

is made within two years after the date on which the design is first made public. Registration of designs is made at the Copyright Office.

The Copyright Office has adopted interim regulations, effective July 1, 1999, implementing the registration system for vessel hull designs. The interim regulations did not, however, address procedures for cancelling registrations upon petition of an interested party. This Notice of Inquiry seeks public comment as to what type of process and procedures the Copyright Office should adopt for the cancellation of registrations. Persons submitting comments are invited to combine those comments with the comments they submit relating to the interim regulations, which are due on the same date.

Section 1313(c) of title 17 provides that "[a]ny person who believes he or she is or will be damaged by a registration under this chapter may, upon payment of the prescribed fee, apply to the [Register] at any time to cancel the registration on the ground that the design is not subject to protection under this chapter." 17 U.S.C. 1313(c). Upon receipt of such application, the Register must provide the owner of the design with the request for cancellation and "the owner shall have a period of 3 months after the date on which such notice is mailed to present arguments to the [Register] to support the validity of the registration." *Id.* The Register is granted authority to establish regulations by which the opposing parties may "appear and be heard in support of their arguments," and is directed to cancel the registration if she determines that "the design is not subject to protection under this chapter." *Id.*

Because the Copyright Office has just published interim regulations creating the registration process for vessel hull designs and has yet to make a registration, it was not necessary to immediately adopt cancellation regulations. The Office is now seeking comment on the appropriate structure and procedures for cancelling registrations. In considering a process, commenters should bear in mind that the fees for cancellation proceedings will be set at a level designed to recover the actual cost of the proceedings.

The Office specifically seeks comment to the following inquiries. First is the issue of who should conduct a cancellation proceeding. Should the proceeding be conducted by staff of the Copyright Office, and, if so, should it be conducted by staff of the Examining Division or by attorneys in the General Counsel's Office? Or, should the Office

hire an administrative law judge ("ALJ") (preferably one with knowledge of vessel designs) to conduct the hearings and make findings of fact? If an ALJ is the preferable choice, how should the ALJ be paid? Should the ALJ's findings be given presumptive validity, or should the Register be empowered to make her own findings?

Second, how extensive should the proceeding be to consider the petition? The statute prescribes that the owner must be given 3 months to respond to the petition. Should additional written arguments be permitted in addition to the initial petition and the owner's response? What type of submissions should be permitted, and what should the time be? Should the parties be confined to presenting their arguments in written format, or should oral hearing be allowed as well? How extensive should such hearings be? Should they be conducted in accordance with the Administrative Procedure Act requirements for formal hearings, or according to some other less formal format?

Third, what should be the fee charged by the Copyright Office for such a proceeding? Because the registration fee is relatively modest, and because the fee for cancellation proceedings is likely to be considerably greater, should the obligation to pay for cancellation proceedings be shared by the party seeking cancellation and the party who obtained the registration? Should the fee be fixed, or should it be assessed in whole or in part based on the amount of time the presiding officer actually expends in reviewing the submissions and conducting the proceeding? Does the Office have authority to assess fees in that manner?

The Office welcomes responses to these inquiries, as well as any other information or comment as to the cancellation process.

Dated: July 1, 1999.

David O. Carson,

General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NM-37-1-7392b; FRL-6372-8]

Approval and Promulgation of Implementation Plan for New Mexico—Albuquerque/Bernalillo County: Transportation Conformity Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We, the EPA, are proposing to approve a revision to the New Mexico State Implementation Plan (SIP) that contains transportation conformity rule for Albuquerque/Bernalillo County. If we approve this transportation conformity SIP revision, the Albuquerque/Bernalillo County Air Quality Control Board will be able to implement and enforce the Federal transportation conformity requirements at the State level per 40 CFR part 51, subpart T and 40 CFR part 93, subpart A—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws. Our proposed action would streamline the conformity process and allow direct consultation among agencies at the local levels. Our proposed approval is limited to 40 CFR part 51, subpart T and 40 CFR part 93, subpart A (Transportation Conformity). We approved the SIP revision for conformity of general Federal actions (under 40 CFR part 51, subpart W) on September 13, 1996 (61 FR 48407).

