

114 and 801(b)(1), and the Librarian of Congress under his authority pursuant to 17 U.S.C. 802(f).

(b) *Frequency of verification.* Interested parties may conduct a single audit of a nonexempt subscription digital transmission service during any given calendar year.

(c) *Notice of intent to audit.* Interested parties must submit a notice of intent to audit a particular service with the Copyright Office, which shall publish in the **Federal Register** a notice announcing the receipt of the notice of intent to audit within 30 days of the filing of the interested parties' notice. Such notification of intent to audit shall also be served at the same time on the party to be audited.

(d) *Retention of records.* The party requesting the verification procedure shall retain the report of the verification for a period of three years.

(e) *Acceptable verification procedure.* An audit, including underlying paperwork, which was performed in the ordinary course of business according to generally accepted auditing standards by an independent auditor, shall serve as an acceptable verification procedure for all parties.

(f) *Costs of the verification procedure.* The interested parties requesting the verification procedure shall pay for the cost of the verification procedure, unless an independent auditor concludes that there was an underpayment of five (5) percent or more; in which case, the service which made the underpayment shall bear the costs of the verification procedure.

(g) *Interested parties.* For purposes of this section, interested parties are those copyright owners who are entitled to receive royalty fees pursuant to 17 U.S.C. 114(g), their designated agents, or the entity designated by the copyright arbitration royalty panel in 37 CFR 260.3 to receive and to distribute the royalty fees.

§ 260.6 Verification of royalty payments.

(a) *General.* This section prescribes general rules pertaining to the verification of the payment of royalty fees to those parties entitled to receive such fees, according to terms promulgated by a duly appointed copyright arbitration royalty panel, under its authority to set reasonable terms and rates pursuant to 17 U.S.C. 114 and 801(b)(1), and the Librarian of Congress under his authority pursuant to 17 U.S.C. 802(f).

(b) *Frequency of verification.* Interested parties may conduct a single audit of the entity making the royalty payment during any given calendar year.

(c) *Notice of intent to audit.* Interested parties must submit a notice of intent to audit the entity making the royalty payment with the Copyright Office, which shall publish in the **Federal Register** a notice announcing the receipt of the notice of intent to audit within 30 days of the filing of the interested parties' notice. Such notification of interest shall also be served at the same time on the party to be audited.

(d) *Retention of records.* The party requesting the verification procedure shall retain the report of the verification for a period of three years.

(e) *Acceptable verification procedure.* An audit, including underlying paperwork, which was performed in the ordinary course of business according to generally accepted auditing standards by an independent auditor, shall serve as an acceptable verification procedure for all parties.

(f) *Costs of the verification procedure.* The interested parties requesting the verification procedure shall pay for the cost of the verification procedure, unless an independent auditor concludes that there was an underpayment of five (5) percent or more; in which case, the entity which made the underpayment shall bear the costs of the verification procedure.

(g) *Interested parties.* For purposes of this section, interested parties are those copyright owners who are entitled to receive royalty fees pursuant to 17 U.S.C. 114(g), or their designated agents.

§ 260.7 Unknown copyright owners.

If the designated collecting agent is unable to identify or locate a copyright owner who is entitled to receive a royalty payment under this part, the collecting agent shall retain the required payment in a segregated trust account for a period of three years from the date of payment. No claim to such payment shall be valid after the expiration of the three year period. After the expiration of this period, the collecting agent may use the unclaimed funds to offset the cost of the administration of the collection and distribution of the royalty fees.

Dated: April 17, 1998.

Marybeth Peters,

Register of Copyrights.

