

phonorecord delivery rate adjustment proceeding. In the event such a petition is filed, the Librarian of Congress shall proceed in accordance with 17 U.S.C. 115(c)(3)(D), and all applicable regulations, as though the petition had been filed in accordance with 17 U.S.C. 803(a)(1).

§ 255.7 Future Proceedings.

The procedures specified in 17 U.S.C. 115(c)(3)(C) shall be repeated in 1999, 2001, 2003, and 2006 so as to determine the applicable rates and terms for the making of digital phonorecord deliveries during the periods beginning January 1, 2001, 2003, 2005, and 2008. The procedures specified in 17 U.S.C. 115(c)(3)(D) shall be repeated, in the absence of license agreements negotiated under 17 U.S.C. 115(c)(3)(B) and (C), upon the filing of a petition in accordance with 17 U.S.C. 803(a)(1), in 2000, 2002, 2004, and 2007 so as to determine new rates and terms for the making of digital phonorecord deliveries during the periods beginning January 1, 2001, 2003, 2005, and 2008. Thereafter, the procedures specified in 17 U.S.C. 115(c)(3)(C) and (D) shall be repeated in each fifth calendar year. Notwithstanding the foregoing, different years for the repeating of such proceedings may be determined in accordance with 17 U.S.C. 115(c)(3)(C) and (D).

§ 255.8 Public performances of sound recordings and musical works.

Nothing in this part annuls or limits the exclusive right to publicly perform a sound recording or the musical work embodied therein, including by means of a digital transmission, under 17 U.S.C. 106(4) and 106(6).

Dated: December 18, 1998.

Marybeth Peters,

Register of Copyrights.

Approved by:

James H. Billington,

The Librarian of Congress.

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POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. A99-1; Order No. 1222]

Appeal of Post Office Closing

AGENCY: Postal Rate Commission.

ACTION: Notice of Docket No. A99-1.

SUMMARY: This document addresses matters related to the establishment of a docket to consider an objection to the

closing of an Encinitas, CA post office. It identifies likely legal issues and establishes a procedural schedule.

DATES: See Supplementary Information section for dates.

ADDRESSES: Correspondence should be addressed to Margaret P. Crenshaw, Secretary, Postal Rate Commission, 1333 H Street, NW., Suite 300, Washington, DC 20268-0001.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, (202) 789-6820.

SUPPLEMENTARY INFORMATION: On December 16, 1998, the Commission issued a notice and order (No. 1222) accepting an appeal (as Docket No. A99-1) and establishing a procedural schedule under 39 U.S.C. 404(b)(5). The affected post office is Encinitas, CA 92024. The name of the petitioner is Ida Lou Coley. The petitioner objects to the closing of the referenced post office. Petitioner filed the appeal on November 18, 1998. The categories of issues apparently raised are the effect on the community [39 U.S.C. 404(b)(2)(A)] and the effect on postal services [39 U.S.C. 404(b)(2)(C)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

Scheduling matters. The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. 404(b)(5)). The procedural schedule has been developed to accommodate the Commission's delay in publication of the initial notice and order in this docket. In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioner. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioner or the Postal Service for more information.

The Commission orders the Postal Service to file the record in this appeal by December 23, 1998. Additional dates in the procedural schedule (apart from those noted elsewhere in this notice) are: January 4, 1999: last day for filing

petitions to intervene [see 39 CFR 3001.111(b)]; January 14, 1999 (petitioner's participant statement or initial brief [see 39 CFR 3001.115(a) and (b)]); February 3, 1999: Postal Service's answering brief [see 39 CFR 3001.115(c)]; February 17, 1999: petitioner's reply brief should petitioner choose to file one [see 39 CFR 3001.115(d)]; February 24, 1999: deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 CFR 3001.116]; March 18, 1999: expiration of Commission's 120-day decisional schedule [see 39 U.S.C. 404(b)(5)].

Dated: December 17, 1998.

Margaret P. Crenshaw,

Secretary.

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POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM98-2; Order No. 1223]

Revisions to Library Reference Rule; Further Changes

AGENCY: Postal Rate Commission.

ACTION: Supplementary notice of proposed rule.

SUMMARY: This document addresses comments on the PRC's initial proposed revisions to rules on the use of library references. It also presents another set of revisions for comment. The revisions are intended to improve administrative aspects of the library reference practice.

DATES: File comments by February 1, 1999.

ADDRESSES: Send comments on this proposal to Margaret P. Crenshaw, Secretary of the Commission, Postal Rate Commission, 1333 H Street NW., Suite 300, Washington, DC, 20268-0001.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202-789-6820.

SUPPLEMENTARY INFORMATION:

Regulatory History

On September 8, 1998, the Commission published Order No. 1219 in the **Federal Register** [63 FR 47456] setting forth proposed revisions to rule 31(b). The proposal addressed administrative aspects of the library reference practice. The Commission received eight sets of comments on the proposal. The comments are available