

Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, 160.5; 49 CFR 1.46.

2. Add temporary § 165.T01-147 to read as follows:

§ 165.T01-147 Safety Zone: Fireworks, 100YR Anniversary For Architect Society, Boston Harbor, Boston, MA.

(a) *Location.* The following area is a safety zone: all waters of Boston Harbor, Boston, MA in a four hundred (400) yard radius around the fireworks barge moored in approximate position 42°21.5'N, 71°02.3'W (NAD 1983).

(b) *Effective Date.* This section is effective from 6 p.m. until 9:30 p.m. on Tuesday, September 14, 1999.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(3) The general regulations covering safety zones in § 165.23 of this part apply.

Dated: August 14, 1999.

M.A. Skordinski,

Commander, U.S. Coast Guard, Acting Captain of the Port, Boston, Massachusetts.

[FR Doc. 99-23950 Filed 9-13-99; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 96-3C]

Notice and Recordkeeping for Digital Transmission of Sound Recordings Under Statutory License

AGENCY: Copyright Office, Library of Congress.

ACTION: Interim rule amendment.

SUMMARY: The Copyright Office of the Library of Congress is amending the regulation that requires the filing of an initial notice of digital transmissions of sound recordings under statutory license with the Copyright Office to state that a suggested format for the

Initial Notice will be posted on the Office's website, in an effort to better ensure that Initial Notices filed with the Office fully comply with the regulation.

DATES: Effective September 14, 1999.

FOR FURTHER INFORMATION CONTACT:

David O. Carson, General Counsel, or Tanya M. Sandros, Attorney Advisor, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION:

Background

On November 1, 1995, Congress enacted the Digital Performance Right in Sound Recordings Act of 1995 ("DPRA"), Pub. L. 104-39, 109 Stat. 336 (1995). The DPRA gave to sound recording copyright owners an exclusive right to perform their works publicly by means of a digital audio transmission subject to a statutory license. 17 U.S.C. 106(6); 17 U.S.C. 114.

The statutory license requires adherence to regulations under which copyright owners may receive reasonable notice of use of their sound recordings under the statutory license and under which entities performing the sound recordings shall keep and make available records of such use. 17 U.S.C. 114(f)(2). On May 13, 1996, the Copyright Office initiated a rulemaking proceeding to promulgate regulations to govern the notice and recordkeeping requirements. 61 FR 22004 (May 13, 1996). This rulemaking concluded with the issuance of interim rules to govern the filing of an initial notice of digital transmissions of sound recordings under statutory license, 37 CFR 201.35, and the filing of reports of use of sound recordings under statutory license, 37 CFR 201.36. See 63 FR 34289 (June 24, 1998).

Since promulgation of the interim rules, several entities have filed Initial Notices with the Copyright Office in accordance with § 201.35. However, the majority of these Initial Notices have not provided all of the information required under § 201.35. As stated in § 201.35(c), "[t]he Copyright Office does not provide printed forms for the filing of Initial Notices." However, the Copyright Office is amending this section to state that a suggested format for the Initial Notice will be posted on the Copyright Office website, in an effort to better ensure that Initial Notices filed with the Office provide all of the information required under § 201.35.

List of Subjects in 37 CFR Part 201

Copyright.

Regulations

For the reasons set forth in the preamble, part 201 of title 37 of the Code of Federal Regulations is amended as follows:

PART 201—GENERAL PROVISIONS

1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 201.35 [Amended]

2. Section 201.35(c) is amended by removing "The Copyright Office does not provide printed forms for the filing of Initial Notices." and adding in its place "A suggested format for the Initial Notices may be found on the Copyright Office website."

Dated: August 19, 1999.

Marybeth Peters,

Register of Copyrights.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 99-23908 Filed 9-13-99; 8:45 am]

BILLING CODE 1410-31-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[FRL-6437-6]

National Primary Drinking Water Regulation: Consumer Confidence Reports; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: EPA published in the **Federal Register** of August 19, 1998, a final rule setting out the requirements for annual drinking water quality reports that water suppliers must provide to their customers. An appendix to that rule mistakenly referred to "leaching from PVC pipes" as a major source of tetrachloroethylene in drinking water. This rule deletes that incorrect reference. The correction has no impact on water systems that have already produced their reports.

DATES: Effective on September 14, 1999.

FOR FURTHER INFORMATION CONTACT: Rob Allison: 202-260-9836 or allison.rob@epa.gov.

SUPPLEMENTARY INFORMATION: In the August 19, 1998 **Federal Register** (63 FR 44511), EPA published the Consumer Confidence Report Rule. Appendix B to subpart O of that rule (63 FR 44533) lists

"leaching from PVC pipes" as a major source of tetrachloroethylene in drinking water. EPA mistakenly included that listing although in fact leaching from PVC pipes is not a source of tetrachloroethylene in drinking water. This rule deletes that part of the entry, so that the amended Appendix lists only "Discharge from factories and dry cleaners" as a major source of tetrachloroethylene in drinking water supplies.

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 a minor error in the promulgated rule. Thus, notice and public comment 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 August 19, 1998, 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).

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, contain any unfunded mandate, or impose any significant or unique impact on small

governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998), 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.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not economically significant as defined under E.O. 12866. Further, EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. This rule is not subject to the National Technology Transfer and Advancement Act of 1995 (Pub. L. 104-113) because it does not involve any technical standards. EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the August 19, 1998 **Federal Register** notice.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must

submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of September 14, 1999. 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 United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 141

Environmental protection, Chemicals, Water supply.

