

a temporary deviation from the regulations for the drawbridge across the Atlantic Intracoastal Waterway at mile 157.2, at Hobucken, North Carolina. The purpose of this deviation from the regulations is to allow the project contractor for the U.S. Army Corps of Engineers, the owner of the bridge, to repair the bridge. The repairs are expected to be completed in less than 60 days.

DATES: This temporary deviation from the regulations becomes effective on August 6, 1986, and will terminate upon completion of the work and further public notice. A definite termination date for completion of the work cannot be given because the extent of the repairs is not known at this time.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Specialist, Fifth Coast Guard District (804) 398-6222.

Drafting Information

The drafters of this notice are Ann B. Deaton, project officer, and LT Wayne M. Patrick, project attorney.

List of Subjects in 33 CFR Part 117

Bridges.

Temporary Deviation From Drawbridge Regulations

In consideration of the foregoing, the regulations in § 117.5 of Title 33, Code of Federal Regulations, do not apply to the bridge across the Atlantic Intracoastal Waterway, mile 157.2 at Hobucken, North Carolina.

From Monday through Friday, the bridge will be closed to boat traffic from 10 a.m. to 3 p.m. At all other times, the bridge will be open on signal for the passage of boats.

Authority: 33 U.S.C. 499; 49 CFR 1.48; 33 CFR 1.05-1(g), 117.35.

Dated: August 6, 1986.

B.F. Hollingsworth,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

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33 CFR Part 117

(CGD5-86-022)

Temporary Deviation From Drawbridge Operation Regulations for Bridge Across Atlantic Intracoastal Waterway, at Core Creek, NC

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: The Coast Guard has granted a temporary deviation from the regulations for the drawbridge across

the Atlantic Intracoastal Waterway at mile 195.8, Core Creek, at Beaufort, North Carolina. The purpose of this deviation from the regulations is to allow the project contractor for the U.S. Army Corps of Engineers, the owner of the bridge, to repair the bridge. This notice replaces an earlier deviation issued on July 30, 1986, 51 FR 28707, August 11, 1986. It extends the period that the draw will be closed to marine and vehicle traffic by two hours each day. As a result of the extension of the closed periods, the Corps of Engineers expects to complete the maintenance project by the end of September, 1986. Without the additional closed hours, the project would not be completed until the end of October, 1986.

DATES: This temporary deviation from the regulations becomes effective on August 18, 1986, and will terminate upon completion of the work and further public notice. A definite termination date for completion of the work cannot be given because the extent of the repairs is not known at this time.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Specialist, Fifth Coast Guard District, (804) 398-6222.

Drafting Information. The drafters of this notice are Ann B. Deaton, project officer, and CDR Robert J. Reining, project attorney.

List of Subjects in 33 CFR Part 117

Bridges.

Temporary Deviation From Drawbridge Regulations

In consideration of the foregoing, the regulations in § 117.5 of Title 33, Code of Federal Regulations, do not apply to the bridge across the Atlantic Intracoastal Waterway, mile 195.8, at Core Creek, Beaufort, North Carolina.

From Monday through Friday, the bridge will be closed to boat traffic from 8 a.m. to 3 p.m. The bridge will open for boat traffic on the hour and the half-hour from 6 a.m. to 8 a.m., and again from 3 p.m. to 7 p.m. From 7 p.m. to 6 a.m., the bridge will open on signal. On weekends, the bridge will open on signal from 7 p.m. on Friday through 6 a.m. on Monday.

Authority: 33 U.S.C. 499; 49 CFR 1.48; 33 CFR 1.05-1(g), 117.35.

Dated: August 11, 1986.

B.F. Hollingsworth,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 86-2]

General Provisions; Information Given by the Copyright Office

AGENCY: Library of Congress, Copyright Office.

ACTION: Final regulation.

SUMMARY: This notice is issued to inform the public that the Copyright Office of the Library of Congress is amending 37 CFR 201.2(b)(2) and (c)(1), concerning Office procedures, to provide direct public access to limited information contained in in-process files and to permit inspection and a request for copies of certain additional correspondence.

EFFECTIVE DATE: August 22, 1986.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Washington, DC 20559. Telephone: (202) 287-8380.

SUPPLEMENTARY INFORMATION: On July 24, 1985 the Copyright Office promulgated and made effective rules regarding public access to information contained in the Office's in-process files and official correspondence files. [50 FR 30169]. By this notice, the Office is adopting two amendments to the regulations governing the dissemination of information by the Office.

