Safety and Health (ACCSH) is necessary and in the public interest. Accordingly, the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) has renewed the ACCSH Charter with several minor revisions. The revisions relate to procedural matters which do not substantively affect the objectives or activities of the ACCSH Committee. The ACCSH Charter will expire on May 6, 2010.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Hajdusiewicz, Office of Construction Service, Directorate of Construction, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693–2020 or Facsimile: (202) 693–1689.

SUPPLEMENTARY INFORMATION:

I. Background

The Committee will advise the Assistant Secretary of Labor for Occupational Safety and Health in the formulation of construction safety and health standards under the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701 *et seq.*), commonly known as the Construction Safety Act (CSA), and the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*). The ACCSH also provides advice on the administration of the safety and health provisions of the CSA (29 CFR 1912.5(c)).

Under OSHA regulations (29 CFR 1912.3), the ACCSH is composed of 15 members appointed by the Assistant Secretary as follows: One member who is a designee of the Secretary of Health and Human Services; five members who are qualified by experience and affiliation to represent the viewpoint of employers involved in construction; five members, similarly qualified, to represent the viewpoint of the employees involved in construction, two members who are representatives of State safety and health agencies; and two members who are qualified by knowledge and experience to represent the general public and to make a useful contribution to the work of the Committee. One of the members is appointed to serve as the Committee chair. Members generally serve two-year staggered terms except for the designee of the Secretary of Health and Human Services who has no fixed term. Members may be appointed to serve successive terms or may be removed at any time and replaced. If otherwise qualified, a member may continue to serve after his or her term expires, until successors are appointed.

The ACCSH charter is required to be renewed every two years. The current charter was to have expired on July 3, 2008. In light of the Committee's past contribution toward OSHA's construction safety and health mission, OSHA has determined that renewal of the charter for another two years is necessary and in the public interest. In addition to the renewal, OSHA has amended the charter to address procedural matters in the following sections: the Objectives and Scope of Activity section was amended to include references to the Federal Advisory Committee Act to be consistent with the Department's procedures; the Membership section was amended to more accurately reflect Committee members' terms of service, the Estimated Annual Operating Costs in Dollars and Staff Years section was amended to reflect increases in the Committee's annual budget ($152,000 to $180,000) to account for increased costs for travel, logistical and conference support for the Committee and its workgroup meetings; and the Meetings section was amended to reflect that the Committee is generally expected to meet between two and four times per year.

II. Authority and Signature

Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is granted by section 7 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656), section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 3701 *et seq.*), 29 CFR 1911 and 1912, and Secretary of Labor's Order No. 5–2007 (72 FR 31159).

Signed at Washington, DC on August 14th, 2008.

Edwin G. Foulke, Jr.

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E8–19444 Filed 8–21–08; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 2006–5 CRB DD 2002–2004]

Distribution of the 2002, 2003, and 2004 Digital Audio Recording Technology Royalty Funds

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Notice announcing commencement of proceeding with request for Petitions to Participate.

SUMMARY: The Copyright Royalty Judges are announcing the commencement of the proceeding to determine the distribution of the digital audio recording technology royalty fees in the 2002, 2003, and 2004 Musical Works Funds. The Judges are also announcing the date by which a party who wishes to participate in this proceeding must file its Petition to Participate and the accompanying $150 filing fee.

DATES: Petitions to Participate and the filing fee are due no later than September 22, 2008.

ADDRESSES: An original, five copies, and an electronic copy in Portable Document Format (PDF) on a CD of the Petition to Participate, along with the $150 filing fee, may be delivered to the Copyright Royalty Board by either mail or hand delivery. Petitions to Participate and the $150 filing fee may not be delivered by an overnight delivery service other than the U.S. Postal Service Express Mail. If by mail (including overnight delivery), Petitions to Participate, along with the $150 filing fee, must be addressed to: Copyright Royalty Board, P.O. 70977, Washington, DC 20024–0977. If hand delivered by a private party, Petitions to Participate, along with the $150 filing fee, 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, Petitions to Participate, along with the $150 filing fee, 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: LaKeshia Brent, CRB Program Specialist. Telephone: (202) 707–7658. Telefax: (202) 252–3423 or e-mail at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Audio Home Recording Act of 1992 (the ''AHRA''), Public Law 102–563, requires manufacturers and importers to pay royalties on digital audio recording devices and media that are distributed in the United States. 17 U.S.C. 1003. These royalties are deposited with the Copyright Office for further distribution among interested copyright parties by the Copyright Royalty Judges (''Judges''), provided that the interested copyright parties file a claim with the Copyright Royalty Board

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 66⅔% of the royalties and the Musical Works Fund receives the remaining 33⅓%. 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,[1] 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.[2] *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[3] 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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BILLING CODE 1410–72–P

[1] 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.

[2] On July 1, 2008, the Settling Parties filed a motion requesting commencement of the proceeding mentioned in the October 2, 2006, order.

[3] The Copyright Royalty Judge Program Technical Corrections Act, Public Law 109–303, changed the amount from $10,000 to $1,000.

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 Fechhelm 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.