exclusion of lands undergoing evaluation pursuant to 36 CFR 219.17 from consideration of oil and gas potential. Adoption of this rule allows oil and gas leasing analyses under 36 CFR 228.102 while the forest plan development or revision process is ongoing.

Therefore, having considered the comments received, the Department is amending the oil and gas resource rules to remove paragraph (b)(5) from § 228.102.

Regulatory Impact

This rule has been reviewed under Executive Order 12291 and Department of Agriculture procedures, and it has been determined that this regulation would not be a major rule. This rule would not have an effect on the economy of $100 million or more and, in and of itself, would not increase major costs to consumers, geographic regions, industry, or Federal, State, and local agencies. This rule would be procedural and would represent no change in current requirements on lessees, assignees, or operators. Therefore, it would not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States based enterprises to compete in foreign markets.

For the purposes of examining regulatory impacts, it should be emphasized that this rule affects only the timing and scheduling of oil and gas leasing analyses and, therefore, has no adverse economic effect. This rule promotes efficient oil and gas leasing analyses. Consequently, this rule would certainly be beneficial to the general public, Federal Government, and the affected industry, but there is no way of estimating the economic benefit which would result from this procedural rule change.

It has also been determined that this rule does not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) because of its limited scope and application.

Controlling Paperwork Burdens on the Public

This rule does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320. Therefore, the rule imposes no paperwork burden on the public.

Environmental Impact

This proposed rule merely allows roadless areas undergoing evaluation pursuant to 36 CFR 219.17 to simultaneously be studied under § 228.102 of the final oil and gas resources rule. When a roadless area is included in a leasing area analysis, § 228.102 requires such analysis be conducted in compliance with the National Environmental Policy Act and its implementing regulations. This rule does not alter that requirement. As such, the rule is strictly procedural and has no impact on the quality of the human environment, individually or cumulatively. Based on experience and environmental analysis, this proposed rule will have no significant effect on the human environment, individually or cumulatively.

List of Subjects in 36 CFR Part 228

Administrative practice and procedure, Environmental protection, Mines, National forests, Oil and gas exploration, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Surety bonds, Wilderness areas.

Therefore, for the reasons set forth in the preamble, subpart E of part 228 of chapter II of title 36 of the Code of Federal Regulations is hereby amended as follows:

PART 228—MINERALS

1. The authority for part 228 would continue to read as follows:

Authority: 30 Stat. 35 and 36, as amended (16 U.S.C. 478, 551); 41 Stat. 437, as amended, sec. 5102(d), 101 Stat. 1330-256 (30 U.S.C. 226); 61 Stat. 914, as amended (30 U.S.C. 352); and 94 Stat. 2400.

Subpart E—Oil and Gas Resources

§ 228.102 [Amended]

2. Amend § 228.102 by removing paragraph (b)(5) and adding the word "and" at the end of paragraph (b)(3), removing "; and," and in lieu thereof, adding a period at the end of paragraph (b)(4).

Dated: October 17, 1991.

James R. Moseley,

Assistant Secretary, Natural Resources and Environment.

[FR Doc. 91-26349 Filed 10-31-91; 8:45 am]

BILLING CODE 3410-11-M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 307

Cost of Living Adjustment of the Mechanical Royalty Rate

AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule.

SUMMARY: The Copyright Royalty Tribunal announces an adjustment of the mechanical royalty rate based on the change in the Consumer Price Index from September, 1989 to September, 1991. The rate is increased to either 6.25 cents, or 1.2 cents per minute of playing time or fraction thereof, whichever amount is larger.

EFFECTIVE DATE: January 1, 1992.

FOR FURTHER INFORMATION CONTACT: Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1825 Connecticut Avenue, NW., Suite 918, Washington, DC 20009 (202) 606-4400.

SUPPLEMENTARY INFORMATION: In 1987, the Copyright Royalty Tribunal adopted the joint proposal submitted by the National Music Publishers' Association, The Songwriters Guild of America and the Recording Industry Association of America, Inc. to make adjustments every two years to the mechanical royalty rate based upon changes in the Consumer Price Index (CPI), except when the CPI declined, in which case the mechanical rate could go no lower than the rates in effect in 1986-1987, and except when the CPI increased by more than 25%, in which case the rate increase would be no greater than 25%, 1987 Adjustment of the Mechanical Royalty Rate, 52 FR 22637 (June 15, 1987, as corrected, 52 FR 23546 (June 23, 1987).

