

**§ 117.1047 Hoquiam River.**

\* \* \* \* \*

(c) The draw of the Simpson Avenue Bridge, mile 0.5, at Hoquiam, shall open on signal if at least one hour notice is given by telephone to the Washington State Department of Transportation. The opening signal is two prolonged blasts followed by one short blast.

(d) The draw of the Riverside Avenue Bridge, mile 0.9, at Hoquiam, shall open on signal if at least one hour notice is given by telephone to the Washington State Department of Transportation. The opening signal is two prolonged blasts followed by two short blasts.

■ 4. In § 117.1065 revise paragraph (c) to read as follows:

**§ 117.1065 Wishkah River.**

\* \* \* \* \*

(c) The draws of the Heron Street Bridge, mile 0.2 and the Wishkah Street Bridge, mile 0.4, at Aberdeen, shall open on signal if at least one hour notice is given by telephone to the Washington State Department of Transportation. The opening signal for both bridges is one prolonged blast followed by two short blasts.

Dated: March 9, 2009.

**J. P. Currier,**

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

[FR Doc. E9-6627 Filed 3-24-09; 8:45 am]

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**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 117**

[Docket No. USCG-2009-0156]

**RIN 1625-AA09**

**Drawbridge Operation Regulation; Upper Mississippi River, Rock Island, IL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operations of the Rock Island Railroad and Highway Drawbridge, Mile 482.9, Rock Island, Illinois across the Upper Mississippi River. This deviation allows the bridge to remain in the closed to navigation position from 7:30 a.m. until 11:30 a.m., September 27, 2009. The deviation is necessary as the drawbridge is part of

the annual route for the Quad City Marathon.

**DATES:** This temporary deviation is effective from 7:30 a.m. until 11:30 a.m., September 27, 2009.

Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0157 and are available online at

<http://www.regulations.gov>. They are also available for inspection or copying at two locations: the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and Commander, Eighth Coast Guard District, Room 2.107F in the Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103-2832, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Roger K. Wiebusch, Bridge Administrator, (314) 269-2378.

**SUPPLEMENTARY INFORMATION:** The U.S. Army Rock Island Arsenal requested a temporary deviation for the Rock Island Railroad and Highway Drawbridge, mile 482.9, at Rock Island, Illinois across the Upper Mississippi to remain in the closed to navigation position as the drawbridge is part of the Annual Quad City Marathon route. The Rock Island Railroad and Highway Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart. In order to facilitate the annual event, the drawbridge must be kept in the closed-to-navigation position. This deviation allows the bridge to remain in the closed-to-navigation position for four hours from 7:30 a.m. until 11:30 a.m., September 27, 2009.

There are no alternate routes for vessels transiting this section of the Upper Mississippi River.

The Rock Island Railroad and Highway Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 23.8 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This temporary deviation has been coordinated with waterway users. No objections were received.

In accordance with 33 CFR 117.35(e), the drawbridge shall return to its regular operating schedule immediately at the end of the designated time period. This

deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: March 10, 2009.

**Roger K. Wiebusch,**

*Bridge Administrator.*

[FR Doc. E9-6666 Filed 3-24-09; 8:45 am]

**BILLING CODE 4910-15-P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 117**

[Docket No. USCG-2009-0157]

**RIN 1625-AA09**

**Drawbridge Operation Regulation; Upper Mississippi River, Rock Island, IL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operations of the Rock Island Railroad and Highway Drawbridge, Mile 482.9, Rock Island, Illinois across the Upper Mississippi River. This deviation allows the bridge to remain in the closed to navigation position from 8:30 a.m. until 10:30 a.m., May 16, 2009. The deviation is necessary as the drawbridge is part of the annual route for the Quad Cities Heart Walk.

**DATES:** This temporary deviation is effective from 8:30 a.m. until 10:30 a.m., May 16, 2009.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0157 and are available online at <http://www.regulations.gov>. They are also available for inspection or copying at two locations: the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays, and Commander, Eighth Coast Guard District, Room 2.107F in the Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103-2832, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Roger K. Wiebusch, Bridge Administrator, (314) 269-2378.

**SUPPLEMENTARY INFORMATION:** The U.S. Army Rock Island Arsenal requested a

temporary deviation for the Rock Island Railroad and Highway Drawbridge, mile 482.9, at Rock Island, Illinois across the Upper Mississippi to remain in the closed to navigation position as the drawbridge is part of the Annual Quad Cities Heart Walk. The Rock Island Railroad and Highway Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart. In order to facilitate the annual event, the drawbridge must be kept in the closed-to-navigation position. This deviation allows the bridge to remain in the closed-to-navigation position for two and one half hours from 8:30 a.m. until 10:30 a.m., May 16, 2009.

