

[MT-924-1430-01; MTM 83729]

Cancellation of Proposed Withdrawal; Montana**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice.

SUMMARY: This notice terminates the segregative effect of a proposed withdrawal of 82.19 acres of public lands requested by the Bureau of Land Management for protection of recreational values along the Madison River. This action will open the lands to mining. The lands have been and will remain open to surface entry and mineral leasing.

EFFECTIVE DATE: March 14, 1997.**FOR FURTHER INFORMATION CONTACT:**

Sandra Ward, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406-255-2949.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Withdrawal was published in the Federal Register (60 FR 21004) April 28, 1995, which segregated the lands described therein for up to 2 years from location and entry under the mining laws, subject to valid existing rights, but not from the general land laws or the mineral leasing laws. The Bureau of Land Management has determined that the withdrawal will not be needed at this time and has canceled its application. The lands are described as follows:

Principal Meridian, Montana

Red Mountain Campground

T. 3 S., R. 1 E.,

Sec. 2, lot 2.

Warm Springs Creek Boat Access Site

T. 3 S., R. 1 E.,

Sec. 10, lots 2 and 4, excluding therefrom the area contained within the state highway right-of-way lines, more particularly described in Bargain and Sale Deed recorded in Book 162, Page 148, Records of Madison County, Montana.

The areas described aggregate 82.19 acres in Madison County.

At 9 a.m. on March 14, 1997 the lands will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provision of existing withdrawals, and other segregations of record. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempting adverse possession under 30 U.S.C. 38 (1988) shall vest no rights against the United States. Acts required to establish a location and to

initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights, since Congress has provided for such determinations in local courts.

Dated: February 3, 1997.

Thomas P. Lonnie,

Deputy State Director, Division of Resources.

[FR Doc. 97-3491 Filed 2-11-97; 8:45 am]

BILLING CODE 4310-DN-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive, Environmental Response, Compensation and Liability Act ("CERCLA")

In accordance with Department policy, 28 CFR 50.7, and Section 122(d)(2) of CERCLA, 42 U.S.C. 9622(d)(2), notice is hereby given that a proposed consent decree in *United States v. Lucent Technologies Inc.*, Civil Action No. 3:97-0271-17 was lodged on January 31, 1997, with the United States District Court for the District of South Carolina. This agreement resolves a judicial enforcement action brought by the United States against Lucent Technologies Inc., ("Lucent") pursuant to Sections 106(a) and 107 of CERCLA, 42 U.S.C. 9606(a) and 9607. Lucent is the successor corporation of a generator of hazardous substances at the Palmetto Recycling Superfund Site ("Palmetto Site" or "Site") located in Columbia, Richland County, South Carolina.

The consent decree requires Lucent to perform the final remedy for the Site which EPA selected in its Record of Decision ("ROD") dated March 30, 1995. In the ROD, EPA selected a remedy which includes the excavation and off-site disposal of contaminated surface soil that exceeds the remediation level. The excavated area will be backfilled with clean soil and regraded with a vegetative cover. The ROD also provides for additional sampling of adjacent residential yards and roads to confirm the absence of soil contamination in those areas. Finally, the ROD provides for annual groundwater monitoring for at least five years.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and

Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Lucent Technologies Inc.*, DOJ Ref # 90-11-3-1545.

The proposed consent decree may be examined at the office of the United States Attorney, First Union Building, 1441 Main Street, Suite 500, Columbia, South Carolina, 29201; the Region 4 office of the Environmental Protection Agency, 100 Alabama Street, SW., Georgia, 30303; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check for the reproduction costs. If you request a copy of the Consent Decree without attachments, which attachments include the ROD, Statement of Work, Site Map, and Summary of Costs, then the amount of the check should be \$19.50 (78 pages at 25 cents per page). If you request a copy of the Consent Decree with the above stated attachments, then the amount of the check should be \$71.25 (285 pages at 25 cents per page). The check should be made payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 97-3492 Filed 2-11-97; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF LABOR**Employment Standards Administration****Proposed Collection; Comment Request****ACTION:** Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be

properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning two proposed extension information collections: (1) the Wage Statement (English and Spanish) Forms, WH-501 and WH-501S and (2) the Airline Job Vacancies List and semi-annual reports of designated employees hired.

Copies of the proposed information collection requests can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before April 14, 1997. The Department of Labor is particularly interested in comments which:

- evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: For the Wage of Statement submission, contact Mr. Rich Elman, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 219-6375. For the Airline Vacancy Listing, contact Ms. Margaret Sherrill at the same address above, telephone 202-219-7601. (These are not toll-free numbers.) Fax 202-219-6592.

