

meals a day or free and convenient cooking and kitchen facilities. 20 CFR 655.122(g). When the employer provides meals, the job offer must state the charge, if any, to the worker for such meals. 20 CFR 655.122(g).

The Department has published at 20 CFR 655.173(a) the methodology for determining the maximum amounts that H-2A agricultural employers may charge their U.S. and foreign workers for meals. These rules provide for annual adjustments of the previous year's allowable charges based upon Consumer Price Index (CPI) data. 20 CFR 655.173(a).

Each year, the maximum charges allowed by 20 CFR 655.122(g) are adjusted by the same percentage as the 12-month percent change for the CPI for all Urban Consumers for Food (CPI-U for Food). The Department may permit an employer to charge workers no more than the higher maximum amount set forth in 20 CFR 655.173(b), as applicable, for providing them with three meals a day, if justified and sufficiently documented. The H-2A program's regulations require the Department to make the annual adjustments and to publish a Notice in the **Federal Register** each calendar year, announcing annual adjustments in allowable charges that may be made by agricultural and logging employers for providing three meals daily to their U.S. and foreign workers. The 2010 rates were published in the **Federal Register** at 75 FR 7293, Feb. 18, 2010.

The Department has determined the percentage change between December of 2009 and December of 2010 for the CPI-U for Food was .8 percent. Accordingly, the maximum allowable charges under 20 CFR 655.122(g) were adjusted using this percentage change, and the new permissible charges for 2011 shall be no more than \$10.73 per day, unless the Department has approved a higher charge pursuant to 20 CFR 655.173(b).

### *C. Maximum Travel Subsistence Expense*

The regulations at 20 CFR 655.122(h) establish that the minimum daily travel subsistence expense, for which a worker is entitled to reimbursement, is at least as much as the employer would charge the worker for providing the worker with three meals a day during employment (if applicable), but in no event less than the amount permitted under 20 CFR 655.173(a). The regulation is silent about the maximum amount to which a qualifying worker is entitled.

The Department based the maximum meals component on the standard Continental United States (CONUS) per diem rate established by the General

Services Administration (GSA), published at 41 CFR Part 301, Appendix A. The CONUS meal component is now \$46.00 per day.

Workers who qualify for travel reimbursement are entitled to reimbursement up to the CONUS meal rate for related subsistence when they provide receipts. In determining the appropriate amount of subsistence reimbursement, the employer may use the GSA system under which a traveler qualifies for meal expense reimbursement at 75 percent of the subsistence for the first partial day of travel and 75 percent of the subsistence for the last partial day per quarter of a day. If a worker has no receipts, the employer is not obligated to reimburse above the minimum stated at 20 CFR 655.173(a), as specified above.

Signed in Washington, DC this 18th day of February, 2011.

**Jane Oates,**

*Assistant Secretary, Employment and Training Administration.*

[FR Doc. 2011-4419 Filed 2-28-11; 8:45 am]

**BILLING CODE 4510-FN-P**

## **LIBRARY OF CONGRESS**

### **Copyright Royalty Board**

**[Docket No. 2010-8 CRB DD 2005-2008]**

### **Distribution of 2005 Through 2008 DART Musical Works Funds Royalties**

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

**ACTION:** Notice soliciting comments on motion for partial distribution.

**SUMMARY:** The Copyright Royalty Judges are soliciting comments on a motion for partial distribution in connection with 2005, 2006, 2007, and 2008 DART Musical Works Fund royalties.

**DATES:** Comments are due on or before March 31, 2011.

**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:** On April 8, 2010, Broadcast Music, Inc., the American Society of Composers, Authors and Publishers, SESAC, Inc. and The Harry Fox Agency, Inc. (hereinafter "Settling Claimants") filed with the Judges a Motion for Partial Distribution of the Digital Audio Recording Technology ("DART") Musical Works Funds for 2005, 2006, 2007, and 2008. In the Motion the Settling Claimants state that they have reached confidential settlements concerning their respective distribution shares for these years. The Settling Claimants request that the Judges, pursuant to Section 801(b)(3)(A) of the Copyright Act, distribute to the Settling Claimants 95% of the 2005-2008 DART Musical Works Funds, for the Writers and Music Publishers Subfunds. They also request that the Copyright Royalty Judges ("Judges") publish notice in the **Federal Register** requesting comments on their proposed partial distribution. Section 801(b)(3)(A) authorizes the Judges to order distributions of royalty funds to the extent that the Judges find that the distribution of such fees is not subject to controversy. 17 U.S.C. 801(b)(3)(A). That section of the Copyright Act does not require publication in the **Federal Register**, but it does require that the Judges find that the fees requested are not subject to controversy. The Settling Claimants do not make such a representation. Rather they represent that they have agreed among themselves how any distributed funds should be allocated among themselves. The Settling Claimants state that the Judges "have the discretion, within a zone of reasonableness, to find that 95% of the royalties are not in controversy." Motion at 4. As support for this assertion, they state that "[i]n the past four DART proceedings, non-settling individual writer and publisher claimants collectively have either received less than one tenth of one percent (0.1%) of the royalty funds or have been dismissed altogether \* \* \*".

