

acid in an amount not to exceed 150 milligrams per liter; or * * *

Signed: September 17, 1990.

Stephen E. Higgins,
Director.

Approved: October 4, 1990.

John P. Simpson,
Acting Assistant Secretary (Enforcement).
[FR Doc. 90-28328 Filed 12-3-90; 8:45 am]
BILLING CODE 4810-31-M

Office of Foreign Assets Control

31 CFR Part 500

Foreign Assets Control Regulations

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Final rule, amendments.

SUMMARY: This rule amends the Foreign Assets Control Regulations, 31 CFR part 500 (the "Regulations"), to increase to \$200 per day the expenses for transactions subject to the Regulations authorized for travel-related costs in countries designated by that Part (Vietnam, Cambodia, and North Korea), exclusive of international and intercity transportation and international telecommunication expenses. This revision will enable U.S. persons to pay costs incurred while travelling in these countries.

EFFECTIVE DATE: December 4, 1990.

FOR FURTHER INFORMATION CONTACT: William B. Hoffman, Chief Counsel (tel.: 202/535-8020), or Steven I. Pinter, Chief of Licensing (tel.: 202/535-9449), Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION: Section 500.563 of the Foreign Assets Control Regulations, 31 CFR Part 500 (the "Regulations"), was amended on August 1, 1990 (55 FR 31178) to place per diem limitation on transactions by individuals ordinarily incident to their own travel in Vietnam, Cambodia, and North Korea (the "designated foreign countries"), including payment for living expenses and goods personally consumed there. This rule amends the Regulations to increase the per diem from \$100 to \$200 for such travel and maintenance expenses, and to exempt expenses for international and intercity transportation and international telecommunications from this limitation. Limitations established for other authorized transactions remain the same, and persons wishing to carry additional currency for such transactions must still obtain a specific

license from the Office of Foreign Assets Control.

Because the Regulations involve a foreign affairs function, Executive Order 12291 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

List of Subjects in 31 CFR Part 500

Cambodia, Currency, North Korea, Travel and transportation expense, Vietnam.

For the reasons set forth in the preamble, 31 CFR part 500 is amended as follows:

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

1. The authority citation for part 500 continues to read as follows:

Authority: 50 U.S.C. App. 5, as amended; E.O. 9193, 7 FR 5205, 3 CFR 1938-1943 Comp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR 1943-1948 Comp., p. 748.

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

§ 500.563 [Amended]

2. Section 500.563(a)(2) is amended by adding the phrase "exclusive of expenses for international and intercity transportation and international telecommunications", after the words "such expenses," and by substituting "\$200" for "\$100."

Dated: November 8, 1990.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: November 27, 1990.

Peter K. Nunez,

Assistant Secretary (Enforcement).

[FR Doc. 90-28318 Filed 11-29-90; 10:13 am]

BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 154, 155, and 156

[CGD 86-034]

RIN 2115-AC29

Hazardous Materials Pollution Prevention; Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: The Coast Guard is correcting errors in the final rule entitled "Hazardous Materials Pollution Prevention" which appeared in the Federal Register on Tuesday, September 4, 1990 (55 FR 36248). The corrections are of a non-substantial, editorial nature.

EFFECTIVE DATE: October 4, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Gary W. Chappell at (202) 267-0491.

SUPPLEMENTARY INFORMATION: The following corrections are made in the final rule for Hazardous Materials Pollution Prevention published in the Federal Register on Tuesday, September 4, 1990 (55 FR 36248). In FR Doc. 90-20664, beginning on page 36248 in the issue of Tuesday, September 4, 1990, make the following corrections:

1. On page 36250, column one, numbered paragraph 13, second paragraph, second sentence, remove "nozzel" and add, in its place, the word "nozzle".