SUPPLEMENTARY INFORMATION:

I. Background

Section 201(d) and 301(c) of the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) and section 500.80 of Regulations 29 CFR Part 500, Migrant and Seasonal Agricultural Protection, require that each farm labor contractor, agricultural employer, and agricultural association which employs any migrant or seasonal worker make, keep, and preserve records for three years for each such worker concerning: (1) the basis on which wages are paid; (2) the number of

piece work units earned, if paid on piece work basis; (3) the number of hours worked; (4) the total pay period earnings; (5) the specific sums withheld and the purposes of each sum withheld; and, (6) the net pay. These sections also require that an itemized written statement of this information be provided to each migrant and seasonal worker. In addition, section 201(e) and 301(d) require that each farm labor contractor provide to other farm labor contractors, agricultural employers or agricultural associations to whom the contractor has furnished migrant or seasonal workers, copies of all records noted above for such workers. Forms WH-501 and WH-501S are optional forms which a farm labor contractor, agricultural employer and agricultural association can maintain as a record and provide as a statement of earnings to migrant and seasonal agricultural workers and users of such workers, listing the method of payment of wages.

II. Current Actions

The Department of Labor (DOL) seeks extension of approval to collect this information in order to carry out its responsibility to monitor compliance by employers of any migrant or seasonal workers to ensure that they maintain specific weekly payroll information and provide copies to each worker and the person(s) furnished the worker. Failure to require employers to maintain such records would make determination of compliance by DOL extremely difficult.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Wage Statement (English and Spanish).

OMB Number: 1215-0148.

Agency Numbers: WH-501 and WH-501S.

Affected Public: Individuals or households; Business or other for-profit, Farms.

Total Respondents: 1.5 million.

Frequency: On occasion.

Total Responses: 39 million.

Average Time Per Response for Reporting: 1/2 minute.

Average Time Per Response for Recordkeeping: 1/2 minute.

Estimated Total Burden Hours: 650,000.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintenance): 0.

SUPPLEMENTARY INFORMATION:

I. Background

The Airline Deregulation (AirDereg) Act requires the Secretary of Labor to establish a program to implement the

first-right-of-hire provisions of the legislation (29 CFR, Part 220), to insure that furloughed, protected employees (designated employees) may exercise their statutory rights. AirDereg provides a mechanism for the monitoring hiring activity in the airline industry. Section 43(d)(2) of the Regulations provides that covered air carriers submit a semi-annual list of all jobs filled and certify the reason if any job is filled with a "non-designated employee". All covered air carriers shall report their permanent job vacancies as they occur, to a central job center, for the preparation of a comprehensive list of jobs in the industry that is distributed to all state employment agencies. The Airline Vacancy Listing Form requests such information as name and location of airline, vacancy location, occupational specialty, job title, and salary. The information is submitted by the covered airlines semi-annually.

II. Current Actions

The Department of Labor seeks extension of approval to collect this information to enable airlines to meet the reporting requirement on their hiring activity and job vacancies. The reports will determine whether carriers have complied with the duty to hire and provide information that can be made available to protected employees. If this information was not collected, this source of information would not be available to designated employees to obtain work nor anyone seeking work in the airline industry.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Airline Vacancy Listing.

OMB Number: 1214-0004.

Affected Public: Business or other for-profit.

Total Respondents: 4.

Frequency: Semi-annually.

Total Responses: 223.

Average Time Per Response for Reporting: 15 minutes.

Estimated Total Burden Hours: 310.

Total Burden Cost (capital/startup): \$0.

Total Burden Cost (operating/maintenance): \$580.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection requests; they will also become a matter of public record.

Dated: February 7, 1997.

Cecily A. Rayburn,

Director, Division of Financial Management,
Office of Management, Administration and
Planning, Employment Standards
Administration.

[FR Doc. 97-3476 Filed 2-11-97; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Office

[Docket No. 95-1 CARP DD 92-94]

Distribution of the 1992, 1993, and 1994 Musical Works Funds

AGENCY: Copyright Office, Library of Congress.

ACTION: Distribution order.

SUMMARY: The Librarian of Congress, upon recommendation of the Register of Copyrights, is announcing the distribution of the royalty fees collected for Digital Audio Recording Devices and Media (DART) in the 1992, 1993, and the 1994 Musical Works Funds. The Librarian is adopting in part and rejecting in part the decision of the Copyright Arbitration Royalty Panel (CARP).

EFFECTIVE DATE: The distribution percentages announced in this Order are effective on February 12, 1997.

ADDRESSES: The full text of the CARP's report to the Librarian of Congress is available for inspection and copying during normal business hours in the Office of the General Counsel, James Madison Memorial Building, Room LM-407, First and Independence Avenue, S.E., Washington, DC. 20540.

FOR FURTHER INFORMATION CONTACT: William Roberts, Senior Attorney, or Tanya M. Sandros, Attorney-Advisor, P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone (202) 707-8380.

