

<sup>8</sup>When and how can I obtain a refund for the fees that I paid? If you withdraw before we complete our preliminary review of your initial application or your expansion application to include an additional site, we will refund half of the application fee. If you are applying for initial recognition as an NRTL, we will refund the pre-paid assessment fees if you withdraw your application before we have traveled to your site to perform the on-site assessment. For an initial application, we will also credit your account for any amount of the pre-paid assessment fees collected that is greater than the actual cost of the assessment. Other than these cases, we do not generally refund or grant credit for any other fees that are due or collected.

<sup>9</sup>Will I be billed even if my application is rejected? If we reject your application, we will bill you for the fees pertaining to tasks that we have performed that are not covered by the fees you have submitted. For example, if we perform an assessment for an expansion application but deny the expansion, we will bill you for the assessment fee. Similarly, we will bill you for the Final Report and **Federal Register** fee if we also wrote the report and published the notice. See note 11 for the consequences of non-payment.

<sup>10</sup>What rate does OSHA use to charge for staff time? OSHA has estimated an equivalent staff cost per hour that it uses for determining the fees that are shown in the Fee Schedule. This hourly rate takes into account the costs for salary, fringe benefits, equipment, supervision and support for each "direct staff" member, that is, the staff that perform the main activities identified in the Fee Schedule. The rate is an average of these amounts for each of these direct staff members. The current estimated equivalent staff costs per hour = \$63.80.

<sup>11</sup>What happens if I do not pay the fees that I am billed? As explained above, if you are an applicant, we will send you a final bill (for any assessment and for the Review and Evaluation and Final Report/Register Notice fees) at the time we publish the preliminary **Federal Register** notice. If you do not pay the bill by the due date, we will assess the Late Payment fee shown in the Fee Schedule. This late payment fee represents one hour of staff time at the equivalent staff cost per hour (see note 10). If we do not receive payment within 60 days of the bill date, we will cancel your application. As also explained above, if you are an NRTL, we will generally send you a bill for the audit fee after completion of the audit. If you do not pay the fee by the due date, we will assess the Late Payment Fee shown in the Fee Schedule. If we do not receive payment within 60 days of the bill date, we will publish a **Federal Register** notice stating our intent to revoke recognition. However, please note that in either case, you may be subject to collection procedures under U.S. (Federal) law.

<sup>12</sup>How do I know whether this is the most Current Fee Schedule? You should contact OSHA's NRTL Program (202-693-2110) or visit the program's Web site to determine the effective date of the most current Fee Schedule. Access the site by selecting "N" in the Subject Index at <http://www.osha.gov>. Any application review fees are those in effect on the date you submit your application. Other application processing fees are those in effect when the activity covered by the fee is performed. Audit fees are those in effect on the date we begin our audit.

[FR Doc. E6-21670 Filed 12-19-06; 8:45 am]

BILLING CODE 4510-26-P

## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. 2006-7]

#### Notice of Intent to Audit

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Public notice.

**SUMMARY:** The Copyright Office of the Library of Congress is announcing receipt of a notice of intent to audit 2005 statements of account concerning the eligible nonsubscription transmissions of sound recordings made by Beethoven.com ("Beethoven") under statutory licenses.

#### FOR FURTHER INFORMATION CONTACT:

Tanya M. Sandros, Associate General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024-0977. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

**SUPPLEMENTARY INFORMATION:** Section 106(6) of the Copyright Act, title 17 of the United States Code, gives the copyright owner of a sound recording the right to perform a sound recording publicly by means of a digital audio transmission, subject to certain limitations. Among these limitations are certain exemptions and a statutory license which allows for the public performance of sound recordings as part of "eligible nonsubscription transmissions."<sup>1</sup> 17 U.S.C. 114. A music