1. Computer Search of In-Process Files

"In-process files" are those which the Copyright Office makes for its own immediate internal use in connection with pending applications for registration or the recordation of documents and which are preliminary to the completion of the public record. These files include the Receipt-in-Process system, Correspondence Management system, accounting files, open unfinished business files (U.B.), and other files of a similar nature. These files are maintained and are constantly used to facilitate the internal administrative operations of the Office in processing applications for registration and recording documents. They are not a part of the records that are required by section 705 of the Copyright Act to be open to public inspection.

The amended regulation, § 201.2(b)(2), will generally continue to deny direct public access to in-process files and to any of the work areas where they are kept. The amended regulation however, will permit direct public access to a

limited amount of information contained in the in-process files by means of a computer terminal.

The computer terminal can be used to determine if a request for registration of document recordation has been received in the Copyright Office, but cannot be used to determine final facts of copyright registration or document recordation. Access is by title, although in some cases a claimant's name may appear in the index.

Only the following information will be provided by a direct computer search of Office "in-process" files: Title of the work, including issue date, volume number, and issue number, if a serial; receipt date; name of remitter; description of classification if an application for registration; number of copies; and the claimant's name, if different from the name of the remitter. Direct public use of the computer terminal is permitted between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, when the Office is open for business upon payment of applicable fees. The computer terminal is located in the Records Maintenance Unit, Room LM B-14 of the James Madison Memorial Building of the Library of Congress.

In addition, the Office will continue to make available to the public information contained in its "in-process" files by means of an Office-conducted search of those files pursuant to § 201.2(b)(3), which is unchanged.

2. Partial Access to Re-Opened, Pending Cases

"Official correspondence" is correspondence, including preliminary applications, between copyright claimants or their agents and the Copyright Office, directly relating to rejected applications for registration and documents for which recordation was refused. In our July 24, 1985 rule change, the Office made such correspondence files open to public inspection and copying as a record once the case is closed.

The amended regulation, § 201.2(c)(1), makes it clear that the portion of such correspondence, directly relating to rejected applications for registration and documents for which recordation was refused which once represented a closed case will be open for public inspection and copying even though the once-closed case may have been reopened by some subsequent action on the part of the copyright claimant or his agent or by the Copyright Office. The rationale for this amendment is that the correspondence in such instances was open for public inspection prior to the subsequent reopening of the case, and

the Office believes that the portion of the correspondence file that constituted a record because it was a closed case, should remain open to public inspection.

Examples of ways in which a case may be reopened after final Office action include where an appeal is made requesting reconsideration of an Office refusal to register a claim to copyright or to record a document, or where action is taken to cancel a completed registration. Public access will be allowed for the portion of the file which constituted a completed record before the case was reopened. The correspondence, if any, which triggered the reopening of the case, and any correspondence subsequently added to the file before final action will be considered part of an in-process file and public access will be governed by the rules for in process-files found in § 201.2(b)(1).

These amendments are issued as final regulations, effective immediately, without public comment, since they constitute minor changes regarding Office information procedures and are not substantive in nature.

With respect to the Regulatory Flexibility Act, the Copyright Office takes the position this Act does not apply to Copyright Office rulemaking. The Copyright Office is a department of the Library of Congress and is part of the legislative branch. Neither the Library of Congress nor the Copyright Office is an "agency" within the meaning of the Administrative Procedure Act of June 11, 1946, as amended (title 5 Chapter 5 of the U.S. Code, Subchapter II and Chapter 7). The Regulatory Flexibility Act consequently does not apply to the Copyright Office since that Act affects only those entities of the Federal Government that are agencies as defined in the Administrative Procedure Act.¹

Alternatively, if it is later determined by a court of competent jurisdiction that the Copyright Office is an "agency" subject to the Regulatory Flexibility Act, the Register of Copyrights has determined that the regulations will have no significant impact on small businesses.

List of Subjects in 37 CFR Part 201 Copyright Office.

¹ The Copyright Office was not subject to the Administrative Procedure Act before 1978, and it is now subject to it only in areas specified by section 701(d) of the Copyright Act (i.e., "all actions taken by the Register of Copyrights under this title [17], except with respect to the making of copies of copyright deposits). [17 U.S.C. 706(b)]. The Copyright Act does not make the Office an "agency" as defined in the Administrative Procedure Act. For example, personnel actions taken by the Office are not subject to APA-FOIA requirements.

Final Regulations

In consideration of the foregoing, Part 201 of Title 37, Chapter II is amended as set forth below.

PART 201—[AMENDED]

The authority citation for Part 201 continues to read as follows:

Authority: Sec. 702, 90 Stat. 2541; 17 U.S.C. 702.

2. Section 201.2 is amended by revising the last sentence in paragraph (b)(2) and by adding additional language before the last sentence of paragraph (c)(1) to read as follows:

§ 201.2 Information given by the Copyright Office.

