

permission of the Captain of the Port, New York.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: April 5, 2001.

**P.A. Harris,**

*Captain, U. S. Coast Guard Captain of the Port, New York, Acting.*

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## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 205

[Docket No. RM 2001-1]

#### Service of Notice of Institution of Action for Infringement and Service of Complaint in Infringement Action on the Register of Copyrights

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Final rule.

**SUMMARY:** This document publishes the procedures for proper service on the Register of Copyrights when a registration applicant whose application for registration has been refused institutes an infringement action. Service under such circumstances is required under title 17, United States Code, section 411(a).

**EFFECTIVE DATE:** Effective May 14, 2001.

**FOR FURTHER INFORMATION CONTACT:** Marilyn J. Kretsinger, Assistant General Counsel, or Patricia L. Sinn, Senior Attorney, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** Under title 17, United States Code, the copyright law allows a copyright owner to sue for infringement of exclusive rights provided under 17 U.S.C. 106, as long as the work(s) at issue have been registered with the Copyright Office. In addition, under section 411(a), a registration applicant whose application for registration has been refused by the Office may institute an infringement action under certain circumstances. It states:

Except for an action brought for a violation of the rights of the author under section 106A(a), and subject to the provisions of subsection (b), no action for infringement of the copyright in any United States work shall be instituted until registration of the copyright claim has been made in accordance with this title. In any case, however, where the deposit, application, and fee required for registration have been delivered to the Copyright Office in proper form and registration has been refused, the applicant is entitled to institute an action for infringement if notice thereof, with a copy of the complaint, is served on the Register of Copyrights. The Register may, at his or her option, become a party to the action with respect to the issue of registrability of the copyright claim by entering an appearance within sixty days after such service, but the Register's failure to become a party shall not deprive the court of jurisdiction to determine that case.

17 U.S.C. 411(a).

The purpose of the statutory provision is to enable the Register to become a party to an action, if he or she chooses, with respect to the issue of registrability of the copyright claim, and, thereby explain the Office's rejection of an application or clarify the Office's registration practices and procedures. The Register has sixty days after service of complaint to intervene in the case. In order for this to occur, service must be proper and timely.

Unfortunately, the statute does not give specific instructions about service on the Register when registration has been refused, and in practice such service has not been uniform. Despite the Copyright Office's publication of an address where these complaints should be directed, See 59 FR 17401 (April 12, 1994), they continue to be misdirected. A number of them have been delivered to the wrong section of the Copyright Office and held for over 60 days before being forwarded to the appropriate Copyright Office official. Such delays make it impossible for the Office to enter the case. Therefore, the Office is publishing in its regulations the procedures whereby notice of institution of lawsuits and complaints in cases where registration has been refused must be served directly upon the appropriate officials responsible for determining Office participation in such cases. Service that does not comply with these procedures will not be considered proper.

Service on the Register of notice that an action has been instituted for infringement of a work for which registration has been refused will be satisfied by either sending by first class mail notice of the institution of the action in the form of a cover letter addressed to the Register of Copyrights, along with a copy of the complaint to

the General Counsel of the Copyright Office at Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024 or by hand delivery of the same material to the General Counsel. If delivered by hand, the cover letter and complaint must be delivered to the Copyright Office General Counsel's Office at the James Madison Memorial Building, Room LM-403, First and Independence Avenue, SE, Washington, D.C. A copy of the cover letter and complaint should also be sent to the Department of Justice by first class mail, addressed to the Director of Intellectual Property Staff, Commercial Litigation Branch, Civil Division, Department of Justice, Washington, D.C. 20530.

This final rule is being published without opportunity for notice and comment because it is a rule of agency practice and procedure. Moreover, the Office finds that there is good cause to conclude that providing the opportunity for notice and comment would be impracticable, unnecessary and contrary to the public interest because this rule simply advises parties of the address to which the notice required by section 411(a) must be sent. See 5 U.S.C. 553(b)(A) and (B).

#### List of Subjects in 37 CFR Part 205

Copyright, Service of process.

