

house organs, schools, colleges, and churches). Daily newsletters are published series that are not available on newsstands. They are customarily sold by subscription and distributed electronically or by mail.

The Copyright Office is now publishing a regulation that permits group registration of daily newsletters that meet all of the specified conditions. Under the regulation, daily newsletters that are published routinely at least two times per week may be registered in groups at a reduced fee if all other requirements are met. Publishers that meet these qualifications may register all newsletters bearing issue dates within a single calendar month under the same continuing title on a single Form SE/Group with the deposit of a single copy of each issue and a \$10 filing fee for each issue. Each issue must be an essentially new collective work or all new issue that has not been published before and must be a work made for hire. The author(s) and claimant(s) must be the same for all of the issues. If the Library of Congress makes a written request, the publisher must give the Library up to two complimentary subscriptions of the specified newsletter.

Registration of claims to copyright is optional, although registration confers several benefits. If a publisher cannot meet any one of the specified conditions and he or she wishes to register then a separate registration is required for each issue. Form SE or Short Form SE should be used.

The Copyright Office is also amending § 202.3(b)(3)(ii) and footnote 6 to § 202.3(c)(2) to conform to the addition of a new § 202.3(b)(8).

**List of Subjects in 37 CFR Part 202**

Copyright registration.

**Final Regulation**

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

**PART 202—[AMENDED]**

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

**Authority:** 17 U.S.C. 702; 202.3, 202.19, 202.20, 202.21, and 202.22 are also issued under 17 U.S.C. 407 and 408.

2. In § 202.3, paragraph (b)(8) is redesignated as paragraph (b)(9) and a new paragraph (b)(8) is added to read as follows:

**§ 202.3 Registration of Copyright.**

\* \* \* \* \*

(b) \* \* \*

(8) *Group registration of daily newsletters.* Pursuant to the authority

granted by 17 U.S.C. 408(c)(1), the Register of Copyrights has determined that, on the basis of a single application, deposit, and filing fee, a single registration may be made for a group of two or more issues of a daily newsletter if the following conditions are met:

(i) As used in this regulation, daily newsletter means a serial published and distributed by mail or electronic media (online, telefacsimile, cassette tape, diskette or CD-ROM). Publication must occur at least two days per week and the newsletter must contain news or information of interest chiefly to a special group (for example, trade and professional associations, corporate house organs, schools, colleges, and churches).

(ii) The works must be essentially all new collective works or all new issues that have not been published before.

(iii) Each issue must be a work made for hire.

(iv) The author(s) and claimant(s) must be the same person(s) or organization(s) for all of the issues.

(v) All the items in the group must bear issue dates within a single calendar month under the same continuing title.

(vi) If requested in writing by the Copyright Acquisitions Division of the Library of Congress, the publisher of the newsletter must give the Library of Congress up to two complimentary subscriptions of the newsletter in the edition most suitable to the Library's needs. Subscription copies must be mailed or transmitted to the separate address specified by the Copyright Acquisitions Division in its request. Subscription copies are not required unless expressly requested by the Library of Congress.

(vii) A Form SE/Group shall be submitted for daily newsletters bearing issue dates within a single month, together with one copy of each issue, and a filing fee of \$10 for each issue included in the group registration.

\* \* \* \* \*

3. Section 202.3(b)(3)(ii) is amended by removing "(b)(7)" and adding "(b)(8)".

4. Footnote 6 to § 202.3(c)(2) is revised to read as follows:

<sup>6</sup>In the case of applications for group registration of newspapers, contributions to periodicals, and newsletters, under paragraphs (b)(6), (b)(7), and (b)(8) of this section, the deposits and fees shall comply with those specified in the respective paragraphs.

Dated: March 14, 1995.

**Marybeth Peters,**  
*Register of Copyrights.*

Approved by:

**James H. Billington,**  
*The Librarian of Congress.*

[FR Doc. 95-7564 Filed 3-27-95; 8:45 am]

BILLING CODE 1410-30-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[CA-144-2-6918b; FRL-5179-4]

**California State Implementation Plan Revision; Interim Final Determination That State Has Corrected Deficiencies**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Interim final determination.

**SUMMARY:** Elsewhere in today's **Federal Register**, EPA has published a notice of proposed rulemaking fully approving revisions to the California State Implementation Plan. The revisions concern rules from the San Diego County Air Pollution Control District (SDCAPCD) and the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD): SDCAPCD Rule 61.1, Receiving and Storing Volatile Organic Compounds at Bulk Plants and Bulk Terminals; and SJVUAPCD Rule 4403, Components Serving Light Crude Oil or Gases at Light Crude Oil and Gas Production Facilities and Components at Natural Gas Processing Facilities. Based on the proposed full approval, EPA is making an interim final determination by this action that the State has corrected the deficiencies for which sanctions clocks were activated on September 30, 1993. This action will defer the application of the offset sanctions and defer the application of the highway sanctions. Although the interim final action is effective upon publication, EPA will take comment. If no comments are received on EPA's proposed approval of the State's submittal, EPA will finalize its determination that the State has corrected the deficiencies that started the sanctions clocks by publishing a notice of final rulemaking in the **Federal Register**. If comments are received on EPA's proposed approval and this interim final action, EPA will publish a final notice taking into consideration any comments received.

