

businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with population of less than 50,000. The estimated cost to each recreational mariner affected by this extended regulation and the safety zone is less than \$100. The estimated cost per "small business" towing company for personnel hours and fuel consumption during detours remains less than \$100,000. Because the impact of this proposal is expected to be limited and of relatively short duration, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this rule. The Coast Guard prepared an Environmental Impact Statement for the replacement of this historic bridge. The EIS analyzed the environmental and economic impact of a 5 month bridge closure. The draft Environmental Assessment published with the NPRM has been superseded by the more detailed environmental analysis in the Final EIS, which is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard is amending 33 CFR Part 117 as follows:

PART 117—[AMENDED]

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; and 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

§ 117.147 [Amended]

2. Effective June 30, 1997 through October 2, 1997, § 117.147 is amended by suspending paragraph (b) and revising paragraph (c) to read as follows:

§ 117.147 Cerritos Channel

* * * * *

(c) During the period June 30, 1997 through October 2, 1997, the bridge will be undergoing reconstruction and the draw need not open for the passage of vessels.

Dated: May 29, 1997.

J.C. Card,

Vice Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 97–15284 Filed 6–10–97; 8:45 am]

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1256

RIN 3095–AA55

Domestic Distribution of United States Information Agency Materials in the Custody of the National Archives

AGENCY: National Archives and Records Administration.

ACTION: Final rule.

SUMMARY: The National Archives and Records Administration (NARA) is issuing regulations which govern the domestic distribution of USIA materials prepared for dissemination abroad that are in the custody of NARA. Public Law 101–246, section 202, requires the Archivist of the United States to issue necessary regulations to ensure that persons seeking release of such USIA materials in the United States have secured and paid for necessary rights and licenses. This rule affects members of the public who wish to use or obtain copies of USIA audiovisual records transferred to NARA.

EFFECTIVE DATE: July 11, 1997.

FOR FURTHER INFORMATION CONTACT: Nancy Allard at 301–713–7360, extension 226.

SUPPLEMENTARY INFORMATION: NARA published a proposed rule for public comment on January 31, 1997 (62 FR 4669). No comments were received. The proposed rule is adopted as final without change.

On February 16, 1990, Public Law 101–246 (104 Stat. 49) amended the United States Information and Educational Exchange Act (22 U.S.C. 1461) to provide for the domestic release of motion pictures, videotapes, sound recordings and other materials 12

years after initial dissemination abroad, or, if not disseminated, 12 years from the preparation of the material. Previously, section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) had prevented the domestic dissemination by the United States Information Agency of such materials prepared for dissemination abroad in perpetuity unless specifically and individually released by Congressional legislation. The amended law allows release and dissemination once the 12-year threshold has been met and instructs NARA to provide regulations to ensure that any copyrights or underlying rights that may exist in these USIA materials have been protected and releases obtained prior to dissemination in the United States. For the public this amended law provides access and potential use of over 35,000 USIA motion picture films, 3,000 USIA videotape productions, and over 20,000 sound recordings of Voice of America (VOA) radio broadcasts that have been selected as permanently valuable audiovisual records and have been transferred into the custody of the Motion Picture, Sound and Video Branch of NARA. These regulations only apply to USIA records in NARA's custody that were prepared for dissemination abroad.

This final rule is not a significant regulatory action for purposes of Executive Order 12866 of September 30, 1993, and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small entities. This rule does not contain any information collections subject to the Paperwork Reduction Act. This rule is not a major rule as defined in 5 U.S.C. chapter 8, Congressional Review of Agency Rulemaking.

List of Subjects in 36 CFR Part 1256

Archives and records, Copyright, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, part 1256 of title 36, Chapter XII of the Code of Federal Regulations is amended as follows:

PART 1256—RESTRICTIONS ON THE USE OF RECORDS

1. The authority citation for Part 1256 is revised to read as follows:

Authority: 44 U.S.C. 2101–2118; 22 U.S.C. 1461(b).

2. A new subpart C, consisting of §§ 1256.50 through 1256.60, is added to part 1256 as follows:

Subpart C—Domestic Distribution of United States Information Agency Materials in the National Archives of the United States

Sec.

1256.50 Scope of subpart.

1256.52 Purpose.

1256.54 Definition.

1256.56 Transfer of USIA audiovisual records to NARA.

1256.58 Domestic distribution of USIA audiovisual records transferred to NARA.

1256.60 Fees.

§ 1256.50 Scope of subpart.

This subpart prescribes procedures governing the public availability of audiovisual records and other materials subject to 22 U.S.C. 1461(b) that have been transferred to the National Archives of the United States by the United States Information Agency (USIA).

§ 1256.52 Purpose.

This subpart implements section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), as amended by section 202 of Public Law 101-246 (104 Stat. 49, Feb. 16, 1990). This subpart prescribes procedures by which the public may inspect and obtain copies of USIA audiovisual records and other materials prepared for dissemination abroad that have been transferred to NARA for preservation and domestic distribution.

§ 1256.54 Definition.

For the purposes of this subpart—*Audiovisual records* mean motion picture films, videotapes, and sound recordings, and other materials regardless of physical form or characteristics that were prepared for dissemination abroad.

§ 1256.56 Transfer of USIA audiovisual records to NARA.

The provisions of 44 U.S.C. 2107 and 36 CFR part 1228 apply to the transfer of USIA audiovisual records to NARA, and to their deposit with the National Archives of the United States. At the time the audiovisual records are transferred to NARA, the Director of USIA, in accordance with § 1228.184(e) of this chapter, will also transfer any production or title files bearing on the ownership of rights in the productions in connection with USIA's official overseas programming.

§ 1256.58 Domestic distribution of USIA audiovisual records transferred to NARA.

No USIA audiovisual records in the National Archives of the United States that were prepared for dissemination abroad will be available for copying until it has been at least 12 years since such materials were first disseminated

abroad, or, in the case of materials prepared for foreign dissemination but not disseminated abroad, until it has been at least 12 years since the preparation of the materials.

(a) *Access to USIA audiovisual records that neither have copyright protection nor contain copyrighted material.* USIA audiovisual records prepared for dissemination abroad that NARA determines neither have copyright protection nor contain copyrighted material are available for examination and copying in accordance with the regulations set forth in parts 1252, 1253, 1254, 1256, and 1258 of this chapter. In determining whether materials have copyright protection or contain copyrighted material, NARA will rely on information contained within or affixed to individual records (e.g., copyright notices); information contained within relevant USIA production, title, or other files that have been transferred to NARA by USIA; information provided by requesters pursuant to paragraph (b)(2) of this section (e.g., evidence from the Copyright Office that copyright has lapsed or expired); and information provided by copyright or license holders.

(b) *Reproduction of USIA audiovisual records that either have copyright protection or contain copyrighted material.*

(1) USIA audiovisual records prepared for dissemination abroad that NARA determines may have copyright protection or may contain copyrighted material will be made available for examination in NARA research facilities in accordance with the regulations set forth in this Title.

(2) Copies of USIA audiovisual records prepared for dissemination abroad that NARA determines may have copyright protection or may contain copyrighted material will be provided to persons seeking the release of such materials in the United States once NARA has

(i) Ensured, in accordance with paragraph (b)(3) of this section, that the persons seeking copies have secured and paid for necessary United States rights and licenses;

(ii) Been provided with evidence from the Copyright Office sufficient to determine that copyright protection in the materials sought, or relevant portions therein, has lapsed or expired; or

(iii) Received a requester's signed certification in accordance with paragraph (b)(4) of this section that the materials sought will be used only for purposes permitted by the Copyright Act of 1976, as amended, including the

fair use provisions of 17 U.S.C. 107. No copies of USIA audiovisual records will be provided until the fees authorized under part 1258 of this chapter have been paid to NARA.

(3) If NARA has determined that a USIA audiovisual record prepared for dissemination abroad may have copyright protection or may contain copyrighted material, persons seeking the release of such material in the United States may obtain copies of the material by submitting to NARA written evidence from all copyright and/or license owner(s) that any necessary fees have been paid or waived and any necessary licenses have been secured.

(4) If NARA has determined that a USIA audiovisual record prepared for dissemination abroad may have copyright protection or may contain copyrighted material, persons seeking the release of such material in the United States may obtain copies of the material by submitting to NARA the following certification statement:

I, (printed name of individual), certify that my use of the copyrighted portions of the (name or title and NARA identifier of work involved) provided to me by the National Archives and Records Administration (NARA), will be limited to private study, scholarship, or research purposes, or for other purposes permitted by the Copyright Act of 1976, as amended. I understand that I am solely responsible for the subsequent use of the copyrighted portions of the work identified above.

(c) In every instance where a copy of an audiovisual record is provided under this subpart, and NARA has determined that the work being reproduced may have copyright protection or may contain copyrighted material, NARA shall provide a warning notice of copyright.

(d) Nothing in this section shall limit NARA's ability to make copies of USIA audiovisual records for preservation, arrangement, repair and rehabilitation, description, exhibition, security, or reference purposes.

§ 1256.60 Fees.

Copies or reproductions of audiovisual records will only be provided under this subpart upon payment of fees in accordance with 44 U.S.C. 2116(c) and 22 U.S.C. 1461(b)(3).

Dated: June 4, 1997.

John W. Carlin,

Archivist of the United States.

[FR Doc. 97-15258 Filed 6-10-97; 8:45 am]

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