

corresponding Petition to Participate will be dismissed.

Further procedural matters, including scheduling, will be addressed after Petitions to Participate have been received.

Note that in accordance with 37 CFR 350.2 (Representation), only attorneys who are members of the bar in one or more states and in good standing will be allowed to represent parties before the Copyright Royalty Judges, unless the party is an individual who represents herself or himself.

Dated: January 24, 2008.

**James Scott Sledge,**

*Chief Copyright Royalty Judge.*

[FR Doc. E8-1672 Filed 1-29-08; 8:45 am]

**BILLING CODE 1410-72-P**

## LIBRARY OF CONGRESS

### Copyright Royalty Board

#### Distribution of 1999, 2000, 2001, 2002, 2003, 2004 and 2005 Satellite Royalty Funds

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Request for comments.

**SUMMARY:** The Copyright Royalty Judges are requesting comments as to the existence of controversies at Phase I and Phase II for distribution of the 1999 through 2005 royalty funds collected under the satellite carrier statutory license.

**DATES:** Comments are due on or before February 29, 2008.

**ADDRESSES:** Comments may be sent electronically to [crb@loc.gov](mailto:crb@loc.gov). In the alternative, send an original, five copies, and an electronic copy on a CD either by mail or hand delivery. Please do not use multiple means of transmission. Comments may not be delivered by an overnight delivery service other than the U.S. Postal Service Express Mail. If by mail (including overnight delivery), comments must be addressed to: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024-0977. If hand delivered by a private party, comments must be brought to the Library of Congress, James Madison Memorial Building, LM-401, 101 Independence Avenue, SE., Washington, DC 20559-6000. If delivered by a commercial courier, comments must be delivered to the Congressional Courier Acceptance Site located at 2nd and D Street, NE., Washington, DC. The envelope must be addressed to: Copyright Royalty Board, Library of Congress, James Madison

Memorial Building, LM-403, 101 Independence Avenue, SE., Washington, DC 20559-6000.

**FOR FURTHER INFORMATION CONTACT:** Richard Strasser, Senior Attorney, or Gina Giuffreda, Attorney Advisor, by telephone at (202) 707-7658 or e-mail at [crb@loc.gov](mailto:crb@loc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Each year, semiannually, satellite carriers must submit royalty payments to the Copyright Office as required by the satellite carrier statutory license for the privilege of retransmitting over-the-air television broadcast stations. 17 U.S.C. 119. These royalties are then distributed to copyright owners whose works were included in such retransmissions and who timely file a claim for royalties. Distribution of the royalties for each calendar year are conducted by the Copyright Royalty Judges in two phases. At Phase I, the royalties are divided among the representatives of the major categories of copyrightable content (movies, sports programming, music, etc.) requesting the distribution. At Phase II, the royalties are divided among the various copyright owners within each category.

Final distribution of royalties in any given royalty year may be made by agreement of all the copyright owners making claim to the funds. If, however, there is a controversy as to the proper distribution, either at Phase I or Phase II, the Copyright Royalty Judges are required to conduct a proceeding under chapter 8 of the Copyright Act. *See* 17 U.S.C. 119(b)(4)(B).

##### Request for Comments

In order to determine whether further proceedings are necessary for the distribution of the 1999-2005 satellite royalty funds, the Copyright Royalty Judges request that interested copyright claimants identify the existence of both Phase I and Phase II controversies. Claimants should identify the specific royalty years in which they have a controversy, whether the controversy is at Phase I and/or Phase II, and the approximate extent of the controversy. In addition, the Judges seek comment as to the advisability of consolidating multiple royalty years into a single distribution proceeding and what, if any, royalty years should be consolidated.

Dated: January 24, 2008.

**James Scott Sledge,**

*Chief, Copyright Royalty Judge.*

[FR Doc. E8-1663 Filed 1-29-08; 8:45 am]

**BILLING CODE 1410-72-P**

## LIBRARY OF CONGRESS

### Copyright Royalty Board

[Docket No. 2007-3 CRB CD 2004-2005]

#### Distribution of the 2004 and 2005 Cable Royalty Funds

**AGENCY:** Copyright Royalty Board, Library of Congress.

**ACTION:** Notice announcing partial Phase I settlement and soliciting comments on motion for partial distribution.

**SUMMARY:** The Copyright Royalty Judges are announcing a partial Phase I settlement in connection with the 2004 and 2005 cable royalty funds. The Judges are also soliciting comments on a motion for partial distribution in connection with those funds.

**DATES:** Comments are due on or before February 29, 2008.

**ADDRESSES:** Comments may be sent electronically to [crb@loc.gov](mailto:crb@loc.gov). In the alternative, send an original, five copies, and an electronic copy on a CD either by mail or hand delivery. Please do not use multiple means of transmission. Comments may not be delivered by an overnight delivery service other than the U.S. Postal Service Express Mail. If by mail (including overnight delivery), comments must be addressed to: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024-0977. If hand delivered by a private party, comments must be brought to the Library of Congress, James Madison Memorial Building, LM-401, 101 Independence Avenue, SE., Washington, DC 20559-6000. If delivered by a commercial courier, comments must be delivered to the Congressional Courier Acceptance Site located at 2nd and D Street, NE., Washington, DC. The envelope must be addressed to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM-403, 101 Independence Avenue, SE., Washington, DC 20559-6000.

**FOR FURTHER INFORMATION CONTACT:** Richard Strasser, Senior Attorney, or Gina Giuffreda, Attorney Advisor, by telephone at (202) 707-7658 or e-mail at [crb@loc.gov](mailto:crb@loc.gov).

**SUPPLEMENTARY INFORMATION:** Each year cable systems must submit royalty payments to the Register of Copyrights as required by the statutory license set forth in section 111 of the Copyright Act for the retransmission to cable subscribers of over-the-air television and radio broadcast signals. *See* 17 U.S.C. 111(d). These royalties are then distributed to copyright owners whose works were included in a qualifying

transmission and who timely filed a claim for royalties. Allocation of the royalties collected occurs in one of two ways. In the first instance, these funds will be distributed through a negotiated settlement among the parties. 17 U.S.C. 111(d)(4)(A). If the claimants do not reach an agreement with respect to the royalties, the Copyright Royalty Judges ("Judges") must conduct a proceeding to determine the distribution of any royalties that remain in controversy. 17 U.S.C. 111(d)(4)(B).

On November 2, 2007, representatives of the Phase I claimant categories (the "Phase I Parties")<sup>1</sup> filed with the Judges a motion requesting a partial distribution of 50% of each of the 2004 and 2005 cable royalty funds. Under section 801(b)(3)(C) of the Copyright Act, the Judges must publish a notice in the **Federal Register** seeking responses to the motion for partial distribution to ascertain whether any controversy exists over the requested funds before ruling on the motion. Consequently, by today's Notice, the Judges seek comments on whether any controversy exists that would preclude the distribution of 50% of the 2004 and/or 2005 cable royalty funds to the Phase I Parties.

The Judges also seek comment on the existence and extent of any controversies to the 2004 and 2005 cable royalty funds, either at Phase I or Phase II, with respect to the 50% of those funds that would remain if the partial distribution is granted. In Phase I of a cable royalty distribution, royalties are distributed to certain categories of broadcast programming that have been retransmitted by cable systems. The categories have traditionally been movies and syndicated television series, sports programming, commercial and noncommercial broadcaster-owned programming, religious programming, music, public radio programming, and Canadian programming. In Phase II of a cable royalty distribution, royalties are distributed to claimants within each of the Phase I categories. Any party submitting comments on the existence of a Phase II controversy must identify the category or categories in which there is a dispute and the extent of the controversy or controversies.

The Judges must be advised of the existence and extent of all Phase I and Phase II controversies by the end of the comment period. It will not consider

<sup>1</sup> The "Phase I Parties" are the Program Suppliers, Joint Sports Claimants, Public Television Claimants, the National Association of Broadcasters, the American Society of Composers, Authors and Publishers, Broadcast Music, Inc., SESAC, Inc., Canadian Claimants, National Public Radio, and the Devotional Claimants.

any controversies that come to their attention after the close of that period.

The Motion of the Phase I Claimants for Partial Distribution is posted on the Copyright Royalty Board Web site at <http://www.loc.gov/crb/proceedings/2007-3/11-02-07-phase1motion.pdf>.

Dated: January 24, 2008.

**James Scott Sledge,**

*Chief Copyright Royalty Judge.*

[FR Doc. E8-1661 Filed 1-29-08; 8:45 am]

**BILLING CODE 1410-72-P**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 030-20836; License No. 25-21479-01; EA-07-303]**

### **In the Matter of Mattingly Testing Services, Inc., Molt, MT; Demand for Information**

#### **I**

Mattingly Testing Services, Inc., (Mattingly Testing) is the holder of Materials License No. 25-21479-01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30 and 10 CFR Part 34. The license, initially issued on December 2, 1983, authorizes Mattingly Testing to possess radioactive sealed sources for use in industrial radiography in Molt, Montana, and at temporary job sites anywhere in the United States where the NRC maintains jurisdiction for regulating licensed material, including areas of exclusive Federal jurisdiction within Agreement States. The license was last renewed in its entirety on February 22, 2006, and is due to expire on February 28, 2016.

#### **II**

On November 7, 2007, during an inspection of Mattingly Testing's radiographic operations at a temporary job site, several apparent violations of NRC regulations were identified. In addition, during a follow-up inspection and investigation during the week of November 12, 2007, the NRC inspector and investigator were informed that senior management of Mattingly Testing discouraged employees from speaking with NRC inspectors and investigators. The NRC is concerned that an environment exists within Mattingly Testing's workplace that could inhibit employees from raising safety concerns to the NRC. The NRC inspections and investigation, which are still ongoing, have indicated that:

1. Mattingly Testing's control of licensed material at temporary job sites is not in compliance with NRC requirements;

2. Mattingly Testing's senior management has apparently caused employees to engage in activities that are in violation of NRC regulations and Orders; and

3. Mattingly Testing's senior management has discouraged employees from raising safety concerns both to their management and to the NRC.

This information demonstrates a lack of management control and supervision over licensed activities, raises questions as to whether Mattingly Testing will provide complete and accurate information to the NRC in compliance with 10 CFR 30.9, and whether Mattingly Testing is complying with the provisions with 10 CFR 19.15(b). Therefore, further information is needed to determine whether the Commission can have reasonable assurance that Mattingly Testing will comply with the Commission's requirements, ensure a healthy work environment, provide complete and accurate information to the Commission and otherwise conduct its activities in accordance with the Commission's requirements.

Accordingly, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204, and 10 CFR 30.9, and 10 CFR 30.32(b), in order for the Commission to determine whether your license should be modified, suspended or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, Mattingly Testing is required to submit the following information in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, within 20 days of the date of this Demand for Information. If security-related information is necessary to provide an acceptable response, you must mark your entire response "Proprietary Information in accordance with 10 CFR 2.390(d)(1)" and follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

1. Provide the information requested in the non-publicly available Appendix to this Demand for Information.

2. Describe the actions it has taken and plans to take to provide reasonable assurance that its organization establishes and maintains an appropriate safety conscious work environment<sup>1</sup> where employees are free

<sup>1</sup> NRC defines Safety Conscious Work Environment as a work environment in which employees are encouraged to raise safety concerns, are free to raise concerns both to their own