

about to enter the safety radii. If the airguns are ramped-up at night, two marine mammal observers will monitor for marine mammals for 30 minutes prior to ramp-up and during the ramp-up using night vision equipment that will be available (ITT F500 Series Generation 3 binocular image intensifier or equivalent).

Comments on past proposed IHAs suggested that NMFS require the use of passive acoustic monitoring, which is generally more effective than visual observations. Shipboard passive acoustics would not allow those on board the vessel to determine a marine mammal's distance from the vessel through triangulation; the vessel operator could determine only that a marine mammal is some unknown distance from the vessel. In order to triangulate on the animal, a system similar to that used in the Gulf of Mexico Sperm Whale Seismic Study (SWSS) in May 2003 is necessary. That passive acoustical monitoring equipment is not the property of LDEO or the Ewing and is not available for the Yucatan cruises. LDEO is presently evaluating the scientific results of the passive sonar from the SWSS trip to determine whether it is practical to incorporate it into future seismic research cruises. NMFS expects a report on this analysis shortly.

#### Reporting

LDEO will submit a report to NMFS within 90 days after the end of the cruise, which is predicted to occur on or around April 4, 2004. The report will describe the operations that were conducted and the marine mammals that were detected. The report must provide full documentation of methods, results, and interpretation pertaining to all monitoring tasks. The report will summarize the dates and locations of seismic operations, marine mammal sightings (dates, times, locations, activities, associated seismic survey activities), and estimates of the amount and nature of potential take of marine mammals by harassment or in other ways.

#### ESA

Under section 7 of the ESA, the National Science Foundation (NSF), the agency funding LDEO, has begun consultation on the proposed issuance of an IHA under section 101(a)(5)(D) of the MMPA for this activity. Consultation will be concluded prior to the issuance of an IHA. NSF has initiated consultation with the U.S. Fish and Wildlife Service on West Indian Manatees.

#### National Environmental Policy Act (NEPA)

The NSF has prepared an EA for the northern Yucatan Peninsula surveys. NMFS is reviewing this EA and will either adopt it or prepare its own NEPA document before making a determination on the issuance of an IHA. A copy of the NSF EA for this activity is available upon request (see **ADDRESSES**).

#### Preliminary Conclusions

NMFS has preliminarily determined that the impact of conducting the seismic survey at the northern Yucatan Peninsula in the Gulf of Mexico will result, at worst, in a temporary modification in behavior by certain species of marine mammals. This activity is expected to result in no more than a negligible impact on the affected species or stocks.

While the number of potential incidental harassment takes will depend on the distribution and abundance of marine mammals in the vicinity of the survey activity, the number of potential harassment takings is estimated to be small. In addition, no take by injury and/or death is anticipated, and the potential for temporary or permanent hearing impairment is low and will be avoided through the incorporation of the mitigation measures mentioned in this document. In addition, the proposed seismic program is not expected to interfere with any subsistence hunts, since operations in the whaling and sealing areas will be limited or nonexistent.

#### Proposed Authorization

NMFS proposes to issue an IHA to LDEO for conducting a seismic surveys at the northern Yucatan Peninsula in the Gulf of Mexico, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. NMFS has preliminarily determined that the proposed activity would result in the harassment of small numbers of marine mammals; would have no more than a negligible impact on the affected marine mammal stocks; and would not have an unmitigable adverse impact on the availability of species or stocks for subsistence uses.

#### Information Solicited

NMFS requests interested persons to submit comments and information concerning this request (see **ADDRESSES**).

Dated: December 4, 2003.

**Phil Williams,**

*Acting Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 03-30922 Filed 12-15-03; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Secrecy and License To Export

**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 proposed and/or continuing information collections, 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 February 17, 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 attention of Robert J. Spar, Director, Office of Patent Legal Administration, United States Patent and Trademark Office (USPTO), P.O. Box 1450, Alexandria, VA 22313-1450; by telephone (703) 308-5107; or by e-mail at [bob.spar@uspto.gov](mailto:bob.spar@uspto.gov).

