

**§ 201.17 Statements of account covering compulsory licenses for secondary transmissions by cable systems.**

\* \* \* \* \*

(c) \* \* \*

(4) In the Register's discretion, four years after the close of any calendar year, the Register may, close out the royalty payments account for that calendar year, and may treat any funds remaining in such account and any subsequent deposits that would otherwise be attributable to that calendar year as attributable to the succeeding calendar year.

\* \* \* \* \*

(j) \* \* \*

(3) \* \* \*

(i) The request must be in writing, must clearly identify its purpose, and, in the case of a request for a refund, must be received in the Copyright Office before the expiration of 60 days from the last day of the applicable Statement of Account filing period, or before the expiration of 60 days from the date of receipt at the Copyright Office of the royalty payment that is the subject of the request, whichever time period is longer. \* \* \*

\* \* \* \* \*

(iii) The request must contain a clear statement of the facts on which it is based and provide a clear basis on which a refund may be granted, in accordance with the following procedures:

\* \* \* \* \*

Marybeth Peters,  
*Register of Copyrights.*

Approved by:

James H. Billington,  
*The Librarian of Congress.*

[FR Doc. 95-28321 Filed 11-22-95; 8:45 am]

BILLING CODE 1410-31-P

**POSTAL SERVICE**

**39 CFR Part 955**

**Rules of Practice Before the Board of Contract Appeals**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** On September 13, 1995, the Postal Service published in the Federal Register (60 FR 47514-47515) for public comment a proposed rule to revise the rules of practice of the Postal Service Board of Contract Appeals (Board). The Postal Service is now issuing a final rule that revises certain rules of practice of the Postal Service Board. These revisions implement provisions of the Federal Acquisition Streamlining Act of

1994 (Pub. L. 103-355) (FASA), which amended sections 8(f) and 9(a) of the Contract Disputes Act of 1978 (41 U.S.C. 601-613), under which the Board adjudicates contract disputes. These revisions increase the maximum amount that may be in dispute for appeals to qualify for consideration under the small claims (expedited) and accelerated procedures of boards of contract appeals. Minor editorial revisions and corrections of typographical errors are also included in this final rule.

**EFFECTIVE DATE:** October 1, 1995.

**Applicability:** Pursuant to sections 10001 and 10002 of the FASA, the Board made the revised rules, as well as sections 2351(c-d) of the FASA, applicable to all pending appeals and to those appeals filed on or after October 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dennis E. Wiessner, Jr., Staff Counsel, Judicial Officer Department, 202-268-5438.

**SUPPLEMENTARY INFORMATION:** On September 13, 1995, the Postal Service published in the Federal Register (60 FR 47514-47515) for public comment a proposed rule to revise the rules of practice of the Postal Service Board of Contract Appeals (Board). The revisions implement certain provisions of the Federal Acquisition Streamlining Act of 1994 under which the Board adjudicates contract disputes. These revisions increase the maximum amount that may be in dispute for appeals to qualify for consideration under the small claims (expedited) and accelerated procedures of the boards of contract appeals.

The proposed rule prescribed a 60-day comment period ending November 13, 1995, and invited comments from all interested parties. No comments were received during that period. Therefore, no changes, other than minor editorial revisions and correction of typographical errors, have been made in the final rule. The Postal Service is now publishing, as a final rule, the Rules of Practice before the Board of Contract Appeals, to be codified at part 955 of title 39 of the Code of Federal Regulations.

List of Subjects in 39 CFR Part 955

Administrative practice and procedure, Postal Service.

For the reasons set forth in the preamble, the Postal Service amends and revises part 955 as follows:

**PART 955—[AMENDED]**

1. The authority citation for 39 CFR part 955 is revised to read as follows:

Authority: 39 U.S.C. 204, 401; 41 U.S.C. 607, 608.

**§ 955.1 [Amended]**

2. Section 955.1 is amended by revising the first sentence of paragraph (a), paragraph (b)(1), the first sentence of paragraph (b)(2), and paragraph (d)(5) to read as follows:

(a) *Jurisdiction for considering appeals.* The U.S. Postal Service Board of Contract Appeals (Board) shall consider and determine appeals from decisions of contracting officers arising under contracts which contain provisions requiring the determination of appeals by the Postmaster General or his duly authorized representative or board. \* \* \*

(b) *Organization and location of the Board.* (1) The Board is located in Washington, DC, and its mailing address is 475 L'Enfant Plaza, SW., Washington, DC 20260-6100.

(2) The Board consists of the Judicial Officer as Chairman, the Associate Judicial Officer as Vice Chairman, and the Administrative Judges of the Postal Service. \* \* \*

\* \* \* \* \*

(d) \* \* \*

(5) *Place of filings.* Unless the Board otherwise directs, all notices of appeal, pleadings and other communications shall be filed with the Recorder of the Board at its offices in the United States Postal Service Headquarters Building, 475 L'Enfant Plaza, SW., Washington, DC 20260-6100.

\* \* \* \* \*

3. Section 955.9 is amended by revising the second sentence to read as follows:

**§ 955.9 Hearing election.**

\* \* \* In appropriate cases, the appellant shall also elect whether he desires the optional small claims (expedited) procedure or accelerated procedure prescribed in § 955.13.

