

and concluding of such proceedings. 17 U.S.C. 115(c)(3)(B)–(F).

The first proceeding to adjust the royalty rates for the delivery of digital phonorecords concluded earlier this year. In that proceeding, the parties reached an industry-wide agreement setting the rate for the delivery of digital phonorecords and deferring until the next scheduled rate adjustment proceeding the determination of the rate for the delivery of a digital phonorecord where the reproduction or distribution is incidental to the transmission which constitutes a digital phonorecord delivery. In accordance with § 251.63(b), the Librarian published a notice in the **Federal Register** requesting public comment on the proposed rates and terms. 63 FR 71249 (December 24, 1998). Upon receiving no comments opposing the rates and terms for the delivery of digital phonorecords set forth in the December 24, 1998, notice, the Librarian adopted the proposed rates and amended part 255 of the Copyright Office's rules accordingly. 64 FR 6221 (February 9, 1999). The newly adopted regulation requires that the two-step process for adjusting the royalty rates be repeated in 1999 in order "to determine the applicable rates and terms * * * during the period beginning January 1, 2001." 37 CFR 255.7.

Initiation of Voluntary Negotiations

Pursuant to sections 115(c)(3)(B)–(F) and § 255.7, the Copyright Office of the Library of Congress is initiating the voluntary negotiation period for the determination of reasonable rates and terms for the delivery of digital phonorecords and the delivery of a digital phonorecord where the reproduction or distribution is incidental to the transmission which constitutes a digital phonorecord delivery for the two-year period commencing January 1, 2001. The negotiation period shall run from the date of publication of this notice in the **Federal Register** and end on December 31, 1999. Such terms and rates shall distinguish between (a) digital phonorecord deliveries where the reproduction or distribution of a phonorecord is incidental to the transmission which constitutes the digital phonorecord delivery, and (b) digital phonorecord deliveries in general.

Petitions

In the absence of a license agreement negotiated under 17 U.S.C. 115(c)(3)(B)–(C), a party with a significant interest in establishing reasonable rates and terms for this compulsory license may file a petition to convene a CARP with the

Copyright Office. Accordingly, the petition shall detail petitioner's interest in the royalty rate sufficiently to permit the Librarian of Congress to determine whether the petitioner has a "significant interest" in the rate. The petition must also identify the extent to which the petitioner's interest is shared by other owners and users; owners and users with similar interests may file a joint petition. 37 CFR 251.62. Petitions should be filed with the Copyright Office during the year 2000.

Dated: July 15, 1999.

David O. Carson,
General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 105–153; FRL–6378–8]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; Kern County Air Pollution Control District; Mojave Desert Air Quality Management District; Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is approving revisions to the California State Implementation Plan (SIP) which concern the control of oxides of nitrogen (NO_x) emissions from cement kilns and electric power generating facilities.

The intended effect of this action is to regulate emissions of NO_x in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this **Federal Register**, the EPA is approving the state's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Written comments must be received by August 19, 1999.

ADDRESSES: Comments should be addressed to: Andrew Steckel, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board,
Stationary Source Division, Rule
Evaluation Section, 2020 "L" Street,
Sacramento, CA 95812.

Kern County Air Pollution Control
District, 2700 M Street, Suite 302,
Bakersfield, CA 93301.

Mojave Desert Air Quality Management
District, 15428 Civic Drive, Suite 200,
Victorville, CA 92392–2383.

Ventura County Air Pollution Control
District, Rule Development Section,
669 County Square Drive, Ventura,
CA 93003.

FOR FURTHER INFORMATION CONTACT: Max Fantillo, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1183.

SUPPLEMENTARY INFORMATION: This document concerns Kern County Air Pollution Control District's Rule 425.3, Portland Cement Kilns (Oxides of Nitrogen); Mojave Desert Air Quality Management District's Rule 1158, Electric Power Generating Facilities; and Ventura County Air Pollution Control District's Rule 59, Electric Power Generating Equipment—Oxides of Nitrogen Emissions. These rules were submitted by the California Air Resources Board to EPA on October 19, 1994 (Rule 425.3) and March 10, 1998 (Rule 1158 and Rule 59). For further information, please see the information provided in the direct final action that is located in the rules section of this **Federal Register**.

Dated: June 29, 1999.

Laura K. Yoshii,

Acting Regional Administrator, Region IX.

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