**DATES:** *Effective Date:* March 28, 1995.

*Comments:* Comments must be received by April 27, 1995.

**ADDRESSES:** Comments should be sent to: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

The State submittal and EPA's analysis for that submittal, which are the basis for this action, are available for public review at the above address and at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721

**FOR FURTHER INFORMATION CONTACT:** Mae Wang, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Telephone: (415) 744-1200.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On April 5, 1991, the State submitted SDCAPCD Rule 61.1, Receiving and Storing Volatile Organic Compounds at Bulk Plants and Bulk Terminals; and on May 30, 1991, SJVUAPCD Rule 4403, Components Serving Light Crude Oil or Gases at Light Crude Oil and Gas Production Facilities and Components at Natural Gas Processing Facilities, which EPA disapproved in part on August 30, 1993. 58 FR 4544. EPA's disapproval action started an 18-month clock for the imposition of one sanction (followed by a second sanction 6 months later) and a 24-month clock for promulgation of a Federal Implementation Plan (FIP). The State subsequently submitted revised rules on January 24, 1995 and February 24, 1995. The revised rules were adopted by the SDCAPCD and SJVUAPCD on January 10, 1995 and February 16, 1995 respectively. In the Proposed Rules section of today's **Federal Register**, EPA has proposed full approval of the State of California's submittal of SDCAPCD Rule 61.1, Receiving and Storing Volatile Organic Compounds at Bulk Plants and Bulk Terminals; and SJVUAPCD Rule 4403, Components Serving Light Crude Oil or Gases at Light Crude Oil and Gas Production Facilities and Components at Natural Gas Processing Facilities. SJVUAPCD Rule 4403 replaces SJVUAPCD Rule 465.3 of the same name.

Based on the proposed approval set forth in today's **Federal Register**, EPA

believes that it is more likely than not that the State has corrected the original disapproval deficiencies. Therefore, EPA is taking this interim final rulemaking action, effective on publication, finding that the State has corrected the deficiencies. However, EPA is also providing the public with an opportunity to comment on this final action. If, based on any comments on this action and any comments on EPA's proposed full approval of the State's submittal, EPA determines that the State's submittal is not fully approvable and this final action was inappropriate, EPA will either propose or take final action finding that the State has not corrected the original disapproval deficiencies. As appropriate, EPA will also issue an interim final determination or a final determination that the deficiencies have not been corrected. Until EPA takes such an action, the application of sanctions will continue to be deferred and/or stayed.

This action does not stop the sanctions clock that started for these areas on August 30, 1993. However, this action will defer the application of the offsets sanctions and will defer the imposition of the highway sanctions. See 59 FR 39832 (Aug. 4, 1994). If EPA's publishes a notice of final rulemaking fully approving the State's submittal, such action will permanently stop the sanctions clock and will permanently lift any applied, stayed or deferred sanctions. If EPA must withdraw the proposed full approval based on adverse comments and EPA subsequently determines that the State, in fact, did not correct the disapproval deficiencies, the sanctions consequences described in the sanctions rule will apply. See 59 FR 39832, to be codified at 40 CFR 52.31.

##### **II. EPA Action**

EPA is taking interim final action finding that the State has corrected the disapproval deficiencies that started the sanctions clocks. Based on this action, imposition of the offset sanctions will be deferred and imposition of the highway sanctions will be deferred until EPA's final action fully approving the State's submittal becomes effective or until EPA takes action proposing or disapproving in whole or part the State submittal. If EPA's proposed rulemaking action fully approving the State submittal becomes final, at that time any sanctions clocks will be permanently stopped and any applied, stayed or deferred sanctions will be permanently lifted.

Because EPA has preliminarily determined that the State has corrected the deficiencies identified in EPA's limited disapproval actions, relief from

sanctions should be provided as quickly as possible. Therefore, EPA is invoking the good cause exception under the Administrative Procedure Act in not providing an opportunity for comment before this action takes effect.<sup>1</sup> 5 U.S.C. 553(b)(3). EPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. EPA has reviewed the State's submittal and, through its proposed action is indicating that it is more likely than not that the State has corrected the deficiencies that started the sanctions clocks. Therefore, it is not in the public interest to initially impose sanctions or to keep applied sanctions in place when the State has most likely done all it can to correct the deficiencies that triggered the sanctions clocks. Moreover, it would be impracticable to go through notice-and-comment rulemaking on a finding that the State has corrected the deficiencies prior to the rulemaking approving the State's submittal. Therefore, EPA believes that it is necessary to use the interim final rulemaking process to temporarily stay or defer sanctions while EPA completes its rulemaking process on the approvability of the State's submittal. Moreover, with respect to the effective date of this action, EPA is invoking the good cause exception to the 30-day notice requirement of the APA because the purpose of this notice is to relieve a restriction. See 5 U.S.C. 553(d)(1).

