

transmission and who timely filed a claim for royalties. Allocation of the royalties collected occurs in one of two ways. In the first instance, these funds will be distributed through a negotiated settlement among the parties. 17 U.S.C. 111(d)(4)(A). If the claimants do not reach an agreement with respect to the royalties, the Copyright Royalty Judges ("Judges") must conduct a proceeding to determine the distribution of any royalties that remain in controversy. 17 U.S.C. 111(d)(4)(B).

On November 2, 2007, representatives of the Phase I claimant categories (the "Phase I Parties")<sup>1</sup> filed with the Judges a motion requesting a partial distribution of 50% of each of the 2004 and 2005 cable royalty funds. Under section 801(b)(3)(C) of the Copyright Act, the Judges must publish a notice in the **Federal Register** seeking responses to the motion for partial distribution to ascertain whether any controversy exists over the requested funds before ruling on the motion. Consequently, by today's Notice, the Judges seek comments on whether any controversy exists that would preclude the distribution of 50% of the 2004 and/or 2005 cable royalty funds to the Phase I Parties.

The Judges also seek comment on the existence and extent of any controversies to the 2004 and 2005 cable royalty funds, either at Phase I or Phase II, with respect to the 50% of those funds that would remain if the partial distribution is granted. In Phase I of a cable royalty distribution, royalties are distributed to certain categories of broadcast programming that have been retransmitted by cable systems. The categories have traditionally been movies and syndicated television series, sports programming, commercial and noncommercial broadcaster-owned programming, religious programming, music, public radio programming, and Canadian programming. In Phase II of a cable royalty distribution, royalties are distributed to claimants within each of the Phase I categories. Any party submitting comments on the existence of a Phase II controversy must identify the category or categories in which there is a dispute and the extent of the controversy or controversies.

The Judges must be advised of the existence and extent of all Phase I and Phase II controversies by the end of the comment period. It will not consider

<sup>1</sup> The "Phase I Parties" are the Program Suppliers, Joint Sports Claimants, Public Television Claimants, the National Association of Broadcasters, the American Society of Composers, Authors and Publishers, Broadcast Music, Inc., SESAC, Inc., Canadian Claimants, National Public Radio, and the Devotional Claimants.

any controversies that come to their attention after the close of that period.

The Motion of the Phase I Claimants for Partial Distribution is posted on the Copyright Royalty Board Web site at <http://www.loc.gov/crb/proceedings/2007-3/11-02-07-phase1motion.pdf>.

Dated: January 24, 2008.

**James Scott Sledge,**

*Chief Copyright Royalty Judge.*

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**BILLING CODE 1410-72-P**

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 030-20836; License No. 25-21479-01; EA-07-303]**

### **In the Matter of Mattingly Testing Services, Inc., Molt, MT; Demand for Information**

#### **I**

Mattingly Testing Services, Inc., (Mattingly Testing) is the holder of Materials License No. 25-21479-01 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30 and 10 CFR Part 34. The license, initially issued on December 2, 1983, authorizes Mattingly Testing to possess radioactive sealed sources for use in industrial radiography in Molt, Montana, and at temporary job sites anywhere in the United States where the NRC maintains jurisdiction for regulating licensed material, including areas of exclusive Federal jurisdiction within Agreement States. The license was last renewed in its entirety on February 22, 2006, and is due to expire on February 28, 2016.

#### **II**

On November 7, 2007, during an inspection of Mattingly Testing's radiographic operations at a temporary job site, several apparent violations of NRC regulations were identified. In addition, during a follow-up inspection and investigation during the week of November 12, 2007, the NRC inspector and investigator were informed that senior management of Mattingly Testing discouraged employees from speaking with NRC inspectors and investigators. The NRC is concerned that an environment exists within Mattingly Testing's workplace that could inhibit employees from raising safety concerns to the NRC. The NRC inspections and investigation, which are still ongoing, have indicated that:

1. Mattingly Testing's control of licensed material at temporary job sites is not in compliance with NRC requirements;

2. Mattingly Testing's senior management has apparently caused employees to engage in activities that are in violation of NRC regulations and Orders; and

3. Mattingly Testing's senior management has discouraged employees from raising safety concerns both to their management and to the NRC.

This information demonstrates a lack of management control and supervision over licensed activities, raises questions as to whether Mattingly Testing will provide complete and accurate information to the NRC in compliance with 10 CFR 30.9, and whether Mattingly Testing is complying with the provisions with 10 CFR 19.15(b). Therefore, further information is needed to determine whether the Commission can have reasonable assurance that Mattingly Testing will comply with the Commission's requirements, ensure a healthy work environment, provide complete and accurate information to the Commission and otherwise conduct its activities in accordance with the Commission's requirements.

Accordingly, pursuant to sections 161c, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204, and 10 CFR 30.9, and 10 CFR 30.32(b), in order for the Commission to determine whether your license should be modified, suspended or revoked, or other enforcement action taken to ensure compliance with NRC regulatory requirements, Mattingly Testing is required to submit the following information in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, within 20 days of the date of this Demand for Information. If security-related information is necessary to provide an acceptable response, you must mark your entire response "Proprietary Information in accordance with 10 CFR 2.390(d)(1)" and follow the instructions for withholding in 10 CFR 2.390(b)(1). In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response.

1. Provide the information requested in the non-publicly available Appendix to this Demand for Information.

2. Describe the actions it has taken and plans to take to provide reasonable assurance that its organization establishes and maintains an appropriate safety conscious work environment<sup>1</sup> where employees are free

<sup>1</sup> NRC defines Safety Conscious Work Environment as a work environment in which employees are encouraged to raise safety concerns, are free to raise concerns both to their own

to raise safety concerns to the NRC and to Mattingly Testing's senior management without fear of retaliation. In addition, describe the actions it has taken and plans to take to ensure its employees understand the provisions of 10 CFR 19.15, 10 CFR 30.7, and 10 CFR 30.9.

Copies of this information shall also be sent to the Assistant General Counsel for Materials Litigation and Enforcement at the same address above, and to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, Texas 76011-4005.

After reviewing your response, the NRC will determine whether further action is necessary to ensure compliance with regulatory requirements.

For the Nuclear Regulatory Commission. Dated this 23rd day of January, 2008.

**Cynthia A. Carpenter,**

*Director, Office of Enforcement.*

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**OFFICE OF MANAGEMENT AND BUDGET**

**Discount Rates for Cost-Effectiveness Analysis of Federal Programs**

**AGENCY:** Office of Management and Budget.

**ACTION:** Revisions to Appendix C of OMB Circular A-94.

**SUMMARY:** The Office of Management and Budget revised Circular A-94 in 1992. The revised Circular specified certain discount rates to be updated annually when the interest rate and inflation assumptions used to prepare the budget of the United States government were changed. These discount rates are found in Appendix C of the revised Circular. The updated discount rates are shown below. The discount rates in Appendix C are to be used for cost-effectiveness analysis, including lease-purchase analysis, as specified in the revised Circular. They do not apply to regulatory analysis.

**DATES:** The revised discount rates are effective immediately and will be in effect through December 2008.

**FOR FURTHER INFORMATION CONTACT:** Robert B. Anderson, Office of Economic Policy, Office of Management and Budget, (202) 395-3381.

**John H. Kitchen,**

*Associate Director for Economic Policy, Office of Management and Budget.*

Attachment.

**Appendix C**

(Revised January 2008)

*Discount Rates for Cost-Effectiveness, Lease Purchase, and Related Analyses*

*Effective Dates.* This appendix is updated annually around the time of the President's budget submission to Congress. This version of the appendix is valid for calendar year 2008. A copy of the updated appendix can be obtained in electronic form through the OMB home page at [http://www.whitehouse.gov/omb/circulars/a094/a94\\_appx-c.html](http://www.whitehouse.gov/omb/circulars/a094/a94_appx-c.html), the text of the main body of the Circular is found at <http://www.whitehouse.gov/omb/circulars/a094/a094.html>, and a table of past years' rates is located at <http://www.whitehouse.gov/omb/circulars/a094/DISCHIST-2008.pdf>. Updates of the appendix are also available upon request from OMB's Office of Economic Policy (202-395-3381).

*Nominal Discount Rates.* A forecast of nominal or market interest rates for 2008 based on the economic assumptions for the 2009 Budget are presented below. These nominal rates are to be used for discounting nominal flows, which are often encountered in lease-purchase analysis.

**NOMINAL INTEREST RATES ON TREASURY NOTES AND BONDS OF SPECIFIED MATURITIES**

[In percent]

3-Year	5-Year	7-Year	10-Year	20-Year	30-Year
4.1	4.3	4.4	4.6	4.9	4.9

*Real Discount Rates.* A forecast of real interest rates from which the inflation premium has been removed and based

on the economic assumptions from the 2009 Budget is presented below. These real rates are to be used for discounting

constant-dollar flows, as is often required in cost-effectiveness analysis.

**REAL INTEREST RATES ON TREASURY NOTES AND BONDS OF SPECIFIED MATURITIES**

[In percent]

3-Year	5-Year	7-Year	10-Year	20-Year	30-Year
2.1	2.3	2.4	2.6	2.8	2.8

management and to the NRC without fear of retaliation, where concerns are promptly reviewed, given the proper priority, and appropriately resolved and timely feedback is provided. The NRC

issued a Policy Statement, "Freedom of Employees in the Nuclear Industry to Raise Safety Concerns Without Fear of Retaliation" on May 14, 1996 [61 FR 24336] and additional guidelines in Regulatory

Issue Summary 2005-18, "Guidance for Establishing and Maintaining a Safety Conscious Work Environment" on August 25, 2005.