There are no alternate routes for vessels transiting this section of the Upper Mississippi River.

The Rock Island Railroad and Highway Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 23.8 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This temporary deviation has been coordinated with waterway users. No objections were received.

In accordance with 33 CFR 117.35(e), the drawbridge shall return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: March 10, 2009.

**Roger K. Wiebusch,**  
Bridge Administrator.

[FR Doc. E9-6686 Filed 3-24-09; 8:45 am]

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## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 201

[Docket No. RM 2008-1]

#### Recordation of Notices of Termination of Transfers and Licenses; Clarifications

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

**ACTION:** Final rule.

**SUMMARY:** The Copyright Office is adopting amendments to its regulations governing the recordation of notices of termination and certain related provisions.

**DATES:** *EFFECTIVE DATE:* March 25, 2009.

**FOR FURTHER INFORMATION CONTACT:** Maria Pallante, Associate Register for Policy and International Affairs, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024-0400. Telephone (202) 707-8380. Fax (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** The Office published a Notice of Proposed Rulemaking in the Federal Register on January 23, 2008 (73 FR 3898), seeking public comment on five proposed amendments to its regulations at §§ 201.1, 201.3, 201.4 and 201.10 of Chapter 37. These were: 1) an amendment communicating the Office's practices as to its receipt of notices of termination that are untimely; 2) an amendment clarifying that recordation of a notice of termination by the Office does not necessarily mean that the document is legally sufficient; 3) an amendment updating the legibility requirements for all recorded documents, including notices of termination; 4) an amendment making minor explanatory edits to the fee schedule for multiple titles within a document (adding "e.g. a Notice of Termination" as an example); and 5) an amendment establishing a new mailing address to which notices of termination should be sent. (For ease of explanation only, the amendments are herein referred to as amendments one through five.)

The Office received two comments, each on February 22, 2008, from Law Professor Daniel N. Ballard, University of the Pacific McGeorge School of Law, and from Terrie Bjorkland on behalf of the American Federation of Television and Radio Artists (AFTRA). Both commentators questioned the basis for, and the likely impact of, amendment number two. Mr. Ballard first suggested that there is no justification for the proposed language, and second suggested that rather than being neutral on its face, the language, as worded, might create "an improper bias *against* the termination of copyright interests." Ms. Bjorkland observed that the proposal emphasizes the inconclusive impact of the filing of a notice, doing "little to give artists a sense of comfort that the Copyright Office is facilitating the protection of their right of termination." In addition, she expressed opposition to amendment number one, questioning why the Office should make a determination that a notice is untimely, when "it is incumbent upon the challenging party to contest the validity of the notice, if appropriate." After considering these comments, the

Office is adopting all of the aforementioned amendments, but in doing so is rephrasing amendment number two.

### Background

The Copyright Office is an office of public record which receives and records documents that pertain to copyright, including, specifically, notices of termination. Notices of termination may be served by authors (and certain heirs, beneficiaries or representatives of authors who are specified by statute) to extinguish the exclusive or nonexclusive grants of transfers or licenses of copyright or the divisible rights thereunder. The provisions have an equitable function: they exist to allow authors or their heirs a second opportunity to share in the economic success of their works.

The termination provisions are set forth in three sections of the law: Sections 304(c), 304(d) and 203 of the 1976 Copyright Act, Title 17 of the United States Code. The sections are similar, though not identical, and they govern distinct categories of works. (None of the sections applies to copyrights in works made for hire or grants made by will.)

Section 304(c) governs any work in which the copyright was subsisting in its first or renewal term as of January 1, 1978, and provides for termination of the exclusive or nonexclusive grant of a transfer or license of the renewal copyright (or any right under it) executed before January 1, 1978. Termination may be exercised at any time during a five year period beginning at the end of fifty-six years from the date copyright was originally secured.

Section 304(d) provides a termination right for a subset of works for which the termination right under section 304(c) expired (and was not exercised) on or before the effective date (October 27, 1998) of the "Sonny Bono Copyright Term Extension Act," which extended the copyright term by 20 years. It provides for termination of the exclusive or nonexclusive grant of a transfer or license of the renewal copyright (or any right under it) at any time during a five year period beginning at the end of 75 years from the date copyright was originally secured.

Section 203 is limited to grants executed by the author. It provides for termination of the exclusive or nonexclusive grant of copyright (or any right under copyright) executed on or after January 1, 1978 (regardless of whether the copyright was secured prior to 1978). Termination may be exercised at any time during a period of five years beginning at the end of thirty-five years