

**SUMMARY:** This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services (HHS), is contemplating the grant of an exclusive license to practice the following invention as embodied in the following patent applications:

(1) E-120-2001/0, Whitehead *et al.*, "Development of Mutations Useful for Attenuating Dengue Viruses and Chimeric Dengue Viruses"—European Patent Application Number 02739358.6, filed May 22, 2002; United States Patent Application Number 10/719,547, filed November 21, 2003, now U.S. Patent Number 7,226,602, issued June 5, 2007; Canadian Patent Application Number 2448329, filed May 22, 2002; Australian Patent Application Number 2002312011, filed May 22, 2002, now Australian Patent Number 2002312011, issued August 8, 2007; Brazilian Patent Application Number PI0209943.8, filed May 22, 2002; Indian Patent Application Number 2184/DELNP/2003, filed May 22, 2002, now Indian Patent Number 218306, issued March 31, 2007; Indian Patent Application Number 165/DELNP/2008, filed May 22, 2002; United States Patent Application Number 11/446,050, filed June 2, 2006, now U.S. Patent Number 7,560,118, issued July 14, 2009; Australian Patent Application Number 2008203275, filed May 22, 2002; Indian Patent Application Number 204/DELNP/2005, filed May 22, 2002; and United States Patent Application Number 12/396,376, filed March 2, 2009

(2) E-089-2002/0.1, Whitehead *et al.*, "Dengue Tetravalent Vaccine Containing a Common 30 Nucleotide Deletion in the 3'-UTR of Dengue Types 1,2,3, and 4, or Antigenic Chimeric Dengue Viruses 1,2,3, and 4"—United States Patent Application Number 10/970,640, filed October 21, 2004, now United States Patent Number 7,517,531, issued April 14, 2009; Canadian Patent Application Number 2483653, filed April 25, 2003; European Patent Application Number 03724319.3, filed April 25, 2003; Japanese Patent Application Number 2004-50077, filed April 25, 2003; Indian Patent Application Number 3450/DELNP/2004, filed April 25, 2003, now Indian Patent Number 3450/DELNP, issued May 29, 2006; Australian Patent Application 2003231185, filed April 25, 2003, now Australian Patent Number 2003231185, issued January 10, 2008; United States Patent Application Number 12/398,043, filed March 4, 2009; and Brazilian Patent Application PI0309631-9, filed April 25, 2003

(3) E-139-2006/0, Whitehead *et al.*, "Development of Dengue Vaccine Components"—Australian Patent Application 2007285929, filed August 15, 2007; Canadian Patent Application Number 2661296, filed August 15, 2007; Chinese Patent Application Number 200780031489.4, filed August 15, 2007; European Patent Application Number 07840969.5, filed August 15, 2007; Indian Patent Application Number 1608/DELNP/2009, filed August 15, 2007; United States Patent Application Number 12/376,756, filed February 6, 2009; and Brazilian Patent Application TBA, filed August 15, 2007 to GlaxoSmithKline Biologicals, having a place of business in Rixensart, Belgium. The patent rights in this invention have been assigned to the United States of America.

**DATES:** Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer on or before March 10, 2010 will be considered.

**ADDRESSES:** Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Peter Soukas, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852-3804; E-mail: [ps193c@nih.gov](mailto:ps193c@nih.gov); Telephone: (301) 435-4646; Facsimile: (301) 402-0220.

**SUPPLEMENTARY INFORMATION:** The global prevalence of dengue has grown dramatically in recent decades. The disease is now endemic in more than 100 countries in Africa, North and South America, the Eastern Mediterranean, Southeast Asia and the Western Pacific. Southeast Asia and the Western Pacific are most seriously affected. Before 1970 only nine countries had experienced Dengue Hemorrhagic Fever (DHF) epidemics, a number that had increased more than four-fold by 1995. WHO currently estimates there may be 50 million cases of dengue infection worldwide every year.

The methods and compositions of this invention provide a means for prevention of dengue infection and dengue hemorrhagic fever (DHF) by immunization with attenuated, immunogenic viral vaccines against dengue. The vaccine is further described in Blaney JE *et al.*, "Mutations which enhance the replication of dengue virus type 4 and an antigenic chimeric dengue virus type 2/4 vaccine candidate in Vero cells." *Vaccine*. 2003 Oct 1;21(27-30):4317-27 and Whitehead SS *et al.*, "A live, attenuated dengue virus type 1 vaccine candidate with a 30-nucleotide

deletion in the 3' untranslated region is highly attenuated and immunogenic in monkeys." *J. Virol.* 2003 Jan;77(2):1653-7.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The field of use may be limited to purified inactivated vaccines against dengue infections in humans.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: January 28, 2010.

**Richard U. Rodriguez,**

*Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.*

[FR Doc. 2010-2697 Filed 2-5-10; 8:45 am]

BILLING CODE 4140-01-P

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## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

#### Agency Information Collection Activities: Form I-129, Revision of an Existing Information Collection; Comment Request

**ACTION:** 60-Day Notice of Information Collection Under Review: Form I-129, Petition for Nonimmigrant Worker; OMB Control Number 1615-0009.

