LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket No. 96–6]

''Best Edition'' of Published Copyrighted Works for the Collections of the Library of Congress

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Copyright Office of the Library of Congress is proposing amendments to the regulations regarding the deposit of the ''best edition'' of published motion pictures. The purpose of the proposed rule is to remove the ''most widely distributed gauge'' as a selection factor of the ''best edition'' and add new videotape formats to the prioritized list of material preferences based on current industry practices.

DATES: Comments should be received on or before December 6, 1996.

ADDRESSES: If sent BY MAIL, ten copies of written comments should be addressed to Marilyn J. Kretsinger, Acting General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366. If BY HAND, ten copies should be brought to: Office of the General Counsel, Copyright Office, James Madison Memorial Building, Room LM–407, First and Independence Avenue, S.E., Washington, D.C. 20540.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Acting General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION: Sections 407 and 408 of title 17, United States Code, require that for published works the copies or phonorecords deposited in the Copyright Office be of the ''best edition.'' ''The 'best edition' of a work is the edition, published in the United States, at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes,'' 17 U.S.C. 101.

''When two or more editions of the same version of a work have been published, the one of the highest quality is generally considered to be the 'best edition'.'' 37 CFR 202, APP. B. The Copyright Office has published regulations that set out the Library's specific criteria on what is the best edition. *See generally* 37 CFR 202.19, 202.20 and Appendix B to Part 202 — ''Best Edition'' of Published Copyrighted Works for the Collections of the Library of Congress. These regulations give the selection criteria to be applied in determining the best edition of each of several types of materials, these criteria list formats in descending order of importance. *Id*. The criteria for ''Motion Pictures'' is set forth in 37 CFR 202, APP. B III.

For a number of years, the Library of Congress has used ''gauge in which most widely distributed'' as a high ranking preference in its selection of both film print and videotape. At its inception, this criterion permitted the Library to acquire copies that met the Library's standards for archival quality while working to the benefit of the motion picture industry as well. Copies originally deposited to meet this criterion were typically 35mm prints rather than the more limited 70mm prints and ¾'' videotapes rather than the 2'' videotape broadcast medium.

Over the years, the application of this criterion began to work against the archival interests of the Library. The primary reason for this change has been the wide use of VHS ½'' videotape. For the last ten years, when two or more tape gauges have been distributed, the VHS ½'' videotape typically has been the most widely distributed and therefore under the Library's criteria, the best edition. The Library does not consider this particular ½'' gauge to represent an acceptable archival quality medium. The Library has concluded that use of the ''most widely distributed gauge'' in the area of film prints is now detrimental to the interests of the Library of Congress.

During this same period, the 1'' videotape became the industry standard as the broadcast gauge, and the 2'' gauge became almost obsolete. The 1'' gauge is less expensive and bulky than the 2'' gauge and is an excellent archival medium. At this time, therefore, the 1'' format is the highest quality format in the videotape medium.

The television industry is currently widely using several new ½'' videotape formats, including the Betacam and the D–2 cassette, because of their high quality. These formats were not available when the best edition criteria were developed. The Library has determined that both of these formats meet its archival standards and are superior to the ¾'' videotape.

The Office is, therefore, proposing to amend its regulations to remove the ''gauge in which most widely distributed'' as a criterion in Appendix B, III and to add the new high quality videotape formats.

List of Subjects in 37 CFR Part 202

Claims, Copyright.

Proposed Regulations

In consideration of the foregoing, the Copyright Office amends 37 CFR part 202 in the manner set forth below:

PART 202—[AMENDED]

Appendix B to Part 202—''Best Edition'' of Published Copyrighted Works for the Collections of the Library of Congress

1. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 702.

2. In part 202. Appendix B, ''III. Motion Pictures'' is revised to read as follows:

* * * * *

III. Motion Pictures

Film medium is considered a better quality than any other medium. The formats under ''film'' and ''videotape'' are listed in descending order of preference:

A. Film:

1. Preprint material with special arrangement.
2. 35mm positive prints.
3. 16mm positive prints.

B. Videotape:

1. One-inch open reel tape.
2. Betacam cassette.
3. D–2 cassette.
4. Videodisc.
5. Three-quarter inch cassette.
6. One-half inch VHS cassette.

* * * * *

Dated: November 4, 1996.

Marybeth Peters,

Register of Copyrights.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 96–29199 Filed 11–14–96; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

[AD–FRL–5652–1]

Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR); Proposed Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking; clarification and corrections.

SUMMARY: This document contains a clarification and corrections to the

proposed rulemaking, the NSR Reform rulemaking, which was published Tuesday, July 23, 1996 (61 FR 38249). The NSR Reform rulemaking proposes to revise regulations for the approval and promulgation of implementation plans, and the requirements for preparation, adoption, and submittal of implementation plans governing the NSR programs mandated by parts C and D of title I of the Clean Air Act.

