§ 251.52 Proposed findings and conclusions.

* * * * *

(d) Proposed conclusions shall be stated separately.

PART 252—FILING OF CLAIMS TO CABLE ROYALTY FEES

12. and 13. The authority citation for part 252 continues to read as follows:

Authority: 17 U.S.C. 111(d)(4), 801, 803.

§ 252.1 [Corrected]

14. Section 252.1 is corrected by removing the word ''to'' before the U.S. Code citation.

PART 253—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING

15. The authority citation for part 253 continues to read as follows:

Authority: 17 U.S.C. 118, 801(b)(1) and 803.

§ 253.6 [Corrected]

16. In § 253.6(c)(4), the phrase ''1988 through 1992,'' is revised to read ''1993 through 1997,''.

PART 254—ADJUSTMENT OF ROYALTY RATE FOR COIN-OPERATED PHONORECORD PLAYERS

17. The authority citation for part 254 continues to read as follows:

Authority: 17 U.S.C. 116, 801(b)(1).

§ 254.2 [Corrected]

18. Section 254.2 is revised to read as follows:

§ 254.2 Definition of coin-operated phonorecord player.

As used in this part, the term *coin-operated phonorecord player* is a machine or device that:

(a) Is employed solely for the performance of nondramatic musical works by means of phonorecords upon being activated by insertion of coins, currency, tokens, or other monetary units or their equivalent;

(b) Is located in an establishment making no direct or indirect charge for admission;

(c) Is accompanied by a list of the titles of all the musical works available for performance on it, which list is affixed to the phonorecord player or posted in the establishment in a prominent position where it can be readily examined by the public; and

(d) Affords a choice of works available for performance and permits the choice to be made by the patrons of the establishment in which it is located.

PART 255—ADJUSTMENT OF ROYALTY PAYABLE UNDER COMPULSORY LICENSE FOR MAKING AND DISTRIBUTING PHONORECORDS

19. The authority citation for part 255 continues to read as follows:

Authority: 17 U.S.C. 801(b)(1) and 803.

§ 255.3 [Corrected]

20. In § 255.3, paragraph (a), the phrase ''paragraphs (b), (c), (d), (e), (f) and (g) of this section.'' is revised to read ''paragraphs (b), (c), (d), (e), (f), (g) and (h) of this section.''

21. In § 255.3, paragraph (b), the phrase ''paragraphs (c), (d), (e), (f) and (g) of this section.'' is revised to read ''paragraphs (c), (d), (e), (f), (g) and (h) of this section.''

22. In § 255.3, paragraph (c), the phrase ''paragraphs (d), (e), (f) and (g) of this section.'' is revised to read ''paragraphs (d), (e), (f), (g) and (h) of this section.''

23. In § 255.3, paragraph (d), the phrase ''paragraphs (e), (f) and (g) of this section.'' is revised to read ''paragraphs (e), (f), (g) and (h) of this section.''

24. In § 255.3, paragraph (e), the phrase ''paragraphs (f) and (g) of this section.'' is revised to read ''paragraphs (f), (g) and (h) of this section.''

25. In § 255.3, paragraphs (f) and (g) are redesignated (g) and (h), respectively, the reference in redesignated paragraph (g) to ''paragraph (g)'' is revised to read ''paragraph (h)'', and a new paragraph (f) is added as follows:

§ 255.3 Adjustment of royalty rate.

* * * * *

(f) For every phonorecord made and distributed on or after January 1, 1992, the royalty payable with respect to each work embodied in the phonorecord shall be 6.25 cents, or 1.2 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (g) and (h) of this section.

* * * * *

PART 256—ADJUSTMENT OF ROYALTY FEE FOR CABLE COMPULSORY LICENSE

26. The authority citation for part 256 continues to read as follows:

Authority: 17 U.S.C. 702, 802.

§ 256.1 [Corrected]

27. The first sentence of § 256.1 is corrected by revising ''or'' to read ''for''.

PART 259—FILING OF CLAIMS TO DIGITAL AUDIO RECORDING DEVICES AND MEDIA ROYALTY PAYMENTS

28. The authority citation for part 259 continues to read as follows:

Authority: 17 U.S.C. 1007(a)(1).

§ 259.1 [Amended]

29. Section 259.1 is amended by removing all references to ''(Supp. IV 1992)''.

§ 259.2 [Corrected]

30. In paragraphs (a) and (b) of § 259.2, ''and/or Copyright Arbitration Royalty Panels'' is added after the phrase ''Copyright Office'' and before the phrase ''in royalty filing''.

§ 259.3 [Amended]

31. Paragraph (a) of § 259.3 is amended by removing all references to ''(Supp. IV 1992)''.

§ 259.4 [Amended]

32. Paragraphs (a) and (b) of § 259.4 are amended by removing all references to ''(Supp. IV 1992)''.

Dated: February 7, 1995.

Marybeth Peters,

Register of Copyrights.

[FR Doc. 95–3497 Filed 2–10–95; 8:45 am]

BILLING CODE 1410–33–P

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37 CFR Parts 251 and 259

[Docket No. RM 94–1A]

Copyright Arbitration Royalty Panels; Correction

AGENCY: Copyright Office, Library of Congress.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations that were published Wednesday, December 7, 1994, concerning copyright arbitration royalty panels. The first correction concerns the removal of § 251.72, and the second is a grammatical correction of § 259.3(d).

EFFECTIVE DATE: These regulations are effective February 13, 1995.

FOR FURTHER INFORMATION CONTACT: William Roberts, Senior Attorney, Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, D.C. 20024, (202–707–8380).

SUPPLEMENTARY INFORMATION: On December 7, 1994, the final rules governing the copyright arbitration royalty panels (CARP) were published in the **Federal Register**. As published, the final regulations contained two errors. 59 FR 63025 (December 7, 1994).

