

William P. Lane Jr. Memorial Twin Bridges to the Eastern Shore. This is the type of event contemplated by these regulations and the safety of the participants depends upon control of vessel traffic, therefore the regulations in 33 CFR 100.507 are implemented and effective from 6:30 a.m. until 1 p.m., on June 11, 1995. During the swim itself, all vessel traffic will have to be stopped. However, vessel traffic will be permitted to transit the regulated area as the swim progresses. As a result, commercial traffic should not be severely disrupted.

Dated: April 14, 1995.

W.J. Ecker,

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

[FR Doc. 95-10923 Filed 5-3-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 110

[CGD09-93-033]

Special Anchorage Area, Lake Superior, La Pointe Harbor, Madeline Island, WI; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction to final rule.

SUMMARY: This document contains corrections to the final rule (CGD09-93-033), which was published Wednesday, March 22, 1995 (60 FR 15052). The regulation established a Special Anchorage Area on Lake Superior, La Pointe Harbor, Madeline Island, Wisconsin.

EFFECTIVE DATE: May 4, 1995.

FOR FURTHER INFORMATION CONTACT: Marine Science Technician Second Class Jeffrey M. Yunker, Ninth Coast Guard District, Aids to Navigation and Waterways Management Branch, Room 2083, 1240 East Ninth Street, Cleveland, Ohio 44199-2060, (216) 522-3990.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are Lieutenant Junior Grade Byron D. Willeford, Project Officer, Ninth Coast Guard District, Aids to Navigation and Waterways Management Branch, and Lieutenant Karen E. Lloyd, Project Attorney, Ninth Coast Guard District Legal Office.

Background

The final rule that is the subject of these corrections, established a Special Anchorage Area on Lake Superior, La Pointe Harbor, Madeline Island, Wisconsin.

Need for Correction

As published, the final rule contained errors which incorrectly state the coordinates of the Special Anchorage Area. This may cause a mariner to anchor his or her vessel in an inappropriate area and must therefore be corrected.

Correction of Publication

Accordingly, the publication on March 22, 1995, of the final rule [CGD09-93-033] which was the subject of FR Doc. 95-6955, is corrected as follows:

§ 110.775 [Corrected]

1. The coordinates in § 110.77b, on page 15053 in the first column should be corrected to read as follows:

Latitude	Longitude
46°46'21.5" N	090°46'59" W, to
46°46'36" N	090°47'13" W, to
46°46'41" N	090°47'13" W, thence
along the natural shoreline and structures to:	
46°46'21.5" N	090°46'59" W.

Dated: April 18, 1995.

Rudy K. Peschel,

*Rear Admiral, U.S. Coast Guard, Commander,
Ninth Coast Guard District.*

[FR Doc. 95-10924 Filed 5-3-95; 8:45 am]

BILLING CODE 4910-14-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket No. 95-4]

Modification of Appeal Procedure

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of policy decision.

SUMMARY: The Copyright Office of the Library of Congress issues this Policy Decision modifying the appeal procedure regarding refusals to register a copyright claim. Currently, this procedure is specified in Compendium II of Copyright Office Practices and an applicant whose claim is rejected is entitled to two reconsiderations, each handled within the Examining Division. The modified procedure establishes an interim system with a Board of Appeals to reconsider the second appeal that is the final agency action.

EFFECTIVE DATE: June 5, 1995.

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. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION:

I. Background

One of the most significant responsibilities assigned the Copyright Office by Title 17 of the U.S. Code is the registration of copyright claims. Currently, the Copyright Office registers slightly more than 600,000 copyright claims annually, and refuses to register a small percentage of these.

Subsections 410(a) and (b) of the copyright law determine the parameters of the registration system:

(a) When, after examination, the Register of Copyrights determines that, in accordance with the provisions of this title, the material deposited constitutes copyrightable subject matter and that the other legal and formal requirements of this title have been met, the Register shall register the claim and issue to the applicant a certificate of registration under the seal of the Copyright Office. The certificate shall contain the information given in the application, together with the number and effective date of the registration.

(b) In any case in which the Register of Copyrights determines that, in accordance with the provisions of this title, the material deposited does not constitute copyrightable subject matter or that the claim is invalid for any other reason, the Register shall refuse registration and shall notify the applicant in writing of the reasons for such refusal.

In administering these provisions, the Copyright Office usually accepts as true the facts given by the applicant.¹ The decision to register or not rests on a determination of whether a prima facie valid copyright claim has been submitted under the provisions of the Copyright Act.

An applicant may appeal a refusal to register using the appeal procedure specified in the Compendium of Copyright Office Practices. Under this practice, an applicant whose claim has been denied registration is entitled to two reconsideration, each handled within the Examining Division. Specifically, the procedure provides:

Refusal to register: request for reexamination. When the Copyright Office has refused a claim as submitted, it notifies the applicant in writing of the refusal to register. After such notification, the applicant may set forth in writing his or her objections to the refusal and request that the Office reconsider its action. If the claim is refused

¹ Section 108.05 of Compendium II of Copyright Office Practices provides: "Factual determinations. In connection with its examining and related activities, the Copyright Office does not ordinarily make findings of fact with respect to publication or any other thing done outside the Copyright Office." This practice is qualified by section 108.05(b) providing: "Administrative notice. The Copyright Office may take notice of matters of general knowledge. It may use such knowledge as the basis for questioning applications that appear to contain or be based upon inaccurate or erroneous information."

after reconsideration, the head of the appropriate Examining Division section will send the applicant written notification of the reasons for refusal. The applicant may again request reconsideration. If the claim is refused again, the Chief of the Examining Division will notify the applicant in writing of the reasons. The Division Chief's decision constitutes final agency action.

Section 606.04 Compendium II of Copyright Office Practices.

II. Circumstances Leading to Modification

Although the Office's practice concerning appeals is long-standing, we have periodically considered modifying it. A number of commentators have criticized the current practice on the grounds that containment within the Examining Division leads to an overly closed system. Even under the existing practice, however, there has been some discussion of particular cases with the General Counsel or the Register. More recently, the Library of Congress appointed an Advisory Committee on Copyright Registration and Deposit, (ACCORD); in their meetings, members of this Committee criticized the appeals procedure and suggested that it be changed. Library of Congress, Advisory Committee on Copyright Registration and Deposit, 31 (1993).

The Copyright Office is committed to improving this procedure and will be publishing a Notice of Proposed Rulemaking seeking public comment on legal and administrative issues associated with establishing a more formal procedure at a later date. Meanwhile, as a first step, the Office has decided to establish a Board of Appeals within the Copyright Office as an interim system. By instituting this Board, we will gain experience in administering an alternative system.

After the Office has some practical experience with the new system, we will make a detailed proposal and seek public comment. Following review of these comments, the Copyright Office will publish the new appeal procedure as a regulation. Although we are now adopting as an interim system the Board of Appeals described below, the precise nature of the final appeal procedure will not be established until we publish final rules. Anyone who wishes to suggest specific guidelines for our consideration before the proposed rulemaking should submit them to the Board of Appeals, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024.

III. Policy Decision

The Copyright Office's appeal procedure set out in § 606.04 of the

Compendium is amended to read as follows:

Appeals of refusal to register: request for reconsideration. When the Copyright Office has refused to register a claim as submitted, it notifies the applicant in writing of the refusal to register. After such notification, the applicant may set forth in writing his or her objections to the refusal and request that the Office reconsider its action. The appeal letter should be addressed to the appropriate section of the Examining Division, Copyright Office, Washington, D.C. 20559. The first request for reconsideration must be received in the Copyright Office within 120 days of the date of the Office's first refusal to register, and the envelope containing the request should be clearly marked: FIRST APPEAL/ EXAMINING DIVISION.

If the claim is refused after reconsideration, the head of the appropriate section of the Examining Division sends the applicant written notification of the reasons for refusal. The applicant may again request reconsideration in writing. This second appeal must be received in the Copyright Office within 120 days of the date of the Office's refusal of the first appeal, and be directed to the Board of Appeals at the following address: Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C., 20024. The Board of Appeals shall consist of the Register of Copyrights, the General Counsel, and the Chief of the Examining Division, or their respective designees. The Board shall consider the second appeal and render a final decision. The designated Chair of the Board of Appeals will write the applicant setting out the reasons for acceptance or denial of the claim. The Appeals Board's decision constitutes final agency action.

Dated: April 27, 1995.

Marybeth Peters,
Register of Copyrights.

Approved by:

James H. Billington,
The Librarian of Congress.

[FR Doc. 95-11045 Filed 5-3-95; 8:45 am]

BILLING CODE 1410-30-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7138

[CO-930-1920-00-4355; COC-51843]

Transfer of Public Land for the Slick Rock Disposal Site; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order permanently transfers 61.25 acres of public land to the Department of Energy in accordance with the terms of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7916 (1988)), as amended.

EFFECTIVE DATE: May 4, 1995.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215-7076, 303-239-3706.

By virtue of the authority vested in the Secretary of the Interior by the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7916 (1988)), as amended, it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby permanently transferred to the Department of Energy, and as a result of this transfer, the land is no longer subject to the operation of the general land laws, including the mining and the mineral leasing laws, for the Slick Rock Disposal Site:

New Mexico Principal Meridian

T. 44 N., R. 18 W.,

Sec. 21, S¹/₂S¹/₂SE¹/₄SW¹/₄;

Sec. 28, NE¹/₄NW¹/₄, N¹/₂NE¹/₄SE¹/₄NW,
N¹/₂S¹/₂NE¹/₄SE¹/₄NW¹/₄,
NE¹/₄NW¹/₄SE¹/₄NW¹/₄, and
N¹/₂SE¹/₄NW¹/₄SE¹/₄NW¹/₄.

The area described contains approximately 61.25 acres of public land in San Miguel County.

2. The transfer of the above-described land to the Department of Energy vests in that Department full management, jurisdiction, responsibility, and liability for such land and all activities conducted therein, except as provided in paragraph 3.

3. The Secretary of the Interior shall retain the authority to administer any existing claims, rights, and interests in this land established before the effective date of the transfer.

Dated: April 21, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95-10992 Filed 5-3-95; 8:45 am]

BILLING CODE 4310-JB-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 90

[ET Docket 93-235; FCC 95-148]

Additional Frequencies for Cordless Telephones

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this action, the Commission makes available 15 new channel pairs for cordless telephones. This action is taken to relieve