FOR FURTHER INFORMATION CONTACT: Daniel deRoeck, Information Transfer and Program Integration Division, MD–12, Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, North Carolina 27711, telephone (919) 541–5593, telefax (919) 541–5509.

SUPPLEMENTARY INFORMATION:

Clarification

The EPA proposed the Clean Unit exclusion as a simplified applicability test for changes to existing emissions units that already are well controlled. See 61 FR 38255–38258. The proposal is intended to require that in order for an existing emissions unit to qualify as a ''clean unit'' the unit must have a federally enforceable emissions limit that ''is comparable'' to the best available control technology or lowest achievable control technology requirements for that type of unit, whichever would otherwise be applicable to the proposed change. The relevant regulatory language is contained in proposed § 51.165(a)(1)(v)(C) (*10*) through (*13*) of the nonattainment NSR rules, §§ 51.166(b)(2)(iii)(L) (*1*) through (*4*), and 52.21(b)(2)(iii)(L) (*1*) through (*4*) of the PSD rules, and is referenced in § 52.24(f) of the statutory restriction on new sources (construction ban). In each rule, EPA intended that eligibility for the clean unit exclusion is to be contingent upon several criteria being satisfied. However, in the proposed language in § 51.165 it may not be clear to the reader that each of the criteria under paragraphs (a)(1)(v)(C)(*10*) through (a)(1)(v)(C)(*13*) must be satisfied in order for an emissions unit to qualify for the exclusion. Because of a problem with the overall structure of the regulations at § 51.165, it is not feasible to make a simple correction without first restructuring the overall regulation. Instead, for purposes of interpreting and commenting on the proposal the reader is advised to read the ''Clean Unit'' exemption as provided in §§ 51.166(b)(2)(iii)(L) (*1*) through (*4*) and 52.21(b)(2)(iii)(L) (*1*) through (*4*) (as corrected below) for the correct interpretation of the proposed exclusion. The EPA is considering the most effective way to restructure § 51.165 to correct the problem, and intends to make the necessary restructuring at the time of promulgation of final rulemaking.

Need for Correction

As published, the preamble and proposed amendments to the regulations at §§ 51.166 and 52.21, contain errors which are misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on July 23, 1996 of the proposed regulations 40 CFR 51.166 and 52.21, which were the subject of FR Doc. 96–17544, are corrected to read as follows:

Correction to Preamble

1. On page 38258, in the first column, in section II.C.4., Description of the Clean Facility Proposal, in the third sentence, the reference ''§§ 51.165(a)(1)(v)(C)(*11*),'' is corrected to read ''§§ 51.165(a)(1)(v)(C)(*14*),''.

§ 51.166 [Corrected]

2. On page 38330, in the second column, in § 51.166, paragraph (b)(2)(iii)(L)(*2*)(*iii*), the last line is corrected by removing the period (''.'') and adding a semicolon ('';'').

3. On page 38330, in the second column, in § 51.166, paragraph (b)(2)(iii)(L)(*3*), the last line is corrected by adding the word ''and'' after the semicolon.

4. On page 38330, in the second column, in § 51.166, paragraph (b)(2)(iii)(L)(*4*), the last line is corrected by removing the text ''; and'' and adding a period (''.'').

§ 52.21 [Corrected]

5. On page 38337, in the third column, in § 52.21, paragraph (b)(2)(iii)(L)(*2*)(*iii*), the last line is corrected by removing the period (''.'') and adding a semicolon ('';'').

6. On page 38337, in the third column, in § 52.21, paragraph (b)(2)(iii)(L)(*3*), the last line is corrected by adding the word ''and'' after the semicolon.

7. On page 38337, in the third column, in § 52.21, in paragraph (b)(2)(iii)(L)(*4*), the last line is corrected by removing the text ''; and'' and adding a period (''.'').

Dated: November 8, 1996.

Mary Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 96–29356 Filed 11–14–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Parts 52 and 81

[IN72–1b; FRL–5647–8]

Designation of Areas for Air Quality Planning Purposes; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve two State Implementation Plan (SIP) revision requests submitted by the State of Indiana on March 14, 1996, and June 17, 1996. The state requested redesignation of portions of Marion, LaPorte, and Wayne Counties and all of Vigo County to attainment for SO2. In the Final Rules section of this Federal Register, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the agency views this as a noncontroversial SIP revision and anticipates 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 proposed rule, no further activity is contemplated in relation to this rule. If EPA receives 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. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by December 16, 1996.

ADDRESSES: Copies of the revision request are available for inspection at the following address: Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Ryan Bahr at (312) 353–4366 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch AR–18J), Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Ryan Bahr at (312) 353–4366.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations Section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.