Although the new schedule extended the negotiation period by three months, the Parties thought the time still insufficient for conducting the necessary negotiations, and requested a meeting with the Office to discuss difficulties associated with negotiating rates and terms for use of digital technology in an evolving marketplace. The Office granted the request and met with the Parties on January 9, 1997. At that meeting, the Parties again requested more time to conduct negotiations on rates and terms for the section 115 license, having acknowledged the need to establish the mechanical rate before they attempted to negotiate the rates for the digital delivery of phonorecords. The Office agreed to vacate the schedule. *See* 62 FR 5057 (February 3, 1997).

On November 7, 1997, NMPA, RIAA, and the Songwriters' Guild of America (SGA) filed a joint petition with the Copyright Office outlining a proposal to adjust the physical phonorecord and digital phonorecord delivery royalty rates. The Parties to the joint petition, having duly filed a proposal concerning the 1997 physical phonorecord and digital phonorecord delivery royalty rate adjustments, asked the Copyright Office to submit their proposal to a notice-and-comment proceeding to promulgate regulations to adjust the proposed rates and terms. Accordingly, pursuant to 17 U.S.C. 803(c) and 37 CFR 251.63(b), the Copyright Office invited public comment on the proposed rates and terms for adjusting the physical phonorecord and digital phonorecord delivery royalty rates, and on the regulatory language implementing the proposal.[1] Comments and Notices of Intent to Participate in a CARP proceeding, should it be necessary, were to be submitted to the Office by December 29, 1997.

The Office received four comments in response to its Notice of Proposed Rulemaking, including three Notices of Intent to Participate in any CARP proceeding which may be instituted in this matter. None of these filings contained comments or objections to rates proposed for the reproduction and distribution of physical phonorecords under the mechanical compulsory license. Because no comments opposing the rates for reproduction and distribution of physical phonorecords under 17 U.S.C.115 were received, the Librarian adopted those rates, effective January 1, 1998, but not the rates concerning reproduction and distribution of digital phonorecords, as they were previously published in the **Federal Register**. *See* 62 FR 63506 (December 1, 1997).

List of Subjects in 37 CFR Part 255

Copyright, Recordings.

For the reasons set forth above, the Copyright Office amends 37 CFR part 255 as follows:

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

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

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

§ 255.3 [Amended]

2. In § 255.3(a), the phrase ''(b), (c), (d), (e), (f), (g), and (h)'' is removed and the phrase ''(b) through (m)'' is added after the word ''paragraphs''.

3. In § 255.3(b), the phrase ''(c), (d), (e), (f), (g), and (h)'' is removed and the phrase ''(c) through (m)'' is added after the word ''paragraphs''.

4. In § 255.3(c), the phrase ''(d), (e), (f), (g), and (h)'' is removed and the phrase ''(d) through (m)'' is added after the word ''paragraphs''.

5. In § 255.3(d), the phrase ''(e), (f), (g), and (h)'' is removed and the phrase ''(e) through (m)'' is added after the word ''paragraphs''.

6. In § 255.3(e), the phrase ''(f), (g), and (h)'' is removed and the phrase ''(f) through (m)'' is added after the word ''paragraphs''.

7. In § 255.3(f), the phrase ''(g), and (h)'' is removed and the phrase ''(g) through (m)'' is added after the word ''paragraphs''.

8. In § 255.3(g), the phrase ''paragraph (h)'' is removed and the phrase ''paragraphs (h) through (m)'' is added after the phrase ''pursuant to''.

9. In § 255.3(h), the phrase '', subject to further adjustment pursuant to paragraphs (i) through (m) of this section'' is added after the word ''larger''.

10. Add new paragraphs (i), (j), (k), (l), and (m) to § 255.3 to read as follows:

§ 255.3 Adjustment of royalty rate.

* * * * *

(i) For every phonorecord made and distributed on or after January 1, 1998, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 7.1 cents, or 1.35 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (j) through (m) of this section.

(j) For every phonorecord made and distributed on or after January 1, 2000, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 7.55 cents, or 1.45 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (k) through (m) of this section.

(k) For every phonorecord made and distributed on or after January 1, 2002, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 8.0 cents, or 1.55 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (l) through (m) of this section.

(l) For every phonorecord made and distributed on or after January 1, 2004, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 8.5 cents, or 1.65 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraph (m) of this section.

(m) For every phonorecord made and distributed on or after January 1, 2006, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 9.1 cents, or 1.75 cents per minute of playing time or fraction thereof, whichever amount is larger.

Dated: January 30, 1998.

Marybeth Peters,

Register of Copyrights.

James H. Billington,

Librarian of Congress.

