

**FOR FURTHER INFORMATION CONTACT:**

Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-1999. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On April 4, 2008, the Commission instituted this investigation, based on a complaint filed by Philip Morris USA Inc. ("PM USA") of Richmond, VA, naming Alcesia; Emarket Systems Ltd. (d.b.a. all-discount-cigarettes.com); Jamen Chong (d.b.a. asiadfs.com); Tri-kita (d.b.a. cheapcigarettes4all.com); Mr. Eduard Lee (d.b.a. cigarettesonlineshop.com); Zonitech Properties Limited (d.b.a. cigline.net); Zonitech Properties Limited (d.b.a. shopping-heaven.com); Cendano (d.b.a. galastore.com); Ms. Svetlana Trevinska (d.b.a. save-on-cigarettes.com); LMB Trading SA (d.b.a. k2smokes.ch); G.K.L. International SRL (d.b.a. all-cigarettes-brandsxom); G.K.L. International SRL (d.b.a. smokerjim.net); and Best Product Solution Ltd. as respondents. The complaint alleges violations of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in the importation into the United States of certain cigarettes and packaging thereof that infringe registered trademarks owned by PM USA. Subsequent to institution all respondents but Alcesia were found in default.

On February 3, 2009, the ALJ issued Order No. 19, a summary initial determination ("ID") granting PM USA's motion for summary determination that Alcesia has violated section 337 with respect to three trademarks: U.S. Trademark Registration Nos. 68,502; 378,340; and 894,450. On February 17, 2009, Alcesia petitioned for review of the ID. On February 24 and 25, 2009, PM USA and the Commission Investigative Attorney ("IA"), respectively, opposed Alcesia's petition for review.

On April 9, 2009, the Commission determined to review the ID and requested written submissions on the issues under review, remedy, the public interest, and bonding. On May 8, 2009, the parties filed opening submissions, and on May 29, 2009, the parties filed response submissions. Several non-parties also filed submissions addressing issues related to remedy and the public interest.

Having examined the record of this investigation, including the ALJ's summary ID, the Commission has determined to affirm the ALJ's finding that Alcesia has violated section 337 by selling for importation into the United States gray market cigarettes that infringe PM USA's Marlboro®, Parliament®, and Virginia Slims® trademarks. In particular, the Commission has adopted the ALJ's finding that a lack of English-language warning labels from the Surgeon General on the gray market cigarette packages makes them materially different from the U.S. market cigarettes. The Commission, however, has declined to adopt the ID's finding that the gray market cigarettes' susceptibility to seizure under the Imported Cigarette Compliance Act makes them materially different from U.S. market cigarettes. The Commission also takes no position on the ID's finding that a material difference exists between the gray market and U.S. market cigarettes because PM USA exercises quality control over procedures for distribution, storage, and transportation of the U.S. market cigarettes, while it does not exercise this control over the gray market cigarettes.

The Commission has determined that the appropriate form of relief is a general exclusion order prohibiting the unlicensed entry of Marlboro®, Parliament®, or Virginia Slims® branded cigarettes that (a) infringe one or more of the following U.S. Trademark Reg. Nos. 68,502, 378,340, and 894,450 and (b) are materially different from cigarettes manufactured by or under authority of PM USA for sale and use in the United States.

The Commission further determined that the public interest factors enumerated in section 337(d) (19 U.S.C. 1337(d)) do not preclude issuance of the general exclusion order. Finally, the Commission determined that the amount of bond during the Presidential review period (19 U.S.C. 1337(j)) shall be 100 percent of the entered value of the article that is subject to the order. The Commission's order was delivered to the President and the United States Trade Representative on the day of its issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42-50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42-50).

By order of the Commission.

Issued: September 21, 2009.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9-23389 Filed 9-28-09; 8:45 am]

**BILLING CODE 7020-02-P**

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## DEPARTMENT OF JUSTICE

### Office of Information Policy; Attorney General Memorandum for Executive Departments and Agencies Concerning the Freedom of Information Act

**AGENCY:** Department of Justice.

**ACTION:** Notice.

**SUMMARY:** On January 21, 2009, the President issued a memorandum for the heads of executive departments and agencies on the Freedom of Information Act (FOIA). That memorandum required that the Attorney General issue new guidelines governing the FOIA to the heads of executive departments and agencies, reaffirming the commitment to accountability and transparency, and to publish such guidelines in the **Federal Register**. Pursuant to the President's directive, the Attorney General issued new FOIA guidelines on March 19, 2009. Those guidelines are now published here.

**FOR FURTHER INFORMATION CONTACT:** Melanie Ann Pustay, Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Avenue, NW., Suite 11050, Washington, DC 20009, telephone (202) 514-3642.

**SUPPLEMENTARY INFORMATION:** In his January 21, 2009 memorandum on the Freedom of Information Act (FOIA) the President stated that "[a]ll agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government." This memorandum is published in the **Federal Register** at 74 FR 4683-84 and is available at [http://www.whitehouse.gov/the\\_press\\_office/FreedomofInformationAct/](http://www.whitehouse.gov/the_press_office/FreedomofInformationAct/).

The President also directed the Attorney General "to issue new guidelines governing the FOIA to the heads of executive departments and agencies, reaffirming the commitment to accountability and transparency." Pursuant to this instruction, the

Attorney General issued new FOIA guidelines on March 19, 2009; The purpose of the Attorney General's memorandum is to underscore the FOIA's purpose of providing an open government and to help ensure that it is realized in practice. The guidelines provided by the Attorney General stress the important implications of the President's call for a presumption of openness, emphasize that the FOIA is everyone's responsibility, and direct agencies to work proactively and promptly. A full text of these guidelines is available on the Department of Justice's Web site at <http://www.usdoj.gov/ag/foia-memo-march2009.pdf>. Pursuant to the President's instruction, the Attorney General's guidelines are also published here.

Dated: September 17, 2009.

**Melanie Ann Pustay,**

*Director, Office of Information Policy.*

[FR Doc. E9-23375 Filed 9-28-09; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Request for Comments on the Proposed Information Collection for Trade Adjustment Assistance (TAA) Reserve Funding Request Form. 1205-0275, Extension With No Revisions

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, ETA is soliciting comments concerning the proposed extension of data collection for the ETA Form 9117 (formerly ETA-9023), Trade Adjustment Assistance (TAA) Reserve Funding Request Form (1205-0275, expires 1/31/2010).

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee's section below on or before November 30, 2009.

**ADDRESSES:** Submit written comments to Chris Meservy, Program Analyst, Room C-5428, Employment and Training Administration, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone number: 202-693-2806 (this is not a toll-free number). Fax: 202-693-3584. E-mail: [meservy.chris.h@dol.gov](mailto:meservy.chris.h@dol.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Trade Adjustment Assistance (TAA) program provides assistance to workers that have been adversely affected by foreign trade. Under the Trade Act of 1974, as amended by the American Recovery and Reinvestment Act of 2009, the statutory training cap is \$575 million each year, with additional funding available for job search and relocation allowances and State administration. To be eligible for TAA benefits and services, a group of workers, a company official, a union or other duly authorized representative, or a One Stop Operator or partner must file a petition with the Department of Labor. If the Department determines that the workers meet the statutory criteria, it issues a certification of eligibility for the workers in the group to apply for benefits and services through partnerships between the State Workforce Agencies (SWAs) and the One Stop Career Center system.

##### II. Review Focus

The Department of Labor is particularly interested in comments which:

- \* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- \* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- \* Enhance the quality, utility, and clarity of the information to be collected; and

- \* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

#### III. Current Actions

*Type of Review:* Extension with no revisions.

*Title:* Trade Adjustment Assistance (TAA) Reserve Funding Request.

*OMB Number:* 1205-0275.

*Affected Public:* State, local or Tribal government.

*Total Respondents:* 25.

*Frequency:* On occasion.

*Forms:* ETA 9117, ETA 9023.

*Average Time per Response:* 3 hours.

*Estimated Total Burden Hours:* 75.

Comments submitted in response to this ICR will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: This 23rd day of September 2009.

**Jane Oates,**

*Assistant Secretary, Employment and Training Administration.*

[FR Doc. E9-23361 Filed 9-28-09; 8:45 am]

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## NATIONAL SCIENCE FOUNDATION

### Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463 as amended), the National Science Foundation announces the following meeting:

*Name:* Site visit review of the Materials Research Science and Engineering Center (MRSEC) at the University of Wisconsin, #1203.

*Dates & Times:*

October 25, 2009; 5 p.m.-7 p.m.

October 26, 2009; 7:30 a.m.-8 p.m.

October 27, 2009; 8 a.m.-3 p.m.

*Place:* University of Wisconsin, Madison, WI.

*Type of Meeting:* Part-open.

*Contact Person:* Dr. Charles Ying, Program Director, Materials Research Science and Engineering Centers Program, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292-8428.

*Purpose of Meeting:* To provide advice and recommendations concerning further support of the MRSEC at the University of Wisconsin.

*Agenda:*

#### Sunday, October 25, 2009

5 p.m.-5:15 p.m.: Closed—Executive Session.

5:15 p.m.-7 p.m.: Open—Review of the Wisconsin MRSEC.