§§ 154.107 and 154.108 [Corrected]

2. On page 36252, column three, numbered paragraph 11, remove "(a)(3)(iii)" and add, in its place, "(a)(2)(iii)".

3. On page 36254, column three, revise numbered paragraph 34 to read as follows:

§ 155.710 [Corrected]

34. In § 155.710, in the introductory text for paragraph (a), by adding the words "or hazardous material" after the word "oil"; in paragraph (a)(1), by removing the word "oil" before the word "transfer" and by adding the words "carried or the cargo" after the word "cargo"; and, in paragraph (a)(2), by adding the words "or the cargo last carried" after the word "carried".

PART 156—[CORRECTED]

4. On page 36255, column two, the authority citation for part 156, add a comma after the words "3 CFR".

§ 156.150 [corrected]

5. On page 36256, column one, last line, remove the word "dding" and add, in its place, the word "adding".

Dated: November 23, 1990.

D.H. Whitten,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 90-28353 Filed 12-3-90; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 161

[CGD 89-062]

RIN 2115-AD39

Regulations for Required Participation in Vessel Traffic Service New York; Effective Date Change**AGENCY:** Coast Guard, DOT.**ACTION:** Final rule; change in effective date.

SUMMARY: On August 27, 1990, the Coast Guard published a final rule in the *Federal Register* (55 FR 34908) amending the Coast Guard's Vessel Traffic Management Rules to include participation in Vessel Traffic Service New York. The effective date of the final rule was December 1, 1990. This document suspends required participation in the New York Vessel Traffic Service until January 16, 1991.

EFFECTIVE DATES: This document is effective December 4, 1990. The effective date of 33 CFR 161.501 through 161.580 is January 16, 1991.

FOR FURTHER INFORMATION CONTACT:

Bruce Riley, Project Manager, Commandant (G-NSP) U.S. Coast Guard, 2100 2nd Street SW., Washington, DC 20593-0001, Tel. (202) 267-0412, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: A delay in the operational availability of equipment in the New York Vessel Traffic Center has forced the Coast Guard to postpone implementation of the rules. The New York VTS will begin operations as scheduled, on December 5, 1990, however, participation will be voluntary. The period December 5, 1990 through January 15, 1991 will serve as a familiarization period for the VTS watchstanders and the participants. The familiarization period will end midnight January 15, 1991. Participation by vessels listed in § 161.501(c) of the final rule, will be required beginning January 16, 1991.

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

Dated: November 28, 1990.

R.A. Appelbaum,

Rear Admiral, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 90-28363 Filed 12-3-90; 8:45 am]

BILLING CODE 4910-14-M

LIBRARY OF CONGRESS**Copyright Office****37 CFR Part 201**

[Docket No. RM 88-8]

Statements of Account and Filing Requirements for Satellite Carrier Statutory License**AGENCY:** Copyright Office, Library of Congress.**ACTION:** Technical amendment to final regulations.

SUMMARY: The Copyright Office amends the final regulations for statements of account and filing requirements for section 119 of title 17, United States Code. That section created a new statutory license for certain secondary transmissions made by satellite carriers to satellite home dish owners. The original text appeared in the *Federal Register* on July 3, 1989 (54 FR 27873).

EFFECTIVE DATE: December 4, 1990.

FOR FURTHER INFORMATION CONTACT:

Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, DC 20540. Telephone: (202) 707-8380.

SUPPLEMENTARY INFORMATION: The Copyright Office implemented final regulations concerning the filing of statements of account pursuant to enactment of the Satellite Home Viewer Act of 1988, Public Law 100-667, codified in 17 U.S.C. 119, in an announcement published in the *Federal Register* on July 3, 1989 (54 FR 27873). The announcement incorrectly specified January 31 and July 31 as the dates by which statements of account must be filed. The correct dates are January 30 and July 30. The errors are corrected by this technical amendment to the regulations.

