

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. annex I, sec. 3(a)	Percentage horizontal separation attained
USS GONZALEZ	DDG 66	X	X	X	20.4

Dated: October 26, 1995.
 Approved:
 R.R. Pixa,
Capt., JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).
 [FR Doc. 95-28686 Filed 11-22-95; 8:45 am]
BILLING CODE 3810-FF-P

Department of the Air Force

32 CFR Part 818a

Personal Commercial Affairs

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

ACTION: Final rule; withdrawal.

SUMMARY: The Department of the Air Force is amending Title 32, Chapter VII of the CFR by removing Part 818a, Personal Commercial Affairs. This rule is removed because the source document, AFR 211-16, was cancelled. This information is contained in DoD Directive 1344.7, published in the Code of Federal Regulations as 32 CFR Part 43.

EFFECTIVE DATE: November 24, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Patsy J. Conner, Air Force Federal Register Liaison Officer, SAF/AAIQ, 1610 Air Force Pentagon, Washington DC 20330-1610, telephone (703) 614-3488.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 818a

Federal buildings and facilities, Life insurance, Military personnel.

Authority: 10 U.S.C. 8013.

PART 818a—[REMOVED]

Accordingly, 32 CFR, Chapter VII, is amended by removing Part 818a.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95-28663 Filed 11-22-95; 8:45 am]

BILLING CODE 3910-01-P

32 CFR Part 892

Part-Time Career Employment Program

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

ACTION: Final rule; withdrawal.

SUMMARY: The Department of the Air Force is amending Title 32, Chapter VII of the CFR by removing Part 892, Part-Time Career Employment Program. This rule is removed since the source document, AFR 40-340 was rescinded.

EFFECTIVE DATE: November 24, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Patsy J. Conner, Air Force Federal Register Liaison Officer, SAF/AAIQ, 1610 Air Force Pentagon, Washington DC 20330-1610, telephone (703) 614-3488.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 892

Government employees.

Authority: 10 U.S.C. 8013.

PART 892—[REMOVED]

Accordingly, 32 CFR, Chapter VII, is amended by removing Part 892.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95-28662 Filed 11-22-95; 8:45 am]

BILLING CODE 3910-01-P

Corps of Engineers, Department of the Army

33 CFR Part 334

Sinclair Inlet, Puget Sound, Bremerton, Washington, Naval Restricted Areas; Correction

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Correction to interim final rule.

SUMMARY: This document contains a correction to the interim final rule which was published Monday, August 21, 1995 (60 FR 43378-43379). The effective date was August 21, 1995, with

the comment period expiring on October 20, 1995. These rules establish two restricted areas in the waters of Sinclair Inlet adjacent to the Puget Sound Naval Shipyard, Bremerton, Washington, to safeguard U.S. Navy vessels and Government facilities from sabotage and other subversive acts, accidents, or other incidents of a similar nature and to protect vessels and individuals from the dangers associated with the industrial waterfront facilities at the shipyard. Entry into this zone is prohibited unless otherwise authorized by these regulations or the Commander, Naval Base Seattle, Washington, or whomever he/she designates.

DATES: Effective November 24, 1995.

ADDRESSES: HQUSACE, CECW-OR, Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Freedom, Regulatory Branch, Seattle District at (206) 764-3495, or Mr. Ralph Eppard, Regulatory Branch, CECW-OR at (202) 761-1783.

SUPPLEMENTARY INFORMATION: As a result of a court decision affecting the regulations in 33 CFR 334.1240, the Commanding Officer, Puget Sound Naval Shipyard reviewed the physical security and safety conditions around the shipyard active piers and drydocks. Based on this review, the Commanding Officer requested that the restricted area regulations be amended to prohibit the trespassing of persons into the restricted areas at Sinclair Inlet; add a coordinate to accommodate the extension of the south end of "mooring A" maintaining a buffer 100 yards south of the end of this mooring, and to change the geographic coordinates for the restricted area to conform to the 1983 re-establishment of the National Geodetic Vertical Datum. These revisions were published by the Corps as interim final rules on August 21, 1995. All comments received in response to the interim final rule and the public notice issued by the Seattle District Engineer are being reviewed.

Need for Correction

As published, the interim final rules in Sec. 334.1240(a)(3)(ii) omitted the words "Area No. 2." at the beginning of the subparagraph. This correction clarifies that Area number two is for the exclusive use of the U.S. Navy.

Correction of Publication

Accordingly, the publication on August 21, 1995 of the interim final rule, which was the subject of 60 FR 43378-43379, is corrected as follows:

§ 334.1240 [Corrected]

On page 43379, in § 334.1240(a)(3)(ii) in the third column, in the first line following paragraph designation (ii), insert "Area No. 2."

