

\$20,000 to B out of the receipts from the facility. Assuming accurate records are kept, the \$700,000 advance is a contribution to the capital of A under paragraph (a) of this section and is excludable from A's income. The basis of the \$700,000 facility constructed with this contribution to capital is zero. The \$300,000 excess amount is not a contribution to the capital of A under paragraph (a) of this section because it does not meet the expenditure rule described in paragraph (c)(1) of this section. However, this excess amount is not includible in A's income pursuant to paragraph (c)(2)(ii) of this section since the amount is repaid to B within the required time period. The repayment of the \$300,000 excess amount to B in 2000 is not treated as a capital expenditure by A. The \$20,000 payment to B in 2001 is treated as a capital expenditure by A in 2001 resulting in an increase in the adjusted basis of the water facility from zero to \$20,000.

(e) *Statute of limitations*—(1) *Extension of statute of limitations.* Under section 118(d)(1), the statutory period for assessment of any deficiency attributable to a contribution to capital under paragraph (a) of this section does not expire before the expiration of 3 years after the date the taxpayer notifies the Secretary in the time and manner prescribed in paragraph (e)(2) of this section.

(2) *Time and manner of notification.* Notification is made by attaching a statement to the taxpayer's federal income tax return for the taxable year in which any of the reportable items in paragraphs (e)(2)(i) through (iii) of this section occur. The statement must contain the taxpayer's name, address, employer identification number, taxable year and the following information with respect to contributions of property other than water or sewerage disposal facilities that are subject to the expenditure rule described in paragraph (c) of this section:

(i) The amount of contributions in aid of construction expended during the taxable year for property described in section 118(c)(2)(A) (qualified property) as required under paragraph (c)(1) of this section, identified by taxable year in which the contributions were received.

(ii) The amount of contributions in aid of construction that the taxpayer does not intend to expend for qualified property as required under paragraph (c)(1) of this section, identified by taxable year in which the contributions were received.

(iii) The amount of contributions in aid of construction that the taxpayer failed to expend for qualified property as required under paragraph (c)(1) of this section, identified by taxable year in which the contributions were received.

(f) *Effective date.* This section is applicable for any money or other property received by a regulated public utility that provides water or sewerage disposal services on or after the date final regulations are published in the **Federal Register**.

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 98-1A]

Satellite Carrier Statutory License; Definition of Unserved Household

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of termination.

SUMMARY: The Copyright Office of the Library of Congress is closing this rulemaking to determine whether local retransmissions are covered by the section 119 satellite statutory license because the matter has been resolved by passage of the Satellite Home Viewer Improvement Act of 1999.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or William J. Roberts, Senior Attorney for Compulsory Licenses, P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Fax: (202) 252-3423.

SUPPLEMENTARY INFORMATION: On January 26, 1998, by petition from EchoStar Communications Corporation ("EchoStar"), the Copyright Office opened this rulemaking proceeding to consider whether the section 19 satellite carrier statutory license was broad enough in scope to encompass satellite retransmission of television broadcast stations to subscribers who resided within the local markets of those stations. 63 FR 3685 (January 26, 1998). It was the second time in two years that the Copyright Office had been requested to consider whether section 119 covered local retransmissions.

The passage of the Satellite Home Viewer Improvement Act of 1999 ("SHVIA") has rendered this rulemaking proceeding moot. Congress has clarified that local retransmissions are not covered by the section 119 license. Instead, they are covered by the new, royalty-free section 122 license that is expressly limited to local retransmissions of television broadcast stations by satellite carriers.

Because this rulemaking has been superseded by an Act of Congress, the Office is closing the above-captioned docket number and is terminating this proceeding.

Dated: December 15, 1999.

Marybeth Peters,

Register of Copyrights.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NM39-1-7416b; FRL-6504-8]

Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of New Mexico; Approval Revised Maintenance Plan for Albuquerque/Bernalillo County; Albuquerque/Bernalillo County, NM; Carbon Monoxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The EPA is taking direct final action on a revision to the State Implementation Plan for New Mexico. This action revises the carbon monoxide maintenance plan, that was adopted by the City of Albuquerque during redesignation to attainment. Albuquerque requested approval of the revision to the CO maintenance plan under section 175A of the Act. In the final rules section of this **Federal Register**, we are approving the revision as a direct final rule without prior proposal, because we view this as a noncontroversial action and anticipate no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated in relation to this rule. If we receive adverse comments, the direct final rule will be withdrawn, and all public comments received will be addressed 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 on this action should do so at this time. Please see the direct final notice of this action located elsewhere in today's **Federal Register** for a detailed description of the New Mexico revision to the SIP.

In the "Rules and Regulations" section of this **Federal Register**, EPA is approving Albuquerque's SIP revision