

15A(b)(5)⁵ and (6)⁶ of the Act in that the proposed rule change is designed to provide for the equitable allocation of reasonable fees among those using its facilities or systems and is not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference

Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR-NASD-99-22, June 18, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁷

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99-13582 Filed 5-27-99; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3185]

State of Colorado

As a result of the President's major disaster declaration on May 17, 1999, I find that Bent, El Paso, Larimer, Otero, and Weld Counties in the State of Colorado constitute a disaster area due to damages caused by severe storms and flooding beginning on April 29, 1999 and continuing. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on July 15, 1999, and for loans for economic injury until the close of business on February 17, 2000 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Fort Worth, TX 76155.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Adams, Baca, Boulder, Crowley, Douglas, Elbert, Fremont, Grand, Jackson, Kiowa, Las Animas, Lincoln, Logan, Morgan, Prowers, Pueblo, and Teller Counties in Colorado; Albany and Laramie Counties in Wyoming; and Kimball County, Nebraska.

The interest rates are:

	Percent
Physical Damage:	
Homeowners With Credit Available Elsewhere	6.875
Homeowners Without Credit Available Elsewhere	3.437
Businesses With Credit Available Elsewhere	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere	7.000
For Economic Injury:	

	Percent
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 318506. For economic injury the numbers are 9C8900 for Colorado, 9C9000 for Wyoming, and 9C9100 for Nebraska.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 19, 1999.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 99-13585 Filed 5-27-99; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3181: Amendment #2]

State of Kansas

In accordance with a notice received from the Federal Emergency Management Agency dated May 6, 1999, the above-numbered Declaration is hereby amended to establish the incident period for this disaster as beginning on May 3, 1999 and continuing through May 6, 1999.

All other information remains the same, i.e., the deadline for filing applications for physical damage is July 2, 1999, and for economic injury the deadline is February 4, 2000.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 19, 1999.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 99-13586 Filed 5-27-99; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3182; Amendment #1]

State of Texas

In accordance with a notice received from the Federal Emergency Management Agency dated May 13, 1999, the above-numbered Declaration is hereby amended to include Red River County in the State of Texas as a disaster area as a result of damages caused by severe storms and tornadoes that occurred on May 4, 1999.

In addition, applications for economic injury loans from small businesses

⁵ 15 U.S.C. 78o-3(b)(5).

⁶ 15 U.S.C. 78o-3(b)(6).

⁷ 17 CFR 200.30-3(a)(12).

located in the contiguous counties of Delta, Franklin, Hopkins, Lamar, and Titus in the State of Texas, and Choctaw County, Oklahoma may be filed until the specified date at the previously designated location.

Any counties contiguous to the above-named primary county and not listed herein have been previously declared.

All other information remains the same, i.e., the deadline for filing applications for physical damage is July 4, 1999, and for economic injury the deadline is February 7, 2000.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 18, 1999.

Herbert L. Mitchell,

Acting Associate, Administrator for Disaster Assistance.

[FR Doc. 99-13584 Filed 5-27-99; 8:45 am]

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/D-160]

WTO Dispute Settlement Proceeding Regarding Section 110(5) of the U.S. Copyright Act

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative ("USTR") is providing notice of the request for the establishment of a dispute settlement panel under the Marrakesh Agreement Establishing the World Trade Organization ("WTO"), by the European Communities (the "EC"), to examine section 110(5) of the U.S. Copyright Act. In this dispute, the EC alleges that section 110(5) is inconsistent with obligations of the United States under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights. The USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although the USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted by June 21, 1999, to be assured of timely consideration by the USTR in preparing its final written submission to the panel.

ADDRESSES: Comments may be submitted to Sandy McKinzy, Litigation Assistant, Office of Monitoring and Enforcement, Room 122, Attn: U.S.—Section 110(5) Dispute, Office of the United States Trade Representative, 600

17th Street, NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT:

Mélida N. Hodgson, Associate General Counsel, (202) 395-3582; Claude Burcky, Director of Intellectual Property, (202) 395-6864.

SUPPLEMENTARY INFORMATION: Pursuant to section 127(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)), the USTR is providing notice that on April 15, 1999, the EC submitted a request for the establishment of a WTO dispute settlement panel to examine section 110(5) of the U.S. Copyright Act, which provides that, under certain conditions, the communication of musical works via a radio or television by certain establishments shall not constitute copyright infringement. The WTO Dispute Settlement Body ("DSB") will establish a panel for this purpose on May 26, 1999.

Major Issues Raised and Legal Basis of the Complaint

The EC alleges that Section 110(5), as amended by the Fairness in Music Licensing Act of 1998, violates Article 9(1) of the TRIPS Agreement, which incorporates articles 1 to 21 of the Berne Convention for the Protection of Literary and Artistic Works (the "Berne Convention"). More specifically, the EC alleges that section 110(5) is inconsistent with Articles 11(1) and 11bis(1) of the Berne Convention which grants authors of literary and artistic works, including musical works, certain exclusive rights. Section 110(5) provides under subparagraph (A) that the communication of a transmission embodying a performance or display of a work by the public reception of the transmission on a single receiving apparatus of a kind commonly used in private homes is not an infringement of copyright unless a direct charge is made to see or hear the transmission, or the transmission thus received is further transmitted to the public. Subparagraph (B) of section 110(5) provides that, under certain conditions relating, *inter alia*, to the size of the establishment and the number of loudspeakers or audiovisual devices, the communication by an establishment of a transmission or retransmission embodying a performance or display of a nondramatic musical work intended to be received by the general public, originated by a licensed radio or television broadcast station, is not an infringement of copyright.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues in this dispute. Comments must be in English and provided in fifteen copies to Sandy McKinzy at the address provided above. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitting person. Confidential business information must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by the USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitting person believes that information or advice may qualify as such, the submitting person—

(1) Must so designate the information or advice;

(2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" in a contrasting color ink at the top of each page of each copy; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), the USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508. The public file will include a listing of any comments received by the USTR from the public with respect to the proceeding; the U.S. submissions to the panel in the proceeding, the submissions, or non-confidential summaries of submissions, to the panel received from other parties in the dispute, as well as the report of the dispute settlement panel, and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket WTO/D-160, United States—Section 110(5) of the U.S. Copyright Act) may be made by calling Brenda Webb, (202) 395-6186. The USTR Reading Room is open to the