requested administrative reconsideration of the Department's negative determination. The request for reconsideration alleged that Gensym produced software and that there may have been a shift of production to at least one foreign country.

The Department issued a Notice of Affirmative Determination Regarding Application of Reconsideration on March 2, 2009. The Department's Notice of Determination was published in the **Federal Register** on March 11, 2009 (74 FR 10616).

The reconsideration determination stated that Gensym did not produce software during the relevant period (the date one year prior to the petition date through the petition date). The Department concluded that because no production took place at Gensym during the relevant period, there could not have been a shift of production by Gensym to a foreign country during the relevant period and that the subject worker group could not have supported such domestic production during the relevant period.

The Department's Notice of Negative Determination of Reconsideration was issued on April 21, 2009. The Department's Notice of determination was published in the **Federal Register** on April 30, 2009 (74 FR 19997).

In the Complaint, the Plaintiff asserts that ''new releases'' of existing software were produced during the relevant period, and provided a copy of a Gensym news release (''Gensym Announces Release of Gensym G2 8.3 R2,'' Austin, Texas, March 20, 2008).

In order to determine whether the subject workers meet the TAA group eligibility requirements, the Department must first determine whether or not an article was produced at the subject firm, then determine whether the subject workers are adversely impacted by increased imports of articles like or directly competitive with those produced by the subject firm or by a shift in production abroad of articles like or directly competitive with articles produced by the subject firm.

In order for a worker group to qualify for TAA as primary workers, they must either be (1) engaged in domestic production, or (2) in support of an affiliated domestic production facility. Where the workers support production, the facility that they support must be import-impacted or have shifted production pursuant to Section 222(a)(2)(B).

The requirement that the firm employing the subject workers produce an article domestically was stated in the Notice of Revised Determination on Remand for Lands' End, A Subsidiary of Sears Roebuck and Company, Business Outfitters CAD Operations, Dodgeville, Wisconsin, TA–W–56,688 (issued on March 24, 2006, published at 71 FR 18357). The determination also stated that articles can be either tangible or intangible. Software code, software enhancements/updates, software ''patches'' and new releases of existing software are considered articles, for purposes of the Trade Act.

During the remand investigation, the Department sought from Gensym information regarding the software releases identified in Plaintiff's support documentation (''Gensym Announces Release of Gensym G2 8.3 R2'' news release). Based on information submitted during the course of the remand investigation, the Department also sought information from Gensym regarding articles (software updates/enhancements) produced at its Austin, Texas facility during the relevant period and the relationship between Gensym-MA and the Austin, Texas facility.

The Department had requested that Plaintiff's counsel provide new and additional information that Plaintiff indicated was relevant to the remand investigation, but did not receive any such information. Therefore, the remand determination is based solely on new information provided by Gensym.

During the remand investigation, Gensym confirmed that the firm did produce updates/enhancements for existing software products. Gensym also provided new information that revealed that production of software updates/enhancements was shifted abroad and that the shift was followed by increased imports of articles like or directly competitive with those produced by Gensym.

Based on the new information provided by Gensym during the remand investigation, the Department determines that the criteria set forth in Section 222(a)(2)(B) has been satisfied.

In accordance with Section 246 the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department herein presents the results of its investigation regarding certification of eligibility to apply for ATAA.

The Department has determined in the immediate case that the group eligibility requirements of Section 246 have been met.

A significant number of workers at Gensym-MA are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the facts generated through the remand investigation, I determine that a shift of production to a foreign country by Gensym of articles like or directly competitive with software updates/enhancements, followed by increased imports of articles like or directly competitive with those produced by Gensym, contributed to the total or partial separation of a significant number or proportion of workers at Gensym Corporation, Burlington, Massachusetts.

In accordance with the provisions of the Act, I make the following certification:

All workers of Gensym Corporation, a subsidiary of Versata Enterprises, Inc., Burlington, Massachusetts, who became totally or partially separated from employment on or after December 2, 2007, through two years from the issuance of this revised determination, are eligible to apply for Trade Adjustment Assistance under Section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 23rd day of December 2009.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E9–31387 Filed 1–4–10; 8:45 am]

BILLING CODE 4510–FN–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 2010–1 CRB Cable Rate]

Adjustment of Cable Statutory License Royalty Rates

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Notice announcing commencement of proceeding with request for Petitions to Participate.

SUMMARY: The Copyright Royalty Judges are announcing the commencement of the proceeding to adjust the rates for the cable statutory license. The Copyright Royalty Judges also are announcing the date by which a party who wishes to participate in the rate adjustment proceeding must file its Petition to Participate and the accompanying $150 filing fee.

DATES: Petitions to Participate and the filing fee are due no later than February 4, 2010.

