

section 114 license allows the public performance of sound recordings by means of digital audio transmissions by nonexempt noninteractive digital subscription services and eligible nonsubscription services. 17 U.S.C. 114(f). The second license allows a service to make any necessary ephemeral reproductions to facilitate the digital transmission of the sound recording. 17 U.S.C. 112(e).

Licensees may operate under these licenses provided they pay the royalty fees and comply with the terms set by the Copyright Royalty Judges. The rates and terms for the section 112 and 114 licenses are set forth in 37 CFR part 380. As part of the terms set for these licenses, the Judges designated SoundExchange, Inc., as the organization charged with collecting the royalty payments and statements of account submitted by eligible nonsubscription services such as, among others, Commercial Webcasters and Broadcasters, and distributing the royalties to the copyright owners and performers entitled to receive such royalties under the section 112 and 114 licenses. 37 CFR 380.4(b)(1) (Commercial Webcasters), 380.13(b)(1) (Broadcasters). As the designated Collective, SoundExchange may conduct a single audit of a licensee for any calendar year for the purpose of verifying their royalty payments. SoundExchange must first file with the Judges a notice of intent to audit a licensee and serve the notice on the licensee to be audited. 37 CFR 380.6(c), 380.15(c).

On August 8, 2012, SoundExchange filed with the Judges separate notices of intent to audit DKCM, Inc., a Commercial Webcaster, and Greater Media, Inc., a Broadcaster, for the years 2009, 2010, and 2011. Sections 380.6(c) and 380.15(c) require the Judges to publish a notice in the **Federal Register** within 30 days of receipt of the notice announcing the Collective's intent to conduct an audit.

In accordance with §§ 380.6(c) and 380.15(c), the Copyright Royalty Judges are publishing today's notice to fulfill this requirement with respect to SoundExchange's respective notices of intent to audit DKCM, Inc., and Greater Media, Inc., each filed August 8, 2012.

Dated: August 22, 2012.

**Suzanne M. Barnett,**  
Chief Copyright Royalty Judge.

[FR Doc. 2012-21049 Filed 8-24-12; 8:45 am]

**BILLING CODE 1410-72-P**

## OFFICE OF MANAGEMENT AND BUDGET

### OMB Sequestration Update Report to the President and Congress for Fiscal Year 2013

**AGENCY:** Executive Office of the President, Office of Management and Budget.

**ACTION:** Notice of availability of the OMB Sequestration Update Report to the President and Congress for FY 2013.

**SUMMARY:** Public Law 112-25, the Budget Control Act of 2011 (BCA, "the Act") amended the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA) by reinstating the discretionary spending limits that had expired after 2002. Section 254 of the BBEDCA requires the Office of Management and Budget (OMB) to issue a Sequestration Update Report on August 20th of each year on the overall status of discretionary legislation. This report provides OMB's current estimates of the spending limits set in the Act and OMB's scoring of pending appropriations legislation against those limits as of August 2012. As required, these estimates rely on the same economic and technical assumptions used in the President's 2013 Budget, which the Administration transmitted to the Congress on February 13, 2012.

**DATES:** *Effective Date:* Sec. 254(b). **SUBMISSION AND AVAILABILITY OF REPORTS.**—Each report required by this section shall be submitted, in the case of CBO, to the House of Representatives, the Senate and OMB and, in the case of OMB, to the House of Representatives, the Senate, and the President on the day it is issued. On the following day a notice of the report shall be printed in the **Federal Register**.

**ADDRESSES:** The OMB Sequestration Reports to the President and Congress is available on-line on the OMB home page at: [http://www.whitehouse.gov/omb/legislative\\_reports/sequestration](http://www.whitehouse.gov/omb/legislative_reports/sequestration).

**FOR FURTHER INFORMATION CONTACT:** Thomas Tobasko, 6202 New Executive Office Building, Washington, DC 20503, Email address: [tobasko@omb.eop.gov](mailto:tobasko@omb.eop.gov), telephone number: (202) 395-5745, FAX number: (202) 395-4768 or Jenny Winkler Murray, 6236 New Executive Office Building, Washington, DC 20503, Email address: [jwinkler@omb.eop.gov](mailto:jwinkler@omb.eop.gov), telephone number: (202) 395-7763, FAX number: (202) 395-4768. Because of delays in the receipt of regular mail related to security screening,

respondents are encouraged to use electronic communications.

**Jeffrey D. Zients,**

*Acting Director.*

[FR Doc. 2012-20939 Filed 8-24-12; 8:45 am]

**BILLING CODE P**

## NATIONAL SCIENCE FOUNDATION

### Notice of Permit Applications Received; Under the Antarctic Conservation Act of 1978 (Pub. L. 95-541)

**AGENCY:** National Science Foundation.

**ACTION:** Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Public Law 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by September 26, 2012. This application may be inspected by interested parties at the Permit Office, address below.

**ADDRESSES:** Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

**FOR FURTHER INFORMATION CONTACT:** Polly A. Penhale at the above address or (703) 292-7420.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

The applications received are as follows:

#### 1. Applicant

Philip R. Kyle, Department of Earth and Environmental Science, NM

Institute of Mining and Technology, Socorro, NM 87801.

*Permit Application:* 2013–018.

### Activity for Which Permit Is Requested

Enter Antarctic Specially Protected Areas. The applicant plans to enter ASPA 130-Tramway Ridge, Mt. Erebus to measure soil temperatures and sample gases emitted in weak gas vents for comparison with gases emitted elsewhere on Erebus. The composition of the gas emissions is important as it is likely the source of nutrients/energy that supports extremophiles in the soil.

### Location

ASPA 130-Tramway Ridge, Mt. Erebus, Ross Island.

### Dates

December 1, 2012 to January 31, 2014.

**Nadene G. Kennedy,**

*Permit Officer, Office of Polar Programs.*

[FR Doc. 2012–20990 Filed 8–24–12; 8:45 am]

**BILLING CODE 7555–01–P**

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–029–COL, 52–030–COL; ASLBP No. 09–879–04–COL–BD01]

### Atomic Safety and Licensing Board; In the Matter of Progress Energy Florida, Inc. (Levy County Nuclear Power Plant, Units 1 and 2)

August 21, 2012.

Before Administrative Judges: Alex S. Karlin, Chairman, Dr. Anthony J. Baratta and Dr. Randall J. Charbeneau

### Notice of Hearing

This Atomic Safety and Licensing Board gives notice that it will convene an evidentiary hearing with regard to a challenge by the Nuclear Information and Resource Service and the Ecology Party of Florida (Intervenors)<sup>1</sup> to an application by Progress Energy Florida, Inc. (PEF) to construct and operate two new nuclear power reactors in Levy County, Florida.<sup>2</sup> The evidentiary hearing will be held in Bronson, Florida and will commence on October 31, 2012. The hearing will concern the one admitted contention in this proceeding.

<sup>1</sup> The Green Party of Florida was one of the original intervenors herein, but it subsequently withdrew. See Notice of Withdrawal (May 17, 2012).

<sup>2</sup> See Progress Energy Florida, Inc.; Application for the Levy County Nuclear Power Plant Units 1 and 2; Notice of Order, Hearing, and Opportunity To Petition for Leave To Intervene, 73 FR 74,532, 74,532 (Dec. 8, 2008).

Contention 4A, which is described more fully below.<sup>3</sup>

The evidentiary hearing will be held under the authority of the Atomic Energy Act, 42 U.S.C. 2231, 2239, and 2241. It will be conducted pursuant to the NRC hearing procedures set forth in 10 CFR Part 2, Subpart L, 10 CFR 2.1200–2.1213. During the course of this adjudicatory proceeding the Board may also hear oral arguments as provided in 10 CFR 2.331 and may hold various prehearing conferences pursuant to 10 CFR 2.329. These may be held via teleconference, video-conference, and/or in person. Except where certain legally privileged documents or testimony are being heard, all of the proceedings will be open to the public. See 10 CFR 2.328.

#### A. Matters To Be Considered

Contention 4A, as it will be litigated during the October 31, 2012 evidentiary hearing,<sup>4</sup> reads as follows:

The Final Environmental Impact Statement (FEIS) fails to comply with 10 CFR Part 51 and the National Environmental Policy Act because it fails to specifically and adequately address, and inappropriately characterizes as SMALL, certain direct, indirect, and cumulative impacts, onsite and offsite, of constructing and operating the proposed LNP facility:

- A. Impacts to wetlands, floodplains, special aquatic sites, and other waters, associated with dewatering, specifically:
  1. Impacts resulting from active and passive dewatering;
  2. Impacts resulting from the connection of the site to the underlying Floridan aquifer system;
  3. Impacts on Outstanding Florida Waters such as the Withlacoochee and Waccasassa Rivers;
  4. Impacts on water quality and the aquatic environment due to alterations and increases in nutrient concentrations caused by the removal of water; and

<sup>3</sup> A motion to admit another contention was filed on July 9, 2012 and is currently pending. Pursuant to an order of the Commission, CLI–12–16, the Board has placed this proposed new contention in abeyance. Order (Holding Proposed New Contention in Abeyance) (Aug. 16, 2012) (unpublished).

<sup>4</sup> This contention has evolved during the course of this proceeding. First, the contention challenged the adequacy of the Environmental Report, a document submitted by PEF. See LBP–09–10, 70 NRC 51, 106 (2009). Next, the Intervenors interposed substantially the same contention challenging the adequacy of the Draft Environmental Impact Statement issued by the NRC Staff. See Memorandum and Order (Admitting Contention 4A) (Feb. 2, 2011) (unpublished). Finally, when the NRC Staff issued the Final Environmental Impact Statement, this same contention migrated and continued to be admitted as a challenge to the FEIS. Tr. at 856.

5. Impacts on water quality and the aquatic environment due to increased nutrients resulting from destructive wildfires resulting from dewatering.

B. Impacts to wetlands, floodplains, special aquatic sites, and other waters, associated with salt drift and salt deposition resulting from cooling towers (that use salt water) being situated in an inland, freshwater wetland area of the LNP site.

C. As a result of the omissions and inadequacies described above, the Draft Environmental Impact Statement also failed to adequately identify, and inappropriately characterizes as SMALL, the proposed project's zone of:

1. Environmental impacts;
2. Impact on Federally listed species;
3. Irreversible and irretrievable environmental impacts; and
4. Appropriate mitigation measures.

#### B. Date, Time, and Location of Evidentiary Hearing

The Board will convene the evidentiary hearing on Wednesday, October 31, 2012, at 9:00 a.m. e.d.t., in the Levy County Courthouse. The courthouse is located at 355 South Court Street, Bronson, Florida. If the evidentiary hearing lasts longer than one day, we will adjourn at approximately 5:00 p.m. on October 31 and will reconvene and continue at 9:00 a.m. e.d.t. on Thursday, November 1, 2012. We anticipate that the evidentiary hearing will not take more than two days.

Members of the public and media are welcome to attend and observe the evidentiary hearing. Actual participation in the hearing will be limited to the parties and their lawyers and witnesses.<sup>5</sup> Please be aware that security measures may be employed at the entrance to the facility, including searches of hand-carried items such as briefcases or backpacks. No signs will be permitted in the courtroom.

#### C. Limited Appearance Statements

The purpose of limited appearance statements is to allow members of the public who are not parties to the adjudication to provide the Board with statements setting forth their positions or concerns on matters relating to the admitted contentions. This Board already conducted two oral limited appearance statement sessions regarding Contention 4A in Crystal River, Florida, on Thursday, January 12, 2012. See Tr. at 698–827, 876–927. Thus, we will not hear further oral limited appearance

<sup>5</sup> The parties consist of the Nuclear Information and Resource Service, the Ecology Party of Florida, Progress Energy Florida, Inc., and the Staff of the Nuclear Regulatory Commission.