##### **III. Regulatory Process**

Under the Regulatory Flexibility Act, 5 U.S.C. Section 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

This action temporarily relieves sources of an additional burden potentially placed on them by the sanctions provisions of the Act. Therefore, I certify that it does not have an impact on any small entities.

The Office of Management and Budget (OMB) has exempted this action from review under Executive Order 12866.

<sup>1</sup> As previously noted, however, by this action EPA is providing the public with a chance to comment on EPA's determination after the effective date and EPA will consider any comments received in determining whether to reverse such action.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental regulations, Reporting and recordkeeping, Ozone, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: March 16, 1995.

**Felicia Marcus,**

*Regional Administrator.*

[FR Doc. 95-7471 Filed 3-27-95; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary**

**49 CFR Part 1**

[OST Docket No 1; Amdt. 1-269]

**Organization and Delegation of Powers and Duties Transfer of Delegations From Assistant Secretary for Governmental Affairs to General Counsel and Deputy General Counsel**

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** Responsibility for the Department's airline consumer protection program and related responsibilities has been transferred from the Assistant Secretary for Governmental Affairs to the General Counsel and the Deputy General Counsel. This rule amends the delegations to be in accordance with the changed responsibilities. The rule is necessary to reflect the delegations in the Code of Federal Regulations.

**EFFECTIVE DATE:** This rule becomes effective March 28, 1995.

**FOR FURTHER INFORMATION CONTACT:** Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement (202) 366-9306, United States Department of Transportation, 400 7th Street SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** Responsibility for the Department's airline consumer protection program and related responsibilities has been

transferred from the Assistant Secretary for Governmental Affairs to the General Counsel and the Deputy General Counsel. This rule amends the delegations to be in accordance with the changed responsibilities. The Office of Intergovernmental and Consumer Affairs has been changed to the Office of Intergovernmental Affairs. The Aviation Consumer Protection Division, located within the Office of the Assistant General Counsel for Aviation Enforcement and Proceedings, has been created.

Since this rule relates to departmental management, organization, procedure, and practice, notice and public comment are unnecessary. For the same reason, good cause exists for not publishing this rule at least 30 days before its effective date, as is ordinarily required by 5 U.S.C. 553(d). Therefore, this rule is effective on the date of its publication.

**List of Subjects in 49 CFR Part 1**

Authority delegations (Government agencies), Organizations and functions (Government agencies).

**PART 1—[AMENDED]**

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

**Authority:** 49 U.S.C. 322; Pub. L. 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

**§ 1.22 [Amended]**

2. Section 1.22(f) is revised to read as follows:

**§ 1.22 Structure.**

\* \* \* \* \*

(f) *Office of the Assistant Secretary for Governmental Affairs.* This office is composed of the Offices of Congressional Affairs and Intergovernmental Affairs.

\* \* \* \* \*

3. In § 1.56a, "1.61(d)" is revised to read "1.57(s)" in paragraph (f)(1).

4. In § 1.56b, "1.61(d)" is revised to read "1.57(s)".

5. Section 1.57 is amended by adding a new paragraph (s) to read as follows:

**§ 1.57 Delegations to General Counsel.**

\* \* \* \* \*

(s) Assist and protect consumers in their dealings with the air transportation industry and assist state and local organizations in handling airline consumer complaints. Carry out 49 U.S.C. 40113 and 41771 as appropriate to those functions.

\* \* \* \* \*

6. Section 1.57a is revised to read as follows:

**§ 1.57a Delegations to Deputy General Counsel.**

The Deputy General Counsel is delegated authority to:

(a) Appear on behalf of the Department on the record in hearing cases, and to initiate and carry out enforcement actions on behalf of the Department, under the authority transferred to the Department from the Civil Aeronautics Board as described in §§ 1.56a(f) and 1.57(s). This includes the authority to compromise penalties under 49 U.S.C. 46301; to issue appropriate orders, including cease and desist orders, under 49 U.S.C. 46101; and to require the production of information, enter carrier property and inspect records and inquire into the management of the business of a carrier under 49 U.S.C. 41711, as appropriate to the enforcement responsibilities. In carrying out these functions, the Deputy General Counsel is not subject to the supervision of the General Counsel.

(b) Initiate and carry out enforcement actions relating to:

(1) foreign airport security on behalf of the Department under 49 U.S.C. 44907; and

(2) the Consumer Credit Protection Act under section 4(a)(5) of the Civil Aeronautics Board Sunset Act of 1984 (October 4, 1984; Pub. L. 98-443). In carrying out these functions, the Deputy General Counsel is not subject to the supervision of the General Counsel.

**§ 1.61 [Amended]**

7. In § 1.61, remove paragraph (d).

Issued at Washington, DC this 22nd day of March, 1995.

**Federico Peña,**

*Secretary of Transportation.*

[FR Doc. 95-7568 Filed 3-27-95; 8:45 am]

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