

proceedings for years 2006 through 2009.

Independent Producers Group (IPG) objected to the motion, citing unresolved distribution of royalties deposited for royalty years antedating 2004 and asserting that the earlier distributions should be completed before initiating a proceeding for the funds at issue in this proceeding. In the interim, between the Joint Motion and this notice, the Judges have resolved or scheduled for resolution all issues remaining in the earlier proceedings. IPG's objection to initiating this Phase II proceeding is not persuasive as it is no longer germane.

In light of the outstanding Phase II controversies with respect to cable royalties for 2004 to 2009, inclusive, the Judges hereby *grant* the Joint Motion, initiating a Phase II proceeding and consolidating all extant proceedings relating to cable royalties for the years 2004 through 2009, inclusive, for resolution under the docket number noted above.

Petitions To Participate

Any interested party must file a Petition to Participate (PTP) in accordance with 37 CFR 351.1(b)(2). PTPs submitted by interested parties whose claims do not exceed \$1,000 must contain a statement that the party will not seek a distribution of more than \$1,000. The Judges will accept PTPs for claims not exceeding \$1,000 without a filing fee. The Judges will reject the PTP of any party asserting a claim in excess of \$1,000 that is not accompanied by the filing fee of \$150. The filing fee must be paid by check or money order payable to the "Copyright Royalty Board." If a check is returned for insufficient funds, the corresponding Petition to Participate will be dismissed.

To participate in this Phase II proceeding, a party, other than an individual, must be represented by an attorney.

The Judges will address scheduling and further procedural matters after Petitions to Participate are filed.

Dated: August 12, 2013.

Suzanne M. Barnett,
Chief Copyright Royalty Judge.

[FR Doc. 2013-19891 Filed 8-15-13; 8:45 am]

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LIBRARY OF CONGRESS

Copyright Royalty Board

[Dockets No. 2012-7 CRB SD 2000-2009; 2008-5 CRB SD 1999-2000]

Distribution of 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, and 2009 Satellite Royalty Funds

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Notice announcing commencement of Phase II distribution proceeding and request for Petitions to Participate.

SUMMARY: The Copyright Royalty Judges (Judges) announce the commencement of a proceeding to determine the Phase II distribution of royalties deposited by satellite carriers for a statutory license to retransmit over-the-air television broadcast stations. A party wishing to participate in this distribution proceeding must file its Petition to Participate and the accompanying \$150 filing fee, if applicable, by the deadline announced in this notice.

DATES: Petitions to Participate are due on or before September 16, 2013.

ADDRESSES: Participants must submit a Petition to Participate in a hard-copy original, with five paper copies and an electronic copy in Portable Document Format (PDF) on a Compact Disc, along with the \$150 filing fee, to the Copyright Royalty Board by either mail or hand delivery. Participants MAY NOT submit Petitions to Participate and the \$150 filing fee by an overnight delivery service other than the U.S. Postal Service Express Mail. If participants choose to use U.S. Postal Service (including overnight delivery), they must address their submissions to: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024-0977. If participants choose hand delivery by a private party, they must deliver the submissions to the Library of Congress, James Madison Memorial Building, LM-401, 101 Independence Avenue SE., Washington, DC 20559-6000. If participants choose delivery by a commercial courier, they must deliver the submissions 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 Keys, CRB Program Specialist,

by telephone at (202) 707-7658 or email at crb@loc.gov.

SUPPLEMENTARY INFORMATION:

Background

Twice each calendar year, satellite carriers must deposit royalty payments with the Copyright Office for the statutory license granting the privilege of retransmitting over-the-air television broadcast stations. *See* 17 U.S.C. 119(b)(1)(B). These royalties are then distributed to copyright owners whose works were retransmitted and who timely filed a claim for royalties.

The royalties for each calendar year at issue are distributed in two phases. At Phase I, the royalties are divided among representatives of categories of copyrightable content (*e.g.*, movies, music, and sports programming). At Phase II, the royalties are divided among the various copyright owners within each category. If all participants agree to a proposed distribution of royalties deposited in any given royalty year, the Judges may approve the settlement and authorize disbursement. If, however, the participants identify a controversy as to the proper distribution, either at Phase I or Phase II, the Judges are required to conduct a proceeding under chapter 8 of the Copyright Act. *See* 17 U.S.C. 119(b)(4)(B).

For each of the royalty years at issue in this proceeding, the Judges have published in the **Federal Register** a notice requesting comments as to the existence of controversies regarding distribution of the funds.¹ In each instance, the Judges received and considered comments and ordered partial distribution of satellite royalties. Participants with a contested claim to each prior year's distribution now seek initiation of a consolidated Phase II proceeding to resolve all remaining controversies regarding the royalty funds that the Copyright Office retains.

On August 29, 2012, representatives of certain Phase I categories of claimants filed a Joint Motion to Initiate Phase II Proceedings for the Distribution of the 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, and 2009 Satellite Royalty Funds (Joint Motion). The parties making the request are: Joint Sports Claimants (JSC), Program Suppliers, Devotional Claimants,

¹ *See* Notice Requesting Comments, 70 FR 46193 (Aug. 9, 2005), Docket 2005-2 CRB SD 2001-2003; Notice Requesting Comments, 73 FR 5597 (Jan. 30, 2008), Docket 2008-5 CRB SD 1999-2000; Notice Requesting Comments, 75 FR 4423 (Jan. 27, 2010) Docket 2010-2 CRB SD 2004-2007; Notice Requesting Comments, 75 FR 66799 (Oct. 29, 2010), Docket 2010-7 CRB SD 2008; Notice Requesting Comments, 76 FR 55123 (Sept. 6, 2011), Docket 2011-8 CRB SD 2009.

Broadcasters Claimants Group (BCG), and the “Music Claimants” consisting of Broadcast Music, Inc. (BMI), American Society of Composers, Authors & Publishers (ASCAP), and SESAC, Inc. (collectively, Phase I Parties). Independent Producers Group (IPG) opposed the Joint Motion on the grounds that: (i) a proceeding for 2000–2009 funds should not be commenced before resolution of all controversies relating to 1997 to 1999 Satellite funds, and (ii) combining ten years’ issues would present an overwhelmingly difficult task for counsel and the Judges. The Phase I Parties replied that IPG had not presented a compelling reason to either delay the proceeding or to bifurcate the proposed royalty year aggregation.

With respect to the 1999 funds, after the conclusion of a protracted California state lawsuit initiated by IPG, the Judges resolved all remaining issues, *except* allocation of devotional programming funds.² To the extent IPG’s chronology argument had any weight, that weight is now lifted by the inclusion of the 1999 satellite controversy asserted by IPG in this proceeding.

Similarly, with respect to the issue of consolidating a decade’s distributions, the Judges are confident that, after three- to 14- years of discussion, negotiation, and professional courtesies, what remains for judicial consideration is a manageable array of questions, both for counsel representing the parties and for the Judges. Further, the statutory calendar for distribution proceedings provides ample time for discovery, continuing negotiation, and possible settlement of remaining controversies.

No party questioned the existence of controversies relating to the satellite funds at issue. IPG’s objections to commencement of the proceeding and to the aggregation of the royalty years for determination are not persuasive. The Judges, therefore, hereby announce the commencement of a Phase II distribution proceeding for satellite royalties deposited between 1999 and 2009, inclusive, pursuant to 17 U.S.C. 803(b)(1) and request Petitions to Participate (PTP) from interested parties.

The assigned Docket Number for this consolidated proceeding shall be 2012–7 CRB SD 1999–2009 (Phase II). To participate in this Phase II proceeding, a party, other than an individual, must be represented by an attorney.

Petitions To Participate

Parties in interest must file PTPs in accordance with 37 CFR 351.1(b). Interested parties asserting claims in excess of \$1,000 must include with the PTP a filing fee of \$150 in the form of check or money order payable to “Copyright Royalty Board”. If a participant’s claim does not exceed \$1,000 and if the PTP includes a statement that the participant will not seek a distribution in excess of \$1,000, the participant need not submit the filing fee.³

The Judges will address scheduling and further procedural matters after receiving Petitions to Participate.

Dated: August 13, 2013.

Suzanne M. Barnett,
Chief Copyright Royalty Judge.

[FR Doc. 2013–19966 Filed 8–15–13; 8:45 am]

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NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Reinstatement, With Change, of a Previously Approved Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 USC Chapter 35). This information collection notice is published to obtain comments from the public. This is related to NCUA’s regulation on the circumstances and conditions under which Federal credit union (FCU) members may inspect and copy the FCU’s books, records, and minutes of meetings.

DATES: Comments will be accepted until October 15, 2013.

ADDRESSES: Interested parties are invited to submit written comments to the NCUA Contact and the OMB Reviewer listed below:

NCUA Contact: Tracy Crews, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–837–2861, Email: OCIOPRA@ncua.gov.

OMB Contact: Office of Management and Budget, ATTN: Desk Officer for the National Credit Union Administration,

Office of Information and Regulatory Affairs, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information, a copy of the information collection request, or a copy of submitted comments should be directed to Tracy Crews at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, or at (703) 518–6444.

SUPPLEMENTARY INFORMATION:

I. Abstract and Request for Comments

NCUA is reinstating a previously approved collection of information for 12 CFR § 701.3, Member Inspection of Credit Union Books, Records, and Minutes. Section 701.3 is NCUA’s regulation on the circumstances and conditions under which FCU members may inspect and copy the FCU’s books, records, and minutes of meetings. The collection of information requirements apply to FCU members seeking inspection and copying of the FCU’s records and FCUs that receive such member requests. To obtain access to records, members are required to submit a petition to the FCU, stating a proper purpose for inspection and signed by at least one percent of the members, with a minimum of 20 and a maximum of 500 members. Section 701.3 requires that the FCU must permit inspection of relevant records if it receives such a petition. The members of an FCU own it, and the disclosure requirements placed on an FCU are necessary to ensure transparency and protect the rights of the members. The FCU records disclosed to members as a result of a petition are used by the members to protect their ownership and financial interests. The petition signatures collected by each FCU are used by the FCU to verify the membership status of each petitioner.

The information collection only arises upon a member request. In NCUA’s experience, members do not use this petition authority often. NCUA estimates that, on an annual basis and across all FCUs, there will be only approximately five member petitions requesting inspection of FCU records. NCUA estimates that it will take a group of member-petitioners (each group treated as one respondent) approximately ten hours to prepare a petition and submit it to the FCU. Five groups of member-petitioners times ten hours per respondent equals 50 annual burden hours. NCUA estimates that it will take an FCU that receives a petition approximately 20 hours to evaluate the petition, locate the relevant documents, and make them available for inspection

² See Order dated June 19, 2013 in 2008–5 CRB SD 1999–2000.

³ See 17 U.S.C. 803(b)(2)(D)(ii).