

and Readiness) announces the following proposed extension of a public information collection and seeks public comment on the provisions thereof. 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 burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by January 28, 2008.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

Instructions: All submissions received must include the agency name, docket number and title 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 any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Department of Defense Education Activity, *Attn:* Dr. Sandra D. Embler, 4040 North Fairfax Drive, Arlington, VA 22203-1635, or call at (703) 588-3175.

Title and OMB Control Number: Department of Defense Educational Activity (DoDEA) Customer Satisfaction Survey for Sponsors and Students, OMB Control Number 0704-0421.

Needs and Uses: The Department of Defense Education Activity (DoDEA) Customer Satisfaction Survey for Sponsors and Students is a tool used to measure the satisfaction level of sponsors and students with the

programs and services provided by DoDEA. This collection is necessary to meet the Government Performance and Results Act of 1993, Public Law 103-62; 107 Stat. 285, that requires agencies to have strategic plans and to consult with affected persons. A major purpose of the regulation is to improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction.

Affected Public: Individuals or households.

Annual Burden Hours: 2,167.

Number of Respondents: 6,500.

Responses per Respondent: 1.

Average Burden per Response: 20 minutes.

Frequency: Biennially.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The Department of Defense Education Activity (DoDEA) Customer Satisfaction Survey for Sponsors and Students will be administered to DoDEA students in grades 4-12, and to all parents and/or sponsors of DoDEA students. Participating in the survey is completely voluntary and will be administered through an online, Web-based technology. In order to have comparison between DoDEA parents and parents of students in U.S. public schools, some survey questions from the Phi Delta Kappa/Gallup Poll of the Public's Attitudes Toward Schools will be used. Additional survey questions were developed to address specific issues and needs within DoDEA. The surveys will give parents/sponsors and students an opportunity to comment on their overall levels of satisfaction with DoDEA schools, as well as on specific programmatic issues related to Department of Defense schools, including curriculum, communication, and technology. The surveys will be administered biennially.

The information derived from these surveys will be used to improve planning efforts at all levels throughout DoDEA. Schools, districts, and areas will use the survey results to gain insight into the satisfaction levels of sponsors and students, which is one of many measures used for future planning of programs and services offered to DoDEA's students. The survey results will also be used as an outcome measure to monitor progress on the goals of the DoDEA Community Strategic Plan.

Dated: November 15, 2007.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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DEPARTMENT OF DEFENSE

Office of the Secretary

[DOD-2007-OS-0126]

U.S. Court of Appeals for the Armed Forces Proposed Rules Changes

ACTION: Notice of proposed changes to the Rules of Practice and Procedure of the United States Court of Appeals for the Armed Forces.

SUMMARY: This notice announces the following proposed changes to Rule 27(b), 30(e), and 36(A) of the Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces for public notice and comment. New language is in bold print. Language to be deleted is marked by a strikethrough.

DATES: Comments on the proposed changes must be received within 30 days of this notice.

ADDRESSES: You may submit comments, identified by docket number and/or RIN number and title, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Mail: Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions is to make them 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: November 21, 2007.

L.M. Bynum,

Alternate OSD Federal Liaison Officer, DoD.

BILLING CODE 5001-06-M

PROPOSED CHANGE TO RULE 27(b)**EXTRAORDINARY RELIEF****RULE 27. PETITION FOR EXTRAORDINARY RELIEF, WRIT-APPEAL
PETITION, ANSWER, AND REPLY**

(a) Unchanged.

(b) Writ-appeal petition, answer, and reply. A writ-appeal petition for review of a decision by a Court of Criminal Appeals acting on a petition for extraordinary relief shall be filed by an appellant, together with any available record, including the items specified by subsection (a)(2)(C), within the time prescribed by Rule 19(e), **shall conform in length to Rule 24(b)**, shall be accompanied by proof of service on the appellee in accordance with Rule 32, and shall contain the information required by subsection (a)(2)(B).

PROPOSED CHANGE TO RULE 30(e)**RULE 30. MOTIONS**

(a)-(d) Unchanged.

(e) Once a notice of hearing has been given to counsel for the parties, motions may not be filed within 5 ~~working~~ **business** days prior to the date on which such hearing is scheduled, except by leave of the Court and for good cause shown.

PROPOSED CHANGE TO RULE 36A**RULE 36A. CITATIONS TO SUPPLEMENTAL AUTHORITIES**

If pertinent and significant authorities come to a party's attention after such party has filed a pleading allowed under these Rules, or after oral argument but before a final decision, the party may promptly advise the Clerk by letter, with a copy to all parties, setting forth the citations. The letter must state **why the supplemental citations are pertinent and significant**, ~~without argument, the reasons for each supplemental citation,~~ referring either to the page of the earlier filed pleading or to a point argued orally. ~~to which the citation is pertinent. The body of the letter must not exceed 350 words, and copies of the supplemental authorities referenced in the letter shall be attached to the original and each copy of the letter.~~ Any response by other parties must be made promptly and must be similarly limited. See Rule 37(b)(2).

If the letter or the response is to be submitted less than 5 business days prior to oral argument, submission and service shall be by overnight mail delivery or by more expeditious means to allow the Court and all parties adequate time to consider the authorities cited before oral argument.

Comments:

Current Rule 27(b) regarding writ-appeal petitions does not contain a page limit. The proposed change amends this oversight.

The recommendation to change Rule 30(e) would modify the word "working" to "business" days for consistency with new Rule 36A.

Current Rule 36A provides for the citation of supplemental authority by letter both before and after oral argument. The letter must explain why the citations are being provided "without argument" and identify the page of the brief or the point argued orally to which the supplemental citation refers. Opposing counsel may respond, but is similarly limited. The current rule is comparable to Federal Rule of Appellate Procedure 28(j) as it existed prior to being amended in 2002. The amended rule, like the current version of Rule 28(j), allows counsel a limit of 350 words to state the reasons why the cases are being cited as supplemental authorities. It also removes the restriction in the current rule that prohibited counsel from including argument in the letter. The prohibition was dropped because the line between a statement explaining the reasons for the filing "without argument" and a comparable statement "with argument" is, for practical purposes, non-existent. The requirement that counsel identify why the supplemental authority is "pertinent and significant" is a better formulation that may eliminate marginal or ill-advised filings. By limiting the response to 350 words, there is little chance that the Rule 36A letter will become a vehicle for unauthorized supplemental briefing.

The amended rule adds three requirements that are not in the Federal Rules of Appellate Procedure: 1) the proposed rule specifically directs counsel to use the 350 words to explain why the supplemental authorities are pertinent and significant; 2) counsel is required to attach a copy of each authority to the letter and all copies; and 3) when filing the letter less than 5 business days before oral argument, the letter must be transmitted to counsel by overnight mail or more expeditiously to allow for appropriate consideration.

DEPARTMENT OF EDUCATION

**Arbitration Panel Decision Under the
Randolph-Sheppard Act**

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: The Department of Education (Department) gives notice that on July 18, 2007, an arbitration panel rendered a decision in the matter of *Frank Malone*