(b) *Inspection and copying of records.*

(2) * * * However, direct public use of computers intended to access the automated equivalent of limited portions of these files is permitted on a specified terminal in the Records Maintenance Unit, LM B-14, 8:30 a.m. to 5:00 p.m., Monday through Friday, upon payment of applicable fees.

(c) *Correspondence*

(1) * * * Included in the correspondence available for public inspection is that portion of the file directly relating to a completed registration, recorded document, a rejected application for registration, or a document for which recordation was refused which was once open to public inspection as a closed case, even if the case is subsequently reopened. Public inspection is available only for the correspondence contained in the file during the time it was closed because of one of the aforementioned actions. Correspondence relating to the reopening of the file and reconsideration of the case is considered part of an in-process file until final action is taken, and public inspection of that correspondence is governed by § 201.2(b). * * *

Dated: August 12, 1986.

Ralph Oman,
Register of Copyrights.

Approved:
Daniel J. Boorstin,
The Librarian of Congress.
[FR Doc. 86-18956 Filed 8-21-86; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA Action 2066; A-7-FRL-3069-2]

Approval and Promulgation of State Implementation Plans; Missouri**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final Rule.

SUMMARY: EPA is approving a new state regulation as a revision to the Air Pollution Control State Implementation Plan (SIP) of the state of Missouri. The purpose of this state regulation is to reduce volatile organic compound emissions into the air from the production of maleic anhydride in the St. Louis ozone nonattainment area. The purpose of EPA approval is to make this state regulation federally enforceable against the one subject facility in the St. Louis area.

EFFECTIVE DATE: This action will be effective October 21, 1986 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Comments should be sent to Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101. A copy of the state's submission is available for review at the above address and at the Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC; the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, DC; and the Missouri Department of Natural Resources, 101 Jefferson Street, Jefferson City, Missouri 65101.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler at (913) 236-2893, (FTS) 757-2893.

SUPPLEMENTARY INFORMATION: On August 15, 1985, the Missouri Air Conservation Commission adopted a new regulation designed to reduce emissions of volatile organic compounds (VOC) in the St. Louis ozone nonattainment area. VOCs react in the atmosphere to form ozone, and reductions in VOC emissions must be required as part of the SIP in order to attain the ozone standard in the St. Louis area.

This new regulation is state Rule 10 CSR 10-5.400, Control of Emissions from the Production of Maleic Anhydride. It applies to one facility in the St. Louis area. The regulation requires this one plant to reduce emissions by 98 percent from what they would be in the absence of controls.

The state adopted this regulation in compliance with section 172(b)(2) of the Clean Air Act, which requires SIPs to provide for the implementation of all reasonably available control measures as expeditiously as practicable. For major stationary sources of VOCs, reasonably available control technology (RACT) is prescribed by EPA policy as a presumptive norm developed by EPA and published in a Control Techniques Guideline (CTG) Document. The applicable CTG in this case is "Control of Volatile Organic Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry" published by EPA in December 1984 (EPA-450/3-84-015). The state has certified in its most recent St. Louis SIP revision that there are no other sources in the area covered by the SOCMI air oxidation category.

With respect to maleic anhydride production, the CTG provides that one acceptable control technique is to use a thermal oxidizer that removes 98 percent of the VOCs before emission to the atmosphere. Missouri Rule 10 CSR 10-5.400 requires a removal efficiency of 98 percent, along with recordkeeping and reporting requirements and testing methods. Final compliance was required by October 11, 1985. EPA's review of the regulation finds that it meets the control requirements of the CTG and is therefore approvable as part of the SIP.

The state regulation also requires a 70 percent continuous removal efficiency for carbon monoxide. This was one of the measures included in the SIP for carbon monoxide control in St. Louis. With the approval of this regulation, all measures in the St. Louis carbon monoxide SIP have been approved by EPA. The exemption included in the applicability section of this regulation for VOC (100 TPY or less) is neither consistent with agency policy nor an acceptable CTG required provision for SOCMI-air oxidation regulations. However, since VOC emissions from this single maleic anhydride plant are greater than the exemption level involved in this SIP revision, and since there are no other plants in the nonattainment area, the "100 TPY provision" appears to have no practical significance. Therefore, EPA is approving the regulation in its entirety.

This state submission constitutes a proposed revision to the Missouri SIP. The Administrator's decision to approve this submission is based on a determination that the revision meets the requirements of sections 110 and 172 of the Clean Air Act and of 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

EPA believes this action is noncontroversial and is approving it without prior proposal. The public is advised that this action is effective 60 days after publication unless we receive written notice within 30 days from today that someone wishes to submit adverse or critical comments. In such case, this action will be withdrawn and rulemaking will commence again by announcing a proposal of this action and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

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.

