

the Rocky Mountain Regional Office at the above e-mail or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Washington, DC, October 21, 2010.

**Peter Minarik,**

*Acting Chief, Regional Programs  
Coordination Unit.*

[FR Doc. 2010-26996 Filed 10-25-10; 8:45 am]

**BILLING CODE 6335-01-P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Native American Tribal Insignia Database

**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 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 December 27, 2010.

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

- *E-mail:*

*InformationCollection@uspto.gov.*

Include "0651-0048 comment" in the subject line of the message.

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

- *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

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

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information should be directed to Sharon Marsh, Deputy Commissioner for Trademark Examination Policy, Office of the Commissioner for Trademarks, United States Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451, by telephone at 571-272-8900, or by e-mail to [Sharon.Marsh@uspto.gov](mailto:Sharon.Marsh@uspto.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Abstract

The Trademark Law Treaty Implementation Act of 1998 (Pub. L.

105-330, § 302, 112 Stat. 3071) required the United States Patent and Trademark Office (USPTO) to study issues surrounding the protection of the official insignia of federally- and State-recognized Native American tribes under trademark law. The USPTO conducted the study and presented a report to the House and Senate Judiciary Committees on November 30, 1999. One of the recommendations made in the report was that the USPTO create and maintain an accurate and comprehensive database containing the official insignia of all federally- and State-recognized Native American tribes. In accordance with this recommendation, the Senate Committee on Appropriations directed the USPTO to create this database.

The USPTO database of official tribal insignias assists trademark attorneys in their examination of applications for trademark registration. Additionally, the database provides evidence of what a federally- or State-recognized Native American tribe considers to be its official insignia. The database serves as a reference for examining attorneys when determining the registrability of a mark that may falsely suggest a connection to the official insignia of a Native American tribe. The database is also available to the public on the USPTO Web site.

Tribes are not required to request that their official insignia be included in the database. The entry of an official insignia into the database does not confer any rights to the tribe that submitted the insignia, and entry is not the legal equivalent of registering the insignia as a trademark under 15 U.S.C. 1051 *et seq.* The inclusion of an official tribal insignia in the database does not create any legal presumption of validity or priority, does not carry any of the benefits of Federal trademark registration, and is not a determination as to whether a particular insignia would be refused registration as a trademark pursuant to 15 U.S.C. 1051 *et seq.*

Requests from federally-recognized tribes to enter an official insignia into the database must be submitted in writing and include: (1) A depiction of the insignia, including the name of the tribe and the address for correspondence; (2) a copy of the tribal resolution adopting the insignia in question as the official insignia of the tribe; and (3) a statement, signed by an official with authority to bind the tribe, confirming that the insignia included with the request is identical to the official insignia adopted by the tribal resolution.

Requests from State-recognized tribes must also be in writing and include each of the three items described above that are submitted by federally-recognized tribes. Additionally, requests from State-recognized tribes must include either: (a) A document issued by a State official that evidences the State's determination that the entity is a Native American tribe; or (b) a citation to a State statute designating the entity as a Native American tribe. The USPTO enters insignia that have been properly submitted by federally- or State-recognized Native American tribes into the database and does not investigate whether the insignia is actually the official insignia of the tribe making the request.

This collection includes the information needed by the USPTO to enter an official insignia for a federally- or State-recognized Native American tribe into a database of such insignia. No forms are associated with this collection.

#### II. Method of Collection

By mail, facsimile, or hand delivery to the USPTO.

#### III. Data

*OMB Number:* 0651-0048.

*Form Number(s):* None.

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

*Affected Public:* Tribal governments.

*Estimated Number of Respondents:* 8 responses per year.

*Estimated Time per Response:* The USPTO estimates that a federally- or State-recognized Native American tribe will require an average of 30 minutes (0.5 hours) to complete a request to record an official insignia, including time to prepare the appropriate documents and submit the completed request to the USPTO.

*Estimated Total Annual Respondent Burden Hours:* 5. hours.