<sup>1</sup> An "eligible nonsubscription transmission" is a noninteractive digital audio transmission which, as the name implies, does not require a subscription

service that operates under the section 114 statutory license may also make any necessary ephemeral reproductions to facilitate the digital transmission of the sound recording under a second license set forth in section 112(e) of the Copyright Act. Use of these licenses requires that services make payments of royalty fees to and file reports of sound recording performances with SoundExchange. SoundExchange is a collecting rights entity that was designated by the Librarian of Congress to collect statements of account and royalty fee payments from services and distribute the royalty fees to copyright owners and performers entitled to receive such royalties under sections 112(e) and 114(g) following a proceeding before a Copyright Arbitration Royalty Panel (CARP)—the entity responsible for setting rates and terms for use of the section 112 and section 114 licenses prior to the passage of the Copyright Royalty and Distribution Reform Act of 2004 (CRDRA), Pub. L. No. 108-419, 118 Stat. 2341 (2004). See 69 FR 5695 (February 6, 2004).

This Act, which the President signed into law on November 30, 2004, and which became effective on May 31, 2005, amends the Copyright Act, title 17 of the United States Code, by phasing out the CARP system and replacing it with three permanent Copyright Royalty Judges (CRJs). Consequently, the CRJs will carry out the functions heretofore

for receiving the transmission. The transmission must also be made as a part of a service that provides audio programming consisting in whole or in part of performances of sound recordings the primary purpose of which is to provide audio or entertainment programming, but not to sell, advertise, or promote particular goods or services. See 17 U.S.C. 114(j)(6).

performed by the CARPs, including the adjustment of rates and terms for certain statutory licenses such as the section 114 and 112 licenses. However, section 6(b)(3) of the Act states in pertinent part:

[t]he rates and terms in effect under section 114(f)(2) or 112(e) . . . on December 30, 2004, for new subscription services [and] eligible nonsubscription services . . . shall remain in effect until the later of the first applicable effective date for successor terms and rates . . . or such later date as the parties may agree or the Copyright Royalty Judges may establish.

Successor rates and terms for these licenses have not yet been established. Accordingly, the terms of the section 114 and 112 licenses, as currently constituted, are still in effect.

One of the current terms, set forth in § 262.6 of title 37 of the Code of Federal Regulations, states that SoundExchange, as the Designated Agent, may conduct a single audit of a Licensee for the purpose of verifying their royalty payments. As a preliminary matter, the Designated Agent is required to submit a notice of its intent to audit a Licensee with the Copyright Office and serve this notice on the service to be audited. 37 CFR 262.6(c).

On December 23, 2005, SoundExchange filed with the Copyright Office a notice of intent to audit Beethoven for the years 2002, 2003, and 2004. See 72 FR 624 (January 5, 2006). Subsequently, on November 22, 2006, SoundExchange filed a second notice of intent to audit Beethoven,<sup>2</sup>

<sup>2</sup> A copy of the new Notice of Intent to Audit Beethoven is posted on the Copyright Office Website at <http://www.copyright.gov/carp/beethoven-notice.2006.pdf>.

pursuant to § 262.6(c), notifying the Copyright Office of its intent to expand its current audit to cover 2005. Section 262.6(c) requires the Copyright Office to publish a notice in the **Federal Register** within thirty days of receipt of the filing announcing the Designated Agent's intent to conduct an audit.

In accordance with this regulation, the Office is publishing today's notice to fulfill this requirement with respect to the notice of intent to audit filed by SoundExchange on November 22, 2006.

Dated: December 15, 2006

**Tanya M. Sandros,**

*Associate General Counsel.*

[FR Doc. E6-21746 Filed 12-19-06; 8:45 am]

**BILLING CODE 1410-30-S**

## **NATIONAL CREDIT UNION ADMINISTRATION**

### **Community Development Revolving Loan Fund for Credit Unions**

**AGENCY:** National Credit Union Administration.

**ACTION:** Notice of application period.

**SUMMARY:** The National Credit Union Administration (NCUA) will accept applications for participation in the Community Development Revolving Loan Fund's Loan Program throughout calendar year 2007, subject to availability of funds. Application procedures for qualified low-income credit unions are in NCUA Rules and Regulations.

