What is a Specialty Station?

The FCC regulations in effect on June 24, 1981, defined a specialty station as ''a commercial television broadcast station that generally carries foreign-language, religious, and/or automated programming in one-third of the hours of an average broadcast week and one-third of the weekly prime-time hours.'' 47 CFR 76.5(kk) (1981).

How is a Station Deemed To Be a Specialty Station? [1]

Under a procedure adopted by the Copyright Office in 1989, see 54 FR 38461 (September 18, 1989), an owner or licensee of a broadcast station files a sworn affidavit attesting that the station's programming comports with the 1981 FCC definition, and hence, qualifies as a specialty station. A list of the stations filing affidavits is then published in the **Federal Register** in order to allow any interested party to file an objection to an owner's claim of specialty station status for the listed station. Once the period to file objections closes, we publish a final list which includes references to the specific objections filed against a particular station owner's claim. In addition, affidavits that are submitted after the close of the filing period are accepted and kept on file at the Copyright Office.

The staff of the Copyright Office, however, does not verify the specialty station status of any station listed in an affidavit.

How Does the Staff of the Copyright Office Use the List?

Copyright Office licensing examiners refer to the final annotated list in examining a statement of account where a cable system operator claims that particular stations are specialty stations. If a cable system operator claims specialty station status for a station not on the final list, the examiner determines whether the owner of the station has filed an affidavit since publication of the list.

How Often Has the Copyright Office Published Specialty Station Lists?

The Copyright Office compiled and published its first specialty station list in 1990, together with an announcement of its intention to update the list approximately every three years in order to maintain as current a list as possible. 55 FR 40021 (October 1, 1990). Its second list was published in 1995. 60 FR 34303 (June 30, 1995). With this notice, the Copyright Office is initiating the procedure for the compilation and publication of the third specialty station list.

Does This Notice Require Action on the Part of an Owner of a Television Broadcast Station?

Yes, we are requesting that the owner, or a valid agent of the owner, of any eligible television broadcast station submit an affidavit to the Copyright Office stating that he or she believes that the station qualifies as a specialty station under 47 CFR 76.5(kk) (1981), the FCC's former rule defining ''specialty station.'' The affidavit must be certified by the owner or an official representing the owner.

Affidavits are due within 60 days of the publication of this notice in the **Federal Register**. There is no specific format for the affidavit; however, the affidavit must confirm that the station owner believes that the station qualifies as a specialty station under the 1981 FCC rule.

Notwithstanding the above, any affidavit submitted to the Copyright Office within the 45-day period prior to publication of this notice need not be resubmitted to the Office. Any affidavit filed during this 45-day period shall be considered timely filed for purposes of this notice.

What Happens After the Affidavits Are Filed With the Copyright Office?

Once the period for filing the affidavits closes, we will compile and publish in the **Federal Register** a list of the stations identified in the affidavits. At the same time, we will solicit comment from any interested party as to whether or not particular stations on the list qualify as specialty stations. Thereafter, a final list of the specialty stations that includes references to any objections filed to a station's claim will be published in the **Federal Register**.

In addition, affidavits that, for good cause shown, are submitted after the close of the filing period will be accepted and kept on file at the Copyright Office. Affidavits received in this manner will be accepted with the understanding that the owners of those stations will resubmit affidavits when the Office next formally updates the specialty station list. An interested party may file an objection to any late-filed affidavit. Such objections shall be kept on file in the Copyright Office together with the corresponding affidavit.

Dated: July 28, 1998.

Marybeth Peters,

Register of Copyrights.

[FR Doc. 98–20737 Filed 8–3–98; 8:45 am]

BILLING CODE 1410–30–P

[1] Originally, the FCC identified whether a station qualified as a specialty station, but after it deleted its distant signal carriage rules, it discontinued this practice. *See Malrite T.V. of New York* v. *FCC,* 652 F2d 1140 (2d Cir. 1981), cert. denied, 454 U.S. 1143 (1982).

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–440]

Notice of Consideration of Approval of Transfer of License and Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing; The Cleveland Electric Illuminating Company, Centerior Service Company, Duquesne Light Company, Ohio Edison Company, OES Nuclear, Inc., Pennsylvania Power Company, Toledo Edison Company

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. NPF–58 issued to The Cleveland Electric Illuminating Company, Centerior Service Company, Toledo Edison Company, Ohio Edison Company, Pennsylvania Power Company, OES Nuclear, Inc., and Duquesne Light Company (the licensees) with respect to operating authority thereunder for the Perry Nuclear Power Plant, Unit No.1, located in Lake County, Ohio, and considering issuance of a conforming amendment under 10 CFR 50.90.

The proposed transfer of operating authority under the license would authorize a new operating company, called the FirstEnergy Nuclear Operating Company, to use and operate the Perry Nuclear Power Plant and to possess and use related licensed nuclear materials in accordance with the same conditions and authorizations included in the current operating license. The FirstEnergy Nuclear Operating Company would be formed by FirstEnergy Corporation, the corporate parent of the licensees except for Duquesne Light Company, to become the licensed operator for the Perry Nuclear Power Plant and would have exclusive control over the operation and maintenance of the facility. The license would be amended to reflect the transfer of authority under the license. After issuance of the transfer order and conforming license amendment, the owners of the facility will be authorized only to possess the facility and

Centerior Service Company will be removed entirely from the license.

Under the proposed arrangement, ownership of the Perry Nuclear Power Plant will remain unchanged with each owner retaining its current ownership interest. The FirstEnergy Nuclear Operating Company will not own any portion of the Perry Nuclear Power Plant. Likewise, the owners' entitlement to capacity and energy from the Perry Nuclear Power Plant will not be affected by the proposed change in operating responsibility for the Perry Nuclear Power Plant. The owners will continue to provide all funds for the operation, maintenance, and decommissioning of the Perry Nuclear Power Plant. The responsibility of the owners will include funding for any emergency situations that might arise at the Perry Nuclear Power Plant.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of a license, or any right thereunder, after notice to interested persons. Such approval is contingent upon the Commission's determination that the transferee is qualified to hold the license and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders of the Commission.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensees have provided their analysis of the issue of no significant hazards consideration, which is presented below:

The Perry Nuclear Power Plant has reviewed the proposed changes and determined that a significant hazards consideration does not exist because operation of the Perry Nuclear Power Plant, Unit No. 1, in accordance with these changes would:

1a. Not involve a significant increase in the probability of an accident previously evaluated because no accident initiators or assumptions are affected. The proposed changes are administrative and have no direct effect on any plant systems. All Limiting Conditions for Operation, Limiting Safety System Settings, and Safety Limits specified in the Technical Specifications will remain unchanged.

1b. Not involve a significant increase in the consequences of an accident previously evaluated because no accident conditions or assumptions are affected. The proposed changes do not alter the source term, containment isolation, or allowable radiological consequences. The proposed changes are administrative and have no adverse effect on any plant system.

2. Not create the possibility of a new or different kind of accident from any accident previously evaluated because no new accident initiators or assumptions are introduced by the proposed changes. The proposed changes are administrative and have no direct effect on any plant systems. The changes do not affect the reactor coolant pressure boundary and do not affect any system functional requirements, plant maintenance, or operability requirements.

3. Not involve a significant reduction in the margin of safety because the proposed changes do not involve new or significant changes to the initial conditions contributing to accident severity or consequences. The proposed changes are administrative and have no direct effect on any plant systems.

The NRC staff has reviewed the licensees' analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By September 3, 1998, the licensees may file a request for a hearing with respect to the proposed transfer of operating authority under the license and issuance of a conforming amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Perry Public Library, 3753 Main Street, Perry, OH 44081. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's

property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested with respect to the proposed amendment, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing on the amendment is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated June 30, 1998, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Perry Public Library, 3753 Main Street, Perry, OH 44081.

Dated at Rockville, Maryland, this 29th day of July 1998.

For the Nuclear Regulatory Commission.

Ronald R. Bellamy,

Acting Director, Project Directorate III–3, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98–20783 Filed 8–3–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–346]

Notice of Consideration of Approval of Transfer of License and Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing; Toledo Edison Company, Centerior Service Company, and the Cleveland Electric Illuminating Company

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. NPF–3 issued to the Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company (the licensees) with respect to operating authority thereunder for the Davis-Besse Nuclear Power Station, Unit No. 1, located in Ottawa County, Ohio, and considering issuance of a conforming amendment under 10 CFR 50.90.

The proposed transfer of operating authority under the license would authorize a new company, FirstEnergy Nuclear Operating Company (FENOC), to use and operate Davis-Besse and to possess and use related licensed nuclear materials in accordance with the same conditions and authorizations included in the current operating license. FENOC would be formed by FirstEnergy Corporation, the corporate parent of the licensees, to become the licensed operator for Davis-Besse and would have exclusive control over the operation and maintenance of the facility. The license would be amended to reflect the transfer of authority under the license.

Under the proposed arrangement, ownership of Davis-Besse will remain unchanged with each owner (The Cleveland Electric Illuminating Company and Toledo Edison Company) retaining its current ownership interest. FENOC will not own any portion of Davis-Besse. Likewise, the owners' entitlement to capacity and energy from Davis-Besse will not be affected by the proposed change in operating responsibility for Davis-Besse. The owners will continue to provide all funds for the operation, maintenance, and decommissioning by FENOC of Davis-Besse. The responsibility of the owners will include funding for any emergency situations that might arise at Davis-Besse.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of a license, or any right thereunder, after