

de Freitas WDT at 11–12, Tab 1–R.

Dr. Singer conceded the percentage increase in subscriber instances was greater for Canadian distant signals relative to all other distant signals. 6/15/09 Tr. at 762–63 (Singer). The Settling Parties do not contest that there has been increases in the subscriber instances for Canadian signals, and that the relative increases are greater for Canadian signals, other than to contend that such increases are not indicative of increases in relative marketplace value. Joint Findings at 15–16.

C. Determination of the Judges

As with our consideration of the fee generation approach, we are required by the Joint Stipulations to consider the Canadian Claimants' "changed circumstances" in accordance with the 1998–99 CARP's determination.¹¹ The question arises: Must we find an approximate doubling of fees generated, as the CARP did, in order to find there are sufficient changed circumstances to award the Canadian Claimants their requested share of the royalties?

We answer that question in the negative. We are required to apply the

1998–99 CARP's methodology—fee generation approach plus changed circumstances—but there is a difference between the *methodology* of fee generation and the *evidence* of changed circumstances. We have given the former considerable deference, but the latter is a factual inquiry. The 1998–99 CARP's determination of an approximate doubling of fees generated was a factual finding, not a methodology in and of itself, and we therefore do not require the Canadian Claimants in this proceeding to demonstrate a similar increase in fees generated.

Examining the information contained in the charts above, we conclude that the data reflects a meaningful increase in the relative growth of the fees generated for both the Basic and 3.75% Funds for the Canadian Claimants' programming from the 1998–99 to 2000–03 period. This is confirmed through examination not only of this period alone, but from 1990–92 as well, a comparison that heavily influenced the 1998–99 CARP's decision. In finding the relative increase for 2000–2003 to be meaningful, and therefore sufficient for

the Canadian Claimants to sustain their burden of demonstrating changed circumstances, we also note that the proportional increase in subscriber instances for Canadian distant signals, relative to all other signals, is significant as well. Even though the CARP did not address proportional increases for subscriber instances, this is an evidentiary finding (not a methodological one) that further supports an identification of changed circumstances. Therefore, we conclude that the available evidence as a whole, when applied to the two choices offered by the parties' Joint Stipulations, merits the increase in royalties sought by the Canadian Claimants.

VI. Order of the Copyright Royalty Judges

Having fully considered the record and for the reasons set forth herein, the Copyright Royalty Judges order that the Canadian Claimants' shares of the 2000, 2001, 2002, and 2003 cable royalties shall be distributed according to the following percentages:

Year	Basic fund (percent)	3.75% Fund (percent)	Syndex fund (percent)
2000	2.04383	0.33006	0
2001	2.35338	1.28069	0
2002	2.53544	1.88970	0
2003	2.58496	2.42881	0

Per the terms of the Joint Stipulation, the remaining balance of the 2000–2003 royalty fees is awarded to the Settling Parties.

So ordered.

James Scott Sledge
Chief Copyright Royalty Judge

William J. Roberts, Jr.
Copyright Royalty Judge

Stanley C. Wisniewski
Copyright Royalty Judge

Dated: March 30, 2010.

James Scott Sledge,
Chief, U.S. Copyright Royalty Judge.

Approved by:

James H. Billington,
Librarian of Congress.

[FR Doc. 2010–11231 Filed 5–11–10; 8:45 am]

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NATIONAL COUNCIL ON DISABILITY

Sunshine Act Meetings

DATES AND TIMES: May 13, 2010, 9 a.m.–4:45 p.m.

May 14, 2010, 8:30 a.m.–10:30 a.m.

PLACE: Key Bridge Marriott, 1401 Lee Highway, Arlington, VA.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: National Summit on Disability Policy 2010.

PORTIONS OPEN TO THE PUBLIC: Thursday, May 13, 2010, 9 a.m.–4:45 p.m.

MATTERS TO BE CONSIDERED: Closed Executive Session.

PORTIONS CLOSED TO THE PUBLIC: Friday, May 14, 2010, 8:30 a.m.–10:30 a.m.

CONTACT PERSON FOR MORE INFORMATION: Mark Quigley, Director of Communications, NCD, 1331 F Street, NW., Suite 850, Washington, DC 20004; 202–272–2004, 202–272–2074 (TTY).

Dated: May 4, 2010.

Joan M. Durocher,
Executive Director.

[FR Doc. 2010–11392 Filed 5–10–10; 11:15 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 70–7019; NRC–2010–0174]

Notice of Acceptance of Application for Special Nuclear Materials License From Oregon State University, Corvallis, OR, Opportunity To Request a Hearing, and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information (SUNSI) for Contention Preparation

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of license application, opportunity to request a hearing, and Order Imposing Procedures for Access

¹¹ We are persuaded that *Nat'l Ass'n of Broadcasters v. Copyright Royalty Tribunal*, 772

F.2d 922, 932 (DC Cir. 1985), *cert. denied*, 475 U.S.

1035 (1986), is not a bar to our consideration of changed circumstances.