

determination on the nomination's designation.

Done at Washington, DC, January 15, 2010.

**Roger Beachy,**

*Director, National Institute of Food and Agriculture.*

[FR Doc. 2010-1114 Filed 1-21-10; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Secrecy and License To Export

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the revision of a continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before March 23, 2010.

**ADDRESSES:** You may submit comments by any of the following methods:

- *E-mail:* Susan.Fawcett@uspto.gov. Include "0651-0034 Secrecy and License to Export collection comment" in the subject line of the message.

- *Fax:* 571-273-0112, marked to the attention of Susan K. Fawcett.

- *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, U.S. Patent and Trademark

Office, P.O. Box 1450, Alexandria, VA 22313-1450.

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to the attention of Brian Hanlon, Director, Office of Patent Legal Administration, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone 571-272-5047; or by e-mail to [Brian.Hanlon@uspto.gov](mailto:Brian.Hanlon@uspto.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

In the interest of national security, patent laws and rules place certain limitations on the disclosure of information contained in patents and patent applications and on the filing of applications for patents in foreign countries. Whenever publication or disclosure by the publication of an application, in the opinion of the head of the interested Government agency, is determined to be detrimental to national security, the Commissioner for Patents at the United States Patent and Trademark Office (USPTO) must issue a secrecy order and withhold the grant of a patent for such period as the national interest requires. If a secrecy order is applied to an international application, the application will not be forwarded to the International Bureau as long as the secrecy order is in effect. The USPTO collects information to determine whether the patent laws and rules have been complied with and to grant or revoke licenses to file abroad when appropriate. This collection of information is required by 35

U.S.C.181-188 and administered through 37 CFR 5.1-5.33.

There are no forms associated with this collection of information.

##### II. Method of Collection

By mail, facsimile, or hand delivery to the USPTO when the applicant or agent files a patent application with the USPTO, submits subsequent papers during the prosecution of the application to the USPTO, or submits a request for a foreign filing license for a patent application to be filed abroad before the filing of a U.S. patent application.

##### III. Data

*OMB Number:* 0651-0034.

*Form Number(s):* None.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals, businesses or other for-profits; not-for-profit institutions.

*Estimated Number of Respondents:* 1,794 responses per year.

*Estimated Time Per Response:* The USPTO estimates that it will take between 30 minutes (0.5 hours) to 4 hours to gather, prepare and submit this information, depending upon the complexity of the situation.

*Estimated Total Annual Respondent Burden Hours:* 1,538 hours per year.

*Estimated Total Annual Respondent Cost Burden:* \$499,850. The USPTO expects that the information in this collection will be prepared by attorneys. Using the professional hourly rate of \$325 for attorneys in private firms, the USPTO estimates that this collection will have a total respondent cost burden of \$499,850 per year.

Item	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Petition for rescission of secrecy order .....	3 hours .....	6	18
Petition to disclose or modification of secrecy order .....	2 hours .....	3	6
Petition for general and group permits .....	1 hour .....	1	1
Petition for expedited handling of license (no corresponding application) .....	30 minutes .....	1,347	674
Petition for expedited handling of license (corresponding U.S. application) .....	30 minutes .....	259	130
Petition for changing the scope of a license .....	30 minutes .....	1	1
Petition for retroactive license .....	4 hours .....	177	708
Totals .....	.....	1,794	1,538

Estimated Total Annual Non-Hour Respondent Cost Burden: \$356,879. There are no capital start-up, maintenance, or record keeping costs

associated with this information collection. There are, however, filing fees and postage costs.

This collection has a total of \$356,800 in associated filing fees, as shown in the accompanying table.

Item	Responses	Filing fee	Total filing fees
Petition for rescission of secrecy order .....	6	\$0.00	\$0.00
Petition to disclose or modification of secrecy order .....	3	0.00	0.00
Petition for general and group permits .....	1	0.00	0.00

Item	Responses	Filing fee	Total filing fees
Petition for expedited handling of license (no corresponding application) .....	1,347	200.00	269,400.00
Petition for expedited handling of license (corresponding U.S. application) .....	259	200.00	51,800.00
Petition for changing the scope of a license .....	1	200.00	200.00
Petition for retroactive license .....	177	200.00	35,400.00
Totals .....	1,794	.....	356,800.00

The USPTO estimates that 90 percent (90%) of the petitions in this collection are submitted to the USPTO by facsimile or hand carried because of the quick turnaround required. For the 10 percent (10%) of the public that chooses to submit the petitions in this collection to the USPTO by mail through the United States Postal Service, the USPTO estimates that the average first class postage cost for a mailed submission will be 44 cents. Therefore, the USPTO estimates that up to 179 submissions per year may be mailed to the USPTO at an average first class postage cost of 44 cents, for a total postage cost of \$79.

The USPTO estimates that the total non-hour respondent cost burden for this collection in the form of filing fees (\$356,800) and postage costs (\$79) amounts to \$356,879.

#### IV. Request for Comments

*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 (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, *e.g.*, the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: January 14, 2010.

**Susan K. Fawcett,**

*Records Officer, USPTO, Office of the Chief Information Officer.*

[FR Doc. 2010-1161 Filed 1-21-10; 8:45 am]

**BILLING CODE 3510-16-P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket 4-2010]

#### Foreign-Trade Zone 113—Ellis County, TX Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by Ellis County Trade Zone Corporation (formerly Midlothian Trade Zone Corporation), grantee of FTZ 113, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the Board (74 FR 1170, 01/12/09; correction 74 FR 3987, 01/22/09). The ASF is an option for grantees for the establishment or reorganization of general-purpose zones and can permit significantly greater flexibility in the designation of new "usage-driven" FTZ sites for operators/users located within a grantee's "service area" in the context of the Board's standard 2,000-acre activation limit for a general-purpose zone project. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on January 14, 2010.

The grantee's proposed service area under the ASF would be Ellis County, Texas. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is adjacent to the Dallas-Fort Worth Customs and Border Protection port of entry.

FTZ 113 was approved by the FTZ Board on December 21, 1984 (Board Order 283, 50 FR 300, 1/2/85). The applicant is requesting to include the following current site in the reorganized zone as a "magnet" site: *Proposed Site 1* (551 acres)—MidTexas International Center, 1500 North Service Road, U.S. Highway 67, Midlothian. The applicant proposes that Site 1 be exempt from "sunset" time limits that otherwise apply to sites under the ASF. No usage-driven sites are being proposed at this time.

In accordance with the Board's regulations, Camille Evans of the FTZ

Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is March 23, 2010. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to April 7, 2010).

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW., via [www.trade.gov/ftz](http://www.trade.gov/ftz). For further information, contact Camille Evans at Washington, DC 20230-0002, and in the "Reading Room" section of the Board's Web site, which is accessible [Camille.Evans@trade.gov](mailto:Camille.Evans@trade.gov) or (202) 482-2350.

Dated: January 14, 2010.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2010-1241 Filed 1-21-10; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket 2-2010]

#### Foreign-Trade Zone 201—Holyoke, MA; Application for Subzone; Yankee Candle Corporation (Candles and Gift Sets); Whately and South Deerfield, MA

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Holyoke Economic Development and Industrial Corporation, grantee of FTZ 201, requesting special-purpose subzone status for the candle and gift set manufacturing facility of Yankee Candle Corporation (Yankee Candle), located in Whately and South Deerfield, Massachusetts. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as