lobster permitted vessels that take lobsters in the EEZ by a method other than traps, (4) a prohibition on the taking or possession of lobster in the EEZ; (5) the application of current Federal regulations (50 CFR part 649) to the EEZ under ACFCMA; and (6) status quo or no action taken. NMFS also requests comments on the appropriate regulatory authority under which it should proceed with lobster conservation measures.

NMFS has determined that the preparation of an EIS is appropriate, because of the potentially significant impact of EEZ regulations on the human environment. All of the Federal EEZ measures recommended in draft Amendment 3 to the ASMFC FMP will be assessed also during the EIS process. Participants in this fishery will be affected and may face more restricted harvests of lobster while the natural stocks of lobster are allowed to recover.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 17, 1997.

Gary Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97–27966 Filed 10–21–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101597A]

Marine Mammals

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

ACTION: Issuance of photography permit no. 860–1374

SUMMARY: Notice is hereby given that Mr. Michael deGruy, The Film Crew, 629 State Street, Suite 222, Santa Barbara, California 93101, has been issued a permit to take by Level B harassment gray whales (*Eschrichtius robustus*) and northern elephant seals (*Mirounga angustirostris)* for purposes of commercial photography.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (562/980–4001).

FOR FURTHER INFORMATION CONTACT: Jeannie Drevenak, (301) 713-2289.

SUPPLEMENTARY INFORMATION: On September 3, 1997, notice was published in the **Federal Register** (62 FR 46484) that the above-named applicant had submitted a request for a permit to take gray whales and northern elephant seals by Level B harassment during the course of commercial photographic activities in California waters. The requested permit has been issued, under the authority of section 104(c)(6) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*).

Dated: October 15, 1997.

Ann D. Terbush, Chief,

Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service

[FR Doc. 97–27929 Filed 10–21–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Request for Comments on Patent Formalities Treaty

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of request for public comments.

SUMMARY: The Patent and Trademark Office is seeking comments to obtain views of the public on the international effort to simplify the formal requirements associated with patent applications and patents and the consequent changes to United States law and practice. Comments may be offered on any aspect of this effort.

DATES: All comments are due by December 1, 1997.

ADDRESSES: Persons wishing to offer written comments should address those comments to the Commissioner of Patents and Trademarks, Box 4, Patent and Trademark Office, Washington, DC 20231, marked to the attention of Mrs. Lois E. Boland.

Comments may also be submitted by facsimile transmission to (703) 305–8885 or by electronic mail through the Internet to plt.comments@uspto.gov. All comments will be maintained for public inspection in Room 902 of Crystal Park II, at 2121 Crystal Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mrs. Lois E. Boland by telephone at (703) 305–9300, by fax at (703) 305–8885 or by mail marked to her attention and addressed to Commissioner of Patents and Trademarks, Box 4, Washington, DC 20231.

SUPPLEMENTARY INFORMATION:

1. Background

The United States has been involved in an effort to reduce the formal requirements associated with patent applications and patents in the different countries of the world. A committee of experts, meeting under the auspices of the World Intellectual Property Organization (WIPO), continues to develop treaty articles and rules which attempt to minimize the formal requirements associated with patent applications and patents. Upon conclusion, these treaty articles and rules will simplify the formal obligations and reduce the associated costs for patent applicants and owners of patents in obtaining and preserving their rights for inventions in many countries of the world. The next (5th) committee of experts meeting will take place at WIPO in December of 1997. It is likely that two additional such meetings will take place in 1998. The issue of when a Diplomatic Conference will be convened to conclude these negotiations will be discussed in a March 1998 meeting at WIPO. WIPO has suggested that a 1999 Diplomatic Conference may be possible.

The United States Patent and Trademark Office (USPTO), leading the negotiations for the United States, is interested in obtaining comprehensive comments to assess continued support for the effort. Prior to each of the previous meetings of the committee of experts, the USPTO informally solicited and received comments on the then-current drafts of the treaty articles, rules and notes. In light of the impending conclusion of this effort, the USPTO desires to ensure that the text of the treaty is disseminated as widely as possible and the opportunity to provide comments is correspondingly comprehensive.

Written comments may be offered on any aspect of the draft treaty articles, rules or notes or expected implementation in the United States. Comments are also welcome on the following issues:

—The formalities/substantive distinction, discussed, specifically, with respect to Article 5, below;

—The subject matter appropriate for treaty articles versus that which should be relegated to rules; and

—Whether this effort should be concluded by a separate treaty or as

a protocol to the Patent Cooperation Treaty.

2. Brief Summary of the Draft Treaty

The current text of the draft treaty includes 16 articles, 17 rules and associated notes. A brief summary of selected articles and, where significant, associated rules follows. To the extent that a given article is not summarized, it is considered to be self-explanatory. Insofar as this effort is focused upon and limited to formal matters associated with patent applications and patents, the USPTO expects that, upon implementation, changes to our patent law would be minimal. However, to the extent the need for any such change has been identified for a given draft article or rule, it is noted below. This discussion is intended, only, to highlight various articles and rules; it is not intended as a comprehensive treatment of the draft texts. The draft texts, identified in Part 3, below, should be consulted for a complete understanding of the effort that is under way.

Article 1—Abbreviated Expressions—This article provides definitions for terms used throughout the text of the draft articles and rules. For the most part, this article is self-explanatory. The USPTO has supported a broadening of the definition for the term ''owner'' to include owners of both applications and patents.

Article 2—Applications and Patents to Which the Treaty Applies—This article defines the scope of the treaty by virtue of the types of applications and patents that are intended to be encompassed by its terms.

Article 3—National Security—This article preserves the right of Contracting Parties to apply measures deemed necessary for the preservation of national security.

Article 4—Filing Date—This article is viewed by the USPTO as one of the more important features of this effort. It mandates that a Contracting Party must provide a filing date for an application as the date that the following elements are filed with its Office:

(i) An indication that submitted elements are intended to be an application;

(ii) Indications allowing the identity of the applicant or person submitting the application to be established or contacted;

(iii) A description; and

(iv) If the description is not in an accepted language, an indication that the application contains a description.

This filing date requirement is fairly minimal and would greatly simplify the conditions imposed upon the grant of dates to patent applications throughout the world. Note that this article would mandate the acceptance, for filing date purposes, of patent applications in any language, subject to the furnishing of later translations. The USPTO has supported this article, with the knowledge that our claim requirement in section 111(a) of title 35, United States Code, would have to be deleted. Note that such a requirement is not included for provisional applications filed under section 111(b) of title 35, United States Code. The remainder of the article and Rule 2 provide additional details concerning the grant of filing dates.

Article 5—Application—This article is another of the more important features of this effort. It mandates that no Contracting Party may impose any requirement relating to the form or contents of an application which is different from or additional to any requirement applicable under the Patent Cooperation Treaty (PCT) to an international application. In essence, this article states that if an applicant submits an application to a national office that complies with the requirements of the PCT, that national office can impose no different or additional requirements on that national application. Of course, Contracting Parties would be free to impose requirements that are more liberal, from an applicant's perspective, than the PCT. Of note, the International Bureau of WIPO has expressed the view that the incorporation of the ''form or contents'' requirements from the PCT into this article would mandate the application of the PCT unity of invention standard for all national applications. The USPTO has taken exception to this view insofar as unity of invention is considered to be a substantive matter that is outside the scope of this effort. This article also provides that the Regulations shall include requirements regarding the filing of applications in paper and electronic form.

Article 6—Validity of Patent; Revocation—This article mandates that once a patent has been granted, it may be revoked or invalidated on the ground of non-compliance with certain formal requirements enunciated in Article 5.

Article 7—Representation; Address for Service—This article addresses requirements regarding representation, address for service and powers of attorney. Importantly, the article provides that Contracting Parties may not mandate representation for, among other things, the filing of a translation, the furnishing of drawings or the payment of any fee.

Article 8—Signature; Article 9—Request for Recordal of Change in Name and Address; Article 10—Request for Recordal of Change in Ownership; Article 11—Request for Recordal of Licensing Agreement or Security Interest; and Article 12—Request for Correction of a Mistake. These provisions, and associated rules, are considered to be self-explanatory. It has been the position of the USPTO that much of the detail in these articles would be more appropriate for a rule insofar as including such a level of detail in treaty articles may render the result unnecessarily inflexible. (While this issue is highlighted here with respect to these enumerated articles, it may apply to the level of detail associated with other articles.)

