

equivalent of not less than the 50th percentile of prevailing charges made for similar services in the same locality (region) or state, or the provider's actual charge, whichever is lower; less any cost-share amount due for authorized services, except where the dental plan insurer is unable to identify a participating provider of care within 35 miles of the dependent's place of residence with appointment availability within 21 calendar days. In such instances of the nonavailability of a participating provider, the nonparticipating provider located within 35 miles of the dependent's place of residence shall be paid his or her usual fees, less the cost-share for the authorized services.

(ii) Participating providers shall be reimbursed at the equivalent of a percentile of prevailing charges sufficiently above the 50th percentile of prevailing charges made for similar services in the same locality (region) or state as to constitute a significant financial incentive for participation, or the provider's actual charge, whichever is lower; less any cost-share amount due for authorized services.

(g) * * *

(2) *Benefit payments made to a participating provider.* When the authorized provider has elected to participate in accordance with the arrangement and procedures established by the dental plan insurer, payment is made based on the lower of the actual charge or the insurer's determination of the allowable charge. Payment is made directly to the participating provider as payment in full, less the percent cost-share of the insurer's allowable charge as specified in paragraphs (e)(3)(i) through (e)(3)(v) of this section.

(3) *Benefit payments made to a nonparticipating provider.* When the authorized provider has elected not to participate in accordance with the arrangement and procedures established by the dental plan, payment is made by the insurer based on the lower of the actual charge or the insurer's determination of the allowable charge. The beneficiary is responsible for payment of a percent cost-share of the insurer's allowable charge as specified in paragraphs (e)(3)(i) through (e)(3)(v) of this section. Where the dental plan is unable to identify a participating provider of care within 35 miles of the dependent's place of residence with appointment availability within 21 calendar days, dependents or their

sponsors are responsible for payment of a percent cost-share of the charges made by nonparticipating providers located within 35 miles of the dependent's place of residence as specified in paragraphs (e)(3)(i) through (e)(3)(v) of this section.

* * * * *

Dated: October 26, 1995.

L.M. Bynum,
*Alternate OSD Federal Register Liaison
Officer, Department of Defense.*

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD 95-082]

Safety Zones, Security Zones, and Special Local Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: This document provides required notice of substantive rules adopted by the Coast Guard and temporarily effective between July 1, 1995 and September 30, 1995, which were not published in the Federal Register. This quarterly notice lists temporary local regulations, security zones, and safety zones, which were of limited duration and for which timely publication in the Federal Register was not possible.

DATES: This notice lists temporary Coast Guard regulations that became effective and were terminated between July 1, 1995 and September 30, 1995, as well as several regulations which were not included in the previous quarterly list.

ADDRESSES: The complete text of these temporary regulations may be examined at, and is available on request from, Executive Secretary, Marine Safety Council (G-LRA), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001.

FOR FURTHER INFORMATION CONTACT: Commander Stephen J. Darmody, Executive Secretary, Marine Safety Council at (202) 267-1477 between the hours of 8 a.m. and 3 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: District Commanders and Captains of the Port

(COTP) must be immediately responsive to the safety needs of the waters within their jurisdiction; therefore District Commanders and COTPs have been delegated the authority to issue certain local regulations. Safety zones may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits or it may be described as a zone around a vessel in motion. Security zones limit access to vessels, ports, or waterfront facilities to prevent injury or damage. Special local regulations are issued to assure the safety of participants and spectators at regattas and other marine events. Timely publication of these regulations in the Federal Register is often precluded when a regulation responds to an emergency, or when an event occurs without sufficient advance notice. However, the affected public is informed of these regulations through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the regulation.

Because mariners are notified by Coast Guard officials on-scene prior to enforcement action, Federal Register notice is not required to place the special local regulation, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the Federal Register notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary special local regulations, security zones, and safety zones. Permanent regulations are not included in this list because they are published in their entirety in the Federal Register. Temporary regulations may also be published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. These safety zones, special local regulations and security zones have been exempted from review under E.O. 12866 because of their emergency nature, or limited scope and temporary effectiveness.

The following regulations were placed in effect temporarily during the period July 1, 1995 and September 30, 1995, unless otherwise indicated.

Dated: October 26, 1995.

Stephen J. Darmody,
*Commander, U.S. Coast Guard, Executive
Secretary, Marine Safety Council, Acting.*

QUARTERLY REPORT

Docket No.	Location	Type	Effective date
Charleston 95-040	Lake Wylie, SC	Safety Zone	7/4/95
Corpus Christi 95-001	Gulf Intracoastal Waterway	Safety Zone	7/2/95
Corpus Christi 95-002	Corpus Christi Ship Channel	Safety Zone	7/17/95
Corpus Christi 95-003	Gulf Intracoastal Waterway	Safety Zone	7/24/95
Galveston 95-002	Galveston Bay, TX	Safety Zone	8/23/95
Galveston 95-003	Galveston Bay, TX	Safety Zone	8/27/95
Hampton Roads 95-042	Chesapeake Bay, Hampton Roads, VA	Safety Zone	7/7/95
Hampton Roads 95-045	Chesapeake Bay, Hampton Roads, VA	Safety Zone	7/17/95
Honolulu 95-004	Oahu, HI	Safety Zone	9/1/95
Houston 95-004	Channelview, TX	Safety Zone	7/5/95
Jacksonville 95-042	Indian River, Cocoa, FL	Safety Zone	7/4/95
Jacksonville 95-043	Halifax River, Ormond Beach, FL	Safety Zone	7/4/95
Jacksonville 95-044	Tolomato River, St. Augustine, FL	Safety Zone	7/4/95
Jacksonville 95-045	Indian River, Edgewater, FL	Safety Zone	7/4/95
Jacksonville 95-046	St. Johns River, Jacksonville, FL	Safety Zone	7/4/95
Jacksonville 95-053	Port Canveral, FL	Safety Zone	7/23/95
Jacksonville 95-058	St. Johns River, Jacksonville, FL	Safety Zone	9/2/95
LA/Long Beach 95-004	San Pedro Bay, CA	Safety Zone	8/4/95
LA/Long Beach 95-005	San Pedro Bay, CA	Safety Zone	8/4/95
LA/Long Beach 95-006	San Pedro Bay, CA	Safety Zone	8/24/95
LA/Long Beach 95-007	San Pedro Bay, CA	Safety Zone	9/25/95
Miami, FL 95-059	Miami River, Miami, FL	Safety Zone	9/5/95
Mobile 95-009	Pensacola, FL	Safety Zone	7/19/95
Mobile 95-010	Mobile Ship Channel, AL	Safety Zone	7/11/95
New Orleans 95-013	Mississippi River, M. 94 to M. 98	Safety Zone	5/13/95
New Orleans 95-014	Mississippi River, M. 94 to M. 98	Safety Zone	5/18/95
New Orleans 95-015	Mississippi River, M. 94 to M. 98	Safety Zone	5/19/95
New Orleans 95-016	Mississippi River, M. 94 to M. 98	Safety Zone	5/20/95
New Orleans 95-017	Mississippi River, M. 228.5 to M. 230.5	Safety Zone	5/20/95
New Orleans 95-019	Mississippi River, M. 429 to M. 434	Safety Zone	6/22/95
P.W. Sound 95-001	Prince William Sound, AK	Safety Zone	7/8/95
P.W. Sound 95-002	Prince William Sound, AK	Safety Zone	7/10/95
P.W. Sound 95-003	Prince William Sound, AK	Safety Zone	7/12/95
P.W. Sound 95-004	Prince William Sound, AK	Safety Zone	7/14/95
P.W. Sound 95-005	Prince William Sound, AK	Safety Zone	7/17/95
P.W. Sound 95-006	Prince William Sound, AK	Safety Zone	7/22/95
Philadelphia 95-021	West Deptford, NJ	Safety Zone	8/9/95
Philadelphia 95-022	Salem River, NJ	Safety Zone	8/13/95
Philadelphia 95-023	Gibbstown, NJ	Safety Zone	8/18/95
Philadelphia 95-024	Marcus Hook, PA	Safety Zone	8/21/95
Philadelphia 95-069	Wilmington, DE	Safety Zone	9/23/95
Philadelphia 95-070	Marcus Hook, PA	Safety Zone	9/22/95
Philadelphia 95-071	Wildwood, NJ	Safety Zone	9/27/95
San Francisco Bay 95-005	San Francisco Bay, CA	Safety Zone	7/4/95
San Francisco Bay 95-010	Carmel Bay, CA	Security Zone	9/3/95
San Juan 95-047	San Juan Harbor, PR	Safety Zone	7/4/95
Savannah 95-037	Skull Creek, Hilton Head, SC	Safety Zone	7/4/95
Savannah 95-038	Calibogue Sound, Hilton Head, SC	Safety Zone	7/4/95
Savannah 95-039	Savannah River, Savannah, GA	Safety Zone	7/4/95
Savannah 95-048	Savannah River, Savannah, GA	Safety Zone	7/6/95
St. Louis 95-011	Upper Mississippi River, M. 184	Safety Zone	9/26/95
Wilmington 95-002	Wilmington, NC	Safety Zone	9/2/95
01-95-019	Westport, CT	Safety Zone	7/3/95
01-95-020	Fairfield, CT	Safety Zone	7/1/95
01-95-041	Barons Cove, Sag Harbor, NY	Safety Zone	6/16/95
01-95-042	Stamford, CT	Safety Zone	7/1/95
01-95-043	Old Lyme, CT	Safety Zone	7/2/95
01-95-044	Montauk, NY	Safety Zone	7/2/95
01-95-045	Stratford, CT	Safety Zone	7/2/95
01-95-046	Groton, CT	Safety Zone	7/3/95
01-95-047	Cove Neck, NY	Safety Zone	7/4/95
01-95-048	East Hampton, NY	Safety Zone	7/15/95
01-95-049	Middletown, CT	Safety Zone	7/29/95
01-95-075	Hartford, CT	Safety Zone	7/1/95
01-95-084	Norwich, CT	Safety Zone	7/2/95
01-95-091	Middletown, CT	Safety Zone	7/4/95
01-95-095	Providence River, RI	Safety Zone	7/4/95
01-95-100	Raritan Bay, Staten Island, NY	Safety Zone	7/4/95
01-95-103	Waterford, CT	Safety Zone	7/15/95
01-95-104	Groton, CT	Safety Zone	7/8/95
01-95-105	Norwalk, CT	Safety Zone	7/3/95

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