

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Part 950**

[WY-028-FOR]

**Wyoming Regulatory Program**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document contains corrections to the proposed Federal rule published on July 29, 1998 (63 FR 40384; administrative record No. WY-33-8), under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice is intended to correct two typographical errors and inserts two items omitted in the list of intended modifications to the Wyoming rules and regulations.

**EFFECTIVE DATE:** December 18, 1998.

**FOR FURTHER INFORMATION CONTACT:** Guy Padgett, 307-261-6550; Internet, GPadgett@SMRE.Gov.

**Correction of Publication**

In the proposed rule FR Doc. 98-20262, on page 63 FR 40385 in the **Federal Register** issue of July 29, 1998, make the following corrections:

1. In the center column, (12) should read, "Chapter 8, Section 3-4, revises the rules on special alternative standards for existing as well as new special bituminous coal mines;"

2. In the center column, (13) should read, "Chapter 12, Section 1(a)(iv)(B), . . . .;"

3. In the third column, add in numerical order, "(22) Chapter 1, Section 2(v), revising the definition of critical habitat;" and "(23) Chapter 8, Section 5, General Performance Standards."

Dated: December 9, 1998.

**James F. Fulton,**

*Acting Regional Director, Western Regional Coordinating Center.*

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**BILLING CODE** 4310-05-M

**LIBRARY OF CONGRESS****Copyright Office****37 CFR Part 251**

[Docket No. 98-3 CARP]

**Copyright Arbitration Royalty Panels; Rules and Regulations**

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Copyright Office of the Library of Congress is proposing amendments to the regulations governing the conduct of royalty distribution and rate adjustment proceedings prescribed by the Copyright Royalty Tribunal Reform Act of 1993. These changes are designed to fill gaps in the rules that have been the subject of inquiries and to promote the efficient resolution of issues and claims.

**DATES:** Written comments are due January 19, 1999. Reply comments are due February 16, 1999.

**ADDRESSES:** If sent BY MAIL, an original and 10 copies of written comments should be addressed to Office of the General Counsel, Copyright Arbitration Royalty Panel (CARP), PO Box 70977, Southwest Station, Washington, DC 20024. If DELIVERED BY HAND, an original and 10 copies should be brought to: Office of the General Counsel, Copyright Office, Room LM-403, James Madison Memorial Building, 101 Independence Avenue, SE, Washington, DC 20559-6000.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or Tanya Sandros, Attorney-Advisor. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:** The Copyright Royalty Tribunal Reform Act of 1993, Pub. L. 103-198, 17 Stat. 2304, eliminated the Copyright Royalty Tribunal (CRT) and replaced it with a system of *ad hoc* Copyright Arbitration Royalty Panels (CARPs) administered by the Librarian of Congress (Librarian) and the Copyright Office (Office). The CARPs adjust royalty rates and distribute royalties collected under the various compulsory licenses and statutory obligations of the Copyright Act. In 1994, the Office published final regulations for CARP proceedings. 59 FR 63025 (December 7, 1994). Eighteen months later, the Copyright Office issued a notice making non-substantive, technical changes to the rules. 61 FR 63715 (December 2, 1996). Based on the Office's experience with the rules since they were first enacted, the Office is now proposing substantive changes to these regulations. These changes are designed to fill gaps in the rules that have been the source of inquiry or contention, to promote the early and efficient resolution of issues and claims, and to resolve ambiguities that have fostered misunderstandings. Many of the changes are codifications of rulings the Office has made by order in response to discovery motions. Now the substance of these orders will become

part of the rules so that the Office's policies are known in advance, and the motions upon which they were based become unnecessary.

The Office has also received two petitions requesting additional changes to the CARP regulations<sup>1</sup> from parties who have participated in previous CARP proceedings. On July 29, 1998, Program Suppliers<sup>2</sup> filed a request for rulemaking to amend § 251.5 (Program Suppliers' Request). The purpose of the requested rulemaking is "to eliminate the requirement that copyright arbitration royalty panels ("CARPs") consist entirely of lawyers prior to assigning a CARP for the satellite carrier royalty distribution hearing." Program Suppliers' Request at 1. In addition, Mr. James Cannings<sup>3</sup> has a petition for a rulemaking pending before the Office. He seeks an amendment to § 251.44(f) (Cannings' Petition) which would require parties who join together and submit a single direct case to designate a lead counsel for purposes of future service.

The Copyright Office has incorporated the concerns of these petitioners into this proposed rulemaking proceeding. Specifics on these proposals are discussed herein. However, the Office is denying Program Suppliers' request that the Office not select a panel for the scheduled 1992-1995 satellite distribution proceeding before it completes consideration of the Program Suppliers' proposed amendment. The Office has already compiled and published the list of arbitrators for 1998 and 1999 pursuant to § 251.3, and it has scheduled the satellite distribution proceeding to begin on January 8, 1999. Under the current time constraints, it would be impossible to consider the proposed changes, finalize the amendments, and generate a new list, assuming that the Office agreed to adopt Program Suppliers' suggestion for amending § 251.5. Furthermore, the Office is considering numerous changes to its regulations and has decided to conduct a single rulemaking proceeding to consider all substantive changes to

<sup>1</sup> Copies of these documents are on file in the Copyright General Counsel's Office, Room LM-403, James Madison Building, Washington, DC.

<sup>2</sup> Program Suppliers are a group of producers and distributors of syndicated programming. Historically, they participate in CARP proceedings that set rates for the cable and satellite compulsory licenses and in those proceedings that determine the distribution of cable and satellite royalties among the copyright owners who file an annual claim.

<sup>3</sup> Mr. Cannings is a songwriter and publisher who participates in CARP proceedings which determine the distribution of cable royalties and in those proceedings to determine the distribution of the royalties collected annually pursuant to chapter 10 of the Copyright Act, 17 United States Code.