

**DEPARTMENT OF LABOR****Office of the Secretary****Submission for OMB Review;  
Comment Request**

February 26, 1998.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Todd R. Owen ([202] 219-5096 ext. 143) or by E-Mail to Owen-Todd@dol.gov. Individuals who use a telecommunications device for the deaf (TTY/TDD) may call [202] 219-4720 between 1 p.m. and 4 p.m. Eastern time, Monday-Friday.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ([202] 395-7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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 submission of responses.

*Agency:* Employment and Training Administration.

*Title:* Planning Guidance and Instructions for Submission of Annual State Plans for Welfare-to-Work Formula Grants.

*OMB Number:* 1205-0385 (Extension).

*Frequency:* On Occasion.

*Affected Public:* State, Local or Tribal governments.

*Number of Respondents:* 56.

*Estimated Time Per Respondent:* 10 hours.

*Total Burden Hours:* 560 hours.

*Total Annualized capital/startup costs:* 0.

*Total annual costs (operating/maintaining systems or purchasing services):* 0.

*Description:* The Balanced Budget Act of 1997, signed by the President on August 5, 1997, authorizes the Department of Labor to provide Welfare-to-Work (WtW) grants to States and local communities to provide transitional employment assistance to move Temporary Assistance for needy Families (TANF) recipients with significant employment barriers into unsubsidized jobs providing long-term employment opportunities. WtW funds will be provided through formula grants to States, grants to Indian Tribes and competitive grants to public and private entities. This planning guidance addresses the requirements necessary for States' plans to receive the formula grant funds in Fiscal Year 1998. Separate guidance will be used for both the grants to Indian tribes and the competitive grants.

*Agency:* Employment Standard Administration.

*Title:* Information Collection Requirements, 29 CFR part 5.

*OMB Number:* 1215-0140 (extension).

*Frequency:* On Occasion.

*Affected Public:* Business or other for-profit; Federal Government, State, Local, or Tribal Government.

*Number of Respondents:* 2,500 for Conformance Report; 6 for Unfunded Fringe Benefit Plans.

*Estimated Time Per Respondent:* .25 hours for Conformance Report; 1 hour for Unfunded Fringe Benefit Plans.

*Total Burden Hours:* 631.

*Total Annualized capital/startup costs:* 0.

*Total annual costs (operating/maintaining systems or purchasing services):* \$801.92.

*Description:* The subject regulation prescribes labor standards for federally financed and assisted construction contracts under Davis-Bacon and Related Acts (DBRA) and the Contract Work Hours and Safety Standards Act (CWHSSA). Under DBRA, every contract subject to the Act must contain a provision (i.e. wage determination) stating the minimum wages and fringe benefits to be paid to various classes of laborers and mechanics employed on the contract. In order for the Wage and Hour Division of the Department of

Labor to establish minimum rates for classes of employees omitted from wage determinations, employers must submit a Report of Conformed Classifications and Wage Rates for review and approval. Further, the Act provides that "wages" may include "\* \* \* costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to laborers or mechanics \* \* \*". Where a benefit plan is not of the conventional type described in the Act and/or common in the construction industry it is necessary to determine whether the benefit plans is a "bona fide" benefit under the Act. Therefore, contractors must request approval of such fringe benefit plans from the Wage and Hour Division.

*Agency:* Occupational Safety and Health Administration.

*Title:* Application for Training Grant.  
*OMB Number:* 1218-ONEW (formerly 1218-0020) (reinstatement with change).

*Frequency:* Annually.

*Affected Public:* Nonprofit Organizations.

*Number of Respondents:* 200.

*Estimated Time Per Respondent:* 59 hours.

*Total Burden Hours:* 11,800.

*Total Annualized capital/startup costs:* 0.

*Total annual costs (operating/maintaining systems or purchasing services):* \$16,000.

*Description:* OSHA awards grants to nonprofit organizations to provide safety and health training to employees and employers. In order to evaluate applicants requests for grants, OSHA obtains information about the applicant and its proposed program through the training grant application.

*Agency:* Occupational Safety and Health Administration.

*Title:* Grantee Quarterly Progress Report.

*OMB Number:* 1218-ONEW (formerly 1218-0100) (reinstatement with change).

*Frequency:* Quarterly.

*Affected Public:* Nonprofit Organizations.

*Number of Respondents:* 36.

*Estimated Time Per Respondent:* 12 hours.

*Total Burden Hours:* 1,680.

*Total Annualized capital/startup costs:* \$0.

*Total annual costs (operating/maintaining systems or purchasing services):* 0.

*Description:* OSHA awards grants to nonprofit organizations to provide safety and health training to employees and employers. In order to see that

funds are being used in accordance with approved grants, OSHA requires grantees to report quarterly on their grant activities.

*Agency:* Occupational safety and Health Administration.

*Title:* Procedures for the Handling of Discrimination Complaints Under the Federal Employee Protection Statutes.

*OMB Number:* 1218-ONEW (formerly 1215-0183) (revised).

*Frequency:* One per complaint filed.

*Affected Public:* All public and private sector employers.

*Number of Respondents:* 200.

*Estimated Time Per Respondent:* 1 hour.

*Total Burden Hours:* 200 hours.

*Total Annualized capital/startup costs:* 0.

