

Fraudulent use of a Golden Age or Golden Access Passport is prohibited.

**§ 327.24 Interference with Government employees.**

(a) It is a Federal crime pursuant to the provisions of sections 111 and 1114 of Title 18, United States Code, to forcibly assault, resist, oppose, impede, intimidate, or interfere with, attempt to kill or kill any civilian official or employee for the U.S. Army Corps of Engineers engaged in the performance of his or her official duties, or on account of the performance of his or her official duties. Such actions or interference directed against a Federal employee while carrying out these regulations are also a violation of these regulations and may be a state crime pursuant to the laws of the state where they occur.

(b) Failure to comply with a lawful order issued by a Federal employee acting pursuant to these regulations shall be considered as interference with that employee while engaged in the performance of their official duties. Such interference with a Federal employee includes failure to provide a correct name, address or other information deemed necessary for identification upon request of the Federal employee, when that employee is authorized by the District Commander to issue citations in the performance of the employee's official duties.

**§ 327.25 Violations of Rules and Regulations.**

(a) Any person who violates the provisions of these regulations, other than for a failure to pay authorized recreation use fees as separately provided for in § 327.23, may be punished by a fine of not more than \$5,000 or imprisonment for not more than six months or both and may be tried and sentenced in accordance with the provisions of section 3401 of Title 18, United States Code. Persons designated by the District Commander shall have the authority to issue a citation for violation of these regulations, requiring any person charged with the violation to appear before the United States Magistrate within whose jurisdiction the affected water resources development project is located (16 USC 460d).

(b) Any person who commits an act against any official or employee of the U.S. Army Corps of Engineers that is a crime under the provisions of section 111 or section 1114 of Title 18, United States Code or under provisions of pertinent state law may be tried and sentenced as further provided under Federal or state law, as the case may be.

**§ 327.26 State and local laws.**

(a) Except as otherwise provided herein or by Federal law or regulation, state and local laws and ordinances shall apply on project lands and waters. This includes, but is not limited to, state and local laws and ordinances governing:

- (1) Operation and use of motor vehicles, vessels, and aircraft;
- (2) Hunting, fishing and trapping;
- (3) Use or possession of firearms or other weapons;
- (4) Civil disobedience and criminal acts;
- (5) Littering, sanitation and pollution;
- and (6) Alcohol or other controlled substances.

(b) These state and local laws and ordinances are enforced by those state and local enforcement agencies established and authorized for that purpose.

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**LIBRARY OF CONGRESS**

**Copyright Office**

**37 CFR Part 255**

[Docket No. 99-4 CARP DPRA]

**Digital Phonorecord Delivery Rate Adjustment Proceeding**

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice of initiation of negotiation period.

**SUMMARY:** The Copyright Office of the Library of Congress is announcing the initiation of the negotiation period for determining reasonable rates and terms for digital transmissions that constitute a digital phonorecord delivery for the period commencing January 1, 2001. This negotiation period is intended to promote an industry-wide agreement as to the rates and terms for digital phonorecord deliveries.

**DATES:** The negotiation period begins on July 20, 1999, and ends on December 31, 1999. Petitions for an arbitration for rate adjustment must be filed during the year 2000.

**ADDRESSES:** If sent by mail, an original and five copies of the petition should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. If hand delivered, an original and five copies of the petition should be brought to: Office of the Copyright General Counsel, James Madison Memorial Building, Room LM-403, First

and Independence Avenue, SE, Washington, DC 20559-6000.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:** On November 1, 1995, Congress passed the Digital Performance Right in Sound Recordings Act of 1995 ("Digital Performance Right Act"), Pub. L. 104-39, 109 Stat. 336. Among other things, it confirms and clarifies that the scope of the statutory license to make and distribute phonorecords of nondramatic musical compositions, 17 U.S.C. 115, includes the right to distribute or authorize distribution by means of a digital transmission which constitutes a "digital phonorecord delivery." 17 U.S.C. 115(c)(3)(A). A "digital phonorecord delivery" is defined as "each individual delivery of a phonorecord by digital transmission of a sound recording which results in a specifically identifiable reproduction by or for any transmission recipient of a phonorecord of that sound recording \* \* \* ." 17 U.S.C. 115(d).

The Digital Performance Right Act established that the rate for all digital phonorecord deliveries ("DPDs") made or authorized under a compulsory license on or before December 31, 1997, was the same as the rate in effect for the making and distribution of physical phonorecords for that period. 17 U.S.C. 115(c)(3)(A)(i). For digital phonorecord deliveries made or authorized after December 31, 1997, the Digital Performance Act established a two-step process for determining the terms and rates: either the copyright owners of nondramatic musical works and those persons entitled to obtain a license may negotiate the rates and terms for the statutory license, or they may participate in a Copyright Arbitration Royalty Panel ("CARP") proceeding. 17 U.S.C. 115(c)(3)(A)-(D). Such rates and terms, whether negotiated by the parties or determined by a CARP, are to distinguish between "digital phonorecord deliveries where the reproduction or distribution of a phonorecord is incidental to the transmission which constitutes the digital phonorecord delivery, and (ii) digital phonorecord deliveries in general." 17 U.S.C. 115(c)(2)(C)-(D). This two-step process is to be repeated "in each fifth calendar year after 1997," 17 U.S.C. 115(c)(3)(F), unless the parties agree to different years for the repeating

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<sub>x</sub>) emissions from cement kilns and electric power generating facilities.

The intended effect of this action is to regulate emissions of NO<sub>x</sub> 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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