

QUARTERLY REPORT—Continued

Docket No.	Location	Type	Effective date
01-95-106	Babylon, NY	Safety Zone	7/1/95
01-95-107	Amagansett, NY	Safety Zone	7/1/95
01-95-108	Branford, CT	Safety Zone	7/1/95
01-95-112	Norwich, CT	Safety Zone	9/9/95
01-95-117	Hempstead, NY	Safety Zone	7/2/95
01-95-118	Wantagh, NY	Safety Zone	7/4/95
01-95-120	New Bedford, MA	Safety Zone	7/23/95
01-95-121	Boston, MA	Security Zone	7/22/95
01-95-125	Davis Park, NY	Safety Zone	7/29/95
01-95-126	Nissequogue, NY	Safety Zone	8/5/95
01-95-127	Camden, ME	Safety Zone	9/1/95
01-95-128	Kennebeck River, Bath, ME	Safety Zone	8/12/95
01-95-132	Hartford, CT	Safety Zone	8/12/95
01-95-133	Norwalk, CT	Safety Zone	8/12/95
01-95-140	Norwich, CT	Safety Zone	8/27/95
01-95-143	Upper New York Bay, NY	Safety Zone	9/12/95
01-95-144	Upper New York Bay, NY	Safety Zone	9/17/95
01-95-145	South Hampton, NY	Safety Zone	9/2/95
01-95-146	S.W. Harbor, ME	Safety Zone	9/9/95
01-95-148	Hudson River, NY	Safety Zone	9/23/95
02-95-008	Arkansas River, M. 308.4 to M. 309	Special Local	7/4/95
02-95-009	Mississippi River, M. 662 to M. 665	Special Local	7/4/95
02-95-010	Monongahela River, M. 101 to M. 101.2	Special Local	8/27/95
02-95-014	Mississippi River, M. 482.4 to M. 484	Special Local	9/16/95
05-95-041	Tar River, Washington, NC	Special Local	7/4/95
05-95-054	Camden, NJ	Special Local	9/30/95
05-95-059	Hampton Roads, VA	Anchorage Area	8/28/95
05-95-060	Hampton Roads, VA	Anchorage Area	8/30/95
07-95-035	Sarasota, FL	Special Local	7/1/95
07-95-036	Sarasota, FL	Special Local	7/2/95
07-95-041	Beaufort, SC	Special Local	7/15/95
07-95-051	Augusta, GA	Special Local	7/21/95
07-95-055	Jacksonville Beach, FL	Special Local	8/13/95
07-95-056	City of Palm Beach, FL	Special Local	9/16/95
09-95-019	Lake Ontario, Oswego Harbor, NY	Special Local	7/29/95
09-95-021	St. Joseph, MI	Special Local	7/14/95
13-95-031	Bellingham, WA	Safety Zone	7/6/95
13-95-032	Queets to Port of Benton, WA	Safety Zone	8/3/95
13-95-033	Queets to Port of Benton, WA	Safety Zone	8/9/95
13-95-034	Queets to Port of Benton, WA	Safety Zone	8/16/95
13-95-036	Bremerton to Queets, WA	Safety Zone	8/2/95
13-95-037	Bremerton to Queets, WA	Safety Zone	8/8/95
13-95-038	Bremerton to Queets, WA	Safety Zone	8/15/95
13-95-040	Portland, OR	Safety Zone	9/16/95
13-95-041	Queets to Port of Benton, WA	Safety Zone	9/7/95
13-95-042	Bremerton to Queets, WA	Safety Zone	9/5/95
13-95-043	Queets to Port of Benton, WA	Safety Zone	9/14/95
13-95-044	Bremerton to Queets, WA	Safety Zone	9/13/95
13-95-045	Tacoma, WA	Safety Zone	9/24/95

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LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 255

[Docket No. 95-2 CARP]

Cost of Living Adjustment of the Mechanical Royalty Rate

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Office announces an adjustment of the mechanical royalty rate based on the change in the Consumer Price Index from September 1993 to September 1995. The rate is increased to either 6.95 cents, or 1.3 cents per minute of playing time or fraction thereof, whichever is larger.

EFFECTIVE DATE: January 1, 1996.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Acting General Counsel, or Tanya M. Sandros, Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone:

(202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION: In 1987, the Copyright Royalty Tribunal adopted the joint proposal submitted by the National Music Publishers' Association, The Songwriters Guild of America and the Recording Industry Association of America, Inc. to make adjustments every two years to the mechanical royalty rate based upon changes in the Consumer Price Index (CPI), except: (1) when the CPI declined, in which case the mechanical rate could go no lower than the rates in effect in 1986-1987; and (2) when the CPI increased by more than 25%, in which case the rate increase

would be no greater than 25%. 52 FR 22637 (June 15, 1987). Corrected to clarify the adjustment to the mechanical rate when the CPI declined. 52 FR 23546 (June 23, 1987).

On December 17, 1993, the Copyright Royalty Tribunal was abolished by Congress. Copyright Royalty Tribunal Reform Act of 1993 (CRT Reform Act), Pub. L. 103-198, 107 Stat. 2304. The CRT Reform Act directed the Library of Congress and the Copyright Office to adopt the rules and regulations of the CRT as found at 37 CFR chapter 3. 17 U.S.C. 802(d). The Office subsequently reissued the CRT regulations on December 22, 1993. 58 FR 67690 (December 22, 1993).

Former 37 CFR 307.3, which calls for a biannual cost of living adjustment to the mechanical royalty rate, was renumbered 37 CFR 255.3 in a later action. 59 FR 23964 (May 9, 1994).

Accordingly, the Copyright Office announces that the change in the cost of living as determined by the Consumer Price Index (all urban consumers, all items) is 5.58% (September 1993's Index was 145.1 and September 1995's Index was 153.2, with 1982-1984=100 as a reference base). The current mechanical rate is 6.60 cents, or 1.25 cents per minute of playing time or fraction thereof, whichever amount is larger. Adjusting that rate upward by 5.58% and rounding off the results to the nearest 1/20th of a cent, the new rate, effective January 1, 1996, shall be 6.95 cents, or 1.3 cents per minute of playing time or fraction thereof, whichever amount is larger. Section 255.3 is revised as shown below.

List of Subjects in 37 CFR Part 255

Copyright, Music recordings.

For the reasons set forth in the preamble, the Copyright Office amends 37 CFR 255.3 as follows:

PART 255—ADJUSTMENT OF ROYALTY PAYABLE UNDER COMPULSORY LICENSE FOR MAKING AND DISTRIBUTING PHONORECORDS

1. The authority citation for Part 255 continues to read as follows:

Authority: 17 U.S.C. 801(b)(1) and 803.

2. Section 255.3 is revised to read as follows:

§ 255.3 Adjustment of Royalty Rate.

(a) For every phonorecord made and distributed on or after January 1, 1983, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 4.25 cents, or 0.8 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant

to paragraphs (b), (c), (d), (e), (f), (g), and (h) of this section.

(b) For every phonorecord made and distributed on or after July 1, 1984, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 4.5 cents, or 0.85 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (c), (d), (e), (f), (g), and (h) of this section.

(c) For every phonorecord made and distributed on or after January 1, 1986, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 5.0 cents, or 0.95 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (d), (e), (f), (g), and (h) of this section.

(d) For every phonorecord made and distributed on or after January 1, 1988, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 5.25 cents, or 1.0 cent per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (e), (f), (g), and (h) of this section.

(e) For every phonorecord made and distributed on or after January 1, 1990, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 5.7 cents, or 1.1 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (f), (g), and (h) of this section.

(f) For every phonorecord made and distributed on or after January 1, 1992, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 6.25 cents, or 1.2 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraphs (g), and (h) of this section.

(g) For every phonorecord made and distributed on or after January 1, 1994, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 6.6 cents, or 1.25 cents per minute of playing time or fraction thereof, whichever amount is larger, subject to further adjustment pursuant to paragraph (h) of this section.

(h) For every phonorecord made and distributed on or after January 1, 1996, the royalty rate payable with respect to each work embodied in the phonorecord shall be either 6.95 cents, or 1.3 cents per minute of playing time or fraction thereof, whichever amount is larger.

Dated: October 24, 1995.

Marybeth Peters,

Register of Copyrights.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-5320-6]

Availability of Federally-Enforceable State Implementation Plans for All States

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: Section 110(h) of the Clean Air Act, as amended in 1990 (the "Act"), requires EPA by November 15, 1995, and every three years thereafter, to identify the Federally-enforceable State Implementation Plans (SIPs) in each State and to publish notice in the Federal Register of the availability of such documents. This document announces the availability of these SIP compilations for each State for public inspection.

EFFECTIVE DATE: November 1, 1995.

ADDRESSES: The regional offices may be contacted regarding requirements of applicable implementation plans for their States. The SIP compilations are available for public inspection during normal business hours at the appropriate EPA regional office listed below. Interested persons wanting to view these documents should make an appointment with the appropriate EPA office and arrange for a mutually agreeable time.

Region 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Regional Contact: Emanuel Souza (617/565-3248), EPA, Air Pesticides and Toxics Division, John F. Kennedy Federal Building, One Congress Street, Boston, MA 02203

Region 2: New Jersey, New York, Puerto Rico, and Virgin Islands.

Regional Contacts: Kristeen Gaffney and Paul Truchan (212/637-4249), EPA, Air Programs Branch, 290 Broadway, New York, NY 10007-1866

Region 3: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.

Regional Contact: Hal Frankford (215/597-1325), EPA, Air Programs Branch, 841 Chestnut Building, Philadelphia, PA 19107

Region 4: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.