

the public hearing is proposed regulations under section 936 of the Internal Revenue Code. The public comment period for these proposed regulations expired on Tuesday, November 17, 1998.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of November 18, 1998, no one has requested to speak. Therefore, the public hearing scheduled for Tuesday, December 1, 1998, is cancelled.

**Michael L. Slaughter,**

*Acting Chief, Regulations Unit, Assistant Chief Counsel (Corporate).*

[FR Doc. 98-31667 Filed 11-25-98; 8:45 am]

BILLING CODE 4830-01-P

## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 201

[Docket No. RM 98-7A]

#### Notice and Recordkeeping for Making and Distributing Phonorecords

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

**ACTION:** Reopening of reply comment period.

**SUMMARY:** The Copyright Office of the Library of Congress is reopening the reply comment period on the requirements by which copyright owners shall receive reasonable notice of the use of their works in the making and distribution of phonorecords.

**DATES:** Comment period is reopened to December 11, 1998.

**ADDRESSES:** If sent by mail, an original and ten copies of the reply comments should be addressed to: David O. Carson, General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. If hand delivered, an original and ten copies of the reply comments should be brought to: Office of the Copyright General Counsel, James Madison Memorial Building, Room LM-403, First and Independence Avenue, S.E., Washington, D.C. 20559-6000.

**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 or Telefax (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** On September 4, 1998, the Copyright Office published a notice of inquiry seeking comments on the requirements by which copyright owners shall receive reasonable notice of the use of their works in the making and distribution of phonorecords. 63 FR 47215 (September 4, 1998). The Digital Performance Right in Sound Recordings Act of 1995, Pub. L. 104-39 (1995), requires the Librarian of Congress to establish these regulations to ensure proper payment to copyright owners for the use of their works. 17 U.S.C. 115(c)(3)(D). Comments were timely filed by the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), and the National Music Publishers' Association, Inc. (NMPA) and the Recording Industry Association of America, Inc. (RIAA). Reply comments were due to be filed on November 18, 1998.

The Office, however, has decided to reopen the deadline for filing reply comments by a period of two weeks beginning from the date of publication of this notice. The Office takes this action in response to a request to reopen the reply comment period by two weeks to December 2, 1998. It is argued in the request that the complexity of the issues involved in the adoption of notice and recordkeeping procedures for the making and distribution of phonorecords merits additional time in which to file reply comments. The Office agrees with this analysis and thus grants the request to reopen the reply comment period. The Office sets the reopened deadline for filing reply comments two weeks from publication of this notice in the **Federal Register** in order to afford all interested parties sufficient time in which to file their reply comments.

Dated: November 23, 1998.

**David O. Carson,**

*General Counsel.*

[FR Doc. 98-31659 Filed 11-25-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[Region II Docket No. NY29-1-187b; FRL-6193-4]

#### Approval and Promulgation of Implementation Plans; New York

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, the Environmental Protection Agency (EPA) is proposing to correct the State Implementation Plan (SIP) for the State of New York regarding the State's general prohibition on air pollution pursuant to section 110(k)(6) of the Clean Air Act, as amended in 1990.

In the final rules section of this **Federal Register**, the EPA is approving the correction as a direct final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the correction is set forth in the direct final rule. The direct final rule will become effective without further notice unless the Agency receives relevant adverse written comment on this rule. Should the Agency receive such comment, it will publish a document informing the public that the direct final rule did not take effect and such public comment received will be addressed in a subsequent final rule based on this proposed rule. If no adverse comments are received, the direct final rule will take effect on the date stated in that document and no further activity will be taken on this proposed rule. EPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

**DATES:** Comments must be received on or before December 28, 1998.

**ADDRESSES:** All comments should be addressed to: Ronald J. Borsellino, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 290 Broadway, New York, New York 10007-1866.

Copies of the documents relevant to this action are available at the following address for inspection during normal business hours: Environmental Protection Agency, Region II Office, 290 Broadway, 25th Floor, New York, New York 10007-1866.

**FOR FURTHER INFORMATION CONTACT:** Henry Feingersh, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-4249.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final Rule of the same title which is located in the Rules Section of this **Federal Register**.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Reporting and recordkeeping.

Dated: November 16, 1998.

**William J. Muszynski,**

*Acting Regional Administrator, Region 2.*

[FR Doc. 98-31543 Filed 11-25-98; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 90

[WT Docket No. 98-182, RM-9222; FCC 98-251]

### 1998 Biennial Regulatory Review— Private Land Mobile Radio Services

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes several amendments to the Commission's Rules as part of its 1998 biennial review of regulations. Additionally, this document addresses certain rules regarding extended implementation periods for public safety licensees, and an *ex parte* filing in the Commission's Refarming Proceeding, PR Docket No. 92-235, regarding trunking on frequencies in the bands between 150 and 512 MHz. This document proposes various rule changes applicable to the Private Land Mobile Radio Services that will either simplify and upgrade part 90 and/or be deregulatory in nature. The proposed rules will reduce the regulatory burden on licensees, and will promote more efficient and flexible use of the private land mobile radio frequency spectrum.