**ADDRESSES:** Applications for participation may be obtained from and should be submitted to: NCUA, Office of Small Credit Union Initiatives, 1775 Duke Street, Alexandria, VA 22314-3428.

**DATES:** Applications may be submitted throughout calendar year 2007.

**FOR FURTHER INFORMATION CONTACT:** Tawana James, Director, Office of Small Credit Union Initiatives at the above address or telephone (703) 518-6610.

**SUPPLEMENTARY INFORMATION:** Part 705 of the NCUA Rules and Regulations implements the Community Development Revolving Loan Fund (Fund) for Credit Unions. The purpose of the Fund is to assist officially designated "low-income" credit unions in providing basic financial services to residents in their communities that result in increased income, home ownership, and employment. The Fund makes available low interest loans in the aggregate amount of \$300,000 to qualified participating "low-income" designated credit unions. Interest rates

are currently set at one percent. Specific details regarding availability and requirements for technical assistance grants from the Fund will be published in a Letter to Credit Unions and on NCUA's Web site at <http://www.ncua.gov/>. Fund participation is limited to existing credit unions with an official "low-income" designation.

This notice is published pursuant to Section 705.9 of the NCUA Rules and Regulations that states NCUA will provide notice in the **Federal Register** when funds in the program are available.

By the National Credit Union Administration Board on December 13, 2006.

**Mary F. Rupp,**

*Secretary, NCUA Board.*

[FR Doc. E6-21664 Filed 12-19-06; 8:45 am]

**BILLING CODE 7535-01-P**

## **NATIONAL SCIENCE FOUNDATION**

### **National Science Board Commission on 21st Century Education in Science, Technology, Engineering, and Mathematics; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Board announces the following meeting:

**Date and Time:** Friday, December 22, 2006, 11 a.m.-12:30 p.m. EST (teleconference meeting)

**Place:** National Science Foundation, Arlington, Virginia, Room 1235 will be available to the public to listen to this teleconference meeting.

**Type of Meeting:** Open.

**Contact Person:** Dr. Elizabeth Strickland, Commission Executive Secretary, National Science Board Office, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230. Telephone: 703-292-4527. E-mail: [estrickl@nsf.gov](mailto:estrickl@nsf.gov).

**Purpose of Meeting:** To discuss preliminary draft recommendations of the Commission.

**Agenda:** Discussion of preliminary draft recommendations of the Commission.

**Reason for Late Notice:** Time and date of meeting were not established until December 12, 2006.

**Russell Moy,**

*Attorney-Advisor.*

[FR Doc. E6-21618 Filed 12-19-06; 8:45 am]

**BILLING CODE 7555-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-285]

### **Omaha Public Power District; Notice of Withdrawal of Application for Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (NRC/the Commission) has granted the request of Omaha Public Power District (OPPD, the licensee) to withdraw its August 11, 2005, application for proposed amendment to Facility Operating License No. DPR-40 for the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska.

The proposed amendment would have revised the Technical Specifications (TSs) pertaining to the volume of trisodium phosphate (TSP) needed in containment. Specifically, this proposed change would have revised TS Figure 2-3, "TSP Volume Required for RCS [Reactor Coolant System] Critical Boron Concentration (ARO [All Rods Out], HZP [Hot Zero Power], No Xenon)," and related technical information used for calculating minimum volumes of TSP required for maintaining sump pH equal to or greater than 7. The amendment was necessary to account for the increase in the RCS volume as result of the planned replacement of the steam generators and pressurizer. The amendment is no longer needed since the NRC staff has approved the OPPD amendment dated August 21, 2006, to remove the TSP and replace it with sodium tetraborate.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on September 27, 2005 (70 FR 56502). However, by letter dated November 30, 2006, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated August 11, 2005, as supplemented by letter dated November 3, 2005, and the licensee's letter dated November 30, 2006, which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading->