

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 021401A]

**Endangered Species; Permits**

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

**ACTION:** Expiration of scientific research permits 948 and 956.

**SUMMARY:** Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement: The purpose of this notice is to announce that scientific research permits issued to the Northern Wasco County People's Utility District at The Dalles, OR (NWCPUD) and the U.S. Geological Survey at Cook, WA (USGS) have expired and that pending modifications to those permits will not be issued.

**ADDRESSES:** Comments may be sent via fax to the number indicated for the application or modification request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review in the indicated office, by appointment:

For permits 948 and 956: Protected Resources Division, F/NWR3, 525 NE Oregon Street, Suite 500, Portland, OR 97232-4169 (ph: 503-230-5400, fax: 503-230-5435).

Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (phone:301-713-1401).

**FOR FURTHER INFORMATION CONTACT:** Robert Koch, Portland, OR (ph: 503-230-5424, fax: 503-230-5435, e-mail: Robert.Koch@noaa.gov).

**SUPPLEMENTARY INFORMATION:****Authority**

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are

subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

**Species Covered in This Notice**

The following species and evolutionary significant units (ESUs) are covered in this notice:

Sockeye salmon (*Oncorhynchus nerka*): endangered Snake River (SnR).

Chinook salmon (*O. tshawytscha*): endangered, naturally produced and artificially propagated, upper Columbia River (UCR) spring; threatened, naturally produced and artificially propagated, SnR spring/summer; threatened SnR fall.

Steelhead (*O. mykiss*): endangered, naturally produced and artificially propagated, UCR; threatened SnR.

**Expired Permits**

Notice was published on March 6, 1998 (63 FR 11220) that NWCPUD applied for modification 2 to scientific research permit 948 for, in part, an annual take of juvenile SnR steelhead. Notice was published on February 11, 1999 (64 FR 6880) that NWCPUD applied for modification 3 to scientific research permit 948 for an annual take of juvenile, naturally produced and artificially propagated, UCR spring chinook salmon. Permit 948 authorized NWCPUD annual takes of juvenile SnR sockeye salmon; juvenile, naturally produced and artificially propagated, SnR spring/summer chinook salmon; juvenile SnR fall chinook salmon; and juvenile, naturally produced and artificially propagated, UCR steelhead associated with research designed to assess juvenile anadromous fish condition after passage through the screened turbine intake channel at The Dalles Dam, located on the lower Columbia River in the Pacific Northwest. These requested permit actions will not be issued because NWCPUD's permit expired (on September 30, 1999) before NMFS could issue them. NWCPUD has submitted an application for a permit (1229) to replace permit 948 (see 65 FR 2381, January 14, 2000).

Notice was published on March 6, 1998 (63 FR 11222) that USGS applied for modification 3 to scientific research permit 956 for an annual take of juvenile SnR steelhead. Permit 956 authorized USGS annual takes of juvenile, naturally-produced and artificially-propagated, SnR spring/summer chinook salmon and juvenile SnR fall chinook salmon associated with a study designed to obtain data on the distribution, abundance, movement, and habitat preferences of the anadromous fish that migrate through Lower Granite Reservoir; to evaluate the operation of a surface bypass collector in the forebay of Lower Granite Dam; and to verify species of hydroacoustic surveys. The requested permit modification will not be issued because USGS's permit expired (on September 30, 1999) before NMFS could issue it. USGS has submitted an application for a permit (1240) to replace permit 956 (see 65 FR 11288, March 2, 2000).

Dated: February 15, 2001.

**Phil Williams,**

*Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 01-4690 Filed 2-26-01; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 020801D]

**Marine Mammals; File No. 990-1603-00**

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

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given that John Muir Institute of the Environment, University of California, Davis, One Shields Avenue, Davis, California 95616 (Principal Investigator: Ms. Lizabeth Bowen) has been issued a permit to import/export California sea lion (*Zalophus californianus*) blood samples from Mexico and to France for purposes of scientific research.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, 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:** Ruth Johnson or Tammy Adams 301/713-2289.

**SUPPLEMENTARY INFORMATION:** On October 11, 2000, notice was published in the **Federal Register** (65 FR 60411) that a request for a scientific research permit to import/export California sea lion blood samples had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: February 21, 2001.

**Eugene Nitta,**

*Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 01-4746 Filed 2-26-01; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

#### Patent Processing (Updating) (Proposed Addition of Form PTO/SB/32 "Request for Oral Hearing Before the Board of Patent Appeals and Interferences" and Form PTO/SB/37 "Request for Deferral of Examination 37 CFR 1.103(d)")

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the revision of a continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before April 30, 2001.