Accordingly, it is announced that the change in the cost of living as determined by the Consumer Price Index (all urban consumers, all items) is 9.76% (September, 1989's Index was 125.0 and September, 1991's Index was 137.2, with 1982-1984=100). The current mechanical rate is 5.7 cents, or 1.1 cents per minute of playing time or fraction thereof, whichever amount is larger. Adjusting that rate upward by 9.76% and rounding off the results to the nearest 1/20th of a cent, the new rate, effective January 1, 1992, shall be 6.25 cents, or 1.2 cents per minute of playing time or fraction thereof, whichever amount is larger. Section 307.3 is revised as shown below.

List of Subjects in 37 CFR Part 307

Copyright, Music, Recordings.

For the reasons set forth in the preamble, the Tribunal amends 37 CFR part 307 as follows:

PART 307—[AMENDED]

1. The authority citation for Part 307 continues to read as follows:

Authority: 17 U.S.C. 801(b)(1) and 804.

2. Section 307.3 is revised to read as follows:

§ 307.3 Adjustment of royalty rate.

(a) For every phonorecord made and distributed on or after January 1, 1983, the royalty payable with respect to each work embodied in the phonorecord shall be either 4.25 cents, or .8 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (b), (c), (d), (e), (f) and (g) of this section.

(b) For every phonorecord made and distributed on or after July 1, 1984, the royalty payable with respect to each work embodied in the phonorecord shall be either 4.5 cents, or .85 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (c), (d), (e), (f) and (g) of this section.

(c) For every phonorecord made and distributed on or after January 1, 1986, the royalty payable with respect to each work embodied in the phonorecord shall be either 5 cents, or .95 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (d), (e), (f) and (g) of this section.

(d) For every phonorecord made and distributed on or after January 1, 1988, the royalty payable with respect to each work embodied in the phonorecord shall be either 5.25 cents, or 1 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (e), (f) and (g) of this section.

(e) For every phonorecord made and distributed on or after January 1, 1990, the royalty payable with respect to each work embodied in the phonorecord shall be either 5.7 cents, or 1.1 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (f) and (g) of this section.

(f) For every phonorecord made and distributed on or after January 1, 1992, the royalty payable with respect to each work embodied in the phonorecord shall be either 6.25 cents, or 1.2 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraph (g) of this section.

(g)(1) On November 1, 1993, and November 1, 1995 the Copyright Royalty Tribunal (CRT) shall publish in the **Federal Register** a notice of the percent change in the Consumer Price Index (all urban consumers, all items) (CPI) from the Index published for the September two years earlier to the Index published for the September of the year in which such notice is published, and the underlying calculations.

(2) On the same date as the notice is published pursuant to paragraph (g)(1) of this section, the CRT shall publish in the **Federal Register** revised compulsory license royalty rates which shall adjust the amounts then in effect in direct proportion to the percent change in the CPI determined as provided in paragraph (g)(1) of this section, rounded to the nearest 1/20th of a cent; *Provided, however,* That:

(i) The adjusted rates shall be no greater than 25% more than the rates then in effect; and

(ii) The adjusted rates shall be no less than the amounts set forth in § 307.3(c).

(3) The revised royalty rates for the compulsory license adjusted pursuant to this paragraph (g) shall become effective for every phonorecord made and distributed on or after January 1 of the year following that in which such notice is published; that is, on January 1, 1994 and 1996, respectively.

Dated: October 28, 1991.

Mario F. Aguero,

Chairman.

[FR Doc. 91-26339 Filed 10-30-91; 8:45 am]

BILLING CODE 1410-09-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IA-21-5182; FRL-4014-4]

Approval and Promulgation of Air Quality Implementation Plans; State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the state of Iowa. This revision approves Orders and permits issued by the state to certain SO_2 sources in Clinton, Iowa. The effect of the Orders and revised permits will be to reduce the emissions of SO_2 in Clinton, Iowa, to the level that will ensure attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for SO_2.

EFFECTIVE DATE: This rule will become effective on December 2, 1991.

ADDRESSES: Copies of documents relevant to this action are available for public inspection during normal business hours at: the Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; the Environmental Protection Division, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319; and the Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Wayne A. Kaiser at (913) 551-7603 (FTS 276-7603).

SUPPLEMENTARY INFORMATION:

Background

On March 13, 1991, the Iowa Department of Natural Resources submitted a SIP revision for major sulfur dioxide (SO_2) sources in Clinton, Iowa. The SIP revision consists of Administrative Orders and revised permits for the Archer Daniels Midland (ADM) wet corn milling facility and the Interstate Power (IP) M.L. Kapp electric utility steam generating facility.

On July 1, 1991, EPA proposed in the **Federal Register** (56 FR 29918) to approve these Orders and permits in the Iowa SIP. The proposal contains a detailed discussion of the basis for EPA's approval. In today's notice EPA is taking final action on the proposal. This action will make the Orders and permits federally enforceable and thus strengthen the Iowa SIP in Clinton County, Iowa.

