Dakota's requirement for mining companies to send the Coal Production and Reclamation Fee Report to the North Dakota Public Service Commission;

Finding No. 2, NDAC 69–05.2–22–07.4.1, concerning the time frame for demonstrating reclamation success; and

Finding No. 3, NDAC 69–05.2–28–19, concerning the inspection frequency of inactive surface coal mining operations.

The Federal regulations at 30 CFR Part 934, codifying decisions concerning the North Dakota program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

1. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

2. Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal that is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

6. Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 934

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 25, 1999.

Brent Wahlquist,

Regional Director, Western Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 934—NORTH DAKOTA

1. The authority citation for part 934 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 934.15 is amended in the table by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 934.15 Approval of North Dakota regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* * * * * * *		
August 29, 1997	March 16, 1999	Rules: NDAC 69–05.2–13–01; NDAC 69–05.2–22–07.4.1; NDAC 69–05.2–28–19.

[FR Doc. 99–6352 Filed 3–15–99; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket #: 990204043–9043–01]

RIN 0651–AB03

Consideration of Interlocutory Rulings at Final Hearing in Interference Proceedings

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: The Patent and Trademark Office (Office) is amending its interference regulations to clarify the standard under which the Board of Patent Appeals and Interferences (Board) considers interlocutory decisions entered by a single administrative patent judge (APJ) at the time of the final hearing.

DATES: *Effective Date:* March 16, 1999.

Comment Deadline Date: Written comments must be received on or before

May 17, 1999. No public hearing will be held.

ADDRESSES: Comments should be sent by electronic mail over the Internet to ''Interference.Rules@uspto.gov'' and should include ''Rule 655(a)'' in the subject line. Comments may also be submitted by mail addressed to BOX INTERFERENCE, Commissioner of Patents and Trademarks, Washington, DC 20231, or by facsimile to (703) 305–0942, marked to the attention of Fred McKelvey or Richard Torczon. The Office prefers to receive comments by electronic mail via the Internet. Where comments are submitted by mail, please include an electronic copy of the comments on a DOS-formatted 3½ inch diskette in addition to a paper copy.

The comments will be available for public inspection in Room 10C10 of Crystal Gateway, 1225 Jefferson Davis Highway, Arlington, Virginia, and will be available through anonymous file transfer protocol (ftp) *via* the Internet (address: ftp.uspto.gov). Since comments will be made available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included in the comments.

FOR FURTHER INFORMATION CONTACT: Fred McKelvey or Richard Torczon by telephone at (703) 308–9797, or by mail addressed to: BOX INTERFERENCE, Commissioner of Patents and Trademarks, Washington, DC 20231, or by facsimile to (703) 305–0942, marked to the attention of Mr. McKelvey or Mr. Torczon.

SUPPLEMENTARY INFORMATION: The Patent and Trademark Office has for some time received inquiries from members of the bar with respect to the meaning of Rule 655(a). In particular, the Patent and Trademark Office has received inquiries concerning the application of the abuse of discretion standard by a merits panel of the Board when considering an interlocutory order entered by a single administrative patent judge during the interlocutory phase of an interference. The purpose of this notice of interim rule is to clarify Rule 655(a). This clarification should eliminate unnecessary issues from arising in interference cases and should provide the public with more certainty as to how matters will be considered. The notice will also make practice within the Board more uniform.

Any final decision in an interference is entered by a panel of at least three members of the Board. Rule 655(a), as currently worded, gives the impression that the abuse of discretion standard is to be applied by a merits panel for all interlocutory orders, including those involving the merits of the interference, e.g., patentability or attempts to obtain benefit of an earlier filed application. The rule is amended to emphasize that a panel of the Board will resolve the merits of an interference as a panel without deference to any interlocutory order. Panels will, however, continue to apply the abuse of discretion standard, but only with respect to procedural orders. No list could completely detail which issues are procedural, but examples would include granting or denying an extension of time, granting or denying additional discovery under 37 CFR 1.687(c), dismissing a motion for failure to comply with the rules and setting of times to take action in an interference, and determining the dates for conference calls.

For the convenience of the reader, the precise changes being made to § 1.655(a) are reproduced in the following paragraph, with deleted text in brackets and added text *underlined:*

(a) In rendering a final decision, the Board may consider any properly raised issue, including priority of invention, derivation by an opponent from a party who filed a preliminary statement under § 1.625 *of this title,* patentability of the invention, admissibility of evidence, any interlocutory matter deferred to final hearing, and any other matter necessary to resolve the interference. The Board may also consider whether [entry of any] *an* interlocutory order [was an abuse of discretion] *should be modified.* [All interlocutory orders shall be presumed to have been correct, and the] *The* burden of showing [an abuse of discretion] *that an interlocutory order should be modified* shall be on the party attacking the order. [When two or more interlocutory orders involve the same issue, the last entered order shall be presumed to have been correct.] *The abuse of discretion standard shall apply only to procedural matters.*

Interested members of the public are invited to present written comments on the change to § 1.655(a) contained in this Interim Rule.

Other Considerations

An interim final rule is appropriate under the present circumstances for at least two reasons. First, the rulemaking is procedural within the meaning of 5 U.S.C. 553(b)(A). Second, the Commissioner of Patents and Trademarks for good cause finds that notice and public procedure would be contrary to the public interest within the meaning of 5 U.S.C. 553(b)(B) because delay in the promulgation of this rule would perpetuate the burdens on parties seeking full consideration of interlocutory decisions at the time of the final hearing.

As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

This rule involves no collection of information subject to the Paperwork Reduction Act, 44 U.S.C. ch. 35. Notwithstanding any other provision of law, no person is required to respond nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 12612 (October 26, 1987).

