

redesignated as paragraph (a). The final rule makes no substantive changes in paragraphs (b)(1)–(6); however minor editorial changes to the text have been made to clarify the regulation. For clarity and ease of use to the public, the Coast Guard is republishing the entire section as amended.

#### Discussion of Comments and Changes

The Coast Guard received one comment on the NPRM expressing support for the proposed rule. No adverse comments were received; therefore, the final rule is being implemented without change.

#### Regulatory Evaluation

This final rule 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 from 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 (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

This final rule does not restrict vessel navigation, but merely limits the bridge openings to on the hour and half hour, from 7 a.m. to 7 p.m. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b), that this final rule will not have a significant economic impact on a substantial number of small entities.

#### Collection of Information

This final rule contains no collection of information requirement under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined that this final

rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

#### Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this final rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); Section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.821 is revised to read as follows:

##### § 117.821 Atlantic Intracoastal Waterway, Albermarle Sound to Sunset Beach.

(a) The drawbridges across the Atlantic Intracoastal Waterway in North Carolina shall open on signal for commercial vessels at all times and on signal for pleasure vessels, except at the times and during the periods specified in this paragraph:

(1) S.H. 94 Bridge, mile 113.7, at Fairfield, NC from April 1 to November 30, between 7 a.m. and 7 p.m., the draw need only open on the hour and half hour.

(2) S.R. 304 Bridge, mile 157.2, at Hobucken, NC, from April 1 to November 30, between 7 a.m. and 7 p.m., the draw need only open on the hour and half hour.

(3) Onslow Beach Swing Bridge, mile 240.7, at Cap Lejeune, NC, between 7 a.m. and 7 p.m., the draw need only open on the hour and half hour.

(4) S.R. 50 Bridge, mile 260.7, at Surf City, NC, between 7 a.m. and 7 p.m., the draw need only open on the hour.

(5) Figure Eight Swing Bridge, mile 278.1, at Scotts Hill, NC, the draw need only open on the hour and half hour.

(6) S.R. 74 Bridge, mile 283.1, at Wrightsville Beach, NC, between 7 a.m. and 7 p.m., the draw need only open on the hour.

(7) S.R. 1172 Bridge, mile 337.9, at Sunset Beach, NC, shall open on the hour on signal between 7 a.m. and 7 p.m., April 1 to November 30, except that on Saturdays, Sundays and Federal holidays, from June 1 through September 30, the bridge shall open on signal on the hour between 7 a.m. and 9 p.m.

(b) If a pleasure vessel is approaching a drawbridge which is only required to open on the hour or on the hour and half hour, and cannot reach the drawbridge on the hour or on the half hour, the drawtender may delay the required opening up to 10 minutes past the hour or half hour.

Dated: February 13, 1998.

**Roger Rufe, Jr.**

*Vice Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.*

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#### LIBRARY OF CONGRESS

##### Copyright Office

##### 37 CFR Part 251

[Docket No. 98–1 CARP]

##### Copyright Arbitration Royalty Panels; List of Arbitrators

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

**ACTION:** Publication of the 1998–1999 CARP arbitrator list.

**SUMMARY:** The Copyright Office is publishing the list of arbitrators eligible for service on a Copyright Arbitration Royalty Panel (CARP) during 1998 and 1999. The CARP arbitrator list will be used to select the arbitrators who will serve on panels initiated in 1998 and 1999 for determining the distribution of royalty fees or the adjustment of royalty rates.

**EFFECTIVE DATE:** February 25, 1998.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or Tanya M. Sandros, Attorney-Advisor, at Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

##### SUPPLEMENTARY INFORMATION:

##### Background

For royalty rate adjustments and distributions that are in controversy, the Copyright Act requires the selection of a Copyright Arbitration Royalty Panel (CARP) consisting of three arbitrators from "lists provided by professional

arbitration associations." See 17 U.S.C. 802(b). The Librarian of Congress selects two of the arbitrators for a CARP from a list of nominated arbitrators; those selected then choose a third arbitrator to serve as chairperson of the panel. If the two arbitrators cannot agree, the Librarian is instructed to select the third arbitrator.

On December 7, 1994, the Copyright Office issued final regulations implementing the CARP selection process. 59 FR 63025 (December 7, 1994). Subsequently, these rules were amended to provide for the generation of a new list of nominees biannually. 61 FR 63717 (December 2, 1996). Section 251.3(a) of the regulations allows any professional arbitration association or organization to nominate qualified individuals, as described in § 251.5, to serve as arbitrators on a CARP. The regulations require that the submitting arbitration association supply the following information for each person:

(1) The full name, address, and telephone number of the person.  
(2) The current position and name of the person's employer, if any, along with a brief summary of the person's employment history, including areas of expertise, and, if available, a description of the general nature of clients represented and the types of proceedings in which the person represented clients.

(3) A brief description of the educational background of the person, including teaching positions and membership in professional associations, if any.

(4) A statement of facts and information which qualify the person to serve as an arbitrator under § 251.5.

(5) A description or schedule detailing fees proposed to be charged by the person for service on a CARP.