**§ 955.13 [Removed]**

4. Section 955.13 is removed.

5. Section 955.18 is amended by revising the first sentence to read as follows:

**§ 955.18 Where and when held.**

Hearings will ordinarily be held in the Washington, DC, area, except that upon request seasonably made and upon good cause shown, the Board may set the hearing at another location. \* \* \*

**§ 955.35 [Removed]**

6. Section 955.35 is removed.

**§ 955.36 [Redesignated as § 955.13 and Amended]**

7. Section 955.36 is redesignated as § 955.13 and amended by revising the first sentence of paragraphs (b)(1) and (b)(2); by revising paragraph (c)(1) and the first sentence of paragraph (c)(2)(ii) and the fourth sentence of paragraph (c)(4); by revising paragraph (d)(1) and the third sentence of paragraph (d)(3); by revising paragraph (e); and by adding paragraph (f), as follows:

**§ 955.13 Optional small claims (expedited and accelerated procedures).**

\* \* \* \* \*

(b) \* \* \*

(1) In appeals where the amount in dispute is \$50,000 or less, the appellant may elect to have the appeal processed under a small claims (expedited) procedure requiring decision of the appeal, whenever possible, within 120 days after the Board receives written notice of the appellant's election to utilize this procedure. \* \* \*

(2) In appeals where the amount in dispute is \$100,000 or less, the appellant may elect to have the appeal processed under an accelerated procedure requiring the decision of the appeal, whenever possible, within 180 days after the Board receives written notice of the appellant's election to utilize this procedure. \* \* \*

\* \* \* \* \*

(c) \* \* \*

(1) This procedure shall apply only to appeals where the amount in dispute is \$50,000 or less as to which the appellant has elected the small claims (expedited) procedure.

(2) \* \* \* (ii) within 5 days after the Board has acknowledged receipt of the notice of election, either party desiring an oral hearing shall so inform the Board. \* \* \*

\* \* \* \* \*

(4) \* \* \* Whenever such an oral decision is rendered, the Board will subsequently furnish the parties a typed copy of such oral decision for the record and payment purposes and for the establishment of the commencement date of the period for filing a motion for reconsideration under § 955.30.

\* \* \* \* \*

(d) \* \* \*

(1) This procedure shall apply only to appeals where the amount in dispute is \$100,000 or less as to which the appellant has made the requisite election.

\* \* \* \* \*

(3) \* \* \* Alternatively, in cases where the amount in dispute is \$50,000 or less as to which the accelerated procedure has been elected and in

which there has been a hearing, the single Administrative Judge presiding at the hearing may, with the concurrence of both parties, at the conclusion of the hearing and after entertaining such oral arguments as he deems appropriate, render on the record oral summary findings of fact, conclusions, and a decision of the appeal. \* \* \*

(e) Motions for Reconsideration in Cases Arising Under § 955.13. Motions for Reconsideration of cases decided under either the small claims (expedited) procedure or the accelerated procedure need not be decided within the time periods prescribed by this § 955.13 for the initial decision of the appeal, but all such motions shall be processed and decided rapidly so as to fulfill the intent of this section.

(f) Except as herein modified, the rules of this part 955 otherwise apply in all aspects.

**§ 955.37 [Redesignated as § 955.35]**

8. Section 955.37 is redesignated as § 955.35.

9. Redesignated § 955.35 is amended by revising the introductory text of paragraph (a) to read as follows:

**§ 955.35 Subpoenas.**

(a) *General.* Upon written request of either party filed with the Recorder or on his own initiative, the Administrative Judge to whom a case is assigned or who is otherwise designated by the Chairman may issue a subpoena requiring: \* \* \*

\* \* \* \* \*

**§ 955.36 [Added]**

10. New § 955.36 is added to read as follows:

**§ 955.36 Effective Dates and Applicability.**

The provisions of §§ 955.9 and 955.13 took effect on October 1, 1995. Pursuant to the Contract Disputes Acts of 1978 (41 U.S.C. 601-613), §§ 955.13 and 955.35 apply to appeals relating to contracts entered into on or after March 1, 1979. All other provisions of this part 955 took effect February 18, 1976.

Except as otherwise directed by the Board, these rules shall not apply to appeals docketed prior to their effective dates.

Stanley F. Mires,  
*Chief Counsel, Legislative.*

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**DEPARTMENT OF DEFENSE**

**Department of the Air Force**

**41 CFR Chapter 132**

**Utilization and Disposal of Real Property**

**AGENCY:** Department of the Air Force, Department of Defense.

**ACTION:** Interim rule; withdrawal.

**SUMMARY:** On April 1, 1991, the Department of the Air Force amended Title 41 of the Code of Federal Regulations by establishing Chapter 132 and Part 132-47, Utilization and Disposal of Real Property, as an interim rule with request for comments (56 FR 13286).

On April 6, 1994, the Department of Defense published 32 CFR Part 90, Revitalizing Base Closure Communities—Base Closure Community Assistance. Upon publication of 32 CFR Parts 90 and 91, it was decided not to finalize the interim rule 41 CFR Part 132-47. Therefore, 41 CFR Chapter 132 consisting of Part 132-47 is withdrawn.

**EFFECTIVE DATE:** November 24, 1995.

**FOR FURTHER INFORMATION CONTACT:** Gilbert Sailer, AFBCA/RP, 1700 N. Moore Street, Suite 2300, Arlington VA 22209-2803, telephone (703) 696-5566.

**SUPPLEMENTARY INFORMATION:**

List of Subjects in 41 CFR Chapter 132

Real property utilization and disposal.  
Authority: 10 U.S.C. 8013.

**41 CFR CHAPTER 132—[REMOVED]**

Accordingly, 41 CFR Chapter 132 consisting of Part 132-47 is removed.

Patsy J. Conner,  
*Air Force Federal Register Liaison Officer.*  
[FR Doc. 95-28661 Filed 11-22-95; 8:45 am]

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**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**43 CFR Public Land Order 7173**

[ID-943-1430-01; IDI-04790 02]

**Partial Revocation of Public Land Order No. 1703; Idaho**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order revokes a Public Land Order (PLO) insofar as it affects 34.98 acres of public land withdrawn by the Corps of Engineers' Albeni Falls