*Total annual costs (operating/maintaining systems or purchasing service):* 0.

*Description:* 29 CFR part 24 establishes procedures for the expeditious handling of complaints pursuant to the following statutes: clean Air Act, 42 U.S.C. 7622; Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9610; Energy Reorganization Act of 1974, 42 U.S.C. 5851; Federal Water Pollution Control Act, 33 U.S.C. 1367; Safe Drinking Water Act 42 U.S.C. 300j-9(I), Solid Waste Disposal Act, 42 U.S.C. 6971; and Toxic Substances Control Act, 15 U.S.C. 2622. These complaints are filed by employees, or persons acting on their behalf, of alleged discriminatory action by employers. The required employee records are necessary to conduct discrimination investigations under 29 CFR part 24.

**Todd R. Owen,**

*Departmental Clearance Officer.*

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## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. 96-6 CARP NCBRA]

#### Adjustment of the Rates for the Noncommercial Educational Broadcasting Compulsory License

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Announcement of the schedule for the proceeding.

**SUMMARY:** The Copyright Office of the Library of Congress is announcing the schedule for the 180-day arbitration period for the adjustment of the royalty rates for the noncommercial educational

broadcasting compulsory license, as required by the regulations governing this proceeding.

**EFFECTIVE DATE:** March 3, 1998.

**ADDRESSES:** All hearings and meetings for the adjustment of the royalty rates for the noncommercial educational broadcasting compulsory license shall take place in the James Madison Building, Room LM-414, First and Independence Avenue, SE, Washington, DC 20540.

**FOR FURTHER INFORMATION CONTACT:**

David O. Carson, General Counsel, or William R. Roberts, Senior Attorney, at: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** Section 251.11(b) of the regulations governing the Copyright Arbitration Royalty Panels, 37 CFR subchapter B, provides that:

At the beginning of each proceeding, the CARP shall develop the original schedule of the proceeding which shall be published in the **Federal Register** at least seven calendar days in advance of the first meeting. Such announcement shall state the times, dates, and place of the meetings, the testimony to be heard, whether any of the meetings, or any portion of a meeting, is to be closed, and if so, which ones, and the name and telephone number of the person to contact for further information.

This notice fulfills the requirements of § 251.11(b) for the proceeding to adjust the royalty rates for the noncommercial educational broadcasting compulsory license.

On October 18, 1996, the Library announced a voluntary negotiation period, the precontroversy discovery schedule, and an initiation date for a Copyright Arbitration Royalty Panel (CARP) for this docket. The Office also requested each interested party to file a Notice of Intent to Participate with the Office no later than December 13, 1996. 61 FR 54458 (October 18, 1996). On November 11, 1996, the National Public Radio (NPR), the Public Broadcasting Service (PBS), the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), SESAC, Inc., the National Music Publishers Association, Inc. (NMPA), and the Harry Fox Agency, Inc., filed notices of intent to participate. On June 19, 1997, the National Religious Broadcasters Music License Committee (NRBMLC) requested leave to file its notice of intent to participate after the deadline for making this filing had passed. The Register granted its motion and accepted the filing. Order in Docket

No. 96-6 CARP (NCBRA) (July 30, 1997). Two additional parties, The American Council on Education and The National Federation of Community Broadcasters, did not file notices of intent to participate, although they participated in the negotiations of certain rates and terms of interest to their members.

The October 18, 1996, order set January 10, 1997, as the commencement date for the precontroversy discovery period. See 61 FR 54458 (October 18, 1996). However, the parties requested that the schedule set forth in the October 18 order be vacated in order to give the parties additional time to negotiate voluntary agreements. The Office granted the parties' request for additional time, vacated the precontroversy discovery schedule, and instructed the parties to appear at the Library on May 1, 1997, for a status report on the progress of their settlement negotiations. Order in Docket No. 96-6 CARP NCBRA (December 23, 1996). At the May 1 status conference, the parties again requested additional time, which the Office granted, provided the parties updated the Office on the status of their negotiations in July 1997. At a status meeting on July 24, 1997, the parties identified a need for a CARP proceeding. On July 30, 1997, the Office announced a second schedule setting dates for the precontroversy discovery period and set December 31, 1997, as the date for the initiation of arbitration. Order in Docket No. 96-6 CARP NCBRA (July 30, 1997).

In accordance with the new schedule, NRBMLC, PBS, and NPR filed proposed rates and terms for the payment of royalty fees to unaffiliated copyright owners on September 2, 1997. Subsequently, on October 1, 1997, the parties filed additional joint proposals for further adjusting the rates and terms of the section 118 compulsory license and notices of settlement. The Office published all the proposed rates and terms in the **Federal Register** for public review and comment, pursuant to 37 CFR 251.63. 62 FR 51619 (October 2, 1997) and 62 FR 63502 (December 1, 1997). The December 1, 1997, notice announced that the proposed regulations would become final on January 1, 1998, unless an interested party filed a challenge to the proposed regulations and a Notice of Intent to Participate in a CARP proceeding, on or before December 29, 1997. 62 FR 63502 (December 1, 1997). See also 62 FR 65777 (December 16, 1997) (correction notice clarifying the filing dates). The Office received no comments or Notices of Intent to Participate in a CARP proceeding in response to its notices of