We are proposing to approve this SIP revision under sections 110(k) and 176 of the Clean Air Act. We have given our rationale for the proposed approval and other information in the Final Rules section of this **Federal Register**.

In the "Rules and Regulations" section of **Federal Register**, we are approving the State's SIP revision as a direct final rule without prior proposal because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this approval in the preamble to the direct final rule. If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action.

Any parties interested in commenting must do so at this time.

DATES: We must receive your comments on this proposed rule in writing, by August 9, 1999.

ADDRESSES: You should send your written comments to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PDL) at the address given below. You may inspect copies of the State's SIP revision and other relevant information during normal business hours at the following locations. If you wish to examine these documents, you should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air Planning Section (6PDL),
Multimedia Planning and Permitting
Division, Environmental Protection
Agency, Region 6, 1445 Ross Avenue,
Dallas, Texas 75202, Telephone: (214)
665-7214.

Air Pollution Control Division,
Albuquerque Environmental Health
Department, City of Albuquerque,
One Civic Plaza, Albuquerque, New
Mexico 87102, Telephone: (505) 768-
2600.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P. E.; Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone (214) 665-7247.

SUPPLEMENTARY INFORMATION:

If you wish to obtain additional information, you should read the Direct Final Rule which is located in the Rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Transportation conformity, Transportation-air quality planning, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671 *et seq.*

Dated: June 10, 1999.

W. B. Hathaway,

Acting Regional Administrator, Region 6.
[FR Doc. 99-17205 Filed 7-7-99; 8:45 am]

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**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 52

[TX-56-1-7391b; FRL-6372-5]

**Approval and Promulgation of
Implementation Plan for Texas:
Transportation Conformity Rule**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We, the EPA, are proposing to approve a revision to the Texas State Implementation Plan (SIP) that contains transportation conformity rules. If we approve this transportation conformity SIP revision, the State will be able to implement and enforce the Federal transportation conformity requirements at the State level per 40 CFR part 51, subpart T and 40 CFR part 93, subpart A—Conformity to State or Federal Implementation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. of the Federal Transit Laws. Our proposed action would streamline the conformity process and allow direct consultation among agencies at the local levels. Our proposed approval is limited to 40 CFR part 51, subpart T and 40 CFR part 93, subpart A (Transportation Conformity). We approved the SIP revision for conformity of general Federal actions (under 40 CFR part 51, subpart W) on March 11, 1998 (63 FR 11833).

We are proposing to approve this SIP revision under sections 110(k) and 176 of the Clean Air Act. We have given our rationale for the proposed approval and other information in the Final Rules section of this **Federal Register**.

In the "Rules and Regulations" section of **Federal Register**, we are approving the State's SIP revision as a direct final rule without prior proposal because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this approval in the preamble to the direct final rule. If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATES: We must receive your comments on this proposed rule in writing, postmarked by August 9, 1999.

ADDRESSES: You should send your written comments to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PDL) at the address given below. You may inspect copies of the State's SIP revision and other relevant information during normal business hours at the following locations. If you wish to examine these documents, you should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air Planning Section (6PDL),
Multimedia Planning and Permitting
Division, Environmental Protection
Agency, Region 6, 1445 Ross Avenue,
Dallas, Texas 75202, Telephone: (214)
665-7214.

Texas Natural Resource Conservation
Commission, 12124 Park 35 Circle,
Austin, Texas 78753, Telephone: (512)
239-1749.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P. E.; Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone (214) 665-7247.

SUPPLEMENTARY INFORMATION: If you wish to obtain additional information, you should read the Direct Final rule which is located in the Rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Transportation conformity, Transportation-air quality planning, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671 *et seq.*

Dated: June 9, 1999.

W.B. Hathaway,

Acting Regional Administrator, Region 6.
[FR Doc. 99-17203 Filed 7-7-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 388

[Docket No. MARAD-1999-5915]

RIN 2133-AB39

**Administrative Waivers of the
Coastwise Trade Laws for Eligible
Vessels**

AGENCY: Maritime Administration,
Department of Transportation.

ACTION: Notice of proposed rulemaking.