Regulatory Flexibility Act Statement

With respect to the Regulatory Flexibility Act, the Copyright Office takes the position that this Act does not apply to Copyright Office rulemaking. The Copyright Office is a department of the Library of Congress and is part of the legislative branch. Neither the Library of Congress nor the Copyright Office is an "agency" within the meaning of the Administrative Procedure Act of June 11, 1946, as amended (title 5, chapter 5 of the U.S. Code, subchapter II and chapter 7). The Regulatory Flexibility Act consequently does not apply to the Copyright Office since the Act affects only those entities of the Federal Government that are

agencies as defined in the Administrative Procedure Act.¹

Alternatively, if it is later determined by a court of competent jurisdiction that the Copyright Office is an "agency" subject to the Regulatory Flexibility Act, the Register of Copyrights has determined and hereby certifies that this regulation will have no significant impact on small businesses.

List of Subjects in 37 CFR Part 201

Satellite carrier license.

Final Regulations

For the reasons set out in the preamble in 54 FR 27873, the Copyright Office makes technical amendments to 37 CFR, chapter II as set forth below.

PART 201—[AMENDED]

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

Authority: Copyright Act, Pub. L. 94-553, 90 Stat. 2541 (17 U.S.C. 702), as amended by Pub. L. 100-667.

§ 201.11 [Amended]

2. Section 201.11(c)(3) is revised to read as follows:

* * * * *

(c) * * *

(3) Statements of Account and royalty fees received before the end of the particular accounting period they purport to cover will not be processed by the Copyright Office. Statements of Account and royalty fees received after the filing deadlines of July 30 or January 30, respectively, will be accepted for whatever legal effect they may have, if any.

Dated: November 13, 1990.

Ralph Oman,

Register of Copyrights.

Approved by:

James H. Billington,

Librarian of Congress.

[FR Doc. 90-28369 Filed 12-3-90; 8:45 am]

BILLING CODE 1410-08-M

¹ The Copyright Office was not subject to the Administrative Procedure Act before 1978, and it is now subject to it only in areas specified by section 701(d) of the Copyright Act (i.e., "all actions taken by the Register of Copyrights under this title (17), except with respect to the making of copies of copyright deposits"). (17 U.S.C. 706(b)). The Copyright Act does not make the Office an "agency" as defined in the Administrative Procedure Act. For example, personnel actions taken by the Office are not subject to APA-FOIA requirements.

37 CFR Part 201**[Docket No. RM 90-4]****Adjustment of the Syndicated Exclusivity Surcharge****AGENCY:** Library of Congress, Copyright Office.**ACTION:** Final regulation.

SUMMARY: In response to the regulations adopted by the Federal Communications Commission reinstating its former syndicated exclusivity blackout rules, the Copyright Royalty Tribunal recently amended its rules concerning the syndicated exclusivity surcharge which some cable systems have paid since 1983, under the cable compulsory license, 17 U.S.C. 111. The Tribunal eliminated the surcharge except in the case of a distant commercial VHF station that places its predicted Grade B contour in whole or in part over a cable system. The Copyright Office now amends its cable compulsory license filing procedure regulations to reflect this change.

EFFECTIVE DATE: December 4, 1990.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, DC 20559, Telephone (202) 707-8380.

SUPPLEMENTARY INFORMATION: On August 16, 1990, the Copyright Royalty Tribunal issued final regulations eliminating the syndicated exclusivity surcharge in certain circumstances. See 55 FR 33604. The Tribunal retained the surcharge, however, for distant commercial VHF stations that place a Grade B contour over a cable system and are not "significantly viewed" or otherwise exempt from the syndicated exclusivity rules in effect on June 24, 1981. The Tribunal reasoned that the surcharge should be retained in this instance to compensate copyright owners who, under the former syndicated exclusivity rules dropped in 1981, enjoyed greater blackout protection than under the current exclusivity rules.