First, the final regulations removed § 251.72; however, the section was incorrectly cited as § 3251.7.

Second, § 259.3(d) was amended to state that if a joint claim to digital audio recording royalties (DART) is filed, it shall include a concise statement of the authorization for the filing of the joint claim and the name of each claimant to the joint claim. However, as published, § 259.3(d) was grammatically incorrect.

Accordingly, the publication on December 7, 1994, of the final regulations is corrected as follows:

§ 251.72 [Corrected]

On page 63042, in the second column, ''§ 3251.7 [Removed]'' is corrected to read, ''§ 251.72 [Removed]''.

§ 259.3 [Corrected]

On page 63043, in the second column, in § 259.3, paragraph (d), after the phrase ''If the claim is a joint claim,'' and before the phrase ''a concise statement'', the words ''it shall include'' are added.

Dated: February 7, 1995.

Marybeth Peters,

Register of Copyrights.

[FR Doc. 95–3498 Filed 2–10–95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 85–15; Notice 14]

RIN 2127–AE07

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Response to petitions for reconsideration; final rule.

SUMMARY: This notice responds to petitions for reconsideration of the final rule published on January 12, 1993, that added minimum photometric values for headlamps at test points above the horizontal. The notice corrects minor errors that appeared in the final rule, and others which have been brought to NHTSA's attention. The notice also deletes photometric requirements that no longer apply to headlighting systems on vehicles manufactured on and after September 1, 1994.

DATES: The final rule is effective March 15, 1995.

FOR FURTHER INFORMATION CONTACT: Kenneth O. Hardie, Office of Rulemaking, NHTSA (202–366–6987).

SUPPLEMENTARY INFORMATION: On January 12, 1993, NHTSA published a final rule adopting 49 CFR part 564, *Replaceable Light Source Information,* as a repository for information on new types of replaceable light sources for headlamps, and amending 49 CFR 571.108 Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment* to ensure that the light sources in part 564 are designed to meet certain performance requirements of the standard, and to amend the headlighting requirements by adding minimum photometric values at two zones and two test points above the horizontal (58 FR 3856). Petitions for reconsideration of part 564 have been received, and will be responded to separately and at a later date. This notice responds to the portion of the rule that amended Standard No. 108.

No petitions were received asking for reconsideration of the amendments to Standard No. 108. However, Ford Motor Company has called the agency's attention to several errors in the amendments to the standard. The agency has noted additional errors.

Ford commented that SAE J579 DEC84 should not yet be deleted from Figure 26 as compliance with those specifications for certain light sources is permitted through August 31, 1994. The agency concurs, but the passage of time has rendered this comment moot. Because September 1, 1994 has now passed, by this notice NHTSA is removing from Standard No. 108 those provisions that no longer apply to headlighting systems on vehicles manufactured after August 31, 1994. Principally, these amendments remove references to Tables 1 and 2 of SAE J579 DEC84, and Figures 15 and 17, as well as removing the Figures themselves. Figure 26 is revised to reflect these changes. These amendments affect S7.1, and portions of S7.3, and S7.4 of Standard No. 108.

In Ford's view, the amended text of paragraphs S7.5(d) (2) and (3) does not appear to reflect NHTSA's intent stated in the preamble for photometric requirements of headlamp systems using dual filament light sources, i.e., that such headlamps be permitted to meet Table 1 of SAE J579 DEC84 or Figure 27, or alternatively Figures 15/15A or 17/17A. NHTSA concurs that the text should be revised to make clear that the agency is allowing optional compliance with Figure 27 or Figure 15A as well as with Figure 17A (SAE J579, and Figures 15 and 17 now being deleted). To avoid confusion with the deleted Figures, NHTSA is not presently redesignating Figures 15A and 17A as Figures 15 and Figure 17, although it may do so in the future.

The following additional corrections are also made. The operand ''+/−'' is added in S7.7(a) in the last sentence, preceding ''1 degree 00 minutes.'' In paragraph S7.7(j), the reference to subparagraph ''(e)'' is properly to ''(g)''. In Figure 17A, the correct sixth upper beam test point is ''H–9L and 9R.''

Further, in the version of Standard No. 108 appearing in Title 49, Code of Federal Regulations, Parts 400–999 revised as of October 1, 1993, the titles of paragraphs S7.5 and S7.7 are not underlined, and a value is given in paragraph S11 as ''12.8V +/20mV''. This notice provides an underline for the titles and a correction of S11 to ''12.8V +/−20mV.''

Ford noticed that when the final rule removed paragraph S7.4(d) and redesignated the succeeding lettered paragraphs, cross-references in S7.5(i) and S7.6.2.1 to paragraph S7.4(i) were not changed to S7.4(h). NHTSA has noticed that its amendments of S8.7 Humidity of March 11, 1991 (56 FR 10185) removing the necessity for a photometric test following completion of the humidity test were not accompanied by a corresponding amendment removing S8.7 from the list of tests required under S8.1 Photometry. This notice corrects the errors, and several other minor ones that appear in the CFR text of Standard No. 108, such as an erroneous identification in S5.1.1.6 of SAE J222 ''September 1970'' which is correctly December 1970.

Effective Date

Because these amendments are corrective in nature and impose no additional burden upon any person, notice and comment upon are not required under the Administrative Procedure Act, and it is found, for good cause shown, that an effective date earlier than 180 days after issuance is in the public interest. The amendments will become effective 30 days after publication in the **Federal Register**.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

The Office of Management and Budget has determined that it will not review this rulemaking under Executive Order 12866. It has been determined that the rulemaking is not significant under Department of Transportation regulatory policies and procedures. Since the rule does not have any significant cost or