This rule has been determined to be not significant for purposes of Executive Order 12866 (September 30, 1993).

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of Information, Inventions and patents, Reporting and record keeping requirements, Small Businesses.

For the reasons set forth in the preamble, 37 CFR part 1 is amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 6, unless otherwise noted.

2. Section 1.655 is amended by revising paragraph (a) to read as follows:

§ 1.655 Matters considered in rendering a final decision.

(a) In rendering a final decision, the Board may consider any properly raised issue, including priority of invention, derivation by an opponent from a party who filed a preliminary statement under § 1.625, patentability of the invention, admissibility of evidence, any interlocutory matter deferred to final hearing, and any other matter necessary to resolve the interference. The Board may also consider whether an interlocutory order should be modified. The burden of showing that an interlocutory order should be modified shall be on the party attacking the order. The abuse of discretion standard shall apply only to procedural matters.

* * * * *

Dated: March 10, 1999.

Q. Todd Dickinson,

Acting Assistant Secretary of Commerce and Acting Commissioner of Patents and Trademarks.

[FR Doc. 99–6346 Filed 3–15–99; 8:45 am]

BILLING CODE 3510–16–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201 and 202

Change of Mailing Address for Notices of Intent to Enforce a Restored Copyright

AGENCY: Copyright Office, Library of Congress.

ACTION: Technical amendment.

SUMMARY: On January 20, 1999, the Copyright Office notified the public that it was changing the mailing address for submitting a Notice of Intent to Enforce (NIE) a restored copyright or registering claims in restored works under the Uruguay Round Agreements Act, effective February 22, 1999. The number of these filings has greatly decreased making it unnecessary for the Office to maintain a special post office box. In the future all NIEs must be mailed to the special GC/I&R address given below for mail, and all future registration claims should be mailed to the same address given for other registration claims.

EFFECTIVE DATE: February 22, 1999.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Assistant General Counsel, or Sandra Jones, Writer-Editor, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION: The Uruguay Round General Agreement on Tariffs and Trade (GATT) and the Uruguay Round Agreements Act (URAA) provide for the restoration of copyright in certain works that were in the public domain in the United States. Under 17 U.S.C. 104A (1994) as provided by the URAA, copyright protection automatically was restored on January 1, 1996, in certain works by foreign nationals or domiciliaries of a country that is the subject of a presidential proclamation declaring its eligibility or that is a member of the World Trade Organization (WTO) or of the Berne Convention.

Copyright owners of works meeting the requirements of section 104A may register a copyright claim in a restored work and file a Notice of Intent to Enforce (NIE) a restored copyright in the Copyright Office or serve an NIE on an individual reliance party, anyone who is already using the work or acquired copies of the work before the date of enactment of the URAA. The URAA instructs the Register of Copyrights to publish lists in the **Federal Register** identifying the restored works and their owners if a notice of intent to enforce a restored copyright has been filed.

During the first two years that the lists were published, a special mailing address was established for the submission of NIEs and applications to register copyright claims under the URAA because of the large number of expected filings and the special handling that they required. The initial two-year period for filing NIE's with the Office ended for the overwhelming majority of countries on December 31, 1997. The number of filings has decreased drastically, therefore, the special address is no longer needed.

On January 22, 1999, the Office issued a notice informing all interested parties of the change in the mailing address for filing NIEs or URAA/GATT registrations. The former address was: URAA/GATT, NIEs and Registrations, P.O. Box 72400, Southwest Station, Washington, DC 20024, USA. The new address for filing NIE's is GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024, USA. The revised address for GATT registrations is Register of Copyrights, Library of Congress, Copyright Office, 101 Independence Avenue, S.E., Washington, D.C. 20559–6000. (64 FR 3574, Jan. 22, 1999). The Office is now amending its regulations to reflect the change of addresses.

List of Subjects

37 CFR Part 201

Copyright.

37 CFR Part 202

Copyright.

Final Rules

For the reasons set out in the preamble, amend parts 201 and 202 of Title 37 of the Code of Federal Regulations as follows:

PART 201—GENERAL PROVISIONS

1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

2. Amend § 201.33 by revising paragraph (d)(1) to read as follows:

§ 201.33 Procedures for filing Notices of Intent to Enforce a restored copyright under the Uruguay Round Agreements Act.

* * * * *

(d * * *

(1) Notices of Intent to Enforce should be sent to the following address: GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024, USA.

* * * * *

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

3. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 202.12 [Amended]

4. Amend § 202.12 by revising the last sentence of paragraph (c)(1) to read ''The application, filing fee, and deposit should be sent in a single package to the following address: Library of Congress, Copyright Office, 101 Independence Avenue S.E., Washington, D.C. 20559–6000.''

Marilyn Kretsinger,

Assistant General Counsel, Copyright Office.

[FR Doc. 99–6355 Filed 3–15–99; 8:45 am]

BILLING CODE 1410–30–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–53; RM–9253]

Radio Broadcasting Services; Malvern and Bryant, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reallots Channel 227A from Malvern to Bryant, Arkansas, and modifies the license of Malvern Entertainment Corporation for Station KBOK–FM, as requested, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. *See* 63 FR 24518, May 4, 1998. The allotment of Channel 227A to Bryant will provide a first local aural service to the community without depriving Malvern of local aural transmission service. Coordinates used for Channel 227A at Bryant are 34–30–30 NL and 92–32–42 WL. With this action, the proceeding is terminated.

EFFECTIVE DATE: April 19, 1999.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98–53, adopted February 24, 1999, and released March 5, 1999. The full text of this Commission decision is available for