F. Helfrich, Patent Counsel, Langley Research Center, Mail Code 212, Hampton, VA 23681-0001; telephone (804) 864-9260.

Dated: March 13, 1996.
Edward A. Frankle,
General Counsel.
[FR Doc. 96-6922 Filed 3-21-96; 8:45 am]
BILLING CODE 7510-01-M

[Notice 96-032]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Veatronics Corporation, of Charlotte, North Carolina 28205, has applied for a partially exclusive license to practice the invention disclosed in NASA Case No. LAR-14,240-1, entitled "Vacuum Holding Fixture For fabricating Piezoelectric Polymer Acoustic Sensors," for which a U.S. Patent Application was filed on October 4, 1994, and assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective

grant of a license should be sent to Ms. Kimberly A. Chasteen, Patent Attorney, Langley Research Center.

DATE: Responses to this notice must be received by May 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly A. Chasteen, Patent Attorney, Langley Research Center, Mail Code 212, Hampton, VA 23681-0001; telephone (804) 864-3227.

Dated: March 13, 1996.
Edward A. Frankle,
General Counsel.
[FR Doc. 96-6921 Filed 3-21-96; 8:45 am]
BILLING CODE 7510-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Information Collection Under Review

March 22, 1996.

The National Credit Union Administration (NCUA) has submitted the following public information collection requests to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). The proposed information collections are published to obtain comments from the public. Public comments are encouraged and will be accepted for thirty days from the date listed at the top of this page in the Federal Register.

Copies of these individual information collection requests, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, Suzanne Beauchesne, at (703) 518-6412. Written comments and/or suggestions regarding the information collection requests listed below should be directed to Ms. Beauchesne, Office of Administration, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314, within 30 days from the date of this publication in the Federal Register. Comments should also be sent to the OMB Desk Officer indicated below at the following address: OMB Reports Management Branch, New Executive Office Building, Room 10202, Washington, D.C. 20530. Attn: Milo Sunderhauf.

National Credit Union Administration

OMB Number:

Form Number: None.

Type of Review: Existing collection in use without an OMB control number.

Title: Loan Participation.

Description: As authorized by 12 U.S.C. § 1757(5)(E) and implemented by Section 701.22 of NCUA's Rules and