SUPPLEMENTARY INFORMATION:

I. Recommendation of the Register of Copyrights

Background

On October 28, 1992, Congress enacted the Audio Home Recording Act, Pubic Law No. 102-563 (1992). This Act requires manufacturers and importers to pay royalties on digital audio recording devices and media (DART) that are distributed in the United States. The royalties are collected by the Copyright Office and deposited with the Treasury of the United States. 17 U.S.C. 1005. These funds are distributed by the Copyright Office to interested copyright

parties who filed claims with the Copyright Office each year during January and February pursuant to either a universal settlement negotiated by the claimants to a particular subfund, or by Order of the Librarian of Congress (Librarian) following a distribution proceeding conducted by a Copyright Arbitration Royalty Panel (CARP).

The Act provides that the royalties are to be divided into two funds: the Sound Recordings Fund, which accounts for 66⅔% of the royalties, and the Musical Works Fund, which accounts for the remaining 33⅓% of the royalties. The Act further divides each fund into subfunds.

The Sound Recordings Fund consists of four subfunds, two of which, the Nonfeatured Musicians Subfund and the Nonfeatured Vocalists Subfund, account for 2⅝% and 1⅜%, respectively, of the Sound Recordings Fund and are administered by an independent administrator. The remaining 96% of the Sound Recordings Fund is further distributed between two additional subfunds, the Featured Recording Artist Subfund and the Sound Recording Owners Subfund, which receive 40% and 60%, respectively, of the remaining 96% share of the fund. The Musical Works Fund consists of two subfunds, the Publishers Subfund and the Writers Subfund, each of which receives 50% of that Fund. 17 U.S.C. 1006(b).

Thus, the Act establishes the percentages for each fund and subfund, but directs the CARPs, when necessary, to determine what amount each claimant within a subfund is entitled to receive. The determination and a full explanation underlying the conclusions are set out in a written report to the Librarian.

Distribution of Royalties

Royalties are collected on a quarterly basis from any importer or manufacturer that distributes any digital audio recording device or digital audio recording medium that it manufactured in or imported into the United States. 17 U.S.C. 1003(c). As discussed above, these royalties are collected by the Copyright Office and invested in interest-bearing securities with the United States Treasury for subsequent distribution to interested copyright parties. 17 U.S.C. 1005.

An interested copyright party must submit each year a written claim to the Copyright Office during the months of January and February. 17 U.S.C. 1007(a). Within 30 days after the last day for filing claims, the statute instructs the Librarian to ascertain whether there are any controversies among the claimants as to the proper distribution of the

royalties in their fund/subfund. If there are no controversies, the Librarian authorizes the distribution of the funds according to the terms of the negotiated agreements; otherwise, the Librarian is directed to convene a CARP or CARPs to decide the proper distribution of the royalties in each unresolved fund/subfund. 17 U.S.C. 1007(b)(c).

This Proceeding

The parties in this proceeding are Broadcast Music, Inc., the American Society of Composers, Authors, and Publishers, SESAC, Inc., the Harry Fox Agency, Inc. (a subsidiary of the National Music Publishers' Association, Inc.), Copyright Management Inc., The Songwriters Guild of America, and the Gospel Music Coalition (collectively, the "Settling Parties"), and two pro se claimants, Eugene Curry and Alicia Carolyn Evelyn. Ms. Evelyn and Mr. Curry, both songwriters, chose to represent their own interests in the proceeding. Mr. Curry also represented the publishing interest of Tajai Music, Inc. (Tajai) for the three years in dispute. The Settling Parties represent the over 264,000 remaining publishers and songwriters with a claim to a share of the royalties. Settling Parties Direct Case at 2-3.

The CARP in this proceeding was convened to determine the distribution of the royalties in the 1992, 1993, and 1994 Musical Works Funds, which totaled approximately \$355,500.00.¹ The Copyright Office received forty-one claims to the 1992 Musical Works Fund—twenty-one claims to the Writers Subfund and twenty claims to the Publishers Subfund. During the next filing cycle, the Office received twenty-two claims to the 1993 Musical Works Fund—twelve claims to the Writers Subfund and ten claims to the Publishers Subfund. In 1995, the Office received twenty-six claims to the 1994 Musical Works Fund, equally divided between the two subfunds.

This proceeding for the determination of the distribution of the DART royalties commenced on November 3, 1993, when the Settling Parties filed a motion with the Copyright Royalty Tribunal (Tribunal)² to consolidate the 1992 and

¹ Claimants to the royalties in the Sound Recordings Fund for 1992, 1993, and 1994 negotiated a settlement amongst themselves. The Library has made a full distribution of these funds to the interested copyright parties who filed timely claims for a share of these royalties. See Order, Docket No. 94-2 CARP-DD (December 15, 1994) and Order in Docket No. 95-1 CARP DD 92-94 (May 16, 1995).

² When the Audio Home Recording Act was passed, the Copyright Royalty Tribunal had the authority to conduct the DART distribution proceedings. The Tribunal, however, was abolished