CFR Part 80—Uniform Administrative **Requirements for Grants and** Cooperative Agreements to State and Local Governments (53 FR 8071). This regulatory action was the result of the Department's participation in the common rule developed by Federal agencies for administering grants and cooperative agreements awarded to State, local, and Indian tribal governments. Part 80 established Čircular A–87 as the cost principles used by the Secretary of Education for determining allowable costs of State, local, and Indian tribal governments under grants and cooperative agreements with the Department. (34 CFR 80.22.)

When Part 80 was published, it was the practice of the Department to adopt circulars in the regulations by citing a specific circular publication date (See 34 CFR 80.22(b)). Now, the Department makes OMB circulars applicable through notices such as this one. Thus, the Department will make conforming amendments to 34 CFR 80.22 to eliminate the obsolete publication date for Circular A–87.

On May 17, 1995, OMB published a revision of Circular A-87 (60 FR 26484). This notice announces the applicability for 34 CFR Part 80 of the revision made by OMB, binding recipients of Department of Education grants and cooperative agreements to the requirements of Circular A-87 as revised on May 17, 1995. These cost principles apply to State, local, and Indian tribal governments, except to the extent that the principles are inconsistent with specific statutes or Departmental program or administrative regulations. The revised Circular is effective for grants and cooperative agreements made by ED on or after October 1, 1995 and for subgrants made under those awards on or after that date. The cost principles in Circular A-87 are also cross-referenced in the Department's administrative regulations applicable to institutions of higher education, hospitals, and nonprofit organizations, at 34 CFR 74.27(b).

The Secretary is aware that the revised circular contains areas of flexibility which were not contained in the prior cost principles and that could be beneficial to State, local and Indian tribal governments. The Department has made substantial grant awards, primarily to States, since July 1, 1995, and the recipients of these awards may desire to benefit from the more flexible rules in the revised A–87. Considering this, the Department has determined that it will permit recipients for which the Department has cognizance to charge direct costs which are consistent with the revised Circular for the period July 1, 1995 through the end of the 1996 fiscal year. However, States and other governmental authorities that have State-wide cost allocation plans and indirect cost rates in effect for parts of fiscal year 1996 based on costs allowable under the prior A–87 may not amend those agreements prior to their expiration.

Waiver of Proposed Rulemaking

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed rules in accordance with the Administrative Procedure Act (5 U.S.C. 553). However, since OMB previously provided the public an opportunity for comment on the revision of Circular A-87 on October 12, 1988 (53 FR 40352) and August 19, 1993 (58 FR 44212), the Secretary finds that soliciting further public comment with respect to adopting the revised circular is unnecessary and contrary to the public interest under 5 U.S. C. 553(b)(B). For the same reason, the Secretary finds good cause under 5 U.S.C. 553(d) to waive the thirty-day delayed effective date.

Nonetheless, in light of recently enacted legislation—the Improving America's School Act, the Goals 2000: Educate America Act, and the Schoolto-Work Opportunities Act—the Secretary is interested in receiving suggestions or ideas from the States and local and Indian tribal governments and other interested parties about improving the application of the Circular based on the flexibility provided in these new laws.

The Secretary has already received and is reviewing letters from several States since the Circular's publication, concerning such areas as time distribution and the determination of reasonable and necessary expenditures of program funds.

The Secretary encourages States, local and Indian tribal governments, and other interested parties, as partners in Federal program management, to maintain an open dialogue with Department officials about matters covered in Circular A–87, including accounting practices that promote efficient administrative practices, support effective delivery of program services, and conserve resources.

(Catalog of Federal Domestic Assistance Number does not apply.)

Dated: September 26, 1995.

Donald R. Wurtz,

Chief Financial Officer.

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201 and 202

[Docket No. 95-1B]

Restoration of Certain Berne and WTO Works

AGENCY: Copyright Office, Library of Congress.

ACTION: Final regulations

SUMMARY: The Copyright Office is issuing final regulations establishing procedures that govern the filing of Notices of Intent to Enforce copyright (NIEs) and the registering of copyright claims to restored works as required by the Uruguay Round Agreements Act. The Act automatically restores copyright for certain foreign works effective January 1, 1996. Although restoration is automatic, the copyright owner may file a Notice of Intent to Enforce the Restored Copyright with the Copyright Office in order to enforce rights against reliance parties. **EFFECTIVE DATE:** These final regulations

are effective October 1, 1995. FOR FURTHER INFORMATION CONTACT: Marilum L Krotsinger Acting Conorol

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.

I. Background

On December 8, 1994, President Clinton signed the "Uruguay Round Agreements Act" (URAA), Pub. L. No. 103-465, 108 Stat. 4809. The URAA contains several significant copyright amendments. It amends the software rental provision found in 17 U.S.C. 109(b) by eliminating the expiration or sunset date, amends Titles 17 and 18 to create civil and criminal remedies for "bootlegging" sound recordings of live musical performances and music videos, and adds a new 17 U.S.C. 104A which restores copyright in certain foreign works. The URAA also gives the Copyright Office several responsibilities related to restoration of those works.

A. Restoration of Copyright in Eligible Works

Under the URAA, restoration of copyright in works from countries which are currently eligible occurs automatically on January 1, 1996. An eligible country is a nation, other than the United States, that is a member of the Berne Convention, ¹ or a member of

¹Convention concerning the creation of an International Union for the Protection of Literary