The Department of Homeland Security, U.S. Citizenship and Immigration Services has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 days until April 9, 2010.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated

response time should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Products Division, Clearance Office, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529-2210. Comments may also be submitted to DHS via facsimile to 202-272-8352, or via e-mail at [rfs.regs@dhs.gov](mailto:rfs.regs@dhs.gov). When submitting comments by e-mail please add the OMB Control Number 1615-0009 in the subject box.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) 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 submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved information collection.

(2) *Title of the Form/Collection:* Petition for Nonimmigrant Worker.

(3) *Agency form number, if any and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I-129, U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as brief abstract: Primary: Businesses.* This form is used by an employer to petition for aliens to come to the U.S. temporarily to perform services, labor, and training or to request extensions of stay or changes in nonimmigrant status for nonimmigrant workers.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 364,048 responses at 2.75 hours per response; and 18,500 (Religious Workers) at 3 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,056,632 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, please visit the Web site at: <http://www.regulations.gov>.

We may also be contacted at: USCIS, Regulatory Products Division, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529-2210, telephone number 202-272-8377.

Dated: February 3, 2010.

**Stephen Tarragon,**

*Deputy Chief, Regulatory Products Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.*

[FR Doc. 2010-2662 Filed 2-5-10; 8:45 am]

**BILLING CODE 9111-97-P**

#### DEPARTMENT OF HOMELAND SECURITY

#### Federal Emergency Management Agency

[Docket ID: FEMA-2009-0001]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request, OMB No. 1660-0017; Public Assistance Program

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice; 30-day notice and request for comments; revision of a currently approved information collection; OMB No. 1660-0017; Public Assistance Program; FEMA Form 90-49, Request for Public Assistance; FEMA Form 90-91, Project Worksheet (PW); FEMA Form 90-91A, Project Worksheet—Damage Description and Scope of Work Continuation Sheet; FEMA Form 90-91B, Project Worksheet—Cost Estimate Continuation Sheet; FEMA Form 90-91C Project Worksheet—Maps and Sketches Sheet; FEMA Form 90-91D, Project Worksheet—Photo Sheet; FEMA Form 90-120, Special Considerations Questions; FEMA Form 121, PNP Facility Questionnaire; FEMA Form 90-123, Force Account Labor Summary Record; FEMA Form 90-124, Materials Summary Record; FEMA Form 90-125, Rented Equipment Summary Record; FEMA Form 90-126, Contract Work Summary Record; FEMA Form 90-127, Force Account Equipment Summary Record; and FEMA Form 90-128, Applicant's Benefits Calculation Worksheet.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) has

submitted the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission describes the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

**DATES:** Comments must be submitted on or before March 10, 2010.

**ADDRESSES:** Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to [oir.submission@omb.eop.gov](mailto:oir.submission@omb.eop.gov) or faxed to (202) 395-5806.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection should be made to Director, Office of Records Management, 1800 South Bell Street, Arlington, VA 20598-3005, facsimile number (202) 646-3347, or e-mail address [FEMA-Information-Collections@dhs.gov](mailto:FEMA-Information-Collections@dhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### Collection of Information

*Title:* Public Assistance Program.

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

*OMB Number:* 1660-0017.

*Form Titles and Numbers:* FEMA Form 90-49, Request for Public Assistance; FEMA Form 90-91, Project Worksheet (PW); FEMA Form 90-91A, Project Worksheet—Damage Description and Scope of Work Continuation Sheet; FEMA Form 90-91B, Project Worksheet—Cost Estimate Continuation Sheet; FEMA Form 90-91C Project Worksheet—Maps and Sketches Sheet; FEMA Form 90-91D, Project Worksheet—Photo Sheet; FEMA Form 90-120, Special Considerations Questions; FEMA Form 121, PNP Facility Questionnaire; FEMA Form 90-123, Force Account Labor Summary Record; FEMA Form 90-124, Materials Summary Record; FEMA Form 90-125, Rented Equipment Summary Record; FEMA Form 90-126, Contract Work Summary Record; FEMA Form 90-127, Force Account Equipment Summary Record; and FEMA Form 90-128,

**Part 7. Deemed Export Acknowledgement** (For H-1B, H-1B1 Chile/Singapore, L-1, and O-1A petitions only. This section of the form is not required for all other classification. See **Page 3** of the Instructions before completing this section.)

Check Box 1 or Box 2 (If Box 1 is checked, complete a, b, c and d):

1. No Deemed Export License Required

a. Is the technology subject to the Export Administration Regulations (EAR)?  No  Yes

b. List the Export Control Classification Number for the technology:

c. Did you self-classify this technology?  N/A  No  Yes

d. Did the U.S. Department of Commerce classify the technology?  N/A  No  Yes

If yes, provide CCATS number:

2. Deemed Export License Required - Provide License Number:

**Part 8. Signature** *Read the information on penalties in the instructions before completing this section.*

I certify under penalty of perjury that this petition and the evidence submitted with it is true and correct to the best of my knowledge. I recognize the authority of USCIS to conduct audits of this petition using publicly available open source information. I authorized the release of any information from my records, or from the petitioning organization's records that U.S. Citizenship and Immigration Services needs to determine eligibility for the benefit being sought. I also recognize that supporting evidence submitted may be verified by USCIS through any means determined appropriated by USCIS, including but not limited to on-site compliance reviews.