Response to Comments

Comments were received from seven citizens, all of whom reside in the Clinton, Iowa, area. The majority of the comments dealt with compliance by ADM with the conditions of the state-issued Administrative Orders. A few of the commenters expressed doubt that the construction of a new stack by ADM would solve any problems. The new stack height was determined after exhaustive fluid and dispersion modeling analysis performed in accordance with EPA guidelines. The fluid modeling was used to demonstrate that excess concentrations of SO_2 emissions were caused by downwash conditions. A new stack height was determined by using good engineering practice (GEP) stack height formula. The GEP stack height is that height necessary to prevent excessive downwash concentrations. This GEP stack height was then used in the dispersion modeling analysis. The dispersion modeling formed the basis for the emission limits established for ADM.

Final Action

EPA is approving a revision to the Iowa SIP which provides for attainment and maintenance of the SO_2 NAAQS in Clinton County, Iowa.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 31, 1991. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see Section 307(b)(2)).

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Tables 2 an 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 9809).

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Sulfur oxides.

Dated: September 16, 1991.

Morris Kay,

Regional Administrator.

PART 52—[AMENDED]

40 CFR part 52, is amended as follows:

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642

Subpart Q—Iowa

2. Section 52.820 is amended by adding paragraph (c)(54) to read as follows:

§ 52.820 Indentification of plan.

* * * * *

(c) * * *

(54) On March 13, 1991, the Iowa Department of Natural Resources (IDNR) submitted a plan revision pertaining to major SO_2 sources in Clinton County, Iowa.

(i) *Incorporation by reference.* (A) Administrative Consent Order #90–AQ–10, signed by Larry Wilson, Director, IDNR, dated July 5, 1990, and revision dated March 25, 1991. Also, three letters to Archer-Daniels-Midland (ADM) Company dated June 20, 1990, signed by Michael Hayward, IDNR, which contain or reference new or revised permit conditions for ADM sources, and a letter to ADM from IDNR dated February 26, 1991, correcting certain permit provisions.

(B) Administrative Consent Order #89–AQ–04, signed by Larry Wilson, Director, IDNR, dated February 21, 1990. Also, two letters to Interstate Power Company dated January 25 and 29, 1990, and signed by Michael Hayward, IDNR, which contain supplemental permit conditions for permits 74–A–117–S and 78–A–157–S.

(ii) *Additional material.* (A) Letter and supplemental material from Larry J. Wilson to Morris Kay dated March 13, 1991.

[FR Doc. 91–26376 Filed 10–31–91; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[VA–3–1–5300; FRL–4024–5]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revised Sulfur Dioxide Emissions Limitation for Aqualon Company

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Virginia. This revision requires a reduction of allowable sulfur dioxide (SO_2) emissions from the Aqualon Company (Aqualon), located in Hopewell. The intended effect of this action is to approve the reduction in allowable SO_2 emissions from Aqualon in order to provide an ambient air quality offset to allow construction of a new major source. This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This action will become effective December 31, 1991 unless notice is received on or before December 2, 1991 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Virginia Department of Air Pollution Control, P.O. Box 10089, Richmond, Virginia, 23240.

FOR FURTHER INFORMATION CONTACT: Harold A. Frankford, (215) 597–1325; FTS 597–1325.

SUPPLEMENTARY INFORMATION: On March 26, 1991, the Commonwealth of Virginia submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of an Agreement entered into between the State Air Pollution Control Board (SAPCB) of the Commonwealth of Virginia and Aqualon Company (Source Registration No. 50363—formerly named Hercules, Inc.) concerning Aqualon's chemical manufacturing facility located in Hopewell, Virginia. By this agreement, the Aqualon Company must reduce the amount of allowable sulfur dioxide (SO_2) emissions from its Boiler Number 5 at the Hopewell facility, effective October 1, 1991.

Summary of SIP Revision

The currently allowable SO_2 emissions from the boiler are limited to 2.37 lb/mmbtu, 10,240 pounds per day (lb/day) and 1,212 tons per year. The Agreement reduces the allowable SO_2 emissions from Boiler Number 5 to 9,389 lb/day and 1,111 tons/year, effective October 1, 1991. The Agreement further requires that the oil combusted in Boiler Number 5 will not exceed a maximum sulfur content of 2.17% sulfur content by weight and a maximum daily volume of 22,775 gallons. Further, the Agreement requires that the maximum sulfur content of the oil shall not exceed 2.1% sulfur content by weight, by shipment. The Agreement requires Aqualon to maintain records of all oil shipments purchased (including the sulfur-in-fuel content per shipment) and the volume of oil burned in Boiler Number 5. The records shall be made available on site and shall be kept on file for the most current three-year period.

The State's action was precipitated by an air quality modelling analysis performed by the Virginia Department of