

and Logistics Command Pacific Legal Office.

### Discussion of Regulation

This regulation is necessary to protect the lives and property of the race participants and spectators by establishing an exclusionary zone around the 2nd Annual Oceanside Grand Prix. During race times, vessels will be traveling at high rates of speed which will hinder their reaction time to obstacles. This safety zone will be marked by the sponsor, and enforced by U.S. Coast Guard personnel with the assistance of the Oceanside Harbor Police. Persons and vessels are prohibited from entering into, transiting through, or anchoring within the safety zone unless authorized by the Captain of the Port.

### Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted for review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11040; February 26, 1979). Due to the short duration and limited scope of the safety zone the Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of Department of Transportation is unnecessary.

### Collection of Information

This regulation 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 regulation under the principles and criteria contained in Executive Order 12612, and has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environmental Assessment

The Coast Guard has considered the environmental impact of this regulation and concluded that under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C as revised in 59 FR 38654, July 29, 1994, it will have no significant environmental impact and it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination

and Environmental Analysis Checklist will be available for inspection and copying in the docket to be maintained at the address listed in ADDRESSES.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

### Regulation

In consideration of the foregoing, Subpart F of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for 33 CFR part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A new section 165.T11-033 is added to read as follows:

#### § 165.T11-033 Safety Zone: Oceanside, CA

(a) *Location.* The following area constitutes a safety zone in the navigable waters in the vicinity of Oceanside, CA: beginning at a point located at latitude 33°09'87" N, longitude 117°22'81" W; thence northeast to a point located at latitude 33°10'14" N, longitude 117°22'33" W; thence northwest to a point located at latitude 33°11'49" N, longitude 117°23'36" W; thence north to a point located at latitude 33°11'64" N, longitude 117°23'36" W; thence southeast to the point of the beginning.

(b) *Effective Dates.* This section becomes effective at 1:30 a.m. (DST) on May 31, 1998, and continues until 2:45 p.m. (DST) on May 31, 1998, unless cancelled earlier by the Captain of the Port.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone is prohibited unless authorized by the Captain of the Port.

Dated: 30 April 1998.

**J. A. Watson,**

*Commander, U.S. Coast Guard, Captain of the Port, San Diego, California.*

[FR Doc. 98-14162 Filed 5-27-98; 8:45 am]

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## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Parts 201, 202, 203, 204 and 211

[Docket No. 98-2A]

### Fees

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

**ACTION:** Final regulations.

**SUMMARY:** The Copyright Office is issuing final regulations for fees it charges for special services. The Office is initiating new fees and amending other existing fees based on the actual costs to the Office of providing such services. The Office is establishing these fees so it can more nearly recover the costs of providing these services to the public.

**EFFECTIVE DATE:** July 1, 1998.

### 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. Fax: (202) 707-8366.

### SUPPLEMENTARY INFORMATION:

#### I. Background

Section 708 of title 17, United States Code, authorizes the Register of Copyrights to charge fees for services the Copyright Office provides as described in section 708(a)(1)-(9), such as registration, recordation, and certification. Nonspecified fees, called "special," or "discretionary" fees, are addressed in section 708(a)(10). This section authorizes an assessment for "any other special services requiring a substantial amount of time or expense, such fees as the Register of Copyrights may fix on the basis of the cost of providing the service." *Id.*

Examples of such services include special handling, full term storage of deposits, and provision of services on an expedited basis. The Office last increased fees in 1994 to reflect costs of performing certain services. See 58 FR 38369 (July 28, 1994).

On April 1, 1998, the Office published a Notice of Proposed Rulemaking (NPR) seeking public comments on amendments to existing fees and establishing new fees for certain services. See 63 FR 15802 (April 1, 1998). As described in the NPR the Office completed a comprehensive economic analysis of the operating costs involved in providing special services to users to determine whether or not these fees should be adjusted. Using its own

analysis, reflection on analysis done by the Government Accounting Office, and the results of studies conducted by private sector consultants, the Office determined that it must adjust fees for special services in order to more nearly recapture the actual costs for providing them. It also determined that it must charge fees for other services such as appeals and servicing underfunded deposit accounts.

In addition to publishing the proposed new fee schedule in the **Federal Register**, the Office made it available online and mailed an announcement about the proposed fee increase to deposit account holders.

## II. Comments

The Motion Picture Information Service (MPIS) submitted the only comment the Copyright Office received in response to the NOPR. The commenter asserts that the deposit account system is inconvenient and should be abolished and "replaced with a simple cash, check, debit card, or credit card system." The commenter states that this would bring the Office into line with current business practices, and would eliminate inconvenience and administrative burdens for both the public and the Office. MPIS comment at 1.

## III. Final Regulations

The Copyright Office realizes that there are benefits for both claimants and the Office by accepting credit cards for payment of copyright fees. It has just completed a two-year pilot program in which credit cards were accepted for the filing of claims and recording of documents under the provisions of the Uruguay Round Agreements Act (URRA). Public Law 103-465; 108 Stat. 4809 (1994). It is now in the process of evaluating the resources needed in order to plan for implementation of a credit card system.

The Office also believes some customers prefer the convenience of deposit accounts and will continue to use them even if credit cards are accepted. The fees on deposit accounts will only be assessed when there are insufficient funds in the account to cover current requests for services. The Office mails monthly statements to deposit account holders notifying them of the status of their accounts.

The Office received no comments on any of the other proposed fees. It is adopting the proposed fee schedule in its entirety, effective July 1, 1998, other than the short fee charge which will not take effect until a date which will be announced later.

## List of Subjects

### 37 CFR Part 201

Copyright, General Provisions.

### 37 CFR Part 202

Copyright, Registration.

### 37 CFR Part 203

Freedom of Information Act.

### 37 CFR Part 204

Privacy.

### 37 CFR part 211

Mask work protection, Fees.

In consideration of the foregoing, parts 201, 202, 203, 204, and 211 of 37 CFR chapter II are amended as follows:

## PART 201—GENERAL PROVISIONS

1. The authority citation for part 201 continues to read as follows:

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

2. Section 201.32 is amended by revising the special services fee chart to read as follows:

### § 201.32 Fees for Copyright Office special services.

\* \* \* \* \*

Special services	Fees
1. Service charge for deposit account overdraft .....	\$70
2. Service charge for dishonored deposit account replenishment check .....	35
3. Service charge for short fee payment .....	20
4. Appeals	
a. First appeal .....	200
Additional claim in related group .....	20
b. Second appeal .....	500
Additional claim in related group .....	20
5. Secure test processing charge, per hour .....	60
6. Copying charge, first 15 pages, per page .....	1
Each additional page .....	.50
7. Inspection charge .....	65
8. Special handling fee for a claim .....	500
Each additional claim using the same deposit .....	50
9. Special handling for recordings of a document .....	330
10. Full-term storage of deposits .....	365
11. Surcharge for expedited Certifications and Documents Section services	
a. Additional certificates, per hour .....	75
b. In-process searches, per hour .....	75
c. Copy of assignment, per hour .....	75
d. Certification, per hour .....	75
e. Copy of registered deposit	
First hour .....	95
Each additional hour .....	75
f. Copy of correspondence file	
First hour .....	95
Each additional hour .....	75
12. Surcharge for expedited Reference & Bibliography searches	
First hour .....	125
Each additional hour .....	95

**PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT**

3. The authority citation for part 202 continues to read as follows:

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

**§ 202.23 [Amended]**

4. Section 202.23(e)(1) and (2) are amended by removing "\$270.00" each place it appears and adding in its place "\$365.00."

**PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES**

5. The authority citation for part 203 continues to read as follows:

**Authority:** 17 U.S.C. 702; and 5 U.S.C. 552(a)(1).

**§ 203.6 [Amended]**

6. Section 203.6(b)(2) is amended by removing "\$7 for up to 15 pages and \$.45 per page over 15." and adding in its place "\$15.00 for up to 15 pages and \$.50 per page over 15."

**PART 204—PRIVACY ACT: POLICIES AND PROCEDURES**

7. The authority citation for part 204 continues to read as follows:

**Authority:** 17 U.S.C. 702; and 5 U.S.C. 552(a).

**§ 204.6 [Amended]**

8. Section 204.6(a) is amended by removing "\$7 for up to 15 pages and \$.45 per page over 15." and adding in its place "\$15.00 for up to 15 pages and \$.50 per page over 15."

**PART 211—MASK WORK PROTECTION**

9. The authority citation for part 211 continues to read as follows:

**Authority:** 17 U.S.C. 702 and 908.

**§ 211.3 [Amended]**

10. In § 211.3(a)(1) and (2) remove "\$20.00" each place it appears and add in its place "\$75.00."

11. In § 211.3(a)(7), remove "\$330" and add in its place "\$500.00."

Dated: May 20, 1998.

**Marybeth Peters,**  
*Register of Copyright.*

Approved by:  
**James H. Billington,**  
*The Librarian of Congress.*  
[FR Doc. 98-14086 Filed 5-27-98; 8:45 am]  
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**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Part 571**

[Docket No. NHTSA-98-3870; Notice 7]

RIN 2127-AG81

**Federal Motor Vehicle Safety Standards; School Bus Pedestrian Safety Devices**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.  
**ACTION:** Final Rule.

**SUMMARY:** The agency is amending Standard No. 131, *School Bus Pedestrian Safety Devices*, to permit the use of additional light sources on the surface of retroreflective stop signal arms and to permit a certain amount of the retroreflective surface to be obscured by mounting hardware. It also makes minor clarifications to the standard. This responds to a petition from Transpec, Inc., a maker of stop arms.

**DATES:** This rule will become effective on May 28, 1998. Petitions for reconsideration of this rule must be received no later than July 13, 1998.

**ADDRESSES:** Petitions for reconsideration should refer to the docket number and notice number and be submitted in writing to: Administrator, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW, Washington DC, 20590. Telephone: (202) 366-5267

**FOR FURTHER INFORMATION CONTACT:**

*For technical issues:* Mr. Charles Hott, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202) 366-0247.

*For legal issues:* Mr. Paul Atelsek, Office of the Chief Counsel, NCC-20, telephone (202) 366-2992, FAX (202) 366-3820.

**SUPPLEMENTARY INFORMATION:****1. Background**

Federal Motor Vehicle Safety Standard No. 131, *School bus pedestrian safety devices* requires each new school bus to be equipped with a stop signal arm. A stop signal arm is a device, patterned after a conventional "STOP" sign, that automatically extends outward from the bus to alert motorists that a school bus is stopping or has stopped.

To ensure the conspicuity of a stop signal arm, Standard No. 131 specifies that the device must either be reflectorized or be equipped with

flashing lamps. If reflectorization is used to comply with the standard, "the entire surface of both sides of the stop signal arm" must be reflectorized (S5.3.1, emphasis added). NHTSA has interpreted this language to mean that Light Emitting Diodes (LEDs) outlining the word "Stop" on the stop arm blade would not be permitted under the reflectorization option because LEDs do not meet the requirements for reflectorized material.

Transpec, Inc. (Transpec) submitted a petition for rulemaking requesting that S5.3.1 of the standard be amended to allow the use of LEDs on stop signal arms. The petition sought to amend the section to permit red LEDs on the surface of the stop arm that are "contained within a light channel not greater than 10mm (.394 inches) wide centered within the stroke width of each letter." Under the requested amendment, the minimum stroke width of letters containing LEDs would be increased from 20 mm (0.79 inches) to 25 mm (0.894 inches). The LEDs would be required to flash at the rate specified for stop arm lamps conforming to S5.3.2. The petition also sought to permit a percentage of the surface area of the stop arm to be obscured by mounting brackets and other necessary components, with the aggregate area obscured by the LEDs and other components not to exceed 7.5 percent of the surface area of the stop arm.

**2. The Notice of Proposed Rulemaking (NPRM)**

On August 6, 1997, the agency published a NPRM proposing to amend the standard in most ways as requested by Transpec. It proposed to permit light to be emitted "from the surface of each letter or from the area immediately surrounding each letter" in the legend "STOP." Lamps on the surface of the letter would have to be located on the centerline of each letter, or outline each letter of the legend. The lamps on the surface of the stop arm would have to flash in the same manner as specified for the lamps in non-reflectorized stop arms. The net stroke width (i.e., the stroke width minus the width of the legend lamps) of each letter containing lamps was proposed to be at least 15 mm, to assure that an acceptable amount of white letter reflectorized surface would be provided.

Rather than limit the permitted light sources to LEDs, the agency was more flexible than requested, proposing to permit almost any type of light source in the legend lamps. It proposed to permit white lamps as well as red lamps, but not both colors simultaneously, on the assumption that