

**§ 201.18 Notice of intention to obtain a compulsory license for making and distributing phonorecords of nondramatic musical works.**

(a) \* \* \*

(4) For the purposes of this section, a digital phonorecord delivery shall be treated as a type of phonorecord configuration, and a digital phonorecord delivery shall be treated as a phonorecord manufactured, made, and distributed on the date the phonorecord is digitally transmitted.

\* \* \* \* \*

3. Section 201.19 is amended as follows:

(a) By redesignating paragraphs (a)(5), (a)(6) and (a)(7) as (a)(6), (a)(8) and (a)(9) respectively;

(b) By adding a new paragraph (a)(5);

(c) By revising the first sentence of newly designated paragraph (a)(6);

(d) By adding new paragraphs (a)(7), (a)(10), and (a)(11);

(e) In paragraph (e)(3)(i)(A), by adding the phrase “, including digital phonorecord deliveries,” after the phrase “The number of phonorecords”;

(f) In paragraph (e)(3)(i)(B), by removing the word “or” after the fourth undesignated clause “Returned to the compulsory licensee for credit or exchange;” and adding two new clauses to the end of the section;

(g) By revising paragraph (e)(3)(ii)(D);

(h) By adding a new paragraph (e)(3)(ii)(E); and

(i) In paragraph (e)(4)(ii), by adding paragraphs (d) and (e) to Step 4.

The additions and revisions to § 201.19 read as follows:

**§ 201.19 Royalties and statements of account under compulsory license for making and distributing phonorecords of nondramatic musical works.**

(a) \* \* \*

(5) For the purposes of this section, a digital phonorecord delivery shall be treated as a type of phonorecord configuration, and a digital phonorecord delivery shall be treated as a phonorecord, with the following clarifications:

(i) A digital phonorecord delivery shall be treated as a phonorecord made and distributed on the date the phonorecord is digitally transmitted; and

(ii) A digital phonorecord delivery shall be treated as having been *voluntarily distributed and relinquished from possession*, and a compulsory licensee shall be treated as having *permanently parted with possession* of a digital phonorecord delivery, on the date that the phonorecord is digitally transmitted.

(6) Except as provided in paragraph (a)(5), a phonorecord is considered

*voluntarily distributed* if the compulsory licensee has voluntarily and permanently parted with possession of the phonorecord.

\* \* \* \* \*

(7) To the extent that the terms *reserve*, *credit* and *return* appear in this section, such provisions shall not apply to digital phonorecord deliveries.

\* \* \* \* \*

(10) An *incomplete transmission* is any digital transmission of a sound recording which, as determined by means within the sole control of the distributor, does not result in a specifically identifiable reproduction of the entire sound recording by or for any transmission recipient.

(11) A *retransmission* is a subsequent digital transmission of the same sound recording initially transmitted to an identified recipient for the purpose of completing the delivery of a complete and usable reproduction of that sound recording to that recipient.

\* \* \* \* \*

(e) \* \* \*

(3) \* \* \*

(i) \* \* \*

(B) \* \* \*

Never delivered due to a failed transmission; or

Digitally retransmitted in order to complete a digital phonorecord delivery.

\* \* \* \* \*

(ii) \* \* \*

(D) Each phonorecord configuration involved (for example: single disk, long-playing disk, cartridge, cassette, reel-to-reel, digital phonorecord delivery, or a combination of them).

(E) The date of and a reason for each incomplete transmission.

\* \* \* \* \*

(4) \* \* \*

(ii) \* \* \*

Step 4: \* \* \*

(d) *Incomplete transmissions*. If, in the month covered by the Monthly Statement, there are any digital transmissions of a sound recording which do not result in specifically identifiable reproductions of the entire sound recording by or for any transmission recipient, as determined by means within the sole control of the distributor, the number of such phonorecords is subtracted from the Step 3 subtotal.

