

(d) * * *

(1) The Contracting Officer shall consult with the installation's Patent or Intellectual Property Counsel before granting in accordance with FAR 27.404(f)(1)(ii) permission for a contractor to claim copyright subsisting in data, other than computer software, first produced under the contract. For copyright of computer software first produced under the contract, see paragraph (e) of this section.

(e) * * *

(1) Paragraph (3) (see 1827.409(e) and 1852.227-14) is to be added to paragraph (d) of the clause at FAR 52.227-14, Rights in Data—General, whenever that clause is used in any contract other than one for basic or applied research with a university or college. Paragraph (d)(3)(i) of the clause provides that the contractor may not assert claim to copyright, publish, or release to others computer software first produced in the performance of a contract without the contracting officer's prior written permission. This is in accordance with NASA policy and procedures for the distribution of computer software developed by NASA and its contractors.

* * * * *

(4) If the contractor has not been granted permission to copyright in accordance with paragraphs (e)(1) and (e)(2) of this section, paragraph (d)(3)(ii) of the clause at FAR 52.227-14, Rights in Data—General (as modified by 1852.227-14), enables NASA to direct the contractor to assert claim to copyright in computer software first produced under the contract and to assign, or obtain the assignment of, such copyright to the Government or its designee. The Contracting Officer may, in consultation with the installation patent or intellectual property counsel, so direct the contractor in situations where copyright protection is considered necessary in furtherance of agency mission objectives, needed to support specific agency programs, or necessary to meet statutory requirements.

(5) In order to insure consistency with copyright law, paragraph (d)(3)(iii) clarifies that the word "establish" in FAR 52.227-14, Rights in Data—General shall be construed as "assert" when used with reference to a claim to copyright.

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3. In section 1827.405, paragraph (c) is added to read as follows:

1827.405 Other data rights provisions.

* * * * *

(c) *Production of special works.* Paragraph (f) of the clause at 1852.227-

15 is to be added to the clause at FAR 52.227-17, Rights in Data—Special Works, whenever that clause is used in any NASA contract.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. In section 1852.227-14, paragraph (3) of the addition to the FAR clause is redesignated as paragraph (3)(i) and new paragraphs (3)(ii) and (iii) are added as follows:

1852.227-14 Rights in Data—General.

* * * * *

(3)(i) * * *

(ii) If the Government desires to obtain copyright in computer software first produced in the performance of this contract and permission has not been granted as set forth in paragraph (d)(3)(i) of this clause, the Contracting Officer may direct the contractor to assert, or authorize the assertion of, claim to copyright in such data and to assign, or obtain the assignment of, such copyright to the Government or its designated assignee.

(iii) Whenever the word "establish" is used in this clause, with reference to a claim to copyright, it shall be construed to mean "assert".

(End of addition)

5. Section 1852.227-15 is added to Part 1852 to read as follows:

1852.227-15 Rights in Data—Special Works

As prescribed in 1827.405(c), add the following paragraph (f) to the basic clause at FAR 52.227-17:

(f) Whenever the words "establish" and "establishment" are used in this clause, with reference to a claim to copyright, they shall be construed to mean "assert" and "assertion", respectively.

(End of addition)

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 671, 672, 675, 676, and 677

[Docket No. 950508130-5171-02; I.D. 050195A]

RIN 0648-AH62

Limited Access Management of Federal Fisheries In and Off Alaska; Groundfish and Crab Fisheries Moratorium; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final rule (I.D. 050195A) that was published Thursday, August 10, 1995 (60 FR 40763). The rule imposes a temporary moratorium on the entry of new vessels into the groundfish fisheries under Federal jurisdiction in the Bering Sea and Aleutian Islands (BSAI) management area, the crab fisheries under Federal jurisdiction in the BSAI Area, and the groundfish fisheries under Federal jurisdiction in the Gulf of Alaska (GOA).

EFFECTIVE DATES: Effective September 11, 1995, through December 31, 1998, except for the amendments to §§ 671.4, 672.4, and 675.4, and §§ 676.3 and 676.4, which will become effective on January 1, 1996, through December 31, 1998; and the amendments to Figure 1 to part 677, § 677.4, and §§ 671.2, and 671.3, which are effective September 11, 1995.

FOR FURTHER INFORMATION CONTACT: Catherine Belli, 301-713-2341.

SUPPLEMENTARY INFORMATION:

Background

The final rule that is the subject of these corrections addresses fishery management problems caused by excess harvesting capacity or overcapitalization by establishing temporary entry controls until more permanent controls on harvesting capacity can be implemented. As published, the final rule contains typographical and editorial errors which are misleading and in need of correction. This document corrects those errors.

Correction of Publication

Accordingly, the publication on August 10, 1995 (60 FR 40763), of the final regulations (I.D. 050195A) that were the subject of FR Doc. 95-19344, is corrected as follows:

1. On page 40767, middle column, second full paragraph, line 22, is revised to read "1988 through February 9, 1992, or a".

2. On page 40771, third column, amendatory instruction number 6., line two is revised to read "through December 31, 1998, § 672.3,".

3. On page 40772, first column, amendatory instruction number 9., line two is revised to read "through December 31, 1998, § 675.3,".

4. On page 40773, first column, the term "*Reconstruction*" in the definitions is italicized.

Dated: September 1, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 95-22284 Filed 9-11-95; 8:45 am]

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50 CFR Part 675

[Docket No. 950206040-5040-01; I.D. 090595A]

Groundfish of the Bering Sea and Aleutian Islands Area; Apportionment of Reserve

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Apportionment of reserve; request for comments.

SUMMARY: NMFS is apportioning reserve to certain target species in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow for ongoing harvest and account for previous harvest of the total allowable catch (TAC).

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), September 7, 1995, until 12 midnight, A.l.t., December 31, 1995.

Comments must be received at the address below no later than 4:30 p.m., A.l.t. September 22, 1995.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

ADDRESSES: Comments should be sent to Ronald J. Berg, Chief, Fisheries

Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668. Attn: Lori Gravel.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the U.S. BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The Director, Alaska Region, NMFS, has determined that the initial TACs specified for: "Other rockfish" in the Bering Sea subarea and rock sole and "other flatfish" in the BSAI need to be supplemented from the non-specific reserve in order to continue operations and account for prior harvest.

Therefore, in accordance with § 675.20(b), NMFS is apportioning from the reserve to TACs for the following species or species groups: In the Bering Sea subarea - 49 metric tons (mt) to "other rockfish"; in the BSAI - 9,000 mt to rock sole, and 2,931 mt to "other flatfish".

These apportionments are consistent with § 675.20(a)(2)(i) and do not result in overfishing of a target species or the "other species" category, because the revised TACs are equal to or less than specifications of acceptable biological catch.

Classification

This action is taken under 50 CFR 675.20 and is exempt from review under E.O. 12866.

The Assistant Administrator for Fisheries, NOAA (AA), has determined, under section 553(d)(3) of the Administrative Procedure Act and 50 CFR 675.20(b)(2), that good cause exists for waiving the opportunity for prior public comment for this action. Fisheries are currently taking place that will be supplemented by this apportionment. Delaying the implementation of this action would be disruptive and costly to these ongoing operations. Under § 675.20(b)(2), interested persons are invited to submit written comments on these apportionments to the above address until September 22, 1995. To the extent that this action relieves a restriction, no delayed effectiveness period is necessary. In any case, for the reasons stated above, there is good cause to waive the delayed effectiveness period so that this action may take effect immediately.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 7, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-22658 Filed 9-7-95; 4:18 pm]

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