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*Instructions:* All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:**

William A. DeCicco, Clerk of the Court, telephone (202) 761-1448.

Dated: February 19, 2010.

**Mitchell S. Bryman,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**Rule 21(b)**

*A. Remove the first sentence of existing Rule 21(b) which currently reads:*

(b) The supplement to the petition shall be filed in accordance with the applicable time limit set forth in Rule 19(a)(5)(A) or (B), shall include an Appendix containing a copy of the decision of the Court of Criminal Appeals, unpublished opinions cited in the brief, relevant extracts of rules and regulations, and shall conform to the provisions of Rules 24(b), 35A, and 37.

*B. Add the following to Rule 21(b) in its place:*

(b) The supplement to the petition shall be filed in accordance with the applicable time limit set forth in Rule 19(a)(5)(A) or (B), shall include an Appendix containing a copy of the decision of the Court of Criminal Appeals, unpublished opinions cited in the brief, relevant extracts of rules and regulations, and shall conform to the provisions of Rules 35A and 37. Unless authorized by order of the Court or by motion of a party granted by the Court, the supplement and any answer thereto shall not exceed 25 pages, except that a supplement or answer containing no more than 9,000 words or 900 lines of text is also acceptable. Any reply to the answer shall not exceed 10 pages except that a reply containing 4,000 words or 400 lines of text is also acceptable.

*C. The remainder of Rule 21(b) is unchanged except as noted below regarding Rule 21(b)(5)(G).*

*Comment:* The proposal to reduce the length of supplements, answers and replies would follow the practice at the Supreme Court of the United States where different limits apply to petitions for certiorari (9,000 words) and briefs following a grant of certiorari (15,000

words). In exceptional cases, counsel would still be able to request to exceed the limit by motion under Rule 30.

**Rule 21(b)(5)(G)**

*A. Rule 21(b)(5)(G) currently reads:*

(b) \* \* \* The supplement shall contain:

\* \* \* (5) A direct and concise argument showing why there is good cause to grant the petition, demonstrating with particularity why the errors assigned are materially prejudicial to the substantial rights of the appellant. Where applicable, the supplement to the petition shall also indicate whether the court below has:

\* \* \* (G) taken inadequate corrective action after remand by the Court subsequent to grant of an earlier petition in the same case and that appellant wishes to seek review from the Supreme Court of the United States; \* \* \*

B. The proposed change is to remove subparagraph (G) and replace it with the following new subparagraph (G):

\* \* \* (G) taken inadequate corrective action after remand by the Court subsequent to grant of an earlier petition in the same case and that appellant wishes to seek review in the Supreme Court of the United States specifying the issue or issues on which certiorari review would be sought, whether related to the remand or to the original decision by this Court; \* \* \*

*Comment:* The recent practice of the Court has been to grant petitions for grant of review in cases that have been previously remanded to the convening authority or the Court of Criminal Appeals for corrective action and are returned to the Court on a second petition. The grant of review is intended to protect the right to seek certiorari review at the Supreme Court, and may be accompanied by a summary order of affirmance. The proposed change to the Rule would add a requirement that appellate defense counsel specify the issue or issues on which certiorari review would be sought, related to either the remand or the original decision of the Court. The amendment will make it clear that there is no right to further review in this Court in all remanded cases, and also provide a more orderly process for identifying the issues that are being preserved for review on petition for certiorari. The Court can then decide whether to grant and affirm or take other action it deems appropriate.

**Rule 21A**

Adopt new Rule 21A as follows:

*Rule 21A. Submissions Under United States v. Grostefon*

(a) Issues raised pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), shall be presented in a separate Appendix to the supplement not to exceed 15 pages.

(b) Grostefon issues shall be identified by counsel with particularity, substantially in the following form:

**Grostefon Issue Appendix**

Pursuant to *United States v. Grostefon*, 12 M.J. 431 (C.M.A. 1982), appellant, through appellate defense counsel, personally requests that this Court consider the following matters:

[List issues and any argument for each issue.]

(c) Grostefon issues raised within 30 days of the filing of the supplement under Rule 19(a)(5)(C) are subject to and included within the 15-page limit in this Rule.

*Comment:* This new Rule is designed to fill a gap that currently exists in the Rules regarding page limits for submissions of personally asserted matters under Grostefon. The new Rule will allow counsel more than enough space to identify issues that the appellant wishes to raise and to attach any reasonably sized written submission that the appellant prepared. The 15-page limit is all-inclusive, *i.e.*, all stated issues, argument, and written submissions from the appellant must not exceed a total of 15 pages. The Rule is consistent with Grostefon and allows counsel to describe the issues the appellant wants to raise, without needlessly burdening the Court with voluminous filings of material that would never be permitted for filings by counsel.

[FR Doc. 2010-3818 Filed 2-24-10; 8:45 am]

BILLING CODE 5001-06-P

**DEPARTMENT OF EDUCATION**

**Submission for OMB Review; Comment Request**

**AGENCY:** Department of Education.

**SUMMARY:** The Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before March 29, 2010.

**ADDRESSES:** Written comments should be addressed to the Office of

Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503, be faxed to (202) 395-5806 or e-mailed to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov) with a cc: to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov).

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Director Information Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: February 22, 2010.

**James Hyler,**

*Acting Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.*

**Office of Postsecondary Education**

*Type of Review:* New.

*Title:* IEPs Fulbright-Hays Group Projects Abroad Customer Surveys.

*Frequency:* On Occasion.

*Affected Public:* Individuals or households.

*Reporting and Recordkeeping Hour Burden:*

Responses: 1,829.

Burden Hours: 809.

*Abstract:* The purpose of this evaluation is to assess the impact of the Group Projects Abroad (GPA) program in enhancing the foreign language capacity of the United States. Three surveys will be conducted: a survey of the GPA Project Directors; A survey of 2002-2008 GPA alumni; and a survey of

2009 alumni. Results from the three surveys will inform the writing of a final report determining the impact of the GPA program.

Requests for copies of the information collection submission for OMB review may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 4182. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to the Internet address [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 2010-3870 Filed 2-24-10; 8:45 am]

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Dated: February 22, 2010.

**James Hyler,**

*Acting Director, Information Collection Clearance Official, Regulatory Information Management Services, Office of Management.*

**Office of Special Education and Rehabilitative Services**

*Type of Review:* Revision.

*Title:* Report on IDEA Part B

Maintenance of Effort Reduction (34 CFR 300.205(a)) and Coordinated Early Intervening Services (34 CFR 300.226).

*Frequency:* Annually.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

Responses: 60.

Burden Hours: 1,032,480.

*Abstract:* This package provides instructions and forms necessary for States to report on the provisions of coordinated early intervening services (CEIS) and maintenance of effort (MOE) reduction in IDEA. The form satisfies reporting requirements and is used by OSEP to monitor SEAs and for Congressional reporting.

Requests for copies of the information collection submission for OMB review may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 4146. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue,