

NAFTA-TAA under Section 250 of the Trade Act of 1974."

Signed at Washington, D.C. this 14th day of September, 1997.

**Grant D. Beale,**

*Acting Director, Office of Trade Adjustment Assistance.*

[FR Doc. 97-25866 Filed 9-29-97; 8:45 am]

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## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. 94-3 CARP CD 90-92]

#### Determination of the Distribution of the 1991 Cable Royalties in the Music Claimants Category

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

**ACTION:** Announcement of the schedule for the proceeding.

**SUMMARY:** The Copyright Office of the Library of Congress is announcing the schedule for the 180 day arbitration period for the Copyright Arbitration Royalty Panel (CARP) proceeding that shall determine the distribution of the cable royalty fees in the Music Claimants category which were collected for secondary transmissions of broadcast signals during 1991 pursuant to a compulsory license.

**DATES:** Filings must be submitted according to the announced schedule, except as otherwise provided by order of the Copyright Arbitration Royalty Panel.

**ADDRESSES:** Parties shall deliver an original and five copies of all written filings concerning this proceeding to: Office of the Copyright General Counsel, James Madison Memorial Building, Room 403, First and Independence Avenue, S.E., Washington, D.C. 20540.

**FOR FURTHER INFORMATION CONTACT:** William Roberts, Senior Attorney, or Tanya Sandros, Attorney Advisor, at: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

On February 15, 1996, the Library of Congress published a notice requesting interested parties to comment on the existence of Phase II controversies for the distribution of the 1990, 1991, and 1992 cable royalty funds. 61 FR 6040 (February 15, 1996). The parties who filed comments and Notices of Intent to Participate identified two unsettled

categories that would require resolution before a CARP. The first controversy, between James Cannings and Broadcast Music, Inc., the American Society of Composers, Authors and Publishers, and SESAC, Inc. (collectively, "the Music Claimants"), concerns the distribution of the 1991 royalty funds in the Music Claimants category and is the subject of the current proceeding. The second controversy, however, between the National Association of Broadcasters (NAB) and the Public Broadcasting Service (PBS), has been resolved through further negotiation. On June 3, 1997, NAB and PBS notified the Copyright Office that they had reached settlement concerning all matters related to their Phase II dispute over the distribution of the 1990-1992 royalty funds, leaving a single dispute for resolution by a CARP.

The parties in the remaining controversy conducted precontroversy discovery according to the schedule which the Register of Copyrights established by order for this 45-day period. See Order in Docket No. 94-3 CRP CD 90-92 (February 14, 1997), vacated and reset at the request of the Music Claimants, Order in Docket No. 94-3 CARP CD 90-92 (May 21, 1997). Then, on August 28, 1997, the Copyright Office published a notice initiating the 180 day period for this proceeding. 62 FR 45687 (August 28, 1997). In this notice, the Office also announced September 4, 1997, as the date of the first meeting between the arbitration panel and the parties. However, due to scheduling conflicts, the parties agreed to reschedule the meeting for September 10, 1997. The Office further announced that it would publish a schedule of the proceedings, as required by 37 CFR 251.11(b), when it became available.

Section 251.11(b) of the regulations governing the Copyright Arbitration Royalty Panels, 37 CFR subchapter B, provides that:

At the beginning of each proceeding, the CARP shall develop the original schedule of the proceeding which shall be published in the **Federal Register** at least seven calendar days in advance of the first meeting. Such announcement shall state the times, dates, and places of the meetings, the testimony to be heard, whether any of the meetings, or any portion of a meeting, is to be closed, and if so, which ones, and the name and telephone number of the person to contact for further information.

This notice fulfills those requirements of § 251.11(b) for the proceeding to determine the distribution of the 1991 cable royalty fees in the Music Claimants category.

##### B. The Schedule

On September 10, 1997, the parties to this proceeding met with the arbitrators for the purpose of setting a schedule and discussing the procedural aspects of this proceeding. A key procedural issue before the panel which required action by the panel at the outset of the proceeding was consideration of the issue designated to the CARP by the Register of Copyrights of whether to suspend formal hearings and make the determination as to the distribution of the 1991 cable royalty fees on the written pleadings. See Order in Docket No. CARP CD 90-92 (August 15, 1997). After hearing argument from all parties, the panel announced its decision to waive the requirement of oral evidentiary hearings and proceed upon the written record alone. The panel stated its reasons for this decision and the specifics of the agreed upon schedule for the proceeding in a written order, as follows:

Upon consideration of the issue designated to the CARP by the Register of Copyrights of whether to suspend formal hearings and decide the controversy as to the Phase II distribution of the 1991 cable royalty fund on the written pleadings, and after hearing the arguments of all parties, the Panel has determined that for good cause shown it is in the public interest to waive the requirement of an oral evidentiary hearing and to proceed on the written pleadings along, provided that those pleadings are supplemented by written rebuttal cases, proposed findings of fact and conclusions of law, and reply findings of fact and conclusions of law.

Accordingly, and with the consent of all parties, the following procedural schedule is hereby established:

1. Mr. Cannings will provide to BMI by September 17, 1997, his request for a sample of WWOR-TV music cue sheets for 1991, as granted by Ruling No. 3 in the Register's Order dated August 15, 1997.

2. BMI will make such sample cue sheets available to Mr. Cannings for inspection and copying on or before October 1, 1997.

3. Written rebuttal cases are to be filed on October 30, 1997. Any study or analysis shall be accompanied by the information specified in Rule § 251.48 (e) and (f), and all underlying data and tabulations shall be made available as discovery that same date to opposing parties. No other discovery will be allowed.

4. Any motions addressed to rebuttal cases shall be filed on November 7, 1997.

Responses shall be filed on November 19, 1997, and any replies on November 26, 1997.

5. Proposed findings of fact and conclusions of law are to be filed December 5, 1997.

6. Reply findings of fact and conclusions of law are to be filed December 19, 1997.

Order, Docket No 94-3 CARP CD 90-92 (September 16, 1997).

At this time, the parties have not moved to close any portion of the proceeding to the public. Further refinements to the schedule will be announced in open meetings and issued as orders to the parties participating in the proceeding. All changes will be noted in the docket file of the proceeding, as required by the Copyright Office regulations governing the administration of CARP proceedings. 37 CFR 251.11(c).

Dated: September 25, 1997.

**Nanette Petruzzelli,**  
*Acting General Counsel.*

[FR Doc. 97-25890 Filed 9-29-97; 8:45 am]

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## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts; Submission for OMB Review; Comment Request

September 24, 1997.

The National Endowment for the Arts (NEA) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (P.L. 104-13, 44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the National Endowment for the Arts' Director of Administration, Laurence M. Baden [(202) 682-5408]. Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 682-5496 between 10:00 a.m. and 4:00 p.m. Eastern time, Monday through Friday.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503 [(202) 395-7316], within 30 days from the date of this publication in the **Federal Register**.

The Office of Management and Budget (OMB) is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;

- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**SUPPLEMENTARY INFORMATION:** The Endowment requests the review of all of its funding application guidelines and grantee reporting requirements. This entry is issued by the Endowment and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

**Agency:** National Endowment for the Arts.

**Title:** Blanket Justification for NEA Funding Application Guidelines FY 1998-FY 2001.

**OMB Number:** 3135-0112.

**Frequency:** Annually.

**Affected Public:** Nonprofit organizations, state & local arts agencies, and individuals.

**Estimated Number of Respondents:** 5,000.

**Estimated Time Per Respondent:** 19.29 hours (plus 8 hours reporting if a grant is awarded).

**Total Burden Hours:** 105,250.

**Total Annualized Capital/Startup Costs:** 0.

**Total Annual Costs (Operating/Maintaining Systems or Purchasing Services):** 0

**Description:** Guideline instructions and applications elicit relevant information from individuals, nonprofit organizations, and state and local arts agencies that apply for funding from the NEA. Current Endowment categories include, but are not limited to: Grants to Organizations, Partnership Agreements, Literature Fellowships, American Jazz Masters, National Heritage Fellowships in the Folk & Traditional Arts, and Leadership Initiatives (including Millennium). This information is necessary for the accurate, fair and thorough consideration of competing proposals in the review process. According to OMB Circulars A-102 and A-110, recipients of Federal funds are required to report on project activities and expenditures.

**ADDRESSES:** Laurence M. Baden, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Room 628, Washington, DC 20506-0001, telephone (202) 682-5408 (this is not a toll-free number), fax (202) 682-5798.

**Murray R. Welsh,**

*Director, Administrative Services, National Endowment for the Arts.*

[FR Doc. 97-25916 Filed 9-29-97; 8:45 am]

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## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts

#### Combined Arts Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Combined Arts Advisory Panel, Theater Section A (Creation & Presentation category) to the National Council on the Arts will be held on October 20-24, 1997. The panel will meet from 9:30 a.m. to 6:00 p.m. on October 20-22, from 10:00 a.m. to 6:00 p.m. on October 23, and from 9:30 a.m. to 5:30 p.m. on October 24, in Room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506. A portion of this meeting, from 10:00 a.m. to 12:00 p.m. on Thursday, October 23, will be open to the public for a policy discussion of guidelines, planning, Leadership Initiatives, and field needs and trends.

The remaining portions of this meeting, from 9:30 a.m. to 6:00 p.m. on October 20-22; from 12:00 p.m. to 6:00 p.m. on October 23, and from 9:30 a.m. to 5:30 p.m. on October 24, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of March 31, 1997, these sessions will be closed to the public pursuant to subsection c4, and 6 and 9B of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the