(e) *Retransmitted digital phonorecords*. If, in the month covered by the Monthly Statement, there are retransmissions of a digital phonorecord to a recipient who did not receive a complete and usable phonorecord during an initial transmission, and such transmissions are made for the sole purpose of delivering a complete and

usable reproduction of the initially requested sound recording to that recipient, the number of such retransmitted digital phonorecords is subtracted from the Step 3 subtotal.

\* \* \* \* \*

Dated: July 15, 1999.

**Marybeth Peters,**  
*Register of Copyrights.*

*James H. Billington,*  
**The Librarian of Congress.**

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BILLING CODE 1410-30-P

**POSTAL SERVICE**

**39 CFR Parts 261, 262, 263, 264, 265, 266, and 267**

**Release of Information and Records Management**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This rule revises organizational names and titles contained in Postal Service regulations relating to policies for the release of information and records management. These names and titles changed as a result of agency restructuring. The revisions reflect to whom the public should address issues relating to the release of information and records management.

This rule also updates composition of the Postal Service’s Data Integrity Board which oversees agency computer matching.

**EFFECTIVE DATE:** August 30, 1999.

**FOR FURTHER INFORMATION CONTACT:** Susie Travers, Administration and FOIA, (202) 268-3362.

**SUPPLEMENTARY INFORMATION:** As a result of an agency restructuring, Postal Service regulations governing the release of information and records management contain outdated organizational names and titles. This rule revises those names and titles to show the current organization and officials responsible for release of information and records management functions.

**List of Subjects**

*39 CFR Parts 261, 262, 263, and 264*

Archives and records.

*39 CFR Part 265*

Freedom of information.

*39 CFR Part 266*

Privacy.

39 CFR Part 267

Archives and records, Classified information.

For the reasons set out in the preamble, 39 CFR parts 261 through 267 are amended as set forth below.

PART 261—RECORDS AND INFORMATION MANAGEMENT

1. The authority citation for part 261 continues to read as follows:

Authority: 39 U.S.C. 401.

2. Section 261.4 is revised to read as follows:

§ 261.4 Responsibility.

(a) The manager, Administration and FOIA, under the Chief Financial Officer and Senior Vice President, administers the Postal Service release of information and privacy of information programs with the assistance of FOIA coordinators in the finance function of area and district offices.

(b) The manager, Corporate Accounting, under the Vice President, Finance, Controller, administers the Postal Service records maintenance and disposition program.

(c) Postal Service managers are responsible for administering records and information management policies and for complying with all handbooks, directives, and instructions in support of this policy.

PART 262—RECORDS AND INFORMATION MANAGEMENT DEFINITIONS

3. The authority citation for part 262 continues to read as follows:

Authority: 39 U.S.C. 401; 5 U.S.C. 552, 552a.

4. In § 262.2 paragraph (b) is revised and paragraph (d) is added to read as follows:

§ 262.2 Officials.

\* \* \* \* \*

(b) Manager, Administration and FOIA. The official responsible for the issuance of policy on the protection of privacy and the release of Postal Service records with the power to authorize the disclosure of such records and to delegate or take appropriate action if that policy is not adhered to or if questions of interpretation or procedure arise.

\* \* \* \* \*

(d) Manager, Corporate Accounting. The official responsible for the issuance of policy on the maintenance and disposition of Postal Service records and information, and to delegate or take appropriate action if such policy is not

adhered to or if questions of interpretation or procedure arise.

§ 262.4 [Amended]

5. In Section 262.4 paragraph (a) is amended by removing the words "USPS Records Office" and adding, in their place, the words "office of Corporate Accounting" and paragraph (b) is amended by removing the words "Records Office" and adding "office of Corporate Accounting" in their place.

§ 262.5 [Amended]

6. Section 262.5(d)(2) is amended by removing the words "Records Office" and adding, in their place, the words "office of Administration and FOIA."

PART 263—RECORDS RETENTION AND DISPOSITION

7. The authority citation for part 263 continues to read as follows:

Authority: 39 U.S.C. 401.

§ 263.3 [Amended]

8. Section 263.3(a) is amended by removing the words "Records Office" and adding, in their place, the words "office of Corporate Accounting."

8a. Section 263.4 is removed and section 263.5 is redesignated as § 263.4.

§ 263.4 [Amended]

9. Newly redesignated § 263.4 is amended by removing the words "the Records Office" and adding, in their place, the words "Corporate Accounting."

10. Section 263.6 is redesignated as § 263.5 and revised to read as follows:

§ 263.5 Inquiries.

Inquiries regarding records maintenance and disposition should be directed to the Manager, Corporate Accounting, United States Postal Service, 475 L'Enfant Plaza, SW, Washington, DC 20260-5240, or, by telephone, to the Records Specialist, (202) 268-4869.

PART 264—VITAL RECORDS

11. The authority citation for part 264 continues to read as follows:

Authority: 39 U.S.C. 401.

12. In § 264.3 paragraphs (a) and (b) are revised to read as follows:

§ 264.3 Responsibility.

(a) Manager, Corporate Accounting. The Manager, Corporate Accounting, is responsible for categorizing records as vital, and in conjunction with the Chief Postal Inspector/Emergency Coordinator shall establish and maintain the vital records program, and ensure compliance with supportive procedures.

(b) Chief Postal Inspector. As the Postal Service's Emergency Coordinator, the Chief Postal Inspector shall establish and maintain a program to ensure that vital records are available at predesignated off-site locations for use during a national emergency.

\* \* \* \* \*

§ 264.4 [Amended]

13. Section 264.4 is amended by removing the words "USPS Records Office" and adding, in their place, the words "office of Corporate Accounting."

PART 265—RELEASE OF INFORMATION:

14. The authority citation for part 265 continues to read as follows:

Authority: 5 U.S.C. 552; 39 U.S.C. 401, 403, 410, 1001, 2601; 5 U.S.C. App. 3.

15. In § 265.3 paragraph (b) is revised to read as follows:

§ 265.3 Responsibility.

\* \* \* \* \*

(b) Freedom of Information/Privacy Acts Officer. The USPS Freedom of Information/Privacy Acts Officer, under the Manager, Administration and FOIA, is responsible for the overall administration of this part, including the issuance of detailed instructions to custodians.

\* \* \* \* \*

§ 265.4 [Amended]

16. Section 265.4 is amended by removing the words "Washington, DC 20260-5243, telephone (202) 268-2608" and adding, in their place, "Washington, DC 20260-5202, telephone (202) 268-2608."

§ § 265.6 and 265.9 [Amended]

17. In the following places, remove the words "Records Office" or "USPS Records Office" and add, in their place, the words "office of Administration and FOIA:"

- (a) Section 265.6(b) introductory text;
(b) Section 265.9(b)(2)(ii); and
(c) Section 265.9(g)(4).

§ 265.7 [Amended]

18. Section 265.7(a)(2) is amended as follows:

(a) By removing the words "USPS Records Officer, USPS Freedom of Information/Privacy Acts Officer, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-5243, telephone (202) 268-2608" and adding, in their place, the words "USPS Freedom of Information/Privacy Acts Officer, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-5202, telephone (202) 268-2608;" and

(b) By removing the words "USPS Records Office is deemed" and adding, in their place, the words "office of Administration and FOIA is deemed."

#### § 265.12 [Amended]

19. Section 265.12(b)(7) is amended by removing the words "Records Office, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-5243, telephone (202) 268-2608" and adding, in their place, the words "Freedom of Information/Privacy Acts Officer, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-5202, telephone (202) 268-2608."

### PART 266—PRIVACY OF INFORMATION

20. The authority citation for part 266 continues to read as follows:

**Authority:** 39 U.S.C. 401; 5 U.S.C. 552a.

21. In Section 266.3 paragraphs (a), (c), and (d)(2) are revised to read as follows:

#### § 266.3 Responsibility.

(a) *Freedom of Information/Privacy Acts Officer.* The USPS Freedom of Information/Privacy Acts Officer, under the Manager, Administration and FOIA, will ensure Postal Service-wide compliance with this policy.

\* \* \* \* \*

(c) Information System Executive. These managers are responsible for reporting to the office of Administration and FOIA the existence or proposed development of Privacy Act systems of records. They also must report any change that would alter the systems description as published in the **Federal Register**. They establish the relevancy of the information within those systems.

\* \* \* \* \*

(d) \* \* \*

(2) *Composition.* The Privacy Act requires that the senior official responsible for implementation of agency Privacy Act policy and the Inspector General serve on the Board. The Manager, Administration and FOIA, as administrator of Postal Service Privacy Act policy, serves as Secretary of the Board and performs the administrative functions of the Board. The Board is composed of these and other members designated by the Postmaster General, as follows:

- (i) Chief Financial Officer and Senior Vice President (Chairman).
- (ii) Chief Postal Inspector.
- (iii) Inspector General.
- (iv) Vice President, Human Resources.
- (v) Senior Vice President, General Counsel.
- (vi) Manager, Administration and FOIA.

#### § 266.4 [Amended]

22. In Section 266.4 paragraph (b)(6)(i) is amended by removing the words "USPS Records Officer" and adding, in their place, the words "Freedom of Information/Privacy Acts Officer," and paragraphs (b)(6)(iii) and (iv) are amended by removing "Records Officer" and adding "Freedom of Information/Privacy Acts Officer" in their place.

#### § 266.5 [Amended]

23. Section 266.5(d) is amended by removing the words "Records Office" and adding, in their place, the words "office of Administration and FOIA."

#### § 266.6 [Amended]

24. Section 266.6(a)(1) is amended by removing the words "Washington, DC 20260-5243, telephone (202) 268-2608" and adding, in their place, the words "Washington, DC 20260-5202, telephone (202) 268-2608."

#### § 266.7 [Amended]

25. Section 266.7 is amended by removing, in paragraph (a)(4), the words "Records Office" and adding, in their place, the words "office of Administration and FOIA."

#### § 266.10 [Amended]

26. Section 266.10(b) is amended by removing the words "Washington, DC 20260-5243" and adding, in their place, the words "Washington, DC 20260-5202."

### PART 267—PROTECTION OF INFORMATION

27. The authority citation for part 267 continues to read as follows:

**Authority:** 39 U.S.C. 401; Pub. L. 93-579, 88 Stat. 1896.

#### § 267.5 [Amended]

28. Section 267.5(e)(3)(i) is amended by removing the words "Manager, Payroll Accounting and Records, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-5243" and adding, in their place, the words "Manager, Administration and FOIA, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-5202."

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 62

[Docket# WA-1-0001; FRL-6408-6]

#### Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Washington

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** The United States Environmental Protection Agency (EPA) approves the sections 111(d)/129 State Plan submitted by the State of Washington, Department of Ecology (WADOE) on January 4, 1999, for implementing and enforcing the Emissions Guidelines (EG) applicable to existing large Municipal Waste Combustors (MWCs) with capacity to combust more than 250 tons/day of municipal solid waste (MSW). See 40 CFR part 60, subpart Cb.

**DATES:** This action is effective on September 28, 1999 unless significant, material, and adverse comments are received by August 30, 1999. If significant, material, and adverse comments are received by the above date, this direct final rule will be withdrawn, and timely notice will be published in the **Federal Register**.

**ADDRESSES:** Written comments should be addressed to: Catherine Woo, Office of Air Quality (OAQ-107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Copies of materials related to this action may be examined during normal business hours. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the day of the visit. These documents can be viewed at: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ-107), Seattle, Washington 98101, and at Washington State Department of Ecology, P.O. Box 47600, Olympia, Washington 98504-7600.

**FOR FURTHER INFORMATION CONTACT:** Catherine Woo, Office of Air Quality (OAQ-107), EPA, Seattle, Washington 98101, (206) 553-1814.

#### SUPPLEMENTARY INFORMATION:

I. What action is being taken by EPA today?