

upon written request or by appointment in the following office(s): Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; [www.nmfs.noaa.gov/prot\\_res](http://www.nmfs.noaa.gov/prot_res); and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

**FOR FURTHER INFORMATION CONTACT:** Dr. Tammy Adams or Carrie Hubbard, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

The applicant requests a permit to expose gray whales (*Eschrichtius robustus*) migrating offshore of central California to low-powered high-frequency active sonar, henceforth referred to as "whale-finder sonar systems," while simultaneously recording any reactions of the animals to the sound. In addition to the target species, which is not listed under the ESA, the applicant also requests authorization for unintentional "takes" of the following non-target marine mammals that may be within the range of the whale-finder sonar systems: endangered blue whales (*Balaenoptera musculus*), endangered fin whales (*B. physalus*), endangered humpback whales (*Megaptera novaeangliae*), minke whales (*B. acutorostrata*), endangered sei whales (*B. borealis*), endangered sperm whales (*Physeter macrocephalus*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocoenoides dalli*), Pacific white-sided dolphins (*Lagenorhynchus obliquidens*), bottlenose dolphins (*Tursiops truncatus*), Risso's dolphins (*Grampus griseus*), short-beaked common dolphins (*Delphinus delphis*), northern right whale dolphins (*Lissodephis borealis*), killer whales (*Orcinus orca*), short-finned pilot whales (*Globicephala macrorhynchus*), Baird's beaked whales (*Berardius bairdii*), mesoplodont beaked whales (*Mesoplodon spp.*), Cuvier's beaked whales (*Ziphius cavirostris*), California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina*), threatened Guadalupe fur seals (*Arctocephalus*

*townsendi*), northern elephant seals (*Mirounga angustirostris*), northern fur seals (*Callorhinus ursinus*), and threatened Steller sea lions (*Eumetopias jubatus*). The objectives of the proposed research are to gather data on the reflectivity of whales, determine the probability of detection out to one mile, and determine what, if any, reaction the animals may have to high frequency active sonars designed to detect marine mammals. The purpose of the proposed research is to validate and improve the ability of whale-finder sonar systems to detect marine mammals without adversely affecting them.

A draft EA has been prepared to examine whether significant environmental impacts could result from issuance of the proposed scientific research permit. The draft EA is available for review and comment simultaneous with the scientific research permit application.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: October 31.

**Stephen L. Leathery,**

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 03-27846 Filed 11-4-03; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

#### Legal Processes

**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 continuing information collection, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before January 5, 2004.

**ADDRESSES:** Direct all written comments to Susan K. Brown, Records Officer, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division, 703-308-7400, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313, Attn: CPK 3 Suite 310; by e-mail at [susan.brown@uspto.gov](mailto:susan.brown@uspto.gov); or by facsimile at 703-308-7407.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to the Office of General Counsel, USPTO, P.O. Box 1450, Alexandria, VA 22313-1450; or by telephone at 703-308-2000.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The purpose of this collection is to cover information requirements related to civil actions and claims involving both current and former employees of the United States Patent and Trademark Office (USPTO). The rules for these legal processes may be found under 37 CFR part 104, which outlines procedures for service of process, employee testimony and production of documents in legal proceedings, employee indemnification, and filing claims against the USPTO under the Federal Tort Claims Act (28 U.S.C. 2672) and the corresponding Department of Justice regulations (28 CFR art 14). The public may also petition the Office of General Counsel under 37 CFR 104.3 to waive or suspend these rules in extraordinary cases.

The procedures under 37 CFR part 104 ensure that service of process intended for current and former employees of the USPTO is handled properly. The public uses this collection to submit information required by USPTO regulations covering legal processes, including service of process, employee testimony and production of documents in legal proceedings, employee indemnification, and claims under the Federal Tort Claims Act. There are no forms provided by the USPTO for this collection. For filing tort claims, the public may use Standard Form 95 "Claim for Damage, Injury, or Death," which is provided by the Department of Justice and approved by

the Office of Management and Budget (OMB) under OMB Control Number 1105-0008.

This information collection was previously approved by OMB in March 2001 in conjunction with a proposed rulemaking by the USPTO entitled "Legal Processes," published in the **Federal Register** on December 22, 2000 (Vol. 65, No. 247). The final rule notice was published in the **Federal Register** on September 12, 2001 (Vol. 66, No. 177).

**II. Method of Collection**

By mail or hand delivery to the USPTO.

**III. Data**

OMB Number: 0651-0046.  
 Form Number(s): None.  
 Type of Review: Extension of a currently approved 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:* 157 responses per year.

*Estimated Time Per Response:* The USPTO estimates that it will take the public from 5 minutes (0.08 hours) to 1 hour to gather the necessary information, prepare the appropriate documents, and submit the information required for the legal processes in this collection.

*Estimated Total Annual Respondent Burden Hours:* 29 hours per year.

*Estimated Total Annual Respondent Cost Burden:* \$8,054 per year. The USPTO expects that the information in this collection will be prepared by attorneys and former employees, except

for the requests for employee indemnification, which generally come from professional and supervisory staff. Since many of the former employees affected by this collection are attorneys, the attorney rate will be used for former employees as well. Using the professional rate of \$286 per hour for associate attorneys in private firms, the USPTO estimates that the respondent cost burden for attorneys and former employees submitting the information in this collection will be \$8,008 per year. Using the estimate of \$45.99 per hour for professional and supervisory staff, the USPTO expects that the respondent cost burden for submitting requests for employee indemnification will be \$46 per year. Therefore, the respondent cost burden for this collection will be \$8,054 per year.

Item	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Petition to Waive Rules .....	30 minutes .....	5	3
Service of Process .....	5 minutes .....	120	10
Forwarding Service .....	10 minutes .....	5	1
Employee Testimony and Production of Documents in Legal Proceedings .....	30 minutes .....	15	8
Forwarding Demands .....	10 minutes .....	5	1
Report of Unauthorized Testimony .....	30 minutes .....	1	1
Report of Possible Indemnification Cases .....	30 minutes .....	3	2
Employee Indemnification .....	30 minutes .....	1	1
Tort Claims .....	1 hour .....	2	2
<b>Total</b> .....	.....	<b>157</b>	<b>29</b>

*Estimated Total Annual Non-hour Respondent Cost Burden:* \$727 per year. There are no capital start-up, maintenance, or recordkeeping costs associated with this information collection. However, this collection does have annual (non-hour) costs in the form of filing fees and postage costs.

This collection has filing fees associated with the petition to waive or suspend the legal process rules under 37 CFR 104.3. The filing fee for this petition is \$130. There are no other filing fees associated with this information collection. The USPTO estimates that the total filing costs associated with this collection will be \$650 per year.

Customers may incur postage costs when submitting the information in this collection to the USPTO by mail. The USPTO estimates that the average first-class postage cost for a mailed submission will be 49 cents and that up to 157 submissions will be mailed to the USPTO per year. The total estimated postage cost for this collection is \$77 per year.

The total non-hour respondent cost burden for this collection in the form of filing fees and postage costs is \$727 per year.

**IV. Request for Comments**

*Comments are invited on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 30, 2003.

**Susan K. Brown,**  
*Records Officer, USPTO, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division.*

[FR Doc. 03-27793 Filed 11-4-03; 8:45 am]

**BILLING CODE 3510-16-P**

**DEPARTMENT OF DEFENSE**

**Department of the Air Force**

**Proposed Collection; Comment Request**

**AGENCY:** Headquarters, Air Force Reserve Officer Training Corps (AFROTC), Maxwell Air Force Base, Alabama.

**ACTION:** Notice.

In compliance with section 3503(c)(2)(A) of the Paperwork Reduction Act of 1995, Headquarters Air Force Reserve Officer Training Corps announces the proposed reinstatement of a public information