

adversely affected by imports from Mexico.

The amended notice applicable to NAFTA-01068 is hereby issued as follows:

All workers of Hickory Hills Industries, Incorporated, Savannah Manufacturing Company, Savannah, Tennessee (NAFTA-01068) and Hickory Hills Industries, Incorporated, New York, New York (NAFTA-01068C) who became totally or partially separated from employment on or after June 7, 1995 are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of September 1997.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 97-25873 Filed 9-29-97; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA-01548 and TA-W-33,336]

Inland Paperboard and Packaging, Erie, PA; Notice of Negative Determination on Reconsideration

On July 31, 1997, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The United Paperworkers International Union (UPIU) asserted that production of boxes in Mexico will increase when the Erie plant closes. The notice was published in the **Federal Register** on August 13, 1997 (62 FR 43354).

The Department initially denied NAFTA-TAA to workers of Inland Paperboard and Packaging, Inc. because criteria (3) and (4) of the group eligibility requirements in paragraph (a)(1) of Section 250 of the Trade Act, as amended, were not met. There were no company imports of corrugated shipping boxes from Mexico or Canada, nor was there a shift in production from the workers' firm to Mexico or Canada. The layoffs were attributable to company's decision to close the Erie plant and open a new production facility in Ohio.

The Department initially denied TAA to workers of Inland Paperboard and Packaging, Inc. because the "contributed importantly" group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. The investigation revealed that the company decided to close the Erie plant and open a new production facility in Ohio. The parent company retained the Erie customer base.

The UPIU request for reconsideration asserts that Inland is exporting boxes to Mexico where they are loaded with Mexican products and returned to the United States. Inland's exports of corrugated shipping containers to Mexico or any other country is not a basis for a worker group certification. The Department is required examine import impact of articles like or directly competitive with the product produced at the worker's firm. Shipping containers filled with articles produced in foreign countries and shipped to the United States cannot be considered like or directly competitive with the articles produced at the Erie plant.

The UPIU also asserts that Inland Paperboard and Packaging, Inc. is increasing production at their Mexican corrugated box factory, and is building production capacity abroad. The Erie workers could be certified only if the company or customers of the subject firm were increasing imports of corrugated shipping containers. The company reported no imports of shipping containers.

Investigation on reconsideration shows that there was no corporate-wide decline in sales or production of corrugated shipping containers at Inland Paperboard and Packaging. New information provided by the company reveals that production at the Erie plant served a regional market. Customer accounts serviced by Erie are being handled by other Inland facilities in the region. Since there was no decline in sales, a customer survey was not conducted.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Inland Paperboard and Packaging, Erie, Pennsylvania, under Section 250 and Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 22nd day of September 1997.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 97-25878 Filed 9-29-97; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Levi Strauss and Company;
NAFTA-01807; Goodyear Cutting Facility and El Paso Field Headquarters; 1440 Goodyear El Paso, Texas;
NAFTA-01807W; Kastrin Street Plant 1000 Kastrin Street El Paso, Texas

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), the Department of Labor issued a Certification of Eligibility to Apply for NAFTA Transitional Adjustment Assistance of August 7, 1997, applicable to workers of Levi Strauss and Company, in El Paso, Texas. The notice will be published soon in the **Federal Register**.

At the request of the company, the Department reviewed the certification for workers of the subject firm. The findings show that worker separations have occurred at the Kastrin street Plant and at the El Paso Field Headquarters, El Paso, Texas locations of Levi Strauss and Company. The Kastrin Street Plant is a sewing facility for Levi's manufacturing plants. The El Paso Filed Headquarters at 1440 Goodyear, in El Paso, Texas, is an administrative office servicing the western regional manufacturing facilities of Levi Strauss. The 1440 Goodyear location is also a cutting facility. The workers are engaged in employment related to the production of men's, women's and youth's denim jeans and jackets. Based on this new information, the Department is amending the certification to cover workers at the subject firm's Kastrin Street Plant and the El Paso Field Headquarters, El Paso, Texas.

The intent of the Department's certification is to include all workers of Levi Strauss and Company who were adversely affected by imports from Mexico.

The amended notice applicable to NAFTA-01807 is hereby issued as follows:

"All workers of Levi Strauss and Company, Goodyear Cutting Facility and El Paso Field Headquarters, El Paso, Texas (NAFTA-01807) and Kastrin Street Plant, El Paso, Texas (NAFTA-01807) who were engaged in employment related to cutting, sewing, or finishing or men's, women's and/or youth's denim jeans or jackets who became totally or partially separated from employment on or after July 9, 1996 are eligible to apply for

NAFTA-TAA under Section 250 of the Trade Act of 1974."

Signed at Washington, D.C. this 14th day of September, 1997.

