

Authority: 46 U.S.C. 2113, 3306; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

145. In § 195.01–3(b), revise the entry for “American Society For Testing and Materials” to read as follows:

§ 195.01–3 Incorporation by reference.

* * * * *
(b) * * *

American Society for Testing and Materials (ASTM)

100 Barr Harbor Drive, West
Conshohocken, PA 19428–2959.
ASTM F 1014–92, Standard
Specification for Flashlights on
Vessels—195.35–5

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§ 195.35–5 [Amended]

146. In 195.35–5(c), remove the words “ASTM F1014–1986” and add, in their place, the words “ASTM F 1014 (incorporated by reference, see § 195.01–3)”.

PART 199—LIFESAVING SYSTEMS FOR CERTAIN INSPECTED VESSELS

147. The authority citation for part 199 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 46 CFR 1.46.

148. In § 199.05(b), revise the entry for “American Society for Testing and Materials” to read as follows:

§ 199.05 Incorporation by reference.

* * * * *
(b) * * *

American Society for Testing and Materials (ASTM)

100 Barr Harbor Drive, West
Conshohocken, PA 19428–2959.
ASTM D 93–97, Standard Test Methods
for Flash Point by Pensky-Martens
Closed Cup Tester—199.261; 199.290
ASTM F 1003–86(1992), Standard
Specification for Searchlights on
Motor Lifeboats—199.175
ASTM F 1014–92, Standard
Specification for Flashlights on
Vessels—199.175

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§ 199.261 [Amended]

149. In 199.261(g), remove the words “ASTM D93–94” and add, in their place, the words “ASTM D 93 (incorporated by reference, see § 199.05)”.

§ 199.290 [Amended]

150. In 199.290(b), remove the words “ASTM D93–94” and add, in their place, the words “ASTM D 93 (incorporated by reference, see § 199.05)”.

Dated: October 26, 1999.

T.H. Gilmour,

*Captain, U.S. Coast Guard, Acting Assistant
Commandant for Marine Safety and
Environmental Protection.*

[FR Doc. 99–28611 Filed 11–30–99; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Office

[Docket No. 99–7 CARP]

37 CFR Part 253

Cost of Living Adjustment for Performance of Musical Compositions by Colleges and Universities

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Office of the Library of Congress announces a cost of living adjustment of 2.6% in the royalty rates paid by colleges, universities, or other nonprofit educational institutions that are not affiliated with National Public Radio, for the use of copyrighted published nondramatic musical compositions. The cost of living adjustment is based on the change in the Consumer Price Index from October, 1998, to October, 1999.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT:

David O. Carson, General Counsel, or Tanya M. Sandros, Attorney Advisor, at Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 252–3423.

SUPPLEMENTARY INFORMATION: Section 118 of the Copyright Act, 17 U.S.C., creates a compulsory license for the use of published nondramatic musical works and published pictorial, graphic, and sculptural works in connection with noncommercial broadcasting. Terms and rates for this compulsory license, applicable to parties who are not subject to privately negotiated licenses, are published in 37 CFR part 253 and are subject to adjustment at five-year intervals. 17 U.S.C. 118(c). The last proceeding to adjust the terms and rates for the section 118 license began in 1996. 61 FR 54458 (October 18, 1996).

On January 14, 1998, the Copyright Office announced final regulations governing the terms and rates of copyright royalty payments with respect to certain uses by public broadcasting entities of published nondramatic

musical works, and published pictorial, graphic, and sculptural works, including the 1998 rates for the public performance of musical compositions in the ASCAP, BMI, and SESAC repertories by public broadcasting entities licensed to colleges and universities. 63 FR 2142 (January 14, 1998).

Pursuant to these regulations, on December 1 of each year “the Librarian of Congress shall publish a notice of the change in the cost of living during the period from the most recent Index published prior to the previous notice, to the most recent Index published prior to December 1, of that year.” 37 CFR 253.10(a). The regulations also require that the Librarian publish a revised schedule of rates for the public performance of musical compositions in the ASCAP, BMI, and SESAC repertories by public broadcasting entities licensed to colleges and universities, reflecting the change in the Consumer Price Index. 37 CFR 253.10(b).

Accordingly, the Copyright Office of the Library of Congress is hereby announcing the change in the Consumer Price Index and performing the annual cost of living adjustment to the rates set out in § 253.5(c). 63 FR 2142 (January 14, 1998).

The change in the cost of living as determined by the Consumer Price Index (all consumers, all items) during the period from the most recent Index published before December 1, 1998, to the most recent Index published before December 1, 1999, was 2.6% (1998’s figure was 164.0; 1999’s figure is 168.4, based on 1982–1984=100 as a reference base). Rounding off to the nearest dollar, the adjustment in the royalty rate for the use of musical compositions in the repertory of ASCAP and BMI is \$231, each, and \$63 for the use of musical compositions in the repertory of SESAC.

List of Subjects in 37 CFR Part 253

Copyright, Radio, Television.

Final Regulation

For the reasons set forth in the preamble, part 253 of title 37 of the Code of Federal Regulations is amended as follows:

PART 253—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING

1. The authority citation for part 253 continues to read as follows:

Authority: 17 U.S.C. 118, 801(b)(1) and 803.

2. 37 CFR 253.5 is amended by revising paragraphs (c)(1) through (c)(3).

§ 253.5 Performance of musical compositions by public broadcasting entities licensed to colleges and universities.

* * * * *

(c) * * *

(1) For all such compositions in the repertory of ASCAP, \$231 annually.

(2) For all such compositions in the repertory of BMI, \$231 annually.

(3) For all such compositions in the repertory of SESAC, \$63 annually.

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Dated: November 22, 1999.

Marybeth Peters,

Register of Copyrights.

[FR Doc. 99-30929 Filed 11-30-99; 8:45 am]

BILLING CODE 1410-33-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CT060-7219a; A-1-FRL-6479-4]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Removal of Oxygenated Gasoline Requirement for the Connecticut Portion of the New York-N. New Jersey-Long Island Area (the "Southwest Connecticut Area")

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In today's action, EPA is approving a State Implementation Plan (SIP) revision under the Clean Air Act submitted by the State of Connecticut on October 7, 1999 to remove Connecticut's oxygenated gasoline program as a carbon monoxide control (CO) measure from the SIP. The SIP revision includes revised regulations adopted by Connecticut which redefine the control period for oxygenated gasoline in southwest Connecticut such that the oxygenated gasoline program is not required to be implemented except in the unlikely event of a violation of the CO standard in the area. EPA supports this regulatory amendment since it is consistent with the CO redesignation and maintenance plan for the southwest Connecticut area that EPA approved on March 10, 1999 (64 FR 12005).

DATES: This direct final rule is effective on January 31, 2000 without further notice, unless EPA receives adverse comment by January 3, 2000. If adverse comment is received, EPA will publish a timely withdrawal of the direct final

rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100 Boston, MA 02114-2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, S.W., (LE-131), Washington, D.C. 20460; and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106-1630.

FOR FURTHER INFORMATION CONTACT: Jeff Butensky, Environmental Planner; (617) 918-1665; butensky.jeff@epa.gov.

SUPPLEMENTARY INFORMATION:

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- Conclusion

What Action Is EPA Taking Today?

On October 7, 1999, the State of Connecticut submitted a formal revision to its SIP removing the oxygenated gasoline program as a CO control measure for the southwest Connecticut area. In the CO redesignation published on March 10, 1999 (64 FR 12005), EPA agreed that Connecticut's CO SIP does not rely on the oxygenated gasoline program to maintain the CO National Ambient Air Quality Standard (NAAQS) in the southwest Connecticut area.

Under Clean Air Act section 211(m), 42 U.S.C. 7545(m), States with certain CO nonattainment areas are required to implement oxygenated gasoline programs. Once such an area subsequently attains the CO NAAQS, oxygenated gasoline requirements may be removed if it is demonstrated that the program is not needed to maintain attainment in that area. See Clean Air Act section 110(l), 42 U.S.C. 7410(l). CO concentrations throughout the New York City area (which includes the southwest Connecticut area) have been

below the CO NAAQS for more than four years, and the CO NAAQS has not been exceeded in southwest Connecticut since 1985.

Through the use of EPA's MOBILE computer model and air quality dispersion modeling, it has been determined that the oxygenated gasoline program no longer needs to be implemented to maintain attainment of the CO NAAQS. The CO NAAQS will not be violated in the future if the program is removed as a control strategy. Improved CO levels are attributable primarily to three sources of emission reductions: (1) turnover of vehicle fleets in the area to more sophisticated cleaner technology vehicles; (2) implementation of reformulated gasoline year round; and (3) the recent implementation of the enhanced vehicle inspection and maintenance (I/M) program in Connecticut. This modeling supports the conclusion that the area will remain well below the NAAQS without the wintertime oxygenated gasoline program in place.

What Is the Oxygenated Gasoline Program and How Does It Apply to Connecticut?

The oxygenated gasoline program is designed to reduce CO pollution from gasoline powered vehicles including passenger cars, sport utility vehicles and light trucks, which are significant contributors of CO emissions. Inhaling CO inhibits the blood's capacity to carry oxygen to organs and tissues. Persons with heart disease, infants, elderly persons, and individuals with respiratory diseases are particularly sensitive to CO. Effects of CO on healthy adults include impaired exercise capacity, visual perception, manual dexterity, learning functions, and ability to perform complex tasks.

On March 3, 1978, (43 FR 8962), EPA published a rulemaking that set forth the attainment status for all States in relation to the NAAQS. The Connecticut portion of the New York-N. New Jersey-Long Island area was designated as nonattainment for CO through this notice.

The Clean Air Act sets forth a number of SIP requirements for States with areas designated as nonattainment for the CO NAAQS. Section 211(m) of the Clean Air Act requires States with CO nonattainment areas, having design values of 9.5 parts per million (ppm) CO or above for any two-year period after 1989, to implement oxygenated gasoline programs. The requirement for an oxygenated gasoline program is to apply during the high CO season, which is generally during the colder winter