James H. Billington,

The Librarian of Congress.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 325-6]

Approval and Promulgation of State Implementation Plans

CFR Correction

In title 40 of the Code of Federal Regulations, part 52 (§ 52.1019 to end), revised as of July 1, 1997, in appendix D to part 52, on page 610, in the first and second columns, equations d-1 and d-2 were inadvertently omitted. Additionally, the second line in the legend for Equation D-2 was incorrectly printed. The missing equations and corrected line should read as follows:

Appendix D to Part 52—Determination of Sulfur Dioxide Emissions From Stationary Sources by Continuous Monitors

* * * * *

$$\bar{X} = \frac{\sum_{i=1}^n x_i}{n} \quad \text{Equation D-1}$$

* * * * *

$$C.I._{.95} = \frac{t_{.975}}{n\sqrt{n-1}} \sqrt{n(\sum \chi_i^2) - (\sum \chi_i)^2} \quad \text{Equation D-2}$$

* * * * *

$t_{.975} = t_{1-\alpha/2}$, and

* * * * *

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 980318066-8066-01; I.D. 022698A]

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 25; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correction.

SUMMARY: This rule removes regulatory language inadvertently added, clarifies the raised footrope requirement for Small Mesh Area 1 & 2, and corrects an

amendatory instruction to the regulatory text of the final rule implementing Framework Adjustment 25 to the Fishery Management Plan for the Northeast Multispecies Fishery (FMP) published Tuesday, March 31, 1998, and corrected on Wednesday, April 22, 1998.

DATES: Effective May 1, 1998.

FOR FURTHER INFORMATION CONTACT: Mary Tokarcik, 978-281-9326.

SUPPLEMENTARY INFORMATION:

Background

This document makes three corrections to the regulations implementing Framework Adjustment 25 to the FMP which was published on March 31, 1998 (63 FR 15326) and corrected on April 22, 1998 (63 FR 19850).

Section 648.80(a)(8) states that vessels fishing with mesh smaller than the minimum mesh size are subject to the raised footrope requirement specified in § 648.80(a)(8)(iv). As with the finfish excluder device required in the shrimp fishery, the intent of the raised footrope gear modification is to reduce bycatch of regulated multispecies when vessels are fishing with nets of mesh less than the minimum mesh size. Because vessels

fishing under the provisions of the Small Mesh Northern Shrimp Fishery Exemption Area, which is inclusive of Small Mesh Area 1 & 2, must properly secure a finfish excluder device in their trawl nets, this rule clarifies and corrects the intent of the Small Mesh Area 1 & 2 provision by allowing small mesh vessels to employ either a raised footrope or excluder device in their trawl gear when fishing in these two small mesh areas, depending on the species of fish targeted.

In § 648.81, paragraph (g)(1)(i) describes the Gulf of Maine Inshore Closure Area I. However, this paragraph also inadvertently refers to Inshore Closure Area III, which is described in § 648.81(g)(1)(iii). This correction document removes the reference to Inshore Closure Area III from § 648.81(g)(1)(i).

This document corrects an amendatory instruction contained in the final rule document. Amendatory instruction 6 stated that in § 648.86, paragraph (b)(1)(ii) is revised. However, NMFS only intended to revise the introductory text to § 648.86(b)(1)(ii). Therefore, this document revises the amendatory instruction to state that only the introductory text to § 648.86(b)(1)(ii) is revised.

Correction

Accordingly, in the publication on March 31, 1998, of the final regulations to implement Framework Adjustment 25 to the Northeast Multispecies FMP (I.D. 022698A) and corrected on April 22, 1998 (63 FR 19850), which was the subject of FR Doc. 98-8288, is corrected as follows:

1. On page 15330, in the second column, under § 648.80(a)(8)(i), ninth line down, insert the phrase "or (a)(3)(ii)" after the words "paragraph (a)(8)(iv)."
2. On page 15331, in the second column, under § 648.81(g)(1)(i), fifth line, remove "apply to Inshore Closure Area III".
3. On page 15332, in the second column, amendatory instruction 6 to § 648.86, third line, correct "(b)(1)(ii)" to read "(b)(1)(ii) introductory text".

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 4, 1998.

Roland A. Schmitten,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

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