

provides audio programming consisting in whole or in part of performances of sound recordings which purpose is to provide audio or entertainment programming, but not to sell, advertise, or promote particular goods or services. A "preexisting satellite digital audio radio service" is a subscription digital audio radio service that received a satellite digital audio radio service license issued by the Federal Communications Commission on or before July 31, 1998. *See* 17 U.S.C. 114(j) (6) and (10). Only two known entities, CD Radio and American Mobile Radio Corporation, qualify under the statutory definition as preexisting satellite digital audio radio services.

In addition to expanding the current section 114 license, the DMCA also created a new statutory license for the making of an "ephemeral recording" of a sound recording by certain transmitting organizations. 17 U.S.C. 112(e). The new statutory license allows entities that transmit performances of sound recordings to business establishments, pursuant to the limitations set forth in section 114(d)(1)(C)(iv), to make an ephemeral recording of a sound recording for purposes of a later transmission. The new license also provides a means by which a transmitting entity with a statutory license under section 114(f) can make more than the one phonorecord specified in section 112(a). 17 U.S.C. 112(e).

Determination of Reasonable Terms and Rates

The statutory scheme for establishing reasonable terms and rates is the same for both licenses. The terms and rates for the two new statutory licenses may be determined by voluntary agreement among the affected parties, or if necessary, through compulsory arbitration conducted pursuant to Chapter 8 of the Copyright Act.

If the affected parties are able to negotiate voluntary agreements, then it may not be necessary for these parties to participate in an arbitration proceeding. Similarly, if the parties negotiate an industry-wide agreement, an arbitration may not be needed. In such cases, the Librarian of Congress will follow current rate regulation procedures and notify the public of the proposed agreement in a notice and comment proceeding. If no party with a substantial interest and an intent to participate in an arbitration proceeding files a comment opposing the negotiated rates and terms, the Librarian will adopt the proposed terms and rates without convening a copyright arbitration royalty panel. 37 CFR 251.63(b). If,

however, no industry-wide agreement is reached, or only certain parties negotiate license agreements, then those copyright owners and users relying upon one or both of the statutory licenses shall be bound by the terms and rates established through the arbitration process.

Arbitration proceedings cannot be initiated unless a party files a petition for ratemaking with the Librarian of Congress during the 60-day period, beginning July 1, 2000. 17 U.S.C. 112(e)(7) and 114(f)(2)(C)(ii)(II).

On November 27, 1998, the Copyright Office initiated a six-month voluntary negotiation period in accordance with sections 112(e)(4) and 114(f)(2)(A) for the purpose of establishing rates and terms for these licenses for the period beginning on the effective date of the DMCA and ending on December 31, 2000. 63 FR 65555 (November 27, 1998). Parties to these negotiations, however, have been unable to reach agreement on the rates and terms, so in accordance with sections 112(e)(5) and 114(f)(1)(B) the Copyright Office has initiated arbitration proceedings to determine the rates and terms for use of the licenses through December 31, 2000. These proceedings are in progress. 64 FR 52107 (September 27, 1999).

Initiation of the Next Round of Voluntary Negotiations

Unless the schedule has been readjusted by the parties in a previous rate adjustment proceeding, sections 112(e)(7) and 114(f)(2)(C)(i)(II) of the Copyright Act require the publication of a notice during the first week of January 2000, and at 2-year intervals thereafter, initiating the voluntary negotiation periods for determining reasonable rates and terms for the statutory licenses permitting the public performance of a sound recording by means of certain digital transmissions and the making of an ephemeral recording in accordance with section 112(e).

This notice announces the initiation of these negotiation periods. They shall begin on January 13, 2000. Parties who negotiate a voluntary license agreement during this period are encouraged to submit two copies of the agreement to the Copyright Office at the above-listed address within 30 days of its execution.

Petitions

In the absence of a license agreement negotiated under 17 U.S.C. 112(e)(4) or 114(f)(2)(A), those copyright owners of sound recordings and entities availing themselves of the statutory licenses are subject to arbitration upon the filing of a petition by a party with a significant interest in establishing reasonable terms

and rates for the statutory licenses. Petitions must be filed in accordance with 17 U.S.C. 112(e)(7), 114(f)(2)(C)(ii)(II), and 803(a)(1) and may be filed anytime during the sixty-day period beginning on July 1, 2000. *See also* 37 CFR 251.61. Parties should submit petitions to the Copyright Office at the address listed in this notice. The petitioner must deliver an original and five copies to the Office.

Dated: January 7, 2000.

David O. Carson,

General Counsel.

[FR Doc. 00-808 Filed 1-12-00; 8:45 am]

BILLING CODE 1410-33-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 00-001]

NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Space Utilization Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law. 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Space Station Utilization Advisory Subcommittee.

DATES: Wednesday, February 23, 2000, from 8:00 a.m. to 5:00 p.m.

ADDRESSES: Lunar and Planetary Institute, 3600 Bay Area Boulevard, Houston, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Ubran, Code UM, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-0813.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. Advance notice of attendance to the Executive Secretary is requested. The agenda for the meeting is as follows:

- Executive Presentations
- Response to Prior Recommendations
- Special Topics
- Development of Draft Recommendations
- Recommendations

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: January 4, 2000.

Matthew M. Crouch,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 00-773 Filed 1-12-00; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (00-002)]

NASA Advisory Council, Minority Business Resource Advisory Committee; Meeting

AGENCY: National Aeronautics and
Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the
Federal Advisory Committee Act, Public
Law 92-463, as amended, the National
Aeronautics and Space Administration
announces a forthcoming meeting of the
NASA Advisory Council, Minority
Business Resource Advisory Committee.