(6) Any other information which the professional arbitration association or organization may consider relevant. 37 CFR 251.3(a).

Section 251.3(b) of the regulations requires the Copyright Office to publish a list of qualified persons and mandates that this list must include between 30 and 75 names of persons who were nominated from at least three arbitration associations. The newly comprised list of arbitrators is in effect until the end of the 1999 calendar year and any and all arbitrators selected for a CARP during 1998 and 1999 would come from this list. The list includes the name of the nominee and the nominating association.

The publication of today's list satisfies the requirement of 37 CFR 251.3. The information submitted by the arbitration association with respect to

each person listed is available for copying and inspection at the Licensing Division of the Copyright Office. Thus, for example, if the Librarian is required to convene a CARP in 1998 for a royalty fee distribution, parties to that proceeding may review that information as a means of formulating objections to listed arbitrators under § 251.4. The Licensing Division of the Copyright Office is located in the Library of Congress, James Madison Building, Room 458, 101 Independence Avenue, S.E., Washington, DC 20540.

#### **Deadline for Filing Financial Disclosure Statement**

Section 251.32(a) of the CARP rules provides that, within 45 days of their nomination, each nominee must "file with the Librarian of Congress a confidential financial disclosure statement as provided by the Library of Congress." The Copyright Office sent financial disclosure statements to the nominating associations, with specific instructions for completing and filing the statement, and asked each organization to distribute the forms to its nominees for the CARP arbitrator list. The Librarian of Congress will use the financial disclosure form to determine what financial conflicts of interest, if any, may preclude the nominee from serving as an arbitrator in a CARP proceeding. Unlike information submitted by the arbitration associations under § 251.3(a), the information contained in the financial disclosure statements is confidential and is not available to the public or to the parties to the proceeding. Each nominee has filed a completed financial disclosure form with the Library of Congress.

#### **The 1998-1999 CARP Arbitration List**

Miles J. Alexander, Esq.—CPR Institute for Dispute Resolution  
Richard Bennett, Esq.—American Arbitration Association  
Dorothy K. Campbell, Esq.—American Arbitration Association  
Virginia S. Carson, Esq.—American Arbitration Association  
Gray Castle, Esq.—JAMS/Endispute  
Terry L. Clark, Esq.—American Arbitration Association  
The Honorable John W. Cooley—Judicial Dispute Resolution, Inc.  
M. Scott Donahey, Esq.—American Arbitration Association  
Edward Dreyfus—American Arbitration Association  
The Honorable Lenore G. Ehrig—American Arbitration Association  
The Honorable John B. Farmakides—American Arbitration Association  
The Honorable Thomas A. Fortkort—American Arbitration Association  
The Honorable Charles W. Fowler—Arbitration and Mediation Services

Elizabeth E. Granville, Esq.—American Arbitration Association  
The Honorable Lewis Hall Griffith—American Arbitration Association  
The Honorable Jeffrey S. Gulin—Arbitration and Mediation Services  
The Honorable Louis N. Hurwitz—Arbitration and Mediation Services  
The Honorable Mel R. Jiganti—JAMS/Endispute  
Sheldon Karon, Esq.—American Arbitration Association  
The Honorable William B. Lawless—Judge-Net  
Christine Lepera, Esq.—American Arbitration Association  
Michael K. Lewis, Esq.—CPR Institute for Dispute Resolution  
The Honorable Lewis A. London—Arbitration and Mediation Services  
Denis R. Madigan, Esq.—JAMS/Endispute  
The Honorable H. Curtis Meanor—CPR Institute for Dispute Resolution  
Gloria Messinger, Esq.—American Arbitration Association  
Kenneth E. Milam, Esq.—CPR Institute for Dispute Resolution  
The Honorable James R. Miller, Jr.—JAMS/Endispute  
The Honorable Sharon T. Nelson—American Arbitration Association  
Timothy T. Patula, Esq.—American Arbitration Association  
Gerald F. Phillips, Esq.—American Arbitration Association  
The Honorable Kathleen A. Roberts—JAMS/Endispute  
Sol Rosenthal, Esq.—American Arbitration Association  
Peter C. Schaumber, Esq.—Center for Litigation Alternatives  
Linda R. Singer, Esq.—CPR Institute for Dispute Resolution  
Jeffrey L. Squires, Esq.—American Arbitration Association  
William Stuart Taylor, Esq.—American Arbitration Association  
The Honorable Curtis E. von Kann—JAMS/Endispute  
The Honorable Ronald P. Wertheim—JAMS/Endispute  
R. Quincy White, Esq.—American Arbitration Association  
Darryl Wilson, Esq.—American Arbitration Association  
Maurice L. Zilber, Esq.—American Arbitration Association  
Dated: February 19, 1998.

**David O. Carson,**  
*General Counsel.*

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## **POSTAL SERVICE**

### **39 CFR Part 20**

**Increase of Maximum Size and Weight Limits To Existing Global Package Link Premium Service to Japan**

**AGENCY:** Postal Service.