**ADDRESSES:** Direct all written comments to Susan K. Brown, Records Officer, Data Administration Division, Office of Data Management, United States Patent and Trademark Office, Crystal Park 3, Suite 310, Washington, DC 20231; by telephone at (703) 308-7400; or by electronic mail at Susan.Brown@uspto.gov.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Robert J. Spar,

Director, Office of Patent Legal Administration, United States Patent and Trademark Office, Washington, DC 20231; by telephone at (703) 308-5107; or by electronic mail at Bob.Spar@uspto.gov.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Abstract**

Patent applicants or owners of patents under reexamination may appeal the decision of a patent examiner by filing a notice of appeal to the Board of Patent Appeals and Interferences (the Board). Additionally, the appellant may also make a written request for an oral hearing before the Board if the appellant believes such a hearing is necessary for the proper presentation of the appeal. Effective December 1, 1997, 37 CFR 1.194(b) was amended to require this written request for an oral hearing before the Board to be filed "in a separate paper" from the appeal itself. See Changes to Patent Practice and Procedure, Final Rule, 62 FR 53132, 53170, 53197 (Oct. 10, 1997). In accordance with this rule change and in response to requests from the public, the USPTO has created Form PTO/SB/32, "Request for Oral Hearing Before the Board of Patent Appeals and Interferences." This form will allow the public to comply quickly and easily with the requirements set forth in 37 CFR 1.194(b) to request an oral hearing before the Board on a separate piece of paper.

In order to implement the Patent Business Goals, and in accordance with the eighteen-month publication provisions of the American Inventors Protection Act of 1999, the USPTO has amended 37 CFR 1.103 to permit applicants to request deferred examination for up to three years from the earliest filing date for which a benefit is claimed under title 35 of the United States Code. See Changes to Implement Eighteen-Month Publication of Patent Applications, Final Rule, 65 FR 57024, 57033, 57056 (Sept. 20, 2000). Section 1.103(d) now allows applicants to request deferred examination under the following conditions: (1) The application is filed on or after November 29, 2000 (or is an application for which the applicant requests voluntary publication), and is an original utility or plant application filed under § 1.53(b) or an application resulting from entry of an international application into the national stage after compliance with § 1.494 or § 1.495; (2) the applicant has not filed a nonpublication request under § 1.213(a), or has filed a request under § 1.213(b) to rescind a previously filed

nonpublication request; (3) the application is in condition for publication as provided in § 1.211(c); and (4) the USPTO has not issued either an Office action under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151. To assist applicants in making a request for deferred examination under § 1.103(d), the USPTO has developed a new form for submitting the required information, Form PTO/SB/37 "Request for Deferral of Examination 37 CFR 1.103(d)."

The USPTO proposes to add these two forms, PTO/SB/32 and PTO/SB/37, to the information collection previously approved under OMB control number 0651-0031, Patent Processing (Updating).

##### **II. Method of Collection**

By mail, facsimile, or hand delivery when the applicant wishes to request an oral hearing under 37 CFR 1.194(b) or a deferral of examination under 37 CFR 1.103(d).

##### **III. Data**

*OMB Number:* 0651-0031.

*Form Number(s):* PTO/SB/32 and PTO/SB/37.

*Type of Review:* Addition to an existing information collection.

*Affected Public:* Individuals or households; businesses or other for-profits; not-for-profit institutions; farms; the Federal Government; and state, local or tribal governments.

*Estimated Number of Respondents:* The USPTO estimates receiving 1,224 responses per year using Form PTO/SB/32 and 50 responses per year using Form PTO/SB/37, for a total of 1,274 responses per year. These 1,274 responses are in addition to the previously approved 2,231,365 responses, increasing the total number of responses for this collection to 2,232,639 per year.

*Estimated Time Per Response:* The USPTO estimates that it will take the public 12 minutes (.2 hours) to complete the request for an oral hearing and 12 minutes (.2 hours) to complete the request for deferred examination. These estimates include the time to gather the necessary information and submit the completed form.

*Estimated Total Annual Respondent Burden Hours:* The USPTO estimates that the total annual burden hours will be 245 hours per year for Form PTO/SB/32 and 10 hours per year for Form PTO/SB/37, for a total of 255 hours per year. These 255 hours are in addition to the previously approved annual burden of 1,018,736 hours, increasing the total annual burden for this collection to 1,018,991 hours.