Incorporation by reference of the State Implementation Plan for the state of Missouri was approved by the Director of the Office of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Carbon monoxide, Hydrocarbons, Reporting and Recordkeeping requirements, Intergovernmental relations and Incorporation by reference.

Dated: August 18, 1986.

Lee M. Thomas,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations, is amended as follows:

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

Authority: 42 U.S.C. 7401-7642.

2. Section 52.1320 is amended by adding a new paragraph (c)(59) as follows:

§ 52.1320 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(59) A new rule, Control of Emissions from the Production of Maleic Anhydride, was submitted by the

Department of Natural Resources on January 21, 1986.

(i) Incorporation by reference
(A) 10 CSR 10-5.400, Control of Emissions from the Production of Maleic Anhydride, adopted by the Missouri Air Conservation Commission and effective on October 26, 1986.

[FR Doc. 86-18985 Filed 8-21-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 65

[A-3-FRL-3068-7]

Approval of a Delayed Compliance Order Issued by the Pennsylvania Department of Environmental Resources to Fisher Scientific Company

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: The Administrator of the Environmental Protection Agency hereby approves a Delayed Compliance Order (Order) issued by the Pennsylvania Department of Environmental Resources to Fisher Scientific Company. The order requires the company to bring air emissions from its laboratory equipment manufacturing facility in Indiana County, Pennsylvania, into compliance with certain regulations contained in the federally approved Pennsylvania State Implementation Plan (SIP) by April 21, 1987. Because of the Administrator's approval, compliance with the Order will preclude suits under the enforcement provisions under Section 113 of the Act or the citizen suit provisions under Section 304 of the Act for violations of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule will take effect on August 22, 1986.

FOR FURTHER INFORMATION CONTACT: Rosemarie P. Nino, Environmental Protection Specialist, Enforcement

Policy and State Coordination Section, Air Management Division, U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Telephone: (215) 597-9839.

ADDRESSES: A copy of the Delayed Compliance Order, and supporting material, and any comments received in response to a prior Federal Register notice proposing approval of the Order are available for public inspection and copying (for appropriate charges) during normal business hours at the above address.

SUPPLEMENTARY INFORMATION: On April 21, 1986, the Regional Administrator of the Environmental Protection Agency's Region III Office published in the Federal Register, Vol. 51, No. 76, Page 13530, a notice proposing approval of a Delayed Compliance Order issued by the Pennsylvania Department of Environmental Resources to Fisher Scientific Company. The notice asked for the public comments by May 21, 1986, on the EPA proposal.

No public comments were received in response to the notice. The Delayed Compliance Order issued to Fisher Scientific Company is approved by the Administrator of EPA pursuant to the authority of section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Fisher Scientific Company on a schedule to bring its laboratory equipment facility in Indiana County into compliance as expeditiously as practicable with Title 25 of the Pennsylvania Code, § 129.52, Table 1, Miscellaneous Metal Parts and Products, 10(f), a part of the federally approved Pennsylvania State Implementation Plan. The Order requires emission monitoring and reporting requirements as required by Sections 113(d)(1)(C) and 113(d)(7) of the Act. If the conditions of the Order are met, it will permit Fisher Scientific Company to delay compliance with SIP regulations covered by the Order until April 21, 1987. The Company is unable to immediately comply with these regulations. EPA has determined

that its approval of the Order shall be effective (the date of publication of this notice) because of the need to immediately place Fisher Scientific Company on a federally enforceable schedule under the Clean Air Act requiring compliance with the applicable requirements of the State Implementation Plan.

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 within 60 days of the date of publication of this notice of final rulemaking. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

Each DCO affects only one entity and involves an "Order" rather than a "Rule" and therefore this action is not subject to the requirements of the Regulatory Flexibility Act or to Executive Order 12291.

List of Subjects in 40 CFR Part 65

Air pollution control.

Dated: August 15, 1986.

Lee M. Thomas,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDER

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 7413(d), 7601.

2. Section 65.431 is amended by adding the following entry in alphabetical order to the table to read as follows:

§ 65.431 EPA Approval of State Delayed Compliance Orders issued to major stationary sources.

* * * * *

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
Fisher Scientific Company	Indiana Township, Indiana County, PA		Apr. 21, 1986	§ 129.52, Table 1, Miscellaneous Metal Parts and Products, 10(f), Title 25 Pa. Code.	Apr. 21, 1987

* * * * *

[FR Doc. 86-18986 Filed 8-21-86; 8:45 am]

BILLING CODE 6560-50-M