

under section 407. Demands would issue only for sound recordings that are fixed and published solely in online-only electronic format. In the case of a sound recording published in both physical and electronic form, the publisher would be required to deposit the physical format as the “best edition,” rather than the electronic version.⁴³

As with online-only books, it seems that many, if not most, published sound recordings are available not only via subscription services, but also for purchase and download. As explained above, this is distinct from electronic serials, many of which are accessible to end users only through a subscription service. The Office invites comment on this difference as it may relate to the advisability of extending on-demand deposit requirements to online-only sound recordings, including the need for such mandatory deposit to further the Library’s collection and preservation goals.

Under any rule requiring mandatory deposit of online-only sound recordings, the Library would provide public access to such recordings. The Library currently has a system by which authorized users can access and listen to digitized copies of physical sound recordings collected through other means at the Madison Building of the Library of Congress. Currently, users may access such recordings through six dedicated computer terminals.⁴⁴ The Library, however, expects to modify this system to bring it into compliance with the policies identified in the 2010 interim rule before it is used to provide access to any online-only sound recordings obtained via mandatory deposit. Those policies are:

- Access to electronic works received through mandatory deposit will be as

similar as possible to the access provided to analog works.

- Access to electronic works received through mandatory deposit will be limited, at any one time, to two Library of Congress authorized users.

- Library of Congress authorized users will access the electronic works via a secure server over a secure network that serves Capitol Hill facilities and remote Library of Congress locations. The term “Library of Congress authorized users” includes Library staff, contractors, and registered researchers, and Members, staff and officers of the U.S. House of Representatives and the U.S. Senate. The Library will not make the copyrighted works available to the public over the Internet without rights holders’ permissions.

- Users may not reproduce or distribute (*i.e.*, download or email) copies of deposited electronic works until the Library has explored the advisability of permitting these options and the security and feasibility of the implementing technologies. As part of this process, the Library will seek comment from the public, including copyright owners and publishers, before adopting additional policies governing electronic copying or distribution by electronic transmission.

Again, although, with the exception of the policy regarding printing of electronic works, the above policies are identical to those articulated in the 2010 interim rule, the Library believes that in the future it may be able to comply with these policies using different technical means than are currently available. In addition, no “best edition” criteria exist yet for online-only sound recordings. Here too, however, the Library is proposing that the criteria specified in the Library’s “Recommended Formats Statement”⁴⁵ for digital audio works could be adapted for this purpose.

III. Subjects of Inquiry

The Office invites written comments on the general subjects below. A party choosing to respond to this notice of inquiry need not address every subject, but the Office requests that responding parties clearly identify and separately address each subject for which a response is submitted. In responding, please identify your particular interest in and experience with these issues.

1. Please comment on the efficacy of the 2010 interim rule, including whether it adequately addresses the digital collection and preservation needs of the Library of Congress, whether it has adequately addressed the

concerns of affected parties, and whether it is a good framework for further developing section 407.

2. Please comment on the Library’s adopted policies as to the interim rule and/or their application to online-only books and/or sound recordings.

3. Please comment on the information technology, security, and/or other requirements that should apply to the Library’s receipt and storage of, and public access to, any online-only books and/or sound recordings collected under section 407.

4. Please provide comments and observations regarding the application of “best edition” requirements to online-only books and/or sound recordings, including whether and how the “best edition” criteria for electronic serials found in part 202 of 37 CFR, appendix B, or the guidelines from the Library’s Recommended Formats Statement, might or might not be adapted to address these additional categories of online-only works.

Dated: May 11, 2016.

Maria A. Pallante,

Register of Copyrights, U.S. Copyright Office.

[FR Doc. 2016–11613 Filed 5–16–16; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0070 FRL–9945–23–Region 9]

Approval of California State Air Plan Revisions, Eastern Kern Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Eastern Kern Air Pollution Control District (EKAPCD) portion of the California State Implementation Plan (SIP). These revisions concern administrative changes of a previously approved regulation and emissions of volatile organic compounds (VOCs) from aerospace coating assembly and coating operations and metal, plastic and pleasure craft parts and products coating operations. We are proposing to approve local rules to regulate these activities under the Clean Air Act (CAA or the Act).

DATES: Any comments on this proposal must arrive by June 16, 2016.

⁴³ See 37 CFR 202.19(c)(5).

⁴⁴ The Library’s Motion Picture, Broadcasting, and Recorded Sound Division currently allows Library patrons to listen to digitized versions of sound recordings in its Recorded Sound Collection via either one of five dedicated computers located in the Recorded Sound Reference Center’s main listening room in the Madison Building, or at an additional terminal located in a private listening room set off from the main listening room. See generally Guidelines for Listening to Sound Recordings, Library of Congress, <https://www.loc.gov/tr/record/rrinstructions.html>. Public use of these facilities is by appointment only; in advance of the appointment, the Library digitizes any requested materials and copies those materials onto a server located at the Packard Campus of the National Audio-Visual Conservation Center of the Library, located in Culpeper, Virginia. The content is then downloaded to the Madison Building terminals via a 75-mile dedicated fiber optic cable network that connects the Packard Campus to the Library’s Capitol Hill facilities. In describing this arrangement, the Copyright Office does not mean to suggest an opinion on the copyright implications of such a system.

⁴⁵ <https://www.loc.gov/preservation/resources/rfs/TOC.html>.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R09-OAR-2016-0070 at <http://www.regulations.gov>, or via email to Steckel.Andrew@epa.gov. For comments submitted at Regulations.gov, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the Web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Vanessa Graham, EPA Region IX, (415) 947-4120, graham.vanessa@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, “we,” “us” and “our” refer to the EPA. This proposal addresses the following EKAPCD rules: Rule 103.1, “Inspection of Public Records,” Rule 410.4, “Metal, Plastic, and Pleasure Craft Parts and Products Coating Operations,” and Rule 410.8, “Aerospace Assembly and Coating Operations.” In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on a particular rule, we may adopt as final those rules that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is

planned. For further information, please see the direct final action.

Dated: April 4, 2016.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2016-11513 Filed 5-16-16; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1122

[Docket No. EP 731]

Rules Relating to Board-Initiated Investigations

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: Through this Notice of Proposed Rulemaking, the Surface Transportation Board (Board or STB) is proposing rules for investigations conducted on the Board’s own initiative pursuant to the Surface Transportation Board Reauthorization Act of 2015.

DATES: Comments are due by June 15, 2016. Replies are due by July 15, 2016.

ADDRESSES: Comments and replies may be submitted either via the Board’s e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board’s Web site, at <http://www.stb.dot.gov>. Any person submitting a filing in the traditional paper format should send an original and 10 copies to: Surface Transportation Board, Attn: EP 731, 395 E Street SW., Washington, DC 20423-0001. Copies of written comments and replies will be available for viewing and self-copying at the Board’s Public Docket Room, Room 131, and will be posted to the Board’s Web site.

FOR FURTHER INFORMATION CONTACT: Scott M. Zimmerman at (202) 245-0386. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: Section 12 of the *STB Reauthorization Act* authorizes the Board to investigate, on its own initiative, issues that are “of national or regional significance” and are subject to the Board’s jurisdiction under 49 U.S.C. Subtitle IV, Part A. Under the statute, the Board must issue rules implementing this investigative authority not later than one year after the date of enactment of the *STB Reauthorization Act* (by December 18, 2016).

The Board accordingly proposes regulations, to be set forth at 49 CFR part 1122, establishing procedures for investigations conducted on the Board’s own initiative pursuant to Section 12 of the *STB Reauthorization Act*. The proposed regulations would not apply to other types of investigations that the Board may conduct.

Introduction

The *STB Reauthorization Act* provides a basic framework for conducting investigations on the Board’s own initiative, as follows:

Within 30 days after initiating an investigation, the Board must provide notice to parties under investigation stating the basis for such investigation. The Board may only investigate issues that are of national or regional significance. Parties under investigation have a right to file a written statement describing all or any facts and circumstances concerning a matter under investigation, and the Board has an obligation to separate the investigative and decisionmaking functions of Board staff to the extent practicable.

Investigations must be dismissed if they are not concluded with “administrative finality within one year after commencement.”¹ In any such investigation, Board staff must make available to the parties under investigation and the Board Members any recommendations made as a result of the investigation and a summary of the findings that support such recommendations. Within 90 days of receiving the recommendations and summary of findings, the Board must either dismiss the investigation if no further action is warranted, or initiate a proceeding to determine whether a provision of 49 U.S.C. Subtitle IV, Part A has been violated. Any remedy that the Board may order as a result of such a proceeding may only be applied prospectively.

The *STB Reauthorization Act* further requires that the rules issued under Section 12 must comply with the requirements of 49 U.S.C. 11701(d) (as amended by the *STB Reauthorization Act*), satisfy due process requirements, and take into account ex parte constraints.

Summary of Proposed Rules

To implement this statutory framework for investigations, the Board is proposing a three-stage process,

¹ S. Rep. No. 114-52, 12 (2015) (explaining that the one-year deadline for investigations conducted on the Board’s own initiative does not include any Board proceeding conducted subsequent to the investigation).