ADDRESSES: An original, five copies, and an electronic copy in Portable Document Format (PDF) on a CD of the Petition to Participate, along with the $150 filing fee, may be delivered to the Copyright Royalty Board by either mail

or hand delivery. Petitions to Participate and the $150 filing fee may not be delivered by an overnight delivery service other than the U.S. Postal Service Express Mail. If by mail (including overnight delivery), Petitions to Participate, along with the $150 filing fee, must be addressed to: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977. If hand delivered by a private party, Petitions to Participate, along with the $150 filing fee, must be brought between 8:30 a.m. and 5 p.m. to the Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Avenue, SE., Washington, DC 20559–6000. If delivered by a commercial courier, Petitions to Participate, along with the $150 filing fee, must be delivered between 8:30 a.m. and 4 p.m. to the Congressional Courier Acceptance Site, located at 2nd and D Street, NE., Washington, DC. The envelope must be addressed to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Avenue, SE., Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: LaKeshia Keys, CRB Program Specialist, by telephone at (202) 707–7658 or e-mail at *crb@loc.gov*.

SUPPLEMENTARY INFORMATION:

Background

Section 111 of the Copyright Act, title 17 of the United States Code, grants a statutory copyright license to cable television systems for the retransmission of over-the-air television and radio broadcast stations to their subscribers. In exchange for the license, cable operators submit royalties, along with statements of account detailing their retransmissions, to the Copyright Office on a semi-annual basis. The Office then deposits the royalties with the United States Treasury for later distribution to copyright owners of the broadcast programming retransmitted by cable systems.

A cable system calculates its royalty payments in accordance with the statutory formula described in 17 U.S.C. 111(d). Royalty fees are based upon the gross receipts received by a cable system from subscribers receiving retransmitted broadcast signals. Section 111(d) subdivides cable systems into three categories based on their gross receipts: small, medium, and large. Small systems pay a fixed amount without regard to the number of broadcast signals they retransmit, while medium-sized systems pay a royalty within a specified range, with a maximum amount, based on the number of signals they retransmit. Large cable systems calculate their royalties according to the number of distant broadcast signals which they retransmit to their subscribers.[1] Under this formula, a large cable system is required to pay a specified percentage of its gross receipts for each distant signal that it retransmits.

Congress established the initial gross receipts limitations that determine a cable system's size and provided the gross receipts percentages (*i.e.*, the royalty rates) for distant signals. 17 U.S.C. 111(d)(1). It also provided for adjustment of both the gross receipts limitations and the distant signal rates. 17 U.S.C. 801(b)(2). The limitations and rates can be adjusted to reflect national monetary inflation, changes in the average rates charged by cable systems for the retransmissions of broadcast signals, or changes in certain cable rules of the Federal Communications Commission in effect on April 15, 1976. 17 U.S.C. 801(b)(2)(A), (B), (C), and (D). Prior rate adjustments of the Copyright Royalty Tribunal or Librarian of Congress made under section 801(b)(2)(B) and (C) may be reconsidered at five-year intervals. 17 U.S.C. 804(b). The current gross receipts limitations and rates are set forth in 37 CFR 256.2. Rate adjustments are now made by the Copyright Royalty Judges.

Section 804 of the Copyright Act provides that the gross receipts and royalty rates may be adjusted every five years beginning with 2005, thus making 2010 a royalty adjustment year, upon the filing of a petition to initiate a proceeding. 17 U.S.C. 804(b)(1). However, since no petition has been filed pursuant to section 804(b)(1), section 803(b)(1)(A)(i)(V) requires the Judges to publish a **Federal Register** notice no later than January 5, 2010, commencing this proceeding.

Petitions to Participate

Petitions to Participate must be filed in accordance with § 351.1(b) of the Judges' regulations. *See* 37 CFR 351.1(b). Petitions to Participate must be accompanied by the $150 filing fee. Cash will not be accepted; therefore, parties must pay the filing fee with a check or money order made payable to ''Copyright Royalty Board.'' If a check received in payment of the filing fee is returned for lack of sufficient funds, the corresponding Petition to Participate will be dismissed.

[1] For large cable systems which retransmit only local broadcast stations, there is a minimum royalty fee which must be paid. This minimum fee is not applied, however, once the cable system carries one or more distant signals.

Note that in accordance with 37 CFR 350.2 (Representation), only attorneys who are members of the bar in or more states and in good standing will be allowed to represent parties before the Copyright Royalty Judges, unless a party is an individual who represents herself or himself.

Dated: December 23, 2009.

William J. Roberts, Jr.,

U.S. Copyright Royalty Judge.

[FR Doc. E9–30825 Filed 1–4–10; 8:45 am]

BILLING CODE 1410–72–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Proposed Collection, Comment Request

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request clearance for this collection. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting OMB clearance of this collection for no longer than three years.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information of respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be received by March 8, 2010, to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Room 295, Arlington, VA 22230, or by e-mail to *splimpto@nsf.gov.*