#### Final Regulation

In consideration of the foregoing, the Copyright Office is amending 37 CFR Chapter II by adding part 205 consisting of subpart A to read as follows:

#### PART 205—PRODUCTION OF LEGAL DOCUMENTS AND OFFICIAL TESTIMONY

**Authority:** 17 U.S.C. 411, 17 U.S.C. 702.

##### § 205.1 Complaints served on the Register of Copyright pursuant to 17 U.S.C. 411(a)

When an action has been instituted pursuant to 17 U.S.C. 411(a) for infringement of the copyright of a work for which registration has been refused, notice of the institution of the action and a copy of the complaint must be served on the Register of Copyrights by delivering such documents by first class mail to the General Counsel of the Copyright Office, GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024, or delivery by hand to the General Counsel of the Copyright Office, James Madison Memorial Building, Room LM-403, First and Independence Avenue, SE, Washington, D.C. A second copy should be delivered by first class mail to the United States Department of Justice, directed to the Director of Intellectual Property Staff, Commercial

Litigation Branch, Civil Division,  
Department of Justice, Washington, D.C.  
20530.

Dated: April 3, 2001.

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

**James H. Billington,**  
*Librarian of Congress.*  
[FR Doc. 01-9236 Filed 4-12-01; 8:45 am]  
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## POSTAL SERVICE

### 39 CFR Part 20

#### International Mail; Changes in Postal Rates, Fees, and Mail Classifications

**AGENCY:** Postal Service.

**ACTION:** Change of Effective Date for Elimination of Global Package Link Service.

**SUMMARY:** The Postal Service is changing the effective date for elimination of the Global Package Link service from April 1, 2001 to April 30, 2001. This change will allow our customers more time to change their manifesting systems.

**DATES:** 1. The effective date of the elimination of Global Package Link service published in the **Federal Register** on December 8, 2000 (65 FR 77076), is delayed until April 30, 2001.

2. The effective date of the final rule amending international postal rates, fees, and mail classifications in 39 CFR part 20 published on December 8, 2000, remains January 7, 2001.

**FOR FURTHER INFORMATION CONTACT:** Angus MacInnes, 703-292-3601.

**SUPPLEMENTARY INFORMATION:**

- On September 26, 2000, the Postal Service published in the **Federal Register** (65 FR 57864) a notice of proposed changes to international postal rates, fees, and mail classifications. In that notice, we proposed eliminating the Global Package Link service. We also stated that current customers will be offered other services for their mail.

- On December 8, 2000, the Postal Service published the final rule in the **Federal Register** (65 FR 77076). In that rule, we stated that the current service hasn't attracted enough customers to justify continuation of the service in its current form. Therefore, we eliminated the service. However, because of the comments from customers who use the Global Package Link service, the Postal Service delayed the elimination of the service until April 1, 2001. The delay was to allow Global Package Link customers enough time to transition to other products.

- The Postal Service now realizes that some customers may need additional time to change their manifesting system; therefore, we have further delayed the effective date for elimination of the Global Package Link service until April 30, 2001.

### List of Subjects in 39 CFR Part 20

Foreign relations, International postal services.

### PART 20—[AMENDED]

This is a technical amendment because it only amends the effective date of the elimination of Global Package Link service. Accordingly, the final rule amending 39 CFR part 20, which was published at 65 FR 77076 on December 8, 2000, is adopted as a final rule without change.

**Stanley F. Mires,**  
*Chief Counsel, Legislative.*  
[FR Doc. 01-9248 Filed 4-12-01; 8:45 am]  
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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

#### Designation of Areas for Air Quality Planning Purposes

*CFR Correction*

In Title 40 of the Code of Federal Regulations, parts 81 to 85, revised as of July 1, 2000, in § 81.306, beginning on page 98 in the first column, remove the text from the table beginning with "Archuleta County" through the end of the table on page 100 up to the next heading "Colorado -PM-10".

[FR Doc. 01-55512 Filed 4-12-01; 8:45 am]  
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## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 64

[Docket No. FEMA-7759]

#### Suspension of Community Eligibility

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the

floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

**EFFECTIVE DATES:** The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**FOR FURTHER INFORMATION CONTACT:** Donna M. Dannels, Division Director, Policy and Assessment Division, Mitigation Directorate, 500 C Street, SW., Room 411, Washington, DC 20472, (202) 646-3098.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the