If filing this on behalf of an organization, I certify that I am authorized to do so by the organization.

Signature

Daytime Phone Number (Area/Country Code)

Print Name

Date (mm/dd/yyyy)

**NOTE:** If you do not completely fill out this form and the required supplement, or fail to submit required documents listed in the instructions, the person(s) filed for may not be found eligible for the requested benefit and this petition may be denied.

**Part 9. Signature of Person Preparing Form, If Other Than Above**

I declare that I prepared this petition at the request of the above person and I certify that it is true and correct to the best of my knowledge.

Signature

Daytime Phone Number (Area/Country Code)

Print Name

Date (mm/dd/yyyy)

Firm Name and Address



## Deemed Export Acknowledgement

Certain H-1B, L-1, and O-1A nonimmigrant beneficiaries must have a Deemed Export License issued by the U.S. Department of Commerce to be eligible for the employment being sought through the submission of a Form I-129. The petitioner must submit evidence that a review of the deemed export license requirements has been completed, as set forth by Title 15, Code of Federal Regulations (CFR), Export Administration Regulations (EAR) Part 734.2 the Deemed Export Rule as regulated by the U.S. Department of Commerce. The EAR and guidance on deemed exports may be found at [www.bis.doc.gov/deemedexports](http://www.bis.doc.gov/deemedexports).

You must indicate whether or not a deemed export license is required on **Page 6, Part 7** of Form I-129.

If a deemed export license is not required, indicate whether or not the technology is subject to the EAR. If the technology is subject to the licensing requirements of the EAR, identify the beneficiary Export Control Classification Number (ECCN) of the technology the beneficiary will have access to as a result of employment with your organization.

If a deemed export license is required, provide a copy of the U.S. Department of Commerce approved license and document the license number.

Indicate whether this was the result of a self-classification or formal U.S. Department of Commerce commodity classification (if so, provide Commodity Classification Automated Tracking System (CCATS) number).

### Classification - Initial Evidence

For all classifications, if a beneficiary is seeking a **change of status** or **extension of stay**, evidence of maintenance of status must be included with the new petition. If the beneficiary is employed in the United States, the petitioner may submit copies of the last two pay stubs and Form W-2 as well as a copy of the Form I-94 or I-797 approval notice.

Dependent family members (generally, spouses and children under 21) should use Form I-539, Application to Change/Extend Nonimmigrant Status, to apply for a change of status or extension of stay.

A nonimmigrant who must have a passport to be admitted, must keep that passport valid during his or her entire stay. If a required passport is not valid, include a full explanation with your petition.

The following nonimmigrants are not eligible to change status:

1. An alien admitted under a visa waiver program;
2. An alien is transit (C) or in transit without a visa (TWOV);

3. A Crewman (D);
4. A Fiancé(e) (K-1) or his or her dependent (K-2);
5. A J-1 exchange visitor whose status was for the purpose of receiving graduate medical training (unless a waiver has been granted under section 214(I) of the Immigration and Nationality Act);
6. A J-1 exchange visitor subject to the foreign residence requirement who has not received a waiver of that requirement; and
7. An M-1 student to an H classification, if training received as an M-1 helped him or her qualify for H classification.

### Part 1: Petition Always Required

The following classifications always require a petition.

The initial evidence listed below and the initial evidence listed under the instructions for a change of status or extension of stay must be included with a petition for a new or concurrent employment or for an extension where there is a change in previously approved employment.

However, a petition for extension based on unchanged, previously approved employment should only be filed with the initial evidence required in the extension of stay instructions.

### E-2 CNMI

**An E-2 CNMI investor is an alien seeking to remain in the Commonwealth of Northern Mariana Islands (CNMI) under lawful immigration status in order to maintain an investment in the CNMI that was approved by the CNMI government prior to November 28, 2009. An E-2 CNMI investor classification is a classification specifically limited to an alien investor who has previously been granted a qualifying long term investor status under the laws of the CNMI. This classification allows an alien who currently holds the qualifying CNMI investor status granted by the CNMI the ability to maintain an investment in the CNMI during the transition from CNMI immigration law to Federal immigration law. Nationality of the investor is not a qualifying factor in the issuance of an E-2 CNMI investor classification.**

Write **E2C** in the classification requested block.

The petition must be filed with documentary evidence of:

1. Qualifying CNMI immigration status as evidenced by a properly endorsed, unexpired CNMI admission document (e.g., entry permit certificate, or foreign investor visa) reflecting lawful admission to the CNMI under CNMI immigration laws in one of the following status: