

ADDRESSES: Interested parties should submit written comments and requests to present oral testimony BY MAIL to Marilyn J. Kretsinger, Acting General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024, or BY HAND delivery to the Office of the General Counsel, Copyright Office, James Madison Memorial Building, Room LM 407, First Street and Independence Avenue, S.E., Washington, D.C. The hearing will be held on June 26, 1996, in the Register's Conference Room, Room LM 407, located on the fourth floor of the Library of Congress, James Madison Memorial Building, First Street and Independence Avenue, SE., Washington, DC.

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. Facsimile: (202) 707-8366.

SUPPLEMENTARY INFORMATION:

The Office's Current Rulemaking Proceeding

Recently the Copyright Office initiated a Notice of Proposed Rulemaking (NPRM) concerning group registration of photographs. Over the years photographers and photography businesses have told the Office that they were not able to take advantage of the benefits of registration because Office practices were too burdensome, in terms of both effort and finances.

On December 4, 1995, the Office published a NPRM with a request for comments in the Federal Register. 60 FR 62057 (Dec. 4, 1995). This NPRM sought public comment on proposed regulations that would permit a single registration for a group of unpublished and published related photos that met specified conditions. The proposed deposit would be a general written description of the subject matter of the photos, e.g., "photos of 1996 blizzard in Washington, DC."

In seeking public comment, the Office published nine questions to elicit comment and information about the potential effects of the proposed regulations. See 60 FR 62057. The comment period was originally scheduled to close January 18, 1996, with reply comments due by February 2, 1996; however, due to the inordinate number of government and business closures that occurred during December 1995 and January 1996, the Office extended these deadlines. Comments were requested by February 9, 1996, and reply comments by March 1, 1996. The Office is in the process of carefully reviewing all of these comments.

Subject Matter To Be Addressed at the Public Hearing

In the course of such review, certain additional issues and concerns have been brought to the Office's attention. Therefore, in order to supplement the information the Office has already received in response to the NPRM, the Office will hold a public hearing on June 26, 1996, to solicit additional comments on the proposed regulations regarding group registration of photographs. This hearing will provide an opportunity to obtain more information on the concerns expressed during the original comment period by allowing individuals and organizations who wish to comment to address further the issues set out in the NPRM, as well as:

(1) *Innocent infringement.* Is there a greater likelihood that those who innocently use photographs may be sued and may be found liable for copyright infringement if the proposed regulations are put into effect? Are existing provisions of the copyright law concerning innocent infringers adequate or should those provisions be modified? If so, in what way?

(2) *F frivolous law suits.* If the proposed regulations were put into effect, would they lead to an increase in the filing of frivolous law suits?

(3) *Industry guidelines.* Do the proposed regulations affect the development of industry guidelines? If so, how? Would they affect compliance with agreed upon guidelines? If so, how?

Filing of Written Comments

All of the comments filed in response to the NPRM 60 FR 62057 (Dec. 4, 1995), are already part of the record for this rulemaking. Anyone who wishes to file initial comments or supplemental comments addressing either the issues raised in this notice or those set out in the NPRM may do so. All written comments must be received in the Copyright Office at the address given above by close of business on Monday, July 15, 1996.

Dated: June 3, 1996.
Marybeth Peters,
Register of Copyrights.
[FR Doc. 96-14222 Filed 6-5-96; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 73

[FRL-5513-5]

RIN 2060-AG41

Acid Rain Program; Elimination of Direct Sale and IPP Written Guarantee Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Title IV of the Clean Air Act, as amended by the Clean Air Act Amendments of 1990 (the Act), authorized the Environmental Protection Agency (EPA) to establish the Acid Rain Program to reduce the adverse health and ecological effects of acidic deposition. Title IV mandates that EPA hold yearly auctions and direct sales of allowances for a small portion of the total allowances allocated each year. EPA is also required to issue to Independent Power Producers (IPPs) guarantees to purchase allowances in the direct sale. The direct sale and IPP provisions were designed to help ensure that units, including new IPPs, have a public source of allowances beyond those already allocated initially. Because no allowances have been sold through the direct sale program since it began in 1993, EPA is proposing to revise its regulations in order to terminate the direct sales. The allowances available previously in the direct sale program will now be available in the annual allowance auctions. In addition, because the IPP written guarantee program is implemented through the direct sale program and no applications for such guarantees have been received, EPA is proposing to terminate the guarantee program.

Because the rule revision is not expected to receive any adverse comments, the revision is also being issued as a direct final rule in the Final Rules section of this Federal Register.

DATES: Comments on the regulations proposed by this action must be received on or before July 8, 1996.

ADDRESSES: *Comments.* All written comments must be identified with the appropriate docket number (Docket No. A-96-19) and must be submitted in duplicate to U.S. Environmental Protection Agency, EPA Air Docket Section (6102), Waterside Mall, Room M1500, 1st Floor, 401 M St. SW., Washington, DC 20460.

Docket. Docket No. A-96-19, containing information considered

during development of the promulgated standards and requirements in this proposal, is available for public inspection and copying between 8:30 a.m. and 3:30 p.m., Monday through Friday, at EPA's Air Docket Section at the above address. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:

Kenon Smith, U.S. Environmental Protection Agency, Acid Rain Division (6204J), 401 M Street SW., Washington, DC 20460, (202) 233-9164, or call the Acid Rain Hotline at (202) 233-9620.