#### **SUPPLEMENTARY INFORMATION:**

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

In the interest of national security, patent laws and rules place certain limitations on the disclosure of information contained in patents and patent applications and on the filing of applications for patents in foreign countries. When an invention is determined to be detrimental to national security, the Commissioner for Patents at the USPTO must issue a secrecy order and withhold the grant of a patent for such period as the national interest requires. If a secrecy order is applied to an international application, the application will not be forwarded to the

International Bureau as long as the secrecy order is in effect. The USPTO collects information to determine whether the patent laws and rules have been complied with, and to grant or revoke licenses to file abroad when appropriate. This collection of information is required by 35 U.S.C. 181-188 and administered through 37 CFR chapter 1, part 5, 5.1-5.33.

On November 29, 2001 OMB approved a Change Worksheet to adjust the burden estimates for this collection. The USPTO received more submissions than originally estimated; consequently, the responses increased by 332 and the total burden hours for this collection increased by 225 as an administrative adjustment.

In September 2003 the USPTO submitted an information collection package to OMB for review in support of a proposed rulemaking, "Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan" (RIN 0651-AB64). This proposed rulemaking would increase the filing fees for petitions related to foreign licenses in order to more accurately reflect the USPTO's actual cost of processing these petitions. An existing petition, the Petition for Changing the Scope of a License, was not previously covered in this collection as a separate item, but

was added to this rulemaking package with its proposed filing fee.

There are no forms associated with this collection of information.

**II. Method of Collection**

By mail, facsimile, or hand carry when the applicant or agent files a patent application with the USPTO, submits subsequent papers during the prosecution of the application to the USPTO, or submits a request for a foreign filing license for a patent application to be filed abroad before the filing of a United States patent application.

**III. Data**

*OMB Number:* 0651-0034.

*Form Number(s):* N/A.

*Type of Review:* Extension of a currently approved collection.

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

*Estimated Number of Respondents:* 1,669 total responses per year. Of this total, 6 per year for petitions for rescission of secrecy order; 3 per year for petitions for permits to disclose or modification of secrecy order; 1 per year for general and group permits; 1,402 per year for petitions for foreign filing

license without a corresponding application on file; 126 per year for petitions for foreign filing license with a corresponding United States application on file; 130 per year for petitions for retroactive license; and 1 per year for petitions for changing the scope of a license.

*Estimated Time Per Response:* The USPTO estimates that it will take approximately 3 hours for petitions for rescission of secrecy order; 2 hours petitions for permits to disclose or modification of secrecy order; 1 hour for general and group permits; 0.5 hours each for petitions for foreign filing licenses without a corresponding application and petitions for licenses with a corresponding U.S. patent application; 4 hours for petitions for retroactive licenses; and 1 hour for petitions for changing the scope of a license to gather, prepare and submit this information, depending upon the complexity of the situation.

*Estimated Total Annual Respondent Burden Hours:* 1,310 hours per year.

*Estimated Total Annual Respondent Cost Burden:* \$374,660. Using the professional hourly rate of \$286 for associate attorneys in private firms, the USPTO estimates \$374,660 per year for salary costs associated with respondents.

| Item   | Estimated time for response | Estimated annual responses | Estimated annual burden hours |
|--|-----------------------------|----------------------------|-------------------------------|
| Petition for rescission of secrecy order .....                         | 3 hours .....               | 6                          | 18                            |
| Petition for permit to disclose or modification of secrecy order ..... | 2 hours .....               | 3                          | 6                             |
| Petition for general and group permits .....                           | 1 hour .....                | 1                          | 1                             |
| Petition for License; no corresponding application .....               | 0.5 hours .....             | 1,402                      | 701                           |
| Petition for License; corresponding U.S. application .....             | 0.5 hours .....             | 126                        | 63                            |
| Petition for retroactive license .....                                 | 4 hours .....               | 130                        | 520                           |
| Petition for changing the scope of a license .....                     | 1 hour .....                | 1                          | 1                             |
| Totals .....   | .....                       | 1,669                      | 1,310                         |

*Estimated Total Annual Non-Hour Respondent Cost Burden:* \$215,732. There are no capital start-up or maintenance costs associated with this information collection. There are, however, filing fees and postage costs.

There is a proposed rulemaking information collection currently at OMB under review which, if approved, would add \$437,000 in filing fees to this collection for the petitions for the licenses to export. However, since the information collection currently at OMB

under review is a proposed rulemaking, the USPTO is using the current filing fee rate of \$130 for this submission, for a total of \$215,670 in filing fees for the licenses to export. No fees are associated with the secrecy order petitions.

| Item   | Responses (a) | Filing Fee (\$) (b) | Total Filing Fee Cost Burden (c) (a x b) |
|--|---------------|---------------------|--|
| Petition for rescission of secrecy order .....                         | 6             | 0                   | 0.00                                     |
| Petition for permit to disclose or modification of secrecy order ..... | 3             | 0                   | 0.00                                     |
| Petition for general and group permits .....                           | 1             | 0                   | 0.00                                     |
| Petition for License, no corresponding application .....               | 1,402         | 130.00              | 182,260.00                               |
| Petition for License, corresponding U.S. application .....             | 126           | 130.00              | 16,380.00                                |

| Item   | Responses<br>(a) | Filing<br>Fee<br>(\$)<br>(b) | Total Filing<br>Fee Cost Bur-<br>den<br>(c)<br>(a × b) |
|--|------------------|------------------------------|--|
| Petition for retroactive license .....             | 130              | 130.00                       | 16,900.00  |
| Petition for changing the scope of a license ..... | 1                | 130.00                       | 130.00   |
| Totals .....                                       | 1,669            | .....                        | 215,670.00   |

The USPTO estimates that 90 percent (90%) of the petitions in this collection are submitted to the USPTO by facsimile or hand carried because of the quick turnaround required. For the 10 percent (10%) of the public that chooses to submit the petitions in this collection to the USPTO by mail through the United States Postal Service, the USPTO estimates that the average first class postage cost for a mailed submission will be 37 cents. Therefore, the USPTO estimates that up to 167 submissions per year may be mailed to the USPTO at an average first class postage cost of 37 cents, for a total postage cost of \$62.

The USPTO estimates that the total non-hour respondent cost burden for this collection in the form of postage costs and filing fees amounts to \$215,732.

#### 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 will also become a matter of public record.

Dated: December 9, 2003.

**Susan K. Brown,**

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

[FR Doc. 03-30944 Filed 12-15-03; 8:45 am]

BILLING CODE 3510-16-P

#### DEPARTMENT OF EDUCATION

##### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.  
**SUMMARY:** The Leader, Regulatory Information Management Group, 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 January 15, 2004.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Melanie Kadlic, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the Internet address [Melanie\\_Kadlic@omb.eop.gov](mailto:Melanie_Kadlic@omb.eop.gov).

**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 Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that 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.

Dated: December 10, 2003.

**Angela C. Arrington,**

*Leader, Regulatory Information Management Group, Office of the Chief Information Officer.*

##### Office of Special Education and Rehabilitative Services

*Type of Review:* Revision.

*Title:* Applications for New Grants under the Rehabilitation Services Administration (RSA).

*Frequency:* Annually.

*Affected Public:* Businesses or other for-profit; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

Responses: 1,000.

Burden Hours: 40,000.

*Abstract:* Vocational rehabilitation "Federal Assistance" Discretionary Grant Application Forms and Instructions for Rehabilitation Programs on behalf of Individuals with Disabilities are required so that all applications are completed in accordance with specific and unique program requirements.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890-0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the submission for OMB review; comment request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 2418. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202-4651 or to the e-mail address [vivan.reese@ed.gov](mailto:vivan.reese@ed.gov). Requests may also be electronically mailed to the internet address [OCIO\\_RIMG@ed.gov](mailto:OCIO_RIMG@ed.gov) or faxed to (202)-708-9346. Please specify the