

eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of the subject public agency. The determination was issued on June 17, 2010, and the Notice of Determination was published in the **Federal Register** on July 1, 2010 (75 FR 38142).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The negative determination of the TAA petition filed on behalf of workers at Washington Department of Transportation, Olympic Division, Aberdeen Maintenance Office, Chehalis Drawbridge Tenders, Aberdeen, Washington, was based on the finding that the public agency (the Chehalis Drawbridge) that is the subject of this case did not acquire services like or directly competitive to drawbridge operation and maintenance services from a foreign country.

In the request for reconsideration the petitioning union official stated that the workers of the subject firm should be eligible for TAA because the initial decision was based on a misinterpretation of the new language for certification of public entities. The petitioner alleged that the bridge tenders lost their jobs due to the closure of several upstream facilities (notably the Weyerhaeuser complex, for which there are several current certifications), and those plant closures lessened river traffic to the point that the bridge operated by the workers laid off by the subject agency could go unattended. The petitioner refers to the bridge and its tenders as a secondary supplier which he believes should qualify for benefits because of their relationship to the certified Weyerhaeuser facilities upriver from the bridge.

The group eligibility requirements for workers of a Public Agency can only be satisfied if the criteria as depicted in the initial decision are met.

The petitioner did not supply facts not previously considered; nor provide additional documentation indicating that there was either (1) a mistake in the determination of facts not previously considered or (2) a misinterpretation of facts or of the law justifying

reconsideration of the initial determination.

After careful review of the request for reconsideration, the Department determines that 29 CFR 90.18(c) has not been met.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 8th day of October, 2010.

Elliott S. Kushner,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2010-27762 Filed 11-2-10; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Comment Request; Review of Productivity Statistics

ACTION: Notice of solicitation of comments.

SUMMARY: The Department of Labor through the Bureau of Labor Statistics (BLS) is responsible for publishing measures of labor productivity and multifactor productivity for major sectors and industries of the United States economy. BLS periodically conducts formal reviews of its programs in order to assess their content, methodology, efficiency, and effectiveness. To enhance the quality and relevance of productivity data, BLS is soliciting comments on the scope and coverage of these data, on the methods used in constructing them, and on areas of interest for future program development.

DATES: Written comments must be submitted to the office listed in the Addresses section of this notice on or before December 3, 2010.

ADDRESSES: Send comments to Michael J. Harper, Office of Productivity and Technology, Bureau of Labor Statistics, Room 2150, 2 Massachusetts Avenue, NE., Washington, DC 20212 or by e-mail to: optfeedback@bls.gov.

FOR FURTHER INFORMATION CONTACT: Michael J. Harper, Office of Productivity and Technology, Bureau of Labor Statistics, telephone number 202-691-5600, or by e-mail at optfeedback@bls.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor through the Bureau of Labor Statistics (BLS) is responsible for publishing measures of labor productivity and multifactor productivity for major sectors and industries of the United States economy. The Office of Productivity and Technology (OPT) differs from other BLS programs in that it does not conduct surveys to collect data. Instead, it produces productivity estimates from published and unpublished data collected and compiled by other BLS programs, the Bureau of Economic Analysis, the Census Bureau, other Federal statistical agencies, and the Board of Governors of the Federal Reserve System.

Labor productivity is defined as output per hour worked. BLS reports quarterly on productivity growth and its components (output and hours) and on other measures, such as unit labor costs and hourly compensation. These measures are produced for the business, nonfarm business, and manufacturing sectors, and for nonfinancial corporations. The quarterly measures are designated by the Office of Management and Budget as a Principal Federal Economic Indicator. BLS also produces annual measures of labor productivity for about 400 detailed industries. BLS labor productivity data are available at the following Internet address: <http://www.bls.gov/lpc/>.

BLS also produces estimates of multifactor productivity (MFP), which is defined as output per unit of combined inputs. The combined inputs include hours and capital services; in some cases, additional inputs include labor composition and intermediate goods and services. BLS reports MFP growth, along with its components (output, capital, hours, etc.) and other measures such as capital-labor ratios, capital user costs, and labor composition indexes. These measures are designed to analyze the effects of technological change on economic growth, the substitutability of inputs, and changes in the composition of inputs and outputs. BLS produces annual measures of multifactor productivity for private business, private nonfarm business, and manufacturing sectors and for many detailed industries. BLS MFP data are available at the following Internet address: <http://www.bls.gov/mfp/>.

II. Productivity Coverage and Methods

The quarterly nonfarm business labor productivity measures are constructed within the conceptual framework of the

U.S. National Income and Product Accounts (NIPAs) published by the Bureau of Economic Analysis (BEA). The output data are based on a value-added concept and come from product-side estimates of Gross Domestic Product.

The primary source of hours data is the BLS Current Employment Statistics (CES) program, which collects hours paid for nonsupervisory workers. These data are adjusted using data from the Current Population Survey, the National Compensation Survey, and other sources to account for differences between the desired concept of hours (hours worked for all employed persons) and the CES concept (hours paid for production and nonsupervisory employees).

For detailed industries, annual output measures represent the total value of goods and services produced, and are based primarily on data from the U.S. Census Bureau. These measures use a sectoral output concept, which differs from real gross output in that it excludes output that is shipped to other establishments in the same industry. As with the nonfarm business sector productivity, industry hours are constructed primarily from payroll data from the BLS CES survey, supplemented with data from the CPS and other Federal data sources.

Multifactor productivity is estimated in a conceptual framework based on the economic theory of the firm. This framework guides the construction and interpretation of the measures. For the private business and nonfarm business sectors, value added output is compared to inputs of labor and capital. For detailed industries, sectoral output is compared to capital and labor inputs as well as intermediate inputs of energy, non-energy materials and business services provided by establishments outside of each industry or sector.

III. Desired Focus of Comments

Comments and recommendations are requested from the public on the following aspects of the BLS productivity measurement program:

- The scope and amount of detail covered by and published in the productivity datasets.
- The concepts and frameworks used in measuring outputs, inputs, and productivity.
- The sources of data used in productivity measurement.
- Areas of research that the BLS productivity program should emphasize.

In your recommendations to the productivity program, it would be particularly helpful if you could explain

how the changes would make the data more accurate or more useful.

Signed at Washington, DC, this 28th day of October 2010.

Kimberley Hill,

*Chief, Division of Management Systems,
Bureau of Labor Statistics.*

[FR Doc. 2010-27727 Filed 11-2-10; 8:45 am]

BILLING CODE 4510-24-P

LIBRARY OF CONGRESS

[Docket No. 2010-4]

Copyright Office; Federal Copyright Protection of Sound Recordings Fixed Before February 15, 1972

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of inquiry.

SUMMARY: Congress has directed the Copyright Office to conduct a study on the desirability and means of bringing sound recordings fixed before February 15, 1972, under Federal jurisdiction. Currently, such sound recordings are protected under a patchwork of State statutory and common laws from their date of creation until 2067. This notice requests written comments from all interested parties regarding Federal coverage of pre-1972 sound recordings. Specifically, the Office seeks comments on the likely effect of Federal protection upon preservation and public access, and the effect upon the economic interests of rights holders. The Office also seeks comments on how the incorporation of pre-1972 sound recordings into Federal law might best be achieved.

DATES: Initial written comments must be received in the Office of the General Counsel of the Copyright Office no later than December 20, 2010. Reply comments must be received in the Office of the General Counsel of the Copyright Office no later than December 3, 2010.

ADDRESSES: The Copyright Office strongly prefers that comments be submitted electronically. A comment page containing a comment form is posted on the Copyright Office Web site at <http://www.copyright.gov/docs/sound/comments/comment-submission-index.html>. The Web site interface requires submitters to complete a form specifying name and organization, as applicable, and to upload comments as an attachment via a browse button. To meet accessibility standards, each comment must be uploaded in a single file in either the Adobe Portable Document File (PDF) format that contains searchable, accessible text (not

an image); Microsoft Word; WordPerfect; Rich Text Format (RTF); or ASCII text file format (not a scanned document). The maximum file size is 6 megabytes (MB). The name of the submitter and organization should appear on both the form and the face of the comments. All comments will be posted on the Copyright Office Web site, along with names and organizations.

If electronic submission of comments is not feasible, comments may be delivered in hard copy. If hand delivered by a private party, an original and five copies of a comment or reply comment should be brought to the Library of Congress, U.S. Copyright Office, Room LM-401, James Madison Building, 101 Independence Ave., SE., Washington, DC 20559, between 8:30 a.m. and 5 p.m. The envelope should be addressed as follows: Office of the General Counsel, U.S. Copyright Office.

If delivered by a commercial courier, an original and five copies of a comment or reply comment must be delivered to the Congressional Courier Acceptance Site ("CCAS") located at 2nd and D Streets, SE., Washington, DC between 8:30 a.m. and 4 p.m. The envelope should be addressed as follows: Office of the General Counsel, U.S. Copyright Office, LM-403, James Madison Building, 101 Independence Avenue, SE., Washington, DC 20559. Please note that CCAS will not accept delivery by means of overnight delivery services such as Federal Express, United Parcel Service or DHL.

If sent by mail (including overnight delivery using U.S. Postal Service Express Mail), an original and five copies of a comment or reply comment should be addressed to U.S. Copyright Office, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Chris Weston, Attorney Advisor. Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

SUPPLEMENTARY INFORMATION:

Introduction

The Copyright Office is conducting a study on "the desirability of and means for bringing sound recordings fixed before February 15, 1972, under federal jurisdiction." When it enacted the Omnibus Appropriations Act of 2009, Congress directed the Register of Copyrights to conduct such a study and seek comments from interested parties. H. Comm. On Appropriations, H.R. 1105, Public Law 111-8 [Legislative Text and Explanatory Statement] 1769