

average, must decrease by more than 15 percent. For this reason, the petition does not meet the regulatory requirements for certification for Fiscal Year (FY) 2010.

FOR FURTHER INFORMATION CONTACT:

Trade Adjustment Assistance for Farmers Staff, FAS, USDA, by phone: (202) 720-0638, or (202) 690-0633; or by e-mail:

tradeadjustment@fas.usda.gov; or visit the TAA for Farmers' Web site: <http://www.fas.usda.gov/itp/taa>.

Dated: July 8, 2010.

John D. Brewer,

Administrator, Foreign Agricultural Service.

[FR Doc. 2010-17344 Filed 7-15-10; 8:45 am]

BILLING CODE 3410-10-P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chap. 35).

Agency: United States Patent and Trademark Office (USPTO).

Title: Post Allowance and Refiling.

Form Number(s): PTO/SB/44/50/51/51S/52/53/56 and PTOL-85B.

Agency Approval Number: 0651-0033.

Type of Request: Revision of a currently approved collection.

Burden: 124,359 hours annually.

Number of Respondents: 217,184 responses per year.

Avg. Hours per Response: The USPTO estimates that it will take the public from approximately 12 minutes (0.20 hours) to 5 hours to gather the necessary information, prepare the appropriate form or other documents, and submit the information in this collection to the USPTO.

Needs and Uses: The USPTO is required by 35 U.S.C. 131 and 151 to examine applications and issue them as patents when appropriate. The applicant must then pay the required issue fee to receive the patent and avoid abandonment of the application. The public uses this information collection to pay fees for issuing patents, to request corrections of errors in issued patents, and to apply for reissue patents. This collection previously included information requirements related to patent reexaminations. These items are

being removed from this collection and were approved by OMB in February 2010 as a separate new collection, 0651-0064 Patent Reexaminations.

Affected Public: Individuals or households; businesses or other for-profits; and not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Nicholas A. Fraser, e-mail: Nicholas_A_Fraser@omb.eop.gov.

Once submitted, the request will be publicly available in electronic format through the Information Collection Review page at <http://www.reginfo.gov>.

Paper copies can be obtained by:

- *E-mail:*

InformationCollection@uspto.gov. Include "0651-0033 copy request" 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, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Written comments and recommendations for the proposed information collection should be sent on or before August 16, 2010 to Nicholas A. Fraser, OMB Desk Officer, via e-mail to Nicholas_A_Fraser@omb.eop.gov, or by fax to 202-395-5167, marked to the attention of Nicholas A. Fraser.

Susan K. Fawcett,

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

[FR Doc. 2010-17367 Filed 7-15-10; 8:45 am]

BILLING CODE 3510-16-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-428-801]

Ball Bearings and Parts Thereof From Germany: Notice of Court Decision Not in Harmony With Final Results of Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On July 7, 2010, the United States Court of International Trade sustained the Department of Commerce's results of redetermination on remand concerning the final results of the administrative review of the antidumping duty order on ball bearings and parts thereof from Germany. See *SKF USA Inc., v. United States*, Slip Op. 10-76 (CIT July 7, 2010). The Department is now issuing this notice of

court decision not in harmony with the Department of Commerce's determination.

DATES: *Effective Date:* July 16, 2010.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3477 or (202) 482-4477.

SUPPLEMENTARY INFORMATION:

Background

On September 11, 2008, the Department of Commerce (the Department) published the final results of the administrative reviews of the antidumping duty orders on ball bearings and parts thereof from France, Germany, Italy, Japan, and the United Kingdom for the period May 1, 2006, through April 30, 2007. See *Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews and Rescission of Reviews in Part*, 73 FR 52823 (September 11, 2008). SKF USA Inc., SKF France S.A., SKF Aerospace France S.A.S., SKF GmbH,¹ and SKF Industrie S.p.A filed a lawsuit challenging certain aspects of the final results. On December 21, 2009, the United States Court of International Trade (CIT) concluded that the Department acted within its authority and according to law in requesting cost-of-production (COP) data from SKF Germany's unaffiliated suppliers. See *SKF USA Inc., v. United States*, 675 F. Supp. 2d 1264 (CIT December 21, 2009) (*SKF Germany*). The CIT also upheld the Department's decision to reject the COP information submitted by SKF Germany's unaffiliated supplier as untimely and to resort to facts otherwise available. Specifically, the CIT stated that "the Department has broad authority to set, and extend, its deadlines for submission of requested information, but on the uncontested facts of this case it acted within its authority in deeming the COP data an untimely submission." See *SKF Germany*, 675 F. Supp. 2d at 1272-74. The CIT held, however, that "{the Department} acted contrary to law in drawing an inference adverse for SKF {Germany} upon the failure of the unaffiliated supplier to make a timely submission of the requested COP data"

¹ The CIT refers to the German company as "SKF GmbH" in its decision. The Department refers to the company as "SKF Germany" in its determination and in this notice.

without a finding that SKF Germany had failed to act to the best of its ability. See *SKF Germany*, 675 F. Supp. 2d at 1268.