DATES: Thursday, January 20, 2000, 9:00
a.m. to 4:00 p.m., and Friday, January
21, 2000, 9:00 a.m. to 4:00 p.m.

ADDRESSES: NASA Headquarters, 300 E
Street, SW, Room 9H40, Washington,
DC 20546-0001.

FOR FURTHER INFORMATION CONTACT: Mr.
Ralph C. Thomas III, Code K, National
Aeronautics and Space Administration,
Room 9K70, 300 E Street, SW,
Washington, DC 20546-0001, (202) 358-
2088.

SUPPLEMENTARY INFORMATION: The
meeting will be open to the public up
to the seating capacity of the room. The
agenda for the meeting is as follows:

- Welcome New MBRAC Members
- MBRAC Subpanel Reports
- The Present State of Former NASA
SDB Contractors
- Action Items
- Agency Small Disadvantaged
Business (SDB) Program
- Report of Chair
- Public Comment
- Summary of MBRAC III
Accomplishments
- Report on NASA FY 98 SDB
Accomplishments

It is imperative that the meeting be
held on these dates to accommodate the
scheduling priorities of the key
participants. Visitors will be requested
to sign a visitor's register.

Dated: January 5, 2000.

Matthew M. Crouch,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

[FR Doc. 00-774 Filed 1-12-00; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL SCIENCE FOUNDATION

Alan T. Waterman Award Committee; Notice of Meeting

In accordance with the Federal
Advisory Committee Act (Pub. L. 92-
463, as amended), the National Science
Foundation announces the following
meeting:

Name: Alan T. Waterman Award
Committee (1172).

Date/Time: Monday, March 6, 2000, 9:00
a.m.-3:00 p.m.

Place: Arlington, Virginia.

Type of Meeting: Closed.

Contact Person: Mrs. Susan E. Fannoney,
Executive Secretary, Room 1220, National
Science Foundation, 4201 Wilson Blvd,
Arlington, VA 22230. Telephone: 703/306-
1096.

Purpose of Meeting: To provide advice and
recommendations in the selection of the Alan
T. Waterman Award recipient.

Agenda: To review and evaluate
nominations as part of the selection process
for awards (NSF-99-134).

Reason for Closing: The nominations being
reviewed include information of a personal
nature where disclosure would constitute
unwarranted invasions of personal privacy.
These matters are exempt under 5 U.S.C.
552b(c)(6) of the Government in the Sunshine
Act.

Dated: January 7, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-833 Filed 1-12-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Biological Science: Notice of Meeting

In accordance with the Federal
Advisory Committee Act (Pub. L. 92-
463, as amended), the National Science
Foundation announces the following
meeting:

Name: Special Emphasis Panel in
Biological Sciences (#1754).

Date/Time: April 5-7, 2000, 8:00 a.m.-5:00
p.m.

Place: National Science Foundation, 4201
Wilson Boulevard, Room 375, Arlington, VA
22230.

Type of Meeting: Closed.

Contact Person: Dr. Scott L. Collins,
Program Officer, Mr. Aaron Kinchen, Senior
Program Assistant, Ecological Studies, Room
640N, National Science Foundation, 4201

Wilson Boulevard, Arlington, Virginia 22230.
Telephone: (703) 306-1479.

Minutes: May be obtained from the contact
person listed above.

Purpose of Meeting: To provide advice and
recommendations concerning proposals to
the National Science Foundation (NSF) for
financial support.

Agenda: To review and evaluate proposals
submitted in response to the Ecological
Studies Ecology Program Solicitation (99-2).

Reason for Closing: The proposals being
reviewed include information of a
proprietary or confidential nature, including
technical information; financial data, such as
salaries; and personal information
concerning individuals associated with the
proposals. These matters are exempt under 5
U.S.C. 552b(c) (4) and (6) of the Government
in the Sunshine Act.

Dated: January 7, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-823 Filed 1-12-00; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Biological Science: Notice of Meeting

In accordance with the Federal
Advisory Committee Act (Pub. L. 92-
463, as amended), the National Science
Foundation announces the following
meeting:

Name: Special Emphasis Panel in
Biological Sciences (#1754).

Date/Time: May 17-20, 2000, 8:00 a.m.-
5:00 p.m.

Place: National Science Foundation, 4201
Wilson Boulevard, Room 375, Arlington, VA
22230.

Type of Meeting: Closed.

Contact Person: Dr. Scott L. Collins,
Program Officer or Mr. Aaron Kinchen,
Senior Program Assistant, Ecological Studies,
Room 640N, National Science Foundation,
4201 Wilson Boulevard, Arlington, Virginia
22230. Telephone: (703) 306-1479.

Minutes: May be obtained from the contact
person listed above.

Purpose of Meeting: To provide advice and
recommendations concerning proposals to
the National Science Foundation (NSF) for
financial support.

Agenda: To review and evaluate proposals
submitted in response to the Ecological
Studies Ecology Program Solicitation (99-2).

Reason for Closing: The proposals being
reviewed include information of a
proprietary or confidential nature, including
technical information; financial data, such as
salaries; and personal information
concerning individuals associated with the
proposals. These matters are exempt under 5
U.S.C. 552b(c), (4) and (6) of the Government
in the Sunshine Act.

Dated: January 7, 2000.

Karen J. York,

Committee Management Officer.

[FR Doc. 00-829 Filed 1-12-00; 8:45 am]

BILLING CODE 7555-01-M