Accordingly, as in the past, at least 95% of the 2005–2008 Musical Works Funds is clearly not in controversy, and a partial distribution of this amount to the Settling Parties is appropriate and warranted at this time.” *Id.* We do not agree that Section 801(b)(3)(A) gives us the discretion to determine that 95% of the funds at issue in this matter are not in controversy based on the Settling Claimants’ representations that non-settling claimants were awarded less than five percent of the funds in prior proceedings. Moreover, the Settling Claimants chose not to serve all of the claimants and therefore those claimants were given no opportunity to comment on whether the Settling Claimants’ assertions with respect to a controversy are accurate. In the absence of persuasive evidence that no controversy exists with respect to the funds that the Settling Claimants request, we cannot make the requisite finding under Section 801(b)(3)(A) that no controversy exists with respect to the requested funds. Nevertheless, we do have authority under Section 801(b)(3)(C) of the Copyright Act to authorize partial distributions if, after publication in the **Federal Register**, we determine that no claimant entitled to receive such fees has stated a reasonable objection to the partial distribution and the Settling Claimants requesting the partial distribution agree, among other things, to sign an agreement obligating them to return any excess amounts to the extent necessary to comply with the final determination on the distribution of the funds. See 17 U.S.C. 801(b)(3)(C). Therefore, we seek comments from any claimant entitled to receive royalties from the 2005–2008 DART Musical Works Funds regarding whether there are any reasonable objections to a partial distribution of 95% of the 2005–2008 Musical Works Funds to the Settling Claimants. Moreover, we request comments from the Settling Claimants regarding whether they are willing to make the representations required for a partial distribution pursuant to Section 801(b)(3)(C) of the Copyright Act.

The Motion of the Settling Claimants for Partial Distribution is posted on the Copyright Royalty Board Web site at <http://www.loc.gov/crb>.

Dated: February 24, 2011.

**James Scott Sledge,**

*Chief U.S. Copyright Royalty Judge.*

[FR Doc. 2011–4462 Filed 2–28–11; 8:45 am]

**BILLING CODE 1410–72–P**

## NATIONAL SCIENCE FOUNDATION

### National Science Board; Sunshine Act Meetings; Notice

The National Science Board’s Task Force on Merit Review (MR), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of a meeting held by teleconference for the transaction of National Science Board business and other matters specified, as follows:

**DATE AND TIME:** March 8, 2011, 1 p.m. to 3 p.m.

**SUBJECT MATTER:** Discussion of Guiding Principles for Assessing Merit Review Criteria and Chairman’s remarks.

**STATUS:** Open.

**LOCATION:** This meeting will be held by teleconference at the National Science Board Office, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Room 130, Stafford Place I, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230 will be available for the public to listen-in to this meeting held by teleconference. All visitors must contact the Board Office [call 703–292–7000 or send an e-mail message to [nationalsciencebrd@nsf.gov](mailto:nationalsciencebrd@nsf.gov)] at least 24 hours prior to the teleconference and provide name and organizational affiliation. All visitors must report to the NSF visitor desk located in the lobby at the 9th and N. Stuart Streets entrance on the day of the teleconference to receive a visitor’s badge.

**UPDATES AND POINT OF CONTACT:** Please refer to the National Science Board Web site <http://www.nsf.gov/nsb> for additional information and schedule updates (time, place, subject matter or status of meeting) may be found at <http://www.nsf.gov/nsb/notices/>. Point of contact for this meeting is: Kim Silverman, National Science Board Office, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–7000.

**Daniel A. Lauretano,**

*Counsel to the National Science Board.*

[FR Doc. 2011–4685 Filed 2–25–11; 4:15 pm]

**BILLING CODE 7555–01–P**

## NUCLEAR REGULATORY COMMISSION

[NRC–2011–0045]

### Draft Regulatory Guide: Issuance, Availability

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Issuance and Availability of Draft Regulatory Guide, DG–7008, “Leakage Tests on Packages for Shipment of Radioactive Materials.”

#### FOR FURTHER INFORMATION CONTACT:

Bernard H. White, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–492–3303 or e-mail; [Bernard.White@nrc.gov](mailto:Bernard.White@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft guide in the agency’s “Regulatory Guide” series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC’s regulations, techniques that the NRC staff uses in evaluating specific problems or postulated accidents, and data that the NRC staff needs in its review of applications for permits and licenses.

The draft regulatory guide (DG), entitled, “Leakage Tests on Packages for Shipment of Radioactive Materials” is temporarily identified by its task number, DG–7008, which should be mentioned in all related correspondence. DG–7008 is proposed Revision 1 of Regulatory Guide 7.4, dated June 1975.

This guide describes an approach that the NRC staff considers acceptable for meeting the containment criteria for Type B packages in Title 10, Section 71.51, “Additional Requirements for Type B Packages,” of the Code of Federal Regulations (10 CFR 71.51). The regulations at 10 CFR 71.51 require licensees to ensure that Type B packages, following tests for normal conditions of transport and hypothetical accident conditions, meet the containment criteria to minimize radioactive contamination and dose rates to the public. The NRC staff developed and published this guidance to help licensees meet these objectives, ensure package integrity, and minimize the distribution of contamination to the environment.

This regulatory guide endorses the methods and procedures developed by the Standards Committee on Packaging