Grant D. Beale,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 97-25866 Filed 9-29-97; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Office

[Docket No. 94-3 CARP CD 90-92]

Determination of the Distribution of the 1991 Cable Royalties in the Music Claimants Category

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 Copyright Arbitration Royalty Panel (CARP) proceeding that shall determine the distribution of the cable royalty fees in the Music Claimants category which were collected for secondary transmissions of broadcast signals during 1991 pursuant to a compulsory license.

DATES: Filings must be submitted according to the announced schedule, except as otherwise provided by order of the Copyright Arbitration Royalty Panel.

ADDRESSES: Parties shall deliver an original and five copies of all written filings concerning this proceeding to: Office of the Copyright General Counsel, James Madison Memorial Building, Room 403, First and Independence Avenue, S.E., Washington, D.C. 20540.

FOR FURTHER INFORMATION CONTACT: William Roberts, Senior Attorney, or Tanya Sandros, Attorney Advisor, at: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION:

A. Background

On February 15, 1996, the Library of Congress published a notice requesting interested parties to comment on the existence of Phase II controversies for the distribution of the 1990, 1991, and 1992 cable royalty funds. 61 FR 6040 (February 15, 1996). The parties who filed comments and Notices of Intent to Participate identified two unsettled

categories that would require resolution before a CARP. The first controversy, between James Cannings and Broadcast Music, Inc., the American Society of Composers, Authors and Publishers, and SESAC, Inc. (collectively, "the Music Claimants"), concerns the distribution of the 1991 royalty funds in the Music Claimants category and is the subject of the current proceeding. The second controversy, however, between the National Association of Broadcasters (NAB) and the Public Broadcasting Service (PBS), has been resolved through further negotiation. On June 3, 1997, NAB and PBS notified the Copyright Office that they had reached settlement concerning all matters related to their Phase II dispute over the distribution of the 1990-1992 royalty funds, leaving a single dispute for resolution by a CARP.

The parties in the remaining controversy conducted precontroversy discovery according to the schedule which the Register of Copyrights established by order for this 45-day period. See Order in Docket No. 94-3 CRP CD 90-92 (February 14, 1997), vacated and reset at the request of the Music Claimants, Order in Docket No. 94-3 CARP CD 90-92 (May 21, 1997). Then, on August 28, 1997, the Copyright Office published a notice initiating the 180 day period for this proceeding. 62 FR 45687 (August 28, 1997). In this notice, the Office also announced September 4, 1997, as the date of the first meeting between the arbitration panel and the parties. However, due to scheduling conflicts, the parties agreed to reschedule the meeting for September 10, 1997. The Office further announced that it would publish a schedule of the proceedings, as required by 37 CFR 251.11(b), when it became available.

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 places 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 those requirements of § 251.11(b) for the proceeding to determine the distribution of the 1991 cable royalty fees in the Music Claimants category.

B. The Schedule

On September 10, 1997, the parties to this proceeding met with the arbitrators for the purpose of setting a schedule and discussing the procedural aspects of this proceeding. A key procedural issue before the panel which required action by the panel at the outset of the proceeding was consideration of the issue designated to the CARP by the Register of Copyrights of whether to suspend formal hearings and make the determination as to the distribution of the 1991 cable royalty fees on the written pleadings. See Order in Docket No. CARP CD 90-92 (August 15, 1997). After hearing argument from all parties, the panel announced its decision to waive the requirement of oral evidentiary hearings and proceed upon the written record alone. The panel stated its reasons for this decision and the specifics of the agreed upon schedule for the proceeding in a written order, as follows:

Upon consideration of the issue designated to the CARP by the Register of Copyrights of whether to suspend formal hearings and decide the controversy as to the Phase II distribution of the 1991 cable royalty fund on the written pleadings, and after hearing the arguments of all parties, the Panel has determined that for good cause shown it is in the public interest to waive the requirement of an oral evidentiary hearing and to proceed on the written pleadings along, provided that those pleadings are supplemented by written rebuttal cases, proposed findings of fact and conclusions of law, and reply findings of fact and conclusions of law.

Accordingly, and with the consent of all parties, the following procedural schedule is hereby established:

1. Mr. Cannings will provide to BMI by September 17, 1997, his request for a sample of WWOR-TV music cue sheets for 1991, as granted by Ruling No. 3 in the Register's Order dated August 15, 1997.

2. BMI will make such sample cue sheets available to Mr. Cannings for inspection and copying on or before October 1, 1997.

3. Written rebuttal cases are to be filed on October 30, 1997. Any study or analysis shall be accompanied by the information specified in Rule § 251.48 (e) and (f), and all underlying data and tabulations shall be made available as discovery that same date to opposing parties. No other discovery will be allowed.

4. Any motions addressed to rebuttal cases shall be filed on November 7, 1997.

Responses shall be filed on November 19, 1997, and any replies on November 26, 1997.

5. Proposed findings of fact and conclusions of law are to be filed December 5, 1997.

6. Reply findings of fact and conclusions of law are to be filed December 19, 1997.

Order, Docket No 94-3 CARP CD 90-92 (September 16, 1997).