

models infringe claims 1, 2, 4, 6, and 9 of the '130 patent.

The Commission has determined to affirm the remainder of the ALJ's findings. Specifically, the Commission affirms the ALJ's finding that the accused side-by-side model refrigerators do not infringe claim 8 of the '130 patent. The Commission also affirms the ALJ's finding that the accused French Door model refrigerators do not infringe any of the asserted claims of the '130 patent. The Commission further affirms the ALJ's finding that claims 1, 2, 4, 6, and 9 of the '130 patent are invalid for obviousness with several modifications to the analysis concerning claims 1 and 2. The Commission also affirms the ALJ's finding that claim 8 is not invalid for obviousness. Finally, the Commission affirms the ALJ's finding that there is a domestic industry.

The target date of the investigation was February 9, 2010. Due to inclement weather, the Federal government was closed from Monday, February 8 through Thursday, February 11, 2010. The target date is, therefore, extended to Friday, February 12, 2010, pursuant to Commission Rule 210.51(a) (19 CFR 210.51(a)).

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 210.42–46 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–46).

Issued: February 12, 2010.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010–3252 Filed 2–18–10; 8:45 am]

**BILLING CODE 7020–02–P**

## **INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO**

### **United States Section; Notice of Availability of the Final Environmental Impact Statement, Flood Control Improvements and Partial Levee Relocation, Presidio Flood Control Project, Presidio, TX**

**AGENCY:** United States Section, International Boundary and Water Commission (USIBWC).

**ACTION:** Notice of Availability of Final Environmental Impact Statement.

**SUMMARY:** Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the United States Section, International Boundary and Water Commission (USIBWC) has prepared a Final

Environmental Impact Statement (Final EIS) for flood control improvements to the Presidio Flood Control Project, Presidio, Texas (Presidio FCP). The EIS analyzed potential impacts of the No Action Alternative and six action alternatives under consideration. Site-specific information was used to evaluate environmental consequences that may result from implementing improvements in the upper, middle and lower reaches of the Presidio FCP. The following environmental resources were assessed in the Final EIS: Biological resources, cultural resources, water resources, land use, socioeconomic resources and transportation, environmental health issues (air quality, noise, public health, and environmental hazards), and cumulative impacts.

**DATES:** The Draft EIS was available for a 45-day review period, November 20, 2009 to January 12, 2010. Written comments were incorporated into the Final EIS. The USIBWC will announce its decision regarding future actions within the Presidio FCP in a Record of Decision to be published in the **Federal Register** no sooner than 30 days after the Environmental Protection Agency publishes a Notice of Availability for the *Final Environmental Impact Statement, Flood Control Improvements and Partial Levee Relocation, USIBWC Presidio Flood Control Project, Presidio, Texas*. A copy of the Final EIS will be available for review at the City of Presidio Library, 2440 O'Reilly Street, Presidio, Texas 79845, and will also be posted at the USIBWC Web site at <http://www.ibwc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel Borunda, Acting Division Chief, Environmental Management Division, USIBWC, 4171 North Mesa Street, C-100, El Paso, Texas 79902 or e-mail: [danielborunda@ibwc.gov](mailto:danielborunda@ibwc.gov).

**SUPPLEMENTARY INFORMATION:** The Final EIS analyzed potential effects of the No Action Alternative and six action alternatives for flood control improvement alternatives for the Presidio FCP. The following six action alternatives were taken into consideration: (1) Retaining the current levee alignment, repairing structural levee damages and raising some levee segments as required to ensure full protection from a 25-year flood event; (2) 100-year flood protection of the City of Presidio and agricultural lands along the Presidio FCP by raising the levee system along its entire length and current alignment; (3) raising the entire levee system for 100-year flood protection, retaining current levee alignment in the upper and middle reaches of the Presidio FCP but partially

relocating approximately 3.4 miles of the levee in the lower reach; (4) 100-year flood protection of the City of Presidio by raising the levee system in the upper and middle reaches of the Presidio FCP, in conjunction with a new 1.3-mile spur levee starting at mile 9.2 to connect the raised levee section to elevated terrain south of the City of Presidio; a 25-year flood protection would be retained in the lower reach along agricultural lands; (5) 100-year flood protection of the City of Presidio by raising in place the levee system along the upper and middle reaches of the Presidio FCP, constructing a new 1.4-mile spur levee at mile 8.5, and retaining the 25-year flood protection in the lower reach; and (6) raising the levee along the upstream sections of the levee system to provide 100-year flood protection to the City of Presidio and retaining the 25-year flood protection of agricultural lands in the lower reach, as in the two previous alternatives, and constructing a new 2.9-mile long spur levee in the middle reach, starting at levee mile 7.3, along a railroad track.

**Preferred Alternative:** The USIBWC has identified Alternative 2, raise the levee in-place to provide 25-year flood protection to the City of Presidio and the adjacent agricultural areas as the preferred alternative for implementation. This has also been identified as the environmentally preferred alternative.

Dated: February 11, 2010.

**Eric Meza,**

*Legal Adviser.*

[FR Doc. 2010–3127 Filed 2–18–10; 8:45 am]

**BILLING CODE 7010–01–P**

## **DEPARTMENT OF LABOR**

### **Occupational Safety and Health Administration**

[Docket No. OSHA–2009–0042]

### **Peer Review, Conflict of Interest and Disclosure Form; Request for the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comment.

**SUMMARY:** OSHA solicits comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the Conflict of Interest (COI) and Disclosure Form which is used to determine whether or not a conflict of interest exists for a potential peer review panel member.

**DATES:** Comments must be submitted (postmarked, sent, or received) by April 20, 2010.

**ADDRESSES:**

*Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

*Facsimile:* If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648.

*Mail, hand delivery, express mail, messenger, or courier service:* When using this method, you must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2009-0042, U.S. Department of Labor, Occupational Safety and Health Administration, Room N-2625, 200 Constitution Ave., NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

*Instructions:* All submissions must include the Agency name and OSHA docket number (OSHA-2009-0042). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments see the "Public Participation" heading in the section of this notice titled "SUPPLEMENTARY INFORMATION."

*Docket:* To read or download comments or other material in the docket, go to <http://www.regulations.gov> or to the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may contact Jamaa Hill at the address below to obtain a copy of the Information Collection Request (ICR).

**FOR FURTHER INFORMATION CONTACT:** Jamaa Hill or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2222.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and cost) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of the 1970 (the Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

OSHA conducts peer reviews to review a draft product for quality by specialists in the field who were not involved in producing the draft. The selection of participants in a peer review is based on expertise, with due consideration of independence. The Office of Management and Budget published the Final Information Quality Bulletin for Peer Review on December 15, 2004. The Bulletin states "\* \* \* the agency must address reviewers' potential conflicts of interest (including those stemming from ties to regulated businesses and other stakeholders) and independence from the agency." The Bulletin requires agencies to adopt or adapt the committee selection policies employed by the National Academy of Sciences (NAS) when selecting peer reviewers who are not Government employees. To fulfill this requirement, OSHA has developed a Conflict of Interest (COI) and Disclosure Form, based on NAS' Conflict of Interest Disclosure form. This form will be used to determine whether or not a conflict exists for a potential peer review panel member.

**II. Special Issues for Comment**

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirement,

including the validity of the methodology and assumptions used;

- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

**III. Proposed Actions**

OSHA proposes to extend OMB's approval of the COI form; thus, retaining OSHA's current burden hour estimate of 27 hours. The Agency will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB.

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

*Title:* OSHA's Conflict of Interest (COI) and Disclosure Form.

*OMB Number:* 1218-0255.

*Affected Public:* Individuals or households.

*Number of Respondents:* 36.

*Frequency of Responses:* On occasion.

*Average Time per Response:* One half hour (.5 hour) for respondents to complete Tier 1 for "influential scientific assessments;" and 1 hour for respondents to complete both Tier 1 and Tier 2 for "highly influential scientific assessments."

*Estimated Total Burden Hours:* 27.

*Estimated Cost (Operation and Maintenance):* \$0.

**IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions**

You may submit comments in response to this document as follows: (1) Electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile (FAX); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA-2009-0042). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the

delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627). Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> Web site to submit comments and access the docket is available at the Web site's "User Tips" link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

#### V. Authority and Signature

David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 5-2007 (72 FR 31159).

Signed at Washington, DC, this February 4, 2010.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2010-3253 Filed 2-18-10; 8:45 am]

**BILLING CODE 4510-26-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Workforce Investment Act; Native American Employment and Training Council

**AGENCY:** Employment and Training Administration, U.S. Department of Labor.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (FACA) (Pub. L. 92-463), as amended, and Section 166(h)(4) of the Workforce Investment Act (WIA) [29 U.S.C. 2911(h)(4)], notice is hereby given of the next meeting of the Native American Employment and Training Council (Council), as constituted under WIA.

**DATES:** The meeting will begin at 9 a.m. (Eastern Time) on Wednesday, March 3, 2010, and continue until 5 p.m. that day. The meeting will reconvene at 9 a.m. on Thursday, March 4, 2010, and adjourn at 5 p.m. that day. The period from 3 p.m. to 5 p.m. on March 4, 2010, will be reserved for participation and presentations by members of the public.

**ADDRESSES:** The meetings will be held at the U.S. Department of Labor (DOL), Frances Perkins Building, 200 Constitution Avenue, NW., Room S-2322, Washington, DC 20210.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public. Members of the public not present may submit a written statement on or before February 23, 2010, to be included in the record of the meeting. Statements are to be submitted to Mrs. Evangeline M. Campbell, Designated Federal Official (DFO), U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-4209, Washington, DC 20210. Persons who need special accommodations should contact Mr. Craig Lewis at (202) 693-3384, at least two business days before the meeting. The formal agenda will focus on the following topics: (1) DOL, Employment and Training Administration Assistant Secretary's Update; (2) DOL, Office of Workforce Investment Administrator's Update; (3) DOL PY 2010-PY 2011 Strategic Planning; (4) Reauthorization of WIA; (5) DOL, Indian and Native American Program Update; (6) Training and Technical Assistance; (7) 2010 Census; (8) Council Update; (9) Council Workgroup Reports; and (10) Council Recommendations.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Evangeline M. Campbell, DFO, Indian and Native American Program, Employment and Training Administration, U.S. Department of Labor, Room S-4209, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone number (202) 693-3737 (VOICE) (this is not a toll-free number).

Signed at Washington, DC, this 12th day of February 2010.

**Jane Oates,**

*Assistant Secretary, Employment and Training Administration.*

[FR Doc. 2010-3091 Filed 2-18-10; 8:45 am]

**BILLING CODE 4510-FR-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-00xx]

#### Federal Acquisition Regulation; Submission for OMB Review; Hubzone Program

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for comments regarding a new OMB information clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve a new information collection requirement regarding Hubzone Program revisions. A request for public comments was published in the **Federal Register** at 74 FR 46984, on September 14, 2009. No comments were received.

*Public comments are particularly invited on:* Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Submit comments on or before March 22, 2010.

**FOR FURTHER INFORMATION CONTACT:** Ms. Rhonda Cundiff, Procurement Analyst, Contract Policy Branch, GSA, (202) 219-1813 or e-mail [Rhonda.cundiff@gsa.gov](mailto:Rhonda.cundiff@gsa.gov).

**ADDRESSES:** Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, Regulatory Secretariat (MVPR), 1800 F Street, NW., Room 4041, Washington, DC 20405.

**SUPPLEMENTARY INFORMATION:**