Dated: September 7, 1999.

J. Charles Fox,

Assistant Administrator, Office of Water.

For the reasons set out in the preamble, 40 CFR part 141 is amended as follows:

PART 141—[AMENDED]

1. The authority citation for part 141 continues to read as follows:

Authority: 42 U.S.C. 300f, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-4, 300j-9, and 300j-11.

2. Appendix B to Subpart O is amended by revising entry 68 to read as follows:

Appendix B to Subpart O-Regulated Contaminants

* * * * *

Contaminant (units)	MCLG	MCL	Major sources in drinking water
* * *	*	*	*
68. Tetrachloroethylene (ppb)	0	5	Discharge from factories and dry cleaners.
* * *	*	*	*

[FR Doc. 99-23918 Filed 9-13-99; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 272

[FRL-6422-1]

Texas: Final Authorization and Incorporation by Reference of State Hazardous Waste Management Program

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Texas has revised its Hazardous Waste Program under the Resource Conservation and Recovery Act (RCRA). With respect to today's document, Texas has made conforming changes to make its regulations internally consistent relative to the revisions made in this document. Texas has also revised its regulations to make them more consistent with the Federal requirements. The EPA has reviewed Texas Natural Resource Conservation Commission's (TNRCC) revisions to its program and has determined that Texas' Hazardous Waste Program revision satisfies all of the requirements necessary to qualify for final authorization. Unless adverse written comments are received during the review and comment period, EPA's decision to approve Texas' Hazardous Waste Program revision will take effect as provided below. In addition, today's document corrects technical errors made in the table of authorities published in the March 1, 1990 (55 FR 7318), April 11, 1994 (59 FR 16987), and September 12, 1997 (62 FR 47947) authorization documents for Texas.

The EPA uses part 272 of Title 40 Code of Federal Regulations (CFR) to provide notice of the authorization status of State programs, and to incorporate by reference those provisions of the State statutes and regulations that are part of the authorized State program. Thus, EPA intends to revise and incorporate by reference, the Texas authorized State program in 40 CFR part 272. The purpose of this action is to incorporate by reference into CFR the currently authorized State hazardous waste program in Texas. This document incorporates by reference provisions of State hazardous waste statutes and regulations and clarifies which of these provisions are included in the

authorized and Federally enforceable program.

DATES: This rule and final authorization for Texas's program revisions shall be effective November 15, 1999, unless an adverse comment pertaining to the State's revision discussed in this document is received by the end of the comment period. If an adverse written comment is received, EPA will publish either: (1) a withdrawal of the immediate final rule or, (2) a document containing a response to the comment that either affirms that the immediate final rule takes effect or withdraws the rule. All comments on the program revisions must be received by October 14, 1999. The incorporation by reference of certain Texas statutes and regulations was approved by the Director of the **Federal Register** as of November 15, 1999 in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: Written comments referring to Document number TX 99-1 should be sent to Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, phone (214) 665-8533. Copies of Texas program revisions and materials which EPA used in evaluating the revisions are available for inspection and copying from 8:30 a.m. to 4 p.m. Monday through Friday at the following addresses: Texas Natural Resource Conservation Commission, 1700 N. Congress Avenue, Austin, TX 78711-3087, phone (512) 239-1000 and EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Phone number: (214) 665-6444.

FOR FURTHER INFORMATION CONTACT:

Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), Multi-Media Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8533.

SUPPLEMENTARY INFORMATION:

I. Authorization of State-Initiated Changes

A. Background

States with final authorization under section 3006(b) of the RCRA, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal Hazardous Waste Program. Revisions to State Hazardous Waste Programs are necessary when Federal or State

statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 124, 260-266, 268, 270, 273, and 279.

B. Texas

Texas initially received final authorization on December 26, 1984 (49 FR 48300), to implement its Base Hazardous Waste Management Program. This authorization was clarified in a notice published March 26, 1985 (50 FR 11858). Texas received authorization for revisions to its program on January 31, 1986, effective October 4, 1985 (51 FR 3952), effective February 17, 1987 (51 FR 45320), effective March 15, 1990 (55 FR 7318), effective July 23, 1990 (55 FR 21383), effective October 21, 1991 (56 FR 41626), effective December 4, 1992 (57 FR 45719), effective June 27, 1994 (59 FR 16987), effective June 27, 1994 (59 FR 17273), effective November 26, 1997 (62 FR 47947) and, effective December 3, 1997 (62 FR 49163).

The EPA reviewed Texas's application, and today is making an immediate final decision, subject to public review and comment, that Texas's Hazardous Waste Program revisions satisfies all of the requirements necessary to qualify for final authorization. Consequently, the EPA intends to grant authorization for the additional program modifications to Texas. The public may submit written comments on EPA's final decision until October 14, 1999. Copies of Texas' program revisions are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

Approval of TNRCC's program revision shall become effective 60 days from the date this document is published, unless an adverse comment pertaining to the State's revision discussed in this document is received by the end of the comment period. If an adverse written comment is received, EPA will publish either: (1) a withdrawal of the immediate final rule or, (2) a document containing a response to the comment that either affirms that the immediate final rule takes effect or withdraws the rule.

The EPA grants Texas final authorization to carry out the following provisions of the State's program in lieu of the Federal program. These provisions are analogous to the indicated RCRA regulations found at 40 CFR as of July 1, 1994.