SUPPLEMENTARY INFORMATION: If no significant, adverse comments are timely received, no further activity is contemplated in relation to this proposed rule and the direct final rule in the Final Rules section of this Federal Register will automatically go into effect on the date specified in that rule. If significant, adverse comments are timely received on any portion of the direct final rule, that portion will be withdrawn and all public comment received on that portion will be addressed in a subsequent final rule based on the relevant portions of this proposed rule. Because the Agency will not institute a second comment period on this proposed rule, any parties interested in commenting should do so during this comment period.

For further supplemental information, the detailed rationale, and the rule revision, see the information provided in the direct final rule in the Final Rules section of this Federal Register.

List of Subjects in 40 CFR Part 73

Environmental protection, Acid rain, Air pollution control, Electric Utilities, Reporting and record keeping requirements, and Sulfur dioxide.

Dated: May 24, 1996.

Carol M. Browner,
Administrator.

[FR Doc. 96-14113 Filed 6-5-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 6

[Docket No. OST-96-1421 Notice 96-15]

RIN 2105-AB73

Implementation of Equal Access to Justice Act in Agency Proceedings

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department is proposing to update its regulation providing for

the award of attorney fees and other expenses under the Equal Access to Justice Act to eligible individuals and entities who are parties to certain administrative proceedings before the Department and its various operating administrations. These revisions are necessitated by various statutory changes that have been made since the Department adopted its present rule in 1983. The Department is not, however, proposing any other substantive alterations to its regulation. All of the Department's proposed changes to its regulation either mirror the currently-applicable statutory requirements or are of a minor, non-technical nature. This action is a response to the President's Regulatory Reinvention Initiative and is designed to update the regulation to reflect currently applicable law.

DATES: Comments should be received by August 5, 1996. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Comments should be sent to Docket Clerk, Docket No. OST-96-1421, Room PL-401, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. For the convenience of persons who will be reviewing the docket, it is requested that commenters provide an original and three copies of their comments.

Comments can be inspected from 9 a.m. to 5 p.m. Commenters who wish the receipt of their comments to be acknowledged should include a stamped, self-addressed postcard with their comments. The docket clerk will date-stamp the postcard and mail it to the commenter. Comments should be on 8 by 11 inch white paper using dark ink and should be without tabs and unbound.

FOR FURTHER INFORMATION CONTACT:

Alexander J. Millard, Office of the General Counsel, U.S. Department of Transportation, 400 Seventh Street, SW., Room 4102, Washington, DC 20590, telephone (202) 366-9285, or S. Reid Alsop, Office of the Chief Counsel, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh Street SW., Room 4230, Washington, DC 20590, telephone (202) 366-1371.

SUPPLEMENTARY INFORMATION: In his Regulatory Reinvention Initiative Memorandum of March 4, 1995, President Clinton directed that Federal agencies conduct a page-by-page review of all of their regulations and "eliminate or revise those that are outdated or otherwise in need of reform." In response to that directive, the Department has undertaken a review of its regulations including its rule

governing the award of attorney fees and other expenses in certain administrative proceedings under the Equal Access to Justice Act (EAJA) (Pub. L. 96-481, 94 Stat. 2325). The Department's regulation is codified at 49 CFR part 6.

In 1983, the Department of Transportation (DOT) published a final regulation implementing EAJA in the administrative adjudicatory context, 48 FR 1068 (January 10, 1983). EAJA, which took effect on October 1, 1981, provides for the award of attorney fees and other expenses to parties who prevail over the Federal Government in certain administrative and court proceedings under section 554 of the Administrative Procedure Act (APA). It requires that agencies conducting proceedings under section 554 establish uniform procedures for making awards.

DOT's final rule, 49 CFR part 6, therefore, established uniform procedures under the EAJA for any adversary adjudications conducted pursuant to section 554 by this Department or any of its operating administrations. As noted in the Department's regulation, currently three types of proceedings are specifically covered by the regulation; namely, Coast Guard license, certificate or document suspension and revocation proceedings, National Highway Traffic Safety Administration (NHTSA) fuel economy enforcement proceedings, and the Federal Highway Administration (FHWA) driver qualification and compliance order proceedings.

Since DOT adopted its final rule in 1983, Congress has amended EAJA on a number of occasions in several respects. After reviewing these statutory changes, DOT has determined that its regulation needs to be revised to ensure that it comports with the current statutory requirements. DOT accordingly is proposing to modify the following sections of its rule:

(a) § 6.1 Purpose of these rules.

The second sentence of this section presently provides:

An eligible party may receive an award when it prevails over the Department of Transportation or any of its operating administrations unless the agency's position in the proceeding was substantially justified or special circumstances make an award unjust.

The Department is proposing to delete this sentence. These standards do not completely reflect the currently-applicable requirements given various statutory changes that have been made to 5 U.S.C. 504 since 1983. In place of this sentence, as discussed below, the Department is proposing to revise section 6.9. This section, as revised, would set forth, in some detail, the