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Employment Standards Administration

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is

earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S-3014, Washington, D.C. 20210.

Withdrawn General Wage Determination Decision

This is to advise all interested parties that the Department of Labor is withdrawing, from the date of this notice, General Wage Determination No. NE960019 dated March 15, 1996.

Agencies with construction projects pending, to which this wage decision would have been applicable, should utilize Wage Decision NE960038. Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is less than ten (10) days from the date of this notice, this action shall be effective unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

Connecticut
CT960001 (March 15, 1996)
CT960003 (March 15, 1996)
CT960004 (March 15, 1996)
New Jersey
NJ90002 (March 15, 1996)

Volume II

Virginia
VA960014 (March 15, 1996)
VA960015 (March 15, 1996)
VA960022 (March 15, 1996)
VA960036 (March 15, 1996)
VA960050 (March 15, 1996)
VA960053 (March 15, 1996)
VA960064 (March 15, 1996)
VA960069 (March 15, 1996)
VA960107 (March 15, 1996)

Volume III

Georgia
GA960032 (March 15, 1996)

Volume IV

Indiana
IN960002 (March 15, 1996)
IN960003 (March 15, 1996)
IN960006 (March 15, 1996)
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Michigan
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MI960002 (March 15, 1996)
MI960005 (March 15, 1996)
MI960007 (March 15, 1996)
MI960012 (March 15, 1996)
MI960030 (March 15, 1996)
MI960062 (March 15, 1996)
MI960064 (March 15, 1996)
Ohio
OH960002 (March 15, 1996)

Volume V

Arkansas
AR960001 (March 15, 1996)
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Iowa
IA960003 (March 15, 1996)
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KS960019 (March 15, 1996)
KS960025 (March 15, 1996)
KS960026 (March 15, 1996)
Nebraska
NE960001 (March 15, 1996)
NE960038 (March 15, 1996)
NE960051 (March 15, 1996)
NE960059 (March 15, 1996)
Texas
TX960001 (March 15, 1996)
TX960002 (March 15, 1996)
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TX960069 (March 15, 1996)
TX960081 (March 15, 1996)

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Alaska
AK960001 (March 15, 1996)
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CA9600069 (March 15, 1996)
Colorado
CO960003 (March 15, 1996)
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CO960008 (March 15, 1996)
 CO960016 (March 15, 1996)
 CO960018 (March 15, 1996)
 CO960025 (March 15, 1996)

Washington

WA960001 (March 15, 1996)
 WA960003 (March 15, 1996)
 WA960007 (March 15, 1996)

General Wage Determination
 Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487-4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512-1800.

When ordering hard-copy subscription (s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. this 6th day of December 1996.

Philip J. Gloss,
*Chief, Branch of Construction Wage
 Determinations.*

[FR Doc. 96-31407 Filed 12-12-96; 8:45 am]

BILLING CODE 4510-27-M

LIBRARY OF CONGRESS

[Docket No. 96-2 CARP-CRA]

**Copyright Office: Termination of
 Proceeding To Adjust Cable
 Compulsory License Rates**

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice.

SUMMARY: The Copyright Office is announcing the termination of the

proceeding to adjust the cable copyright royalty rates. The Office takes this action following the withdrawal of all pending petitions seeking a rate adjustment of the cable copyright royalty rates and gross receipts limitations. As the period for filing petitions to request a rate adjustment is over, no party may file a new petition to initiate a cable rate adjustment proceeding until 2000.

EFFECTIVE DATE: November 8, 1996.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Acting General Counsel, or Tanya Sandros, Attorney Advisor, at Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION: Section 111 of the Copyright Act, 17 U.S.C., grants a compulsory copyright license to cable television systems for the retransmission of over-the-air broadcast stations to their subscribers. In exchange for the license, cable operators submit royalty payments, along with statements of account detailing their retransmissions, to the Copyright Office on a semiannual basis.

A cable system calculates its royalty payments in accordance with the statutory formula described in 17 U.S.C. 111(d). The cable system then makes a payment based upon its gross receipts from subscribers for the retransmission of broadcast signals. Section 111(d) subdivides cable systems, based on the amount of their gross receipts, into three categories: small, medium, and large. Small systems pay a fixed amount without regard to the number of broadcast signals they retransmit, while medium-sized systems pay a royalty, within a specific range, based on the number of signals they retransmit. Large cable systems calculate their royalties according to the number of distant broadcast signals which they retransmit to their subscribers.¹ Under this formula, a large cable system is required to pay a specified percentage of its gross receipts for each distant signal that it retransmits.

Congress established the gross receipts limitations that determine a cable system's size, and provided the gross receipts percentages (rates) for distant signals. 17 U.S.C. 111(d)(1). Congress also provided for adjustment of both the gross receipts limitations and the distant signal rates. 17 U.S.C.

¹ For cable systems which retransmit only local broadcast signals, there is still a minimum royalty fee which must be paid. This minimum royalty fee is not applied, however, once the cable system carries one or more distant signals.

801(b)(2). The limitations and rates can be adjusted to reflect national monetary inflation, changes in the average rates charged by cable systems for retransmission of broadcast signals, or changes in certain cable rules of the Federal Communications Commission in effect on April 15, 1976. 17 U.S.C. 801(b)(2) (A), (B), (C), and (D). The current gross receipts limitations and rates are set forth in 37 C.F.R. 256.2.

Section 803 of the Copyright Act, 17 U.S.C., provides that the gross receipts limitations and the rates of the cable compulsory license may be adjusted in 1995, and every subsequent fifth calendar year, upon filing a petition with the Library of Congress requesting an adjustment during these window years. If the Library determines that the petitioner has a "significant interest" in the royalty rate or rates in which adjustment is requested, the Library must convene a CARP to determine the adjustment. 17 U.S.C. 803(a)(1).

On December 29, 1995, the Library of Congress received two petitions requesting an adjustment to the cable compulsory license royalty rates. The "Copyright Owners"² and the National Cable Television Association, Inc. each filed a petition seeking an adjustment to the cable copyright royalty rates.

In response to the petitions, the Librarian established the schedule for the cable rate adjustment proceeding. See Recommendation and Order in Docket No. 96-2 CARP-CRA (July 22, 1996). This order announced the 45-day precontroversy schedule which required the parties to the proceeding to submit their direct cases on November 8, 1996.

On November 8, 1996, the parties to the petitions, however, filed a Joint Withdrawal of Petitions for Rate Adjustment. The withdrawal notice states that the parties "having agreed that they will not seek any adjustments to the cable copyright royalty rates and gross receipts limitations in effect as of December 31, 1995, hereby withdraw all of the pending petitions for rate adjustments filed by and on their behalf." Withdrawal Notice at 1.

The Librarian of Congress accepts the parties' withdrawal of their petitions to adjust the cable royalty rates, and as no other petitions seeking adjustment of the cable royalty rates were filed during the 1995 window period, the Librarian announces the termination of the CARP

² "Copyright Owners" is a collective term for Program Suppliers, Joint Sports Claimants, the National Association of Broadcasters, Music Claimants (the American Society of Composers, Authors, and Publishers, Broadcast Music, Inc., and SESAC, Inc.), Canadian Claimants, Devotional Claimants, the Public Broadcasting Service, and National Public Radio.