*Estimated Total Annual Respondent Cost Burden:* \$325. The USPTO expects that the information in this collection will be prepared by both paraprofessionals and administrative staff. The estimated rate of \$65 per hour used in this submission is an average of the paraprofessional rate of \$100 per hour and the administrative rate of \$30 per hour. Using this rate of \$65 per hour, the USPTO estimates that the respondent cost burden for submitting the information in this collection will be \$325 per year.

Item	Estimated time for response (minutes)	Estimated annual responses	Estimated annual burden hours
Request to Record an Official Insignia of a Federally-Recognized Tribe .....	30	5	3
Request to Record an Official Insignia of a State-Recognized Tribe .....	30	3	2
Totals .....	.....	8	5

*Estimated Total Annual Non-hour Respondent Cost Burden:* \$8. There are no capital start-up, maintenance, or recordkeeping costs associated with this information collection. There are also no filing fees for submitting a tribal insignia for recording. However, this collection does have annual (non-hour) costs in the form of postage costs.

Customers may incur postage costs when submitting the information in this collection to the USPTO by mail. The USPTO estimates that the average first-class postage cost for a submission mailed through the U.S. Postal Service will be \$1.05 and that up to 8 submissions will be mailed to the USPTO per year. Therefore, the total non-hour respondent cost burden for this collection in the form of postage costs is approximately \$8 per year.

#### 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 also will become a matter of public record.

Dated: October 20, 2010.

**Susan K. Fawcett,**

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

[FR Doc. 2010-26975 Filed 10-25-10; 8:45 am]

**BILLING CODE 3510-16-P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket 61-2010]

#### Foreign-Trade Zone 102—St. Louis, MO; Application for Reorganization Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the St. Louis County Port Authority, grantee of FTZ 102, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the Board (74 FR 1170, 1/12/09; correction 74 FR 3987, 1/22/09). 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 October 19, 2010.

FTZ 102 was approved by the Board on April 27, 1984 (Board Order 251, 49 FR 19540, 5/8/84), and expanded on March 3, 1987 (Board Order 344, 52 FR 7915, 3/13/87) and on January 30, 2009 (Board Order 1604, 74 FR 6364, 2/9/09).

The current zone project includes the following sites: *Site 1* (11.13 acres)—Metro International Trade Services, LLC, warehouse, 3901 Union Boulevard, St. Louis; *Site 2* (492.086 acres)—NorthPark industrial park located at the northeast corner of Interstates 70 and 170 in the municipalities of Berkeley, Ferguson and Kinloch; and, *Site 3*—consisting of three parcels located at and adjacent to the Lambert-St. Louis International Airport: Hazelwood Commerce Center (Site 3A—169.76 acres) located on Commerce Center Drive in Hazelwood; Lindbergh Distribution Center (Site 3B—25.848 acres) located at 5801 N. Lindbergh Boulevard in Hazelwood; and, Airport Property No. 1 (Site 3C—75.99 acres)

located at 5620 Banshee Road in St. Louis.

The grantee's proposed service area under the ASF would be the City of St. Louis and St. Louis County, Missouri. 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 within and adjacent to the St. Louis Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone project under the ASF as follows: renumber the parcels of Site 3 (Site 3A would become Site 3; Site 3B would become Site 4; and, Site 3C would become Site 5); Sites 2, 3, 4 and 5 would become "magnet" sites; and, Site 1 would become a "usage-driven" site. The ASF allows for the possible exemption of one magnet site from the "sunset" time limits that generally apply to sites under the ASF, and the applicant proposes that Site 2 be so exempted. Because the ASF only pertains to establishing or reorganizing a general-purpose zone, the application would have no impact on FTZ 102's authorized subzones.

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 December 27, 2010. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to January 10, 2011.

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., Washington, DC 20230-0002, and in the "Reading Room" section of the Board's Web site, which is accessible via <http://www.trade.gov/ftz>. For further