

## Environment

We have considered the environmental impact of this rule and concluded that under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1D, this proposed rule is categorically excluded from further environmental documentation. This rule fits paragraph 34(g) as it establishes a safety zone. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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 § 165.T17-002 to read as follows:

### § 165.T17-002 Safety Zone; Ouzinkie Harbor Dredging and Blasting Operations, Ouzinkie, Alaska.

(a) *Location.* The following areas are temporary safety zones: (1) *SWINIMOSH Barge safety zone:* All navigable waters in Ouzinkie Harbor within a 500-yard radius of the barge SWINIMOSH while it is engaged in dredging and blasting operations.

(2) *Ouzinkie Harbor safety zone:* All waters in Ouzinkie Harbor, excluding the SWINIMOSH Barge safety zone, shoreward from a line drawn from 57°54'58" N, 152°29'35" W to 57°55'04" N, 152°30'00" W and ending at 57°55'12" N, 152°30'10" W.

(b) *Effective period.* This section is effective from 12:01 a.m. March 1, 2002, until 9 p.m. April 15, 2002. During this effective period, blasting operations will occur in daylight hours only.

#### (c) *Regulations.*

(1) The general regulations contained in § 165.23 apply. The attending tug WALDO will be standing by on channels 16 and 13 to provide traffic advisories. All vessels must have permission of the Captain of the Port to enter the safety zones defined in this section. Vessels in the Ouzinkie Harbor safety zone must contact the tug WALDO before transiting Ouzinkie Harbor to determine if blasting is scheduled. If it is scheduled, no

transiting in either safety zone is permitted unless authorized by the Captain of the Port.

Dated: January 16, 2002.

**H.M. Hamilton,**

*Commander, U.S. Coast Guard, Alternate Captain of the Port, Western Alaska.*

[FR Doc. 02-2276 Filed 1-30-02; 8:45 am]

**BILLING CODE 4910-15-P**

## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 255

[Docket No. RM 2000-7B]

### Mechanical and Digital Phonorecord Delivery Compulsory License

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

**ACTION:** Extension of comment period.

**SUMMARY:** The Copyright Office of the Library of Congress is extending the time period for filing additional comments on its Notice of Inquiry concerning the interpretation and application of the copyright laws to certain kinds of digital transmissions of prerecorded musical works in light of an agreement between the Recording Industry Association of America, Inc., the National Music Publishers Association, and The Harry Fox Agency. The due date for reply comments remains unchanged.

**DATES:** Comments are due no later than February 6, 2002. Reply comments are due February 27, 2002.

**ADDRESSES:** If sent by mail, an original and ten copies of the reply comments should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, D.C. 20024. If hand delivered, the reply comments, they should be brought to: Office of the General Counsel, James Madison Building, Room LM-403, First and Independence Ave., SE, 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. Telefax: (202) 707-8366.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 9, 2001, the Copyright Office published a Notice of Inquiry in which it requested comments on the

interpretation and application of the copyright law to certain kinds of digital transmissions of musical works. [66 FR 14099](#) (March 9, 2001). Subsequently, the Recording Industry of America, Inc. ("RIAA"), the National Music Publishers Association ("NMPA") and The Harry Fox Agency ("HFA") negotiated a private agreement which addressed the application of the mechanical compulsory license, as set forth in the Copyright Act, [17 U.S.C. 115](#), to two specific types of services discussed in the initial Notice of Inquiry and filed the agreement with the Copyright Office as part of this proceeding.

On December 14, 2001, the Copyright Office published a request for additional comments on its March 9 Notice of Inquiry in light of the RIAA/NMPA/HFA agreement ([67 FR 64783](#)). On January 28, 2002, the date comments were due, RIAA and NMPA filed a joint request for more time to fill the requested comments. These parties stated that at the last moment they identified questions that had not been fully appreciated or addressed in their respective comments. They expressed concern that failure to address these issues could be misinterpreted and asked for a two week extension to draft more comprehensive comments. Moreover, as the parties to the Agreement that is the subject of the request for additional comments, these parties argue that "it would benefit the record, any other commenting parties, and the public—and narrow the range of issues to be presented to the Copyright Office—if [they] were afforded an opportunity to address these questions."

Although it is not uncommon for the Office to grant extensions when a party has made a showing of need, it is reluctant to do so when the request is made on the day of the filing deadline, since it is very disruptive and unfair to those who have met the deadline. However, because NMPA and RIAA are the parties to the agreement that is the subject of the request for additional comments, the Office believes it is important to obtain their comments in the first round. Therefore, the date for filing the requested comments has been extended. Comments are now due no later than Wednesday, February 6, 2002. There shall be no further extension of this deadline. The date for filing reply comments remains unchanged. Reply comments shall be due on Wednesday, February 27, 2002.