In its remand order, the CIT directed the Department to “recalculate SKF {Germany’s} margin after redetermining the constructed value of the subject merchandise SKF {Germany} obtained from the unaffiliated supplier” using information that is not adverse to SKF Germany. See *SKF Germany*, 675 F. Supp. 2d at 1278. In accordance with the CIT’s remand order, the Department filed its redetermination on remand of the final results (remand results) on March 16, 2010, in which the Department recalculated the margin for SKF Germany without use of an adverse inference. On July 7, 2010, the CIT affirmed the Department’s remand results. See *SKF USA Inc., v. United States*, Slip Op. 10–76 (CIT July 7, 2010).

Decision Not in Harmony

In *SKF Germany*, the CIT ruled that the Department acted contrary to law in drawing an inference adverse for SKF Germany based upon the failure of an unaffiliated supplier to make a timely submission of the requested COP data without a finding that SKF Germany had failed to act to the best of its ability.

As a result of changes to calculations in our remand results, the weighted-average margin for SKF Germany for the period May 1, 2006, through April 30, 2007, changed from 4.15 percent to 1.97 percent. Accordingly, absent an appeal or, if appealed, upon a “conclusive” court decision, we will amend our final results of this review to reflect the recalculation of the margin for SKF Germany.

Suspension of Liquidation

The United States Court of Appeals for Federal Circuit (CAFC) has held that the Department must publish notice of a decision of the CIT or the CAFC which is not in harmony with the Department’s determination. See *The Timken Company v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990). Publication of this notice fulfills that obligation. The CAFC also held that, in such a case, the Department must suspend liquidation until there is a “conclusive” decision in the action. *Id.* Therefore, the Department must suspend liquidation pending the expiration of the period to appeal the CIT’s July 7, 2010, decision or, if appealed, pending a final decision of the CAFC.

Because entries of ball bearings and parts thereof from Germany produced by, exported to, or imported into the United States by SKF Germany are

currently being suspended pursuant to the court’s injunction order in effect, the Department does not need to order U.S. Customs and Border Protection to suspend liquidation of affected entries. The Department will not order the lifting of the suspension of liquidation on applicable entries of ball bearings and parts thereof from Germany made during the review period before a court decision in this lawsuit becomes final and conclusive.

We are issuing and publishing this notice in accordance with section 516A(c)(1) of the Tariff Act of 1930, as amended.

Dated: July 12, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2010–17427 Filed 7–15–10; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 100625269–0269–02]

RIN 0648–XW94

Endangered and Threatened Wildlife; Notice of 90–Day Finding on a Petition to Revise Critical Habitat for the Endangered Leatherback Sea Turtle Under the Endangered Species Act (ESA)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of 90–day petition finding.

SUMMARY: We, NMFS announce a 90–day finding on a petition to revise critical habitat for the endangered leatherback sea turtle under the Endangered Species Act (ESA). We find that the petition does not present substantial scientific information indicating that the petitioned action may be warranted for leatherback sea turtles and their habitat under our jurisdiction.

FOR FURTHER INFORMATION CONTACT: Dennis Klemm, NMFS, Southeast Regional Office, Protected Resources Division, *dennis.klemm@noaa.gov*, (727)824–5312; or Marta Nammack, NMFS, Office of Protected Resources, *marta.nammack@noaa.gov*, (301)713 1401.

SUPPLEMENTARY INFORMATION:

Background

On February 23, 2010, we received a petition from the Sierra Club asking us and the United States Fish and Wildlife Service (USFWS) to revise, pursuant to the ESA, critical habitat for the endangered leatherback sea turtle. Under the ESA, NMFS and USFWS each have respective areas of jurisdiction over sea turtles, as clarified by the 1977 Memorandum of Understanding Defining the Roles of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service in Joint Administration of the Endangered Species Act of 1973 as to Marine Turtles. NMFS has jurisdiction over sea turtles and their associated habitats in the marine environment, while USFWS has jurisdiction when sea turtles are on land. Thus, if Federal agencies are involved in activities that may affect sea turtles involved in nesting behavior, or may affect their nests or their nesting habitats, those Federal agencies are required to consult with the USFWS under section 7 of the ESA to ensure that their activities are not likely to jeopardize the continued existence of the sea turtles. If a Federal action may affect sea turtles while they are in the marine environment, feeding and migrating for example, the Federal agency involved must engage in a section 7 consultation with NMFS, to ensure that the action is not likely to jeopardize the continued existence of the sea turtles. Similarly, if critical habitat has been designated, and Federal actions may affect such habitat, an ESA section 7 consultation would be required to ensure that the Federal action is not likely to destroy or adversely modify the critical habitat; if the habitat has been designated on land the consultation would be with USFWS, and if the habitat has been designated in the marine environment, the consultation would be with NMFS. This 90–day finding is responsive only to aspects of the petition that fall under our jurisdiction.

The portion of the petitioned critical habitat that falls under NMFS’ jurisdiction is described in the petition as: “the waters off the coastline of the Northeast Ecological Corridor of Puerto Rico, sufficient to protect leatherbacks using the Northeast Ecological Corridor, and extending at least to the hundred fathom contour, or 9 nautical miles offshore, whichever is further, and including the existing marine extensions of Espiritu Santo, Cabezas de San Juan, and Arrecifes de la Cordillera Nature Reserves.” The petition also asserts that the beaches of the Northeast Ecological Corridor of Puerto Rico