

each year during the months of January and February. 17 U.S.C. 1005, 1007.

The AHRA provides that the royalties are divided between two funds: the Sound Recordings Fund and the Musical Works Fund. The Sound Recordings Fund receives 66 $\frac{2}{3}$ % of the royalties and the Musical Works Fund receives the remaining 33 $\frac{1}{3}$ %. These fees are allocated further to specific subfunds.

The Sound Recordings Fund consists of four subfunds: the Featured Artists Subfund, the Copyright Owners Subfund, the Nonfeatured Musicians Subfund, and the Nonfeatured Vocalists Subfund. The royalty fees allocated to the Sound Recordings Funds are divided among these four subfunds according to the percentages set out in section 1006 of the Copyright Act. 17 U.S.C. 1006(b)(1). Similarly, the statute prescribes that the royalty fees allocated to the Musical Works Fund be divided equally between two subfunds, the Publishers Subfund and the Writers Subfund. 17 U.S.C. 1006(b)(2).

Distribution of these fees may occur in one of two ways. The interested copyright parties within each subfund may either negotiate the terms of a settlement as to the division of royalty funds,<sup>1</sup> or the Copyright Royalty Judges may conduct a proceeding to determine the distribution of the royalties that remain in controversy in each subfund. See 17 U.S.C. 1006(c).

On May 19, 2006, the Judges received a motion filed jointly by Broadcast Music, Inc., the American Society of Composers, Authors and Publishers, SESAC, Inc., and the Harry Fox Agency (hereinafter "the Settling Parties") asking the Judges to authorize a partial distribution of 95% of the 2002, 2003, and 2004 digital audio recording technology ("DART") Musical Works Funds. The Settling Parties sought the distribution under 17 U.S.C. 801(b)(3)(A), which provides that royalty fees not subject to controversy may be distributed by the Judges. Subsequently, on September 27, 2006, the Judges held a hearing on the motion; and after considering the views of the claimants participating in the hearing, including an objection to the motion by one claimant, the Judges granted the motion, finding that retention of 5% of the 2002, 2003, and 2004 DART Musical Works Funds would be sufficient to resolve any potential controversies as to

the distribution of royalties. See Order in Docket No. 2006–5 CRB DD 2002–2004 (October 2, 2006). The Judges also determined that it would begin a proceeding to resolve any existing controversies as to the remaining 5% of the 2002, 2003, and 2004 DART Musical Works Funds.<sup>2</sup> *Id.* Today's notice commences that proceeding.

#### Commencement of Proceeding

Consistent with 17 U.S.C. 804(b)(8), the Judges determine that a controversy exists as to the distribution of the 2002, 2003, and 2004 DART Musical Works Fund. We reach this determination, in this instance, for two reasons. First, an objection to the motion for partial distribution was raised by a claimant who participated in the September 27, 2006, hearing. Second, to date we have not received notification that any settlements have been reached for any of these years, nor have we received motions for final distribution.

The Judges are consolidating the consideration of the distribution of the 2002, 2003, and 2004 DART Musical Works Funds into a single proceeding because the issues regarding the distribution of the royalty fees are similar, if not the same, for each year. Moreover, due to the relatively low amount of funds for each year, consolidation provides a cost savings to the parties and promotes administrative efficiencies.

#### Petitions To Participate

Petitions to Participate must provide all of the information required by 37 CFR 351.1(b)(2). Participants also must identify by year each subfund in the Musical Works Fund to which they are asserting a claim to royalties. Petitions to Participate submitted by interested parties whose claims do not exceed \$1,000<sup>3</sup> must contain a statement that the party will not seek a distribution of more than \$1,000. No filing fee is required for these parties. Interested parties with claims exceeding one thousand dollars (\$1,000), however, must submit a filing fee of one hundred and fifty dollars (\$150) with their Petition to Participate or it will be rejected. Cash will not be accepted; therefore, parties must pay the filing fee with a check or money order made payable to the "Copyright Royalty Board." If a check is returned for lack

of sufficient funds, the corresponding Petition to Participate will be dismissed.

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

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: August 18, 2008.

**James Scott Sledge,**

*Chief United States Copyright Royalty Judge.*

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## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice.

**SUMMARY:** NARA is giving public notice that the agency has submitted to OMB for approval the information collection described in this notice. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted to OMB at the address below on or before September 22, 2008 to be assured of consideration.

**ADDRESSES:** Send comments to Desk Officer for NARA, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5167.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Feckhelm at telephone number 301–837–1694 or fax number 301–713–7409.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on June 9, 2008 (73 FR 32604 and 32605). No comments were received. NARA has submitted the described information collection to OMB for approval.

<sup>1</sup> For each of the claim years 2002, 2003, and 2004, the interested copyright parties to the royalty fees in the Sound Recordings Funds have negotiated a universal settlement agreement among themselves as to the proportionate share that each party receives from the subfunds; consequently, these funds have been distributed.

<sup>2</sup> On July 1, 2008, the Settling Parties filed a motion requesting commencement of the proceeding mentioned in the October 2, 2006, order.

<sup>3</sup> The Copyright Royalty Judge Program Technical Corrections Act, Public Law 109–303, changed the amount from \$10,000 to \$1,000.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology; and (e) whether small businesses are affected by this collection. In this notice, NARA is soliciting comments concerning the following information collection:

1. *Title:* Researcher Application.

*OMB number:* 3095-0016.

*Agency form number:* NA Form 14003.

*Type of review:* Regular.

*Affected public:* Individuals or households, business or other for-profit, not-for-profit institutions, Federal, State, Local or Tribal Government.

*Estimated number of respondents:* 18,487.

*Estimated time per response:* 8 minutes.

*Frequency of response:* On occasion.

*Estimated total annual burden hours:* 2,465 hours.

*Abstract:* The information collection is prescribed by 36 CFR 1254.8. The collection is an application for a research card. Respondents are individuals who wish to use original archival records in a NARA facility. NARA uses the information to screen individuals, to identify which types of records they should use, and to allow further contact.

Dated: August 18, 2008.

**Martha Morphy,**

*Assistant Archivist for Information Services.*

[FR Doc. E8-19520 Filed 8-21-08; 8:45 am]

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## NATIONAL SCIENCE FOUNDATION

### Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95-541)

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permit applications received under the Antarctic Conservation Act of 1978, Public Law 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the

Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by September 22, 2008. This application may be inspected by interested parties at the Permit Office, address below.

**ADDRESSES:** Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

**FOR FURTHER INFORMATION CONTACT:** Nadene G. Kennedy at the above address or (703) 292-7405.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95-541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

### Permit Application No. 2009-010

The applications received are as follows:

1. *Applicant:* Lisa K. Blatt, 1695 North Point Street, #204, San Francisco, CA 94123.

#### *Activity for Which Permit Is Requested*

Enter Antarctic Specially Protected Areas. The applicant is a member of the Antarctic Artists and Writers Program and plans to enter ASPA 155—Cape Evans (Scott's Hut), ASPA 157—Backdoor Bay, Cape Royds (Shackelton's Hut), and ASPA 158—Hut Point (Discovery Hut). The applicant plans to photograph and document the historical aspect of man's interaction with his environment in the historic huts and allow broader comparisons to the current interactions at McMurdo Station, and science camps.

#### *Location*

ASPA 155—Cape Evans (Scott's Hut), ASPA 157—Backdoor Bay, Cape Royds (Shackelton's Hut), and ASPA 158—Hut Point (Discovery Hut).

#### *Dates*

October 2, 2008 to February 28, 2009.

### Permit Application No. 2009-016

2. *Applicant:* Hubertus Staudigel, Scripps Institution of Oceanography, UCSD-0225, La Jolla, CA 92093-0225.

#### *Activity for Which Permit Is Requested*

Enter Antarctic Specially Protected Area. The applicant plans to enter ASPA 130—Tramway Ridge, Mt. Erebus as it offers a unique opportunity to study microbial glass alteration because it is minimally affected by any major disturbance from people or multi-cellular life and it provides an extremely attractive natural laboratory that simulates microbe-rock interactions in an organics-poor environment. In such an environment, it is most likely to find truly chemo-autotrophic metabolisms. As such, it may be considered a close analog to microbial habitats of the early earth. In addition, Tramway Ridge is exposed to some unique extreme environmental conditions which offers much potential for identifying novel and specially adapted microbes.

#### *Location*

ASPA 130—Tramway Ridge, Mt. Erebus.

#### *Dates*

December 1, 2008 to December 31, 2008.

### Permit Application No. 2009-017

3. *Applicant:* Cheryl E. Leonard, 2352 Fulton Street, San Francisco CA 94118.

#### *Activity for Which Permit is Requested*

Take. The applicant is a member of the Antarctic Artists and Writers program and plans to salvage bones from deceased Adelie, Chinstrap and Gentoo penguins. The bones, along with rocks, ice, fossils, feathers, shells, and water will be played literally as musical instruments as part of the project, "Antarctica: Hidden Musical Worlds". These natural instruments will be the primary source of sounds for the musical pieces created for this project, although some works will also incorporate field recordings of birds, animals, ice and water. The project will culminate in a series of live concerts at science museums, aquariums, and concert halls throughout the U.S. and will be released on a DVD with international distribution.

#### *Location*

Palmer Station vicinity, Anvers Island.