

(ODL), 8701 Morrisette Drive, Springfield, Virginia 22152; and must be filed no later than May 18, 2010.

Dated: March 5, 2010.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 2010-6036 Filed 3-18-10; 8:45 am]

**BILLING CODE 4410-09-P**

## DEPARTMENT OF JUSTICE

### Federal Bureau of Prisons

#### Notice of Cancellation of the Environmental Impact Statement for the Criminal Alien Requirement 9

**AGENCY:** U.S. Department of Justice, Federal Bureau of Prisons.

**ACTION:** Notice of Cancellation of the Environmental Impact Statement.

**SUMMARY:** The Department of Justice, Federal Bureau of Prisons (BOP), announces that it is has decided to discontinue preparation of the Environmental Impact Statement (EIS) for the Criminal Alien Requirement 9 project (CAR 9). This notice briefly describes the history of the CAR 9 EIS.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

In accordance with the National Environmental Policy Act (NEPA) of 1969, the Council of Environmental Quality Regulations (40 CFR parts 1500-1508), and the Department of Justice procedures for implementing NEPA (28 CFR 61), the BOP prepared a Draft Environmental Impact Statement (DEIS) for the proposed contract with one or more private contractor's to house up to 1,889 federal, low-security, adult male, non-U.S. citizen, criminal aliens at contractor-owned, contractor-operated correctional facilities located in Baldwin, Michigan or Lake City, Florida. The BOP began the EIS process with a Notice of Intent published in the Federal Register on June 19, 2009. Public scoping meetings were then held in Lake City, Florida on June 30, 2009, and in Baldwin, Michigan on July 7, 2009. Following the close of the public scoping period, the DEIS was developed. A Notice of Availability of the DEIS was placed in the **Federal Register** on November 6, 2009, initiating the 45-day public comment period which closed on December 21, 2009. Public Hearings were held November 17, 2009 in Lake City, Florida, and November 24, 2009 in Baldwin, Michigan.

This notice announces the decision by the BOP to cancel the DEIS following cancellation of the underlying proposed contracting action due to lack of funding.

*Questions Concerning This Matter May Be Directed To:* Richard A. Cohn, Chief, Capacity Planning and Site Selection Branch, or Issac J. Gaston, Site Selection Specialist, Federal Bureau of Prisons, 320 First Street, NW., Washington, DC 20534, *Tel:* 202-514-6470, *Fax:* 202-616-6024/*E-mail:* [racohn@bop.gov](mailto:racohn@bop.gov) or [igaston@bop.gov](mailto:igaston@bop.gov).

Dated: March 12, 2010.

**Richard A. Cohn,**

*Chief, Capacity Planning and Site Selection Branch.*

[FR Doc. 2010-5939 Filed 3-18-10; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Comment Request for Information Collection for Evaluation of the Technology-Based Learning Grants: New Collection

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning a new data collection effort for the Technology-Based Learning Grants Evaluation.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee's section below on or before May 18, 2010.

**ADDRESSES:** Submit written comments to Jonathan Simonetta, Room N-5641, Employment and Training Administration, 200 Constitution Avenue, NW., Washington, DC 20210. *Telephone number:* 202-693-3911 (this is not a toll-free number). *Fax:* 202-693-2766. *E-mail:*

[Simonetta.jonathan@dol.gov](mailto:Simonetta.jonathan@dol.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The Evaluation of the Technology-Based Learning (TBL) Grants is a two-year evaluation of grantees funded under the Employment and Training Administration's (ETA) TBL Initiative (73 FR 35155 (June 20, 2008)) to implement TBL programs that increase worker access to training in a timely and effective manner, while simultaneously stimulating the development of new and innovative models and uses for TBL in the public workforce system. The evaluation will document and assess learners' experiences and outcomes related to participating in such a program, and the implications for the public workforce system.

As a key part of the TBL evaluation, ETA's contractor will collect administrative data from grantees and administer a customer survey. The customer survey will provide information on customer satisfaction and participant outcomes, and thus inform future TBL projects. Since grantees are presently reporting only limited data about TBL participants to ETA, reasons for participation, challenges to participation, other workforce services received, and, of particular importance, satisfaction with TBL training and services would not otherwise be available in the absence of the survey. Thus, in order to more thoroughly evaluate the TBL program, participation, outcomes and satisfaction data will be gathered from both the limited administrative data and the customer survey.

The survey will be conducted online and will provide basic demographic, programmatic, and outcome information on participants in TBL programs, and supply participants' contact information for survey administration.

##### **II. Review Focus**

The Department of Labor is particularly interested in comments which:

\* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- \* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- \* Enhance the quality, utility, and clarity of the information to be collected; and
- \* Minimize the burden of the collection of information on those who are to respond, including through the

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**III. Current Actions**

*Type of Review:* New collection.  
*Title:* Evaluation of the Technology-Based Learning Grants.  
*OMB Number:* 1205-0NEW.

*Affected Public:* Individuals.  
*Form(s):* n/a.  
*Total Respondents:* 1,500.  
*Frequency:* One-time survey.  
*Total Responses:* 1,050.  
*Average Time per Response:* 20 minutes.  
*Estimated Total Burden Hours:* 350 (see table 1, below).  
*Total Burden Cost for Respondents:* \$17,991.

TABLE 1—ESTIMATED BURDEN HOURS

Activity	Sample size	Response rate	Number of respondents	Frequency	Time per response (minutes)	Total burden hours
Monthly Administrative Data Requests .....	.....	.....	20	7 .....	120	280
Final Administrative Data Request .....	.....	.....	20	Once .....	240	80
Customer Survey .....	1,500	70%	1,050	Once .....	20	350

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 15, 2010.

**Jane Oates,**  
*Assistant Secretary, Employment and Training Administration.*  
 [FR Doc. 2010-6026 Filed 3-18-10; 8:45 am]  
**BILLING CODE 4510-FN-P**

**LIBRARY OF CONGRESS**

**Copyright Office**

[Docket No. RF 2009-1]

**Copyright Royalty Judges' Authority to Subpoena a Nonparticipant to Appear and Give Testimony or to Produce and Permit Inspection of Documents or Tangible Things**

**AGENCY:** Copyright Office, Library of Congress.  
**ACTION:** Final order.

**SUMMARY:** The Copyright Royalty Judges, acting pursuant to statute, referred a material question of substantive law to the Register of Copyrights concerning their authority to subpoena a nonparticipant to appear and give testimony or to produce and permit inspection of documents or tangible things. The Register of Copyrights responded by delivering a Memorandum Opinion to the Copyright Royalty Board on February 23, 2010.  
**DATES:** *Effective Date:* February 23, 2010.

**FOR FURTHER INFORMATION CONTACT:** Tanya Sandros, Deputy General Counsel, or Stephen Ruwe, Attorney Advisor, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** In the Copyright Royalty and Distribution Reform Act of 2004, Congress amended Title 17 to replace the copyright arbitration royalty panels with the Copyright Royalty Judges ("CRJs"). One of the functions of the CRJs is to make determinations and adjustments of reasonable terms and rates of royalty payments as provided in sections 112(e), 114, 115, 116, 118, 119 and 1004 of the Copyright Act. The CRJs have the authority to request from the Register of Copyrights ("Register") an interpretation of any material question of substantive law that relates to the construction of provisions of Title 17 and arises during the proceeding before the CRJs. See 17 U.S.C. 802(f)(1)(A)(ii).

On January 28, 2010, the CRJs delivered to the Register an Order referring a material question of substantive law for determination by the Register: "Whether the Copyright Royalty Judges have authority under the Copyright Act to subpoena a nonparticipant to appear and give testimony or to produce and permit inspection of documents or tangible things?" The CRJs also delivered to the Register the briefs filed with the CRJs by RealNetworks, Inc., Live365, Inc., SoundExchange, Inc., CBS Interactive, Inc., Pandora Media, Inc., and Slacker, Inc. in connection with a motion seeking the issuance of subpoenas to nonparty witnesses, as well as the

transcripts of a hearing regarding consideration of that motion.

The Order stated that the CRJs were requesting an interpretation of a material question of substantive law pursuant to 17 U.S.C. 802(f)(1)(A)(ii), which allows a 14-day response period. However, section 802(f)(1)(B)(i) provides that when the CRJs request a decision by the Register on "a novel material question of substantive law concerning an interpretation of those provisions of this title that are the subject of the proceeding" (emphasis added), the Register shall transmit her decision within a 30-day response period. A novel question of law is one that "has not been determined in prior decisions, determinations, and rulings described in section 803(a)." *Id.* On February 11, the Register advised the CRJs that she had determined that the material question of law that is the subject of the Order is novel because it has not been determined in prior decisions, determinations, and rulings described in 17 U.S.C. 803(a). See 17 U.S.C. 802(f)(1)(B)(ii).

On February 23, the Register responded in a Memorandum Opinion to the CRJs that addressed the novel material question of law. To provide the public with notice of the decision rendered by the Register, the Memorandum Opinion is reproduced in its entirety, below. The timely delivery of the Register's response requires that "the Copyright Royalty Judges shall apply the legal determinations embodied in the decision of the Register of Copyrights in resolving material questions of substantive law." See 17 U.S.C. 802(f)(1)(B)(I).