Dated: November 13, 1995.

Stanley G. Genega,

Major General, USA, Director of Civil Works.

[FR Doc. 95-28713 Filed 11-22-95; 8:45 am]

BILLING CODE 3710-92-M

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

[Docket No. RM 93-3A]

Cable and Satellite Carrier Royalty Refunds

AGENCY: Copyright Office; Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Office is adopting final rules with respect to certain royalty refund procedures for the cable and satellite carrier compulsory licenses. The Office is also implementing a "close-out" procedure for royalty accounts that will permit the Register of Copyrights to close-out the royalty payments account for a calendar year four years after the close of that year, and 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.

EFFECTIVE DATE: December 26, 1995.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Acting General Counsel, or William Roberts, Senior Attorney for Compulsory Licenses, Copyright Arbitration Royalty Panel (CARP), PO Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION: On June 28, 1993, the Copyright Office published

a Notice of Proposed Rulemaking (NPRM) regarding certain refund procedures for the cable and satellite carrier compulsory licenses, 17 U.S.C. 111 and 119, respectively. 58 FR 34544 (June 28, 1993). Specifically, the Office's proposed rules involved three issues: (1) The appropriate date to begin the time period for requesting refunds; (2) the proper basis upon which a refund request may be made; and (3) the close-out of accounting period royalty pools after a specific time period.

Existing Copyright Office regulations specify the time periods within which parties seeking refunds of compulsory license royalties must submit their requests. In the case of the cable compulsory license, a cable operator has 60 days from the last day of the filing period for the Statement of Account in which to request a refund. 37 CFR 201.17(j)(3). Under the satellite carrier compulsory license, the operator has 30 days from the last day of the filing period for the Statement of Account to request a refund. 37 CFR 201.11(g)(3). These rules were based on refund requests being made after timely filing. In order to provide a refund request period for late and amended filings, the Office proposed in its NPRM that the 60 and 30 day periods be amended to run either from the applicable filing period or from the date of receipt at the Copyright Office of the royalty payment that is the subject of the request. 58 FR 34545. Copyright Office regulations require that a request for a refund must be "in writing, must clearly identify its purpose," and must be received within the prescribed time period. 37 CFR 201.17(j)(3) and 201.11(g)(3). In practice, the Office has long interpreted its refund regulation to deny a request for a refund where there has been no clear overpayment of the statutory royalty. In order to confirm this practice, the NPRM proposes to amend the satellite carrier and cable regulations to require that refund requests must provide a "clear basis" upon which a request can be granted. 58 FR 34546.

Finally, the NPRM proposed a change to the Office's longstanding policy of making refunds only from the calendar year account in which the overpayment was made. The regulation would adopt language included in the Audio Home Recording Act of 1992 that allows the Register of Copyrights, in his or her discretion, to close out the royalty payments account for a calendar year four years after the close of that year, and to "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." *Id.*

Comments of the Parties

Four parties submitted comments on the NPRM: National Cable Television Association (NCTA); Providence Journal Company; Office of the Commissioner of Baseball ("Baseball");¹ and Copyright Owners (consisting of Program Suppliers, National Basketball Association, National Hockey League, the Music Claimants, the Devotional Claimants and National Public Radio).

Initiation of Time Period

As to when the time period to request refunds should begin, both Providence Journal and the NCTA support the proposed rule change. NCTA comments at 2; Providence Journal comments at 4. Copyright Owners, however, support the rule only for amended filings. "Copyright Owners suggest that the proposed language apply only to amended filings. This would provide predictability with respect to refund requests sought for original filings, while offering greater flexibility for refunds related to amended applications." Copyright Owners comments at 2. Copyright Owners additionally suggest that no refunds be permitted from a royalty year which has been closed out. *Id.* at 2-3. The effect of the Copyright Owners' proposal would be to deny a refund request period for any filings that are later than the sixty day period in the existing rule and only allow refunds for amended filings in accounting years which have not been closed out.

Clear Basis for Refund

Copyright Owners are supportive of the proposed rule requiring that refund requests provide a "clear basis" for granting the refund, but desire a voice in any refund request that raises a policy issue. They urge the Office to establish procedures that would permit interested parties to participate in formulating the policy. They further state that such policy should govern both "the specific refund request and any future requests asking for the same or similar relief." *Id.* at 4. Copyright Owners do not provide any description of the mechanics of the notice and comment procedure which they propose, beyond mentioning in a footnote that "The Office need not institute a rulemaking proceeding to answer such ad hoc questions. Copyright Owners envision a more

¹ Baseball's comments were submitted after the July 28, 1993, closing date of the comment period, but the Copyright Office has nonetheless included them in this proceeding.