In order to reflect the general elimination of the syndicated exclusivity surcharge and its current application, the Copyright Office amends its regulations governing completion of statement of account forms under the cable compulsory license. The definition of "surcharge," as it appears in § 201.17(h)(1)(ii), is amended to reflect that for accounting periods on or after January 1, 1990, the word refers to the recent Tribunal decision of August 16, 1990. Section 201.17(h)(2)(ii) is amended to reflect that for accounting periods on

or after January 1, 1990, the surcharge applies only to those commercial VHF signals that place, in whole or in part, a Grade B contour over the cable system.

Other references to the surcharge in subsections (h)(3) and (h)(7) remain unchanged.

List of Subjects in 37 CFR Part 201

Cable television, Cable compulsory license, Copyright Office.

Final Regulations

In consideration of the foregoing, part 201 of 37 CFR, chapter II is amended in the manner set forth below.

PART 201—[AMENDED]

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

Authority: Sec. 702, 90 Stat. 2541, 17 U.S.C. 702.

§ 201.17 [Amended]

B. Section 201.17 is amended as follows:

1. Paragraph (h)(1)(ii) is revised to read:

(h) * * *

(1) * * *

(ii) *Surcharge* means the applicable syndicated exclusivity surcharge established by 37 CFR 308.2(d), in effect on January 1, 1983. For accounting periods beginning on or after January 1, 1990, "surcharge" refers to the applicable syndicated exclusivity surcharge established by 37 CFR 308.2(d) in effect on January 1, 1990.

2. Paragraph (h)(2)(ii) is revised to read:

(h) * * *

(2) * * *

(ii) If the 3.75% rate does not apply to certain DSE's in the case of a cable system located wholly or in part within a top 100 television market, the current base rate together with the surcharge shall apply. However, the surcharge shall not apply for carriage of a particular signal first carried prior to March 31, 1972. With respect to statements of account covering the filing period beginning January 1, 1990, and subsequent filing periods, the current base rate together with the surcharge shall apply only to those DSE's that represent commercial VHF signals which place a predicted Grade B contour, in whole or in part, over a cable system. The surcharge will not apply if the signal is exempt from the syndicated exclusivity rules in effect on June 24, 1981.

* * * * *

Dated: November 13, 1990.

Ralph Oman,
Register of Copyrights.

James H. Billington,
The Librarian of Congress.

[FR Doc. 90-28388 Filed 12-3-90; 8:45 am]

BILLING CODE 1410-08-M

37 CFR Part 202**[Docket No. RM 90-8]****Registration of Claims to Copyright; Effective Date of Registration****AGENCY:** Library of Congress, Copyright Office.**ACTION:** Final regulation.

SUMMARY: This notice is issued to advise the public that the Copyright Office of the Library of Congress is adopting a new regulation to establish the effective date for registrations made under section 408 of the Copyright Act when the previously required filing fee of \$10 is submitted in lieu of the \$20 filing fee required by the "Copyright Fees and Technical Amendments Act of 1989" (Pub. L. 101-318, 104 Stat. 287). The regulation will be in effect for claims to copyright received in the Copyright Office from January 3, 1991, through December 31, 1991.

EFFECTIVE DATE: January 3, 1991.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, DC 20559, Telephone (202) 707-8380.

SUPPLEMENTARY INFORMATION: The "Copyright Fees and Technical Amendments act of 1980," Public Law 101-318, July 3, 1990, increases the filing fee for registration of claims to copyright made under section 408 of \$10 to \$20 effective January 3, 1991. The Copyright Office's past experience with fee increases for copyright registration indicates that a substantial number of claims will be submitted to this Office on and after January 3, 1991, with the old fee of \$10. The Office expects that it will continue to receive claims with the old fee for some time and estimates that approximately 100,000 claims will be received with an insufficient fee. The public's failure to remit the full fee can be primarily attributed to Copyright Office literature and application forms in the hands of the public that contain old fee information.

The Office considered a number of options for administratively processing the large number of short fees that are expected. Two options were found to require an inordinate amount of staff