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BILLING CODE 1410–33–P

[1] According to 37 CFR 251.63: The Librarian may, upon the request of the parties, submit the agreed upon rate to the public in a notice-and-comment proceeding. The Librarian may adopt the rate embodied in the proposed settlement without convening an arbitration panel, provided that no opposing comment is received by the Librarian from a party with an intent to participate in a CARP proceeding. *Id.*

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–5964–1]

Technical Amendments to Approval and Promulgation of State Implementation Plans (SIP) for Louisiana: Motor Vehicle Inspection and Maintenance Program; Correction of Effective Date Under Congressional Review Act (CRA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final disapproval; correction of effective date under CRA.

SUMMARY: On November 19, 1997 (62 FR 61633), the Environmental Protection Agency published in the **Federal Register** a final disapproval of the SIP revision submitted by the State of Louisiana for establishing and operating a motor vehicle Inspection and Maintenance (I/M) Program, which established an effective date of December 19, 1997. This document corrects the effective date of the rule to February 13, 1998 to be consistent with sections 801 and 808 of the Congressional Review Act (CRA), enacted as part of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801 and 808. Since certain statutory sanctions may be applied if the deficiency identified in the final disapproval is not corrected, this document also clarifies the timing of such sanctions.

EFFECTIVE DATE: This rule is effective on February 13, 1998.

FOR FURTHER INFORMATION CONTACT: Diane Taheri, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7460.

SUPPLEMENTARY INFORMATION:

I. Background

Section 801 of the CRA precludes a rule from taking effect until the agency promulgating the rule submits a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the General Accounting Office (GAO). EPA recently discovered that it had inadvertently failed to submit the above rule as required; thus, although the rule was promulgated on November 19, 1997, by operation of law, the rule did not take effect on December 19, 1997, as stated therein. Now that EPA has discovered its error, the rule is being submitted to both Houses of Congress and the GAO. This document amends the effective date of the rule consistent with the provisions of the CRA.

As discussed more fully in the November 19, 1997, final rule, under section 179(a)(2) of the Clean Air Act, since EPA has taken final action disapproving the SIP revision for the I/M Program, if the deficiency is not corrected within 18 months of the effective date of the final disapproval action, the Administrator must apply one of the sanctions set forth in section 179(b) of the Act. Since this document has corrected the effective date of the final disapproval to February 13, 1998, the 18-month sanctions clock time frame for the State to correct the deficiency begins February 13, 1998.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, an agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because EPA merely is correcting the effective date of the promulgated rule to be consistent with the congressional review requirements of the Congressional Review Act as a matter of law and has no discretion in this matter. Thus, notice and public procedure are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(B). Moreover, since today's action does not create any new regulatory requirements and affected parties have known of the underlying rule since November 19, 1997, EPA finds that good cause exists to provide for an immediate effective date pursuant to 5 U.S.C. 553(d)(3) and 808(2). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the November 19, 1997, **Federal Register** document.

II. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the November 19, 1997, **Federal Register** document.

Pursuant to 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office; however, in accordance with 5 U.S.C. 808(2), this rule is effective on February 13, 1998. This rule is not a ''major rule'' as defined in 5 U.S.C. 804(2). Pursuant to section 307(b)(1) of the Clean Air Act, challenges to this amendment must be brought within 60 days of publication of the amendment.

This final rule only amends the effective date of the underlying rule; it does not amend any substantive requirements contained in the rule. Accordingly, to the extent it is available, judicial review is limited to the amended effective date. Pursuant to section 307(b)(1) of the Clean Air Act, challenges to this amendment must be brought within 60 days of publication of the amendment.

Dated: February 6, 1998.

Carol Browner,

Administrator.

[FR Doc. 98–3690 Filed 2–12–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[FRL–5963–9]

Technical Amendments to Clean Air Act Reclassification; Arizona-Phoenix Nonattainment Area; Ozone; Correction of Effective Date Under Congressional Review Act (CRA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction of effective date under CRA.

SUMMARY: On November 6, 1997 (62 FR 60001), the Environmental Protection Agency published in the **Federal Register** a final rule finding that the Phoenix nonattainment area (Maricopa County, Arizona) has not attained the 1-hour ozone national ambient air quality standard (NAAQS) by the applicable attainment date in the Clean Air Act (CAA) for moderate ozone nonattainment areas, which established an effective date of December 8, 1998. The rule stated that revisions to the State Implementation Plan (SIP) are due by December 8, 1998. This document corrects the effective date of the rule to February 13, 1998 to be consistent with sections 801 and 808 of the Congressional Review Act (CRA), enacted as part of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801 and 808. This document does not change the December 8, 1998, SIP revision submission date.