Article 13—Extension of a Time Limit Fixed by the Office—This article, with Rule 14, mandates that the Offices of all Contracting Parties must provide for, at the least, a first extension for any time limit set by the Office.

Article 14—Further Processing; Restoration of Rights—This article mandates that all Contracting Parties must provide for the further processing of applications and the restoration of rights related to applications/patents where compliance with a requirement takes place outside of a time limit originally established by an Office. The article also provides for intervening rights under certain circumstances.

Article 15—Addition and Restoration of Priority Claim—This article provides for the late claiming of priority of an earlier application where a subsequent application is timely filed and for the delayed filing of the subsequent application. The United States currently permits late claiming of priority and supports the concept of accepting the delayed filing of the subsequent application. With regard to accepting the delayed filing of a subsequent application, an amendment to section 119 of title 35, United States Code, would be warranted.

Article 16—Regulations—This provision provides the basis for the draft rules that follow. As noted above, there are, currently, 17 draft rules that accompany the text of the treaty.

3. Text of the Draft Treaty, Rules and Notes

The text of the current draft of the patent law treaty, with associated rules and notes, is available via the USPTO's World Wide Web site at http://www.uspto.gov via a link to WIPO's World Wide Web site. The documents are PLT/CE/V/2 and PLT/CE/V/3.

Requests for paper copies of the text may be made in writing to Mrs. Lois E.

Boland at the above address or by telephone at (703) 305–9300.

Dated: October 15, 1997.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 97–27973 Filed 10–21–97; 8:45 am]

BILLING CODE 3510–16–M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 21, 1997.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: October 16, 1997.

Gloria Parker,

Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: Revision.
Title: Common Core of Data (CCD) Surveys.
Frequency: Annually.
Affected Public: State, local or Tribal Gov't, SEAs or LEAs.
Reporting Burden and Recordkeeping:
Responses: 57
Burden Hours: 9,635
Abstract: The CCD Survey collects data annually from state education agencies about student enrollments, graduation, dropout; education staff; school and agency characteristics; and revenues and expenditures for public elementary and secondary education. The Department will use this information to provide an official listing of public elementary and secondary schools and education agencies in the United States; and provide basic information and descriptive statistics on public elementary and secondary schools and schooling, including school finance.

Office of Postsecondary Education

Type of Review: Reinstatement.
Title: Applications for the Programs to Encourage Minority Students to Become Teachers.
Frequency: Annually.
Affected Public: Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 150
Burden Hours: 4,800
Abstract: This application is essential to conducting the competition for new awards in fiscal year 1998 for eligible institutions of higher education and state and local educational agencies for the Programs to Encourage Minority Students to Become Teachers.

Office of Postsecondary Education

Type of Review: Revision.
Title: Federal Direct Stafford/Ford Loan and Federal Direct Unsubsidized Stafford/Ford Loan Promissory Note and Disclosure.
Frequency: On occasion.
Affected Public: Individuals or households.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 2,600,000
Burden Hours: 433,160
Abstract: This form is the means by which a Federal Direct Stafford/Ford and/or Federal Direct Unsubsidized Stafford/Ford Loan borrower promises to repay his or her loan.

Office of Postsecondary Education

Type of Review: Revision.
Title: Federal Direct PLUS Loan Application and Promissory Note.
Frequency: On occasion.
Affected Public: Individuals or households.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 210,000
Burden Hours: 105,000
Abstract: This form is the means by which a Federal Direct PLUS Loan borrower promises to repay his or her loan.

Office of Postsecondary Education

Type of Review: Revision.
Title: Addendum to Federal Direct PLUS Loan Promissory Note Endorser.
Frequency: On occasion.
Affected Public: Individuals or households.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 52,500
Burden Hours: 26,250
Abstract: This form is the means by which an endorser for a Federal Direct PLUS Loan borrower with an adverse credit history applies for and promises to repay the Federal Direct PLUS loan if the borrower does not pay it.

Office of Special Education and Rehabilitative Services

Type of Review: Reinstatement.
Title: Annual Client Assistance Program (CAP) Report.
Frequency: Annually.
Affected Public: State, local or Tribal Gov't, SEAs or LEAs.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 57
Burden Hours: 342