

means of overnight delivery services such as Federal Express, United Parcel Service or DHL.

If sent by mail (including overnight delivery using U.S. Postal Service Express Mail), an original and five copies of a comment or reply comment should be addressed to U.S. Copyright Office, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Ben Golant, Assistant General Counsel, and Tanya M. Sandros, Deputy General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024. *Telephone:* (202) 707-8380. *Telefax:* (202) 707-8366.

#### SUPPLEMENTARY INFORMATION:

##### 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? <sup>1</sup>

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, the Office publishes 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.

<sup>1</sup> 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 F.2d 1140 (2d Cir. 1981), *cert. denied*, 454 U.S. 1143 (1982).

##### Why would a broadcast station seek specialty station status?

Specialty station status is significant in the administration of the cable statutory license. 17 U.S.C. 111. A cable operator may carry the signal of a television station classified as a specialty station at the base rate for “permitted” signals. *See* 49 FR 14944 (April 16, 1984); 37 CFR 256.2(c).

##### 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 in the case where a cable system operator claims that a particular station is a specialty station. If a cable system operator claims specialty station status for a station not on the final list, its classification as a specialty station will be questioned unless the examiner determines that 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). Its third list was published in 1998. 63 FR 67703 (December 8, 1998). Its fourth list was published in 2007. 72 FR 60029 (October 23, 2007). With this notice, the Copyright Office is initiating the procedure for the compilation and publication of the fifth 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, the Office will compile and publish in the **Federal Register** a list of the stations identified in the affidavits. At the same time, it 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. Any 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: January 24, 2011.

**Maria Pallante,**

*Acting Register of Copyrights.*

[FR Doc. 2011-1883 Filed 1-27-11; 8:45 am]

BILLING CODE 1410-30-P

#### NATIONAL SCIENCE FOUNDATION

##### Astronomy and Astrophysics Advisory Committee #13883; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following Astronomy and Astrophysics Advisory Committee (#13883) meeting:

*Date and Time:* February 22-23, 2011, 9 a.m.-5 p.m. Teleconference.

*Place:* National Science Foundation, Room 1235, Stafford I Building, 4201 Wilson Blvd., Arlington, VA, 22230.

*Type of Meeting:* Open.

*Contact Person:* Dr. James S. Ulvestad, Division Director, Division of Astronomical Sciences, Suite 1045, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: 703-292-8820.

*Purpose of Meeting:* To provide advice and recommendations to the National Science

Foundation (NSF), the National Aeronautics and Space Administration (NASA) and the U.S. Department of Energy (DOE) on issues within the field of astronomy and astrophysics that are of mutual interest and concern to the agencies.

*Agenda:* To hear presentations of current programming by representatives from NSF, NASA, DOE and other agencies relevant to astronomy and astrophysics; to discuss current and potential areas of cooperation between the agencies; to formulate recommendations for continued and new areas of cooperation and mechanisms for achieving them.

Dated: January 25, 2011.

**Susanne E. Bolton,**

*Committee Management Officer.*

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**BILLING CODE 7555-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[NRC-2011-0025]**

### **Draft Regulatory Guide: Issuance, Availability**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Issuance and Availability of Draft Regulatory Guide, DG-7007, "Administrative Guide for Verifying Compliance with Packaging Requirements for Shipment and Receipt of Radioactive Material."

#### **FOR FURTHER INFORMATION CONTACT:**

Bernard White, Office of Nuclear Material Safety and Safeguards, Division of Spent Fuel Storage and Transportation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 1-301-492-3303 or e-mail: [Bernard.White@nrc.gov](mailto:Bernard.White@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The draft regulatory guide (DG), entitled "Administrative Guide for Verifying Compliance with Packaging Requirements for Shipment and Receipt of Radioactive Material," is temporarily identified by its task number, DG-7007,

which should be mentioned in all related correspondence. DG-7007 is proposed Revision 1 of Regulatory Guide 7.7, dated August 1977.

This guide describes an approach that the staff of the NRC considers acceptable for meeting the administrative requirements in Title 10, of the Code of Federal Regulations, Part 71, "Packaging and Transportation of Radioactive Material" (10 CFR Part 71). The regulations in 10 CFR Part 71 apply to NRC licensees that package, transport, or receive licensed material.

The initial version of Regulatory Guide 7.7 endorsed the guidance in the American National Standards Institute (ANSI) Standard N14.10.3-1975, "Administrative Guide for Verifying Compliance with Packaging Requirements for Shipments of Radioactive Materials," as an acceptable process for complying with the requirements of 10 CFR 71.5, "Transportation of Licensed Material."

The ANSI standard was withdrawn without replacement; hence, this proposed revision to Regulatory Guide 7.7 contains guidance on the administrative requirements for planning, packaging, transporting, receiving, reporting, and record keeping for shipments of radioactive materials. The staff developed and published this guidance to provide licensees with an acceptable method to satisfy the administrative requirements in 10 CFR part 71.

##### **II. Further Information**

The NRC staff is soliciting comments on DG-7007. Comments may be accompanied by relevant information or supporting data and should mention DG-7007 in the subject line. Comments submitted in writing or in electronic form will be made available to the public in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS).

**ADDRESSES:** You may submit comments by any one of the following methods. Please include Docket ID NRC-2011-0025 in the subject line of your comments. Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking website [Regulations.gov](http://Regulations.gov). Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed.

The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those

persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

*Federal rulemaking Web site:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC-2011-0025. Address questions about NRC dockets to Carol Gallagher, 301-492-3668; e-mail: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

*Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by fax to RADB at 301-492-3446.

You can access publicly available documents related to this notice using the following methods:

*NRC's Public Document Room (PDR):* The public may examine and copy for a fee publicly available documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852-2738.

*NRC's Agencywide Documents Access and Management System (ADAMS):* Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The Regulatory Analysis is available electronically under ADAMS Accession Number ML101390333.

Comments would be most helpful if received by March 30, 2011. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of DG-7007 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://>