Dated: January 29, 2002.

**David O. Carson,**

*General Counsel.*

[FR Doc. 02-2503 Filed 1-30-02; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[OH 103-1b; FRL-7114-2]

#### Approval and Promulgation of Implementation Plans; Ohio

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve portions of Ohio's March 20, 2000, submittal of sulfur dioxide regulations for various counties. In this action, EPA is proposing to approve the revised emission limits of the Ohio Administrative Code (OAC) for sources in Butler County (OAC 3745-18-15). EPA is also proposing to approve the revised emission limits for the Picway Generating Station in Pickaway County (OAC 3745-18-71), and for the Painesville Municipal Plant boiler number 5 in Lake County (OAC 3745-18-49). In addition, EPA is proposing to approve selected parts of the State's rule for compliance schedules (OAC 3745-18-03) and test methods (OAC 3745-18-04), most of which apply to the new sulfur dioxide (SO<sub>2</sub>) emission limits in Butler and Pickaway counties. In conjunction with these actions, EPA is proposing to rescind the federally promulgated emission limitations for SO<sub>2</sub> for Butler, Lorain, Coshocton, Gallia, and Lake Counties, since these limits have been superseded by the approved state limits. In the final rules section of this **Federal Register**, the EPA is approving the State's request as a direct final rule without prior proposal because EPA views this action as non-controversial and anticipates no adverse comments. A detailed rationale for approving the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless EPA receives relevant adverse written comment. Should EPA receive such comment, it will publish a timely withdrawal of the direct final rule informing the public that the direct final rule will not take effect, and such public comment received will be addressed in a subsequent final rule based on the proposed rule. If no adverse written comments are received, the direct final

rule will take effect on the date stated in that document, and no further action will be taken. EPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Written comments must be received on or before March 4, 2002.

**ADDRESSES:** Written comments may be mailed to J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the materials submitted by the Ohio Environmental Protection Agency may be examined during normal business hours at the following location: Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

**FOR FURTHER INFORMATION CONTACT:** Phuong Nguyen at (312) 886-6701.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: November 29, 2001.

**Christine Todd Whitman,**

*Administrator.*

[FR Doc. 02-2380 Filed 1-30-02; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Parts 567 and 568

[Docket No. NHTSA-99-5673]

RIN 2127-AE27

#### Vehicles Built in Two or More Stages

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** This document announces the date of the final public meeting of the Negotiated Rulemaking Committee on the development of recommended amendments to the existing NHTSA regulations (49 CFR part 567, 568) governing the certification of vehicles built in two or more stages to the Federal motor vehicle safety standards (49 CFR part 571). The Committee was established under the Federal Advisory Committee Act.

**DATES:** The meeting is scheduled on February 21-22, 2002.

**ADDRESSES:** The meeting will take place at the offices of the National Truck

Equipment Association, 1300 19th Street, NW, Fifth Floor, Washington, DC 20036.

#### FOR FURTHER INFORMATION CONTACT:

For non-legal issues, you may call Charles Hott, Office of Crashworthiness Standards, at 202-366-4920.

For legal issues, you may call Rebecca MacPherson, Office of the Chief Counsel, at 202-366-2992.

You may send mail to both of these officials at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC, 20590.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 20, 1999, the National Highway Traffic Safety Administration (NHTSA) published a notice of intent to establish an advisory committee (Committee) for a negotiated rulemaking to develop recommendations for regulations governing the certification of vehicles built in two or more stages. The notice requested comment on membership, the interests affected by the rulemaking, the issues that the Committee should address, and the procedures that it should follow. The reader is referred to that notice (64 FR 27499) for further information on these issues.

On December 14-15, 1999, interested parties attended a public meeting in Washington, DC. Since that time, the Advisory Committee has continued to meet, most recently in the Fall of 2000. While most of the issues before the Committee have been tentatively resolved, the issue of manufacturer exemptions remained. NHTSA agreed to not reconvene the Committee until it believed it had developed a solution that would be acceptable to all members of the Committee. This meeting of the Committee is being held to finally resolve that issue so that NHTSA can draft a Notice of Proposed Rulemaking. The meeting will be open to the public so that individuals who are not part of the Committee may attend and observe. Any person attending the Committee meetings may address the Committee, if time permits, or file statements with the Committee.

**Authority:** 5 U.S.C. sections 561 *et seq.*; delegation of authority at 49 CFR 1.50.

Issued on: January 25, 2002.

**Stephen R. Kratzke,**

*Acting Associate Administrator for Safety Performance Standards.*

[FR Doc. 02-2275 1-30-02; 8:45 am]

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