**DATES:** Comments are due January 4, 1999, and reply comments are due January 22, 1999.

**ADDRESSES:** Federal Communications Commission, Office of the Secretary, Room 222, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Gene Thomson, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418-0680.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Proposed Rule Making*, ("Notice"), WT Docket No. 98-182, FCC 98-251, adopted September 30, 1998, and released October 20, 1998. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, Room 246, 1919 M Street N.W. Washington, D.C. The complete text may be purchased from the Commission's copy contractor, ITS, Inc., 1231 20th St. N.W., Washington, D.C.

20036, telephone (202) 857-3800. The complete (but unofficial) text is also available on the Commission's Internet site at <<http://www.fcc.gov/Bureaus/Wireless/Notices/1998/index.html>> under the file name "fcc98251.txt" in ASCII text and "fcc98251.wp" in Word Perfect format.

### Synopsis of the Notice of Proposed Rule Making

1. The Commission has released a *Notice of Proposed Rule Making* that proposes several amendments to the part 90 Private Land Mobile Radio Services rules. This action is part of our 1998 biennial review of regulations pursuant to Section 11 of the Communications Act of 1934, as amended. Section 11 requires us to review all our regulations applicable to providers of telecommunications service and determine whether any rule is no longer in the public interest as a result of meaningful economic competition between providers of telecommunications service, and whether such regulations should be deleted or modified. However, we believe it is appropriate to review all of our regulations relating to administering wireless services, not just those pertaining to providers of a telecommunications service, to determine which regulations can be streamlined or eliminated. A comprehensive review of part 90 of the Commission's Rules determined which regulations were either not in the public interest or were obsolete, overly complex, required editorial change, or redundant in nature.

2. The document proposes:

- a. to amend 47 CFR 90.35(c)(60) to indicate that, in addition to permitting the use of the listed frequencies at any location for low power, non-voice operation, voice operation will be permitted when the frequencies are used specifically for cargo handling purposes.
- b. to amend 47 CFR 90.149(a) to provide that licenses for stations authorized under part 90 will be issued for a term not to exceed ten years from the date of initial issuance or renewal.
- c. to amend 47 CFR 90.155 to permit any public safety applicant to seek extended implementation authorization pursuant to the provisions of 47 CFR 90.629.
- d. to amend 47 CFR 90.175(i)(14), to require that applicants for any of the fifteen 220 MHz public safety channels set forth in 47 CFR 90.719(c) and 90.720, submit their applications to a public safety frequency coordinator for frequency coordination prior to

submission of the applications to the Commission.

e. to amend 47 CFR 90.179 to provide that a radio facility authorized to a public safety licensee may be shared with a Federal government entity on a cost-shared, non-profit basis.

3. Additionally, the document requests comments on: (1) An *ex parte* filing in the Commission's Refarming Proceeding, PR Docket No. 92-235, regarding trunking on frequencies in the bands between 150 and 512 MHz; (2) the Land Mobile Communications Council's suggestion that decentralized trunking systems be designated as such on the licensees' authorizations, and whether two separate authorizations are needed for "hybrid" trunked systems; (3) whether the licensing requirement can be eliminated for certain part 90 frequencies and; (4) the concept of Adjacent Channel Coupled Power as proposed by Motorola, Inc. as an alternative approach to emission masks for limiting out-of-band emissions. The document proposes these rule changes applicable to the Private Land Mobile Radio Services that will either simplify and upgrade part 90 and/or be deregulatory in nature. The document also invites commenters to submit information on the costs and benefits of the rules at issue in this proceeding and of the Commission's proposed modifications. The document does not address the part 90 Commercial Radio Services.

### Administrative Matters

#### *Initial Regulatory Flexibility Analysis*

4. As required by the Regulatory Flexibility Act ("RFA"), the Commission has prepared this present Initial Regulatory Flexibility Analysis ("IRFA") of the possible significant economic impact on small entities by the policies and rules proposed in this *Notice of Proposed Rule Making* ("Notice"). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on this Notice. The Commission will send a copy of the Notice, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. See 5 U.S.C. 603(a).

A. Need For, and Objectives Of, the Proposed Rules

5. Although not required by statute, we initiate this proceeding in conjunction with the Commission's 1998 biennial regulatory under Section 11 of the Communications Act of 1934, 47 U.S.C. 161. Section 11 requires us to