

DEPARTMENT OF COMMERCE**Patent and Trademark Office****Patent and Trademark Financial Transactions (Formerly Payment of Patent and Trademark Office Fees by Credit Card)**

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, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before December 2, 2005.

ADDRESSES: You may submit comments by any of the following methods:

- E-mail: *Susan.Brown@uspto.gov*. Include "0651-0043 comment" in the subject line of the message.

- Fax: 571-273-0112, marked to the attention of Susan Brown.

- Mail: Susan K. Brown, Records Officer, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tamara McClure, Office of Finance, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-6345; or by e-mail to *Tamara.McClure@uspto.gov*.

SUPPLEMENTARY INFORMATION**I. Abstract**

Under 35 U.S.C. 41 and 15 U.S.C. 1113, the USPTO charges fees for processing and other services related to patents, trademarks, and information products. The provisions of 35 U.S.C. 41 and 15 U.S.C. 1113 are implemented in 37 CFR 1.16-1.28, 2.6-2.7, and 2.206-2.209.

Under 37 CFR 1.23(b) and 2.207(b), customers may use a credit card to pay patent or trademark fees or to order information products from the USPTO. Payments of fees made by credit card must specify the amount to be charged and other information that is necessary to process the charge, such as a billing address (and an authorized signature when submitting a paper Credit Card Payment Form). The USPTO will not accept a general authorization to charge

fees to a credit card. Customers submitting fee payments must also provide information concerning the purpose of the fee so that the USPTO is able to (1) apply the fee to the particular application, patent, trademark registration, or other proceeding, service, or product; and (2) determine whether the person has submitted the appropriate fee(s) required by law or regulation.

This information collection includes the Credit Card Payment Form (PTO-2038), which provides the public with a convenient way to submit a credit card payment for fees related to a patent, trademark, or information product. Customers may also submit credit card payments via the Electronic Credit Card Payment Form (PTO-2231) when using online systems provided by the USPTO for paying fees related to patents, trademarks, or information products. These systems are accessible through the USPTO web site at <http://www.uspto.gov>. At the top of the site, click on the "eBusiness" link to access the online systems. For online credit card payments, customers must use the Electronic Credit Card Payment Form provided on the USPTO web site.

Under 37 CFR 1.25 and 2.208, customers may establish deposit accounts at the USPTO for paying patent and trademark fees or purchasing information products. Deposit accounts eliminate the need to submit a check, credit card information, or other form of payment for each transaction with the USPTO. Additionally, in the event that a fee amount due is miscalculated, customers may authorize the USPTO to charge any remaining balance to the deposit account and therefore avoid the potential consequences of underpayment. Customers may establish a deposit account by completing a Deposit Account Application Form (PTO-2232) and sending the required information, initial deposit, and service fee to the USPTO.

As customers use their deposit accounts to make payments, they may deposit funds to replenish their accounts by mailing a check to the USPTO or making a deposit online via an electronic funds transfer (EFT) using the Electronic Deposit Account Replenishment Form (PTO-2233) available at the USPTO web site. No official form is provided for mailed replenishments. Customers may simply send their checks to the USPTO with instructions specifying their deposit account number. Customers may also close their deposit accounts by submitting a written request. The remaining balance in the deposit account will be refunded after a six-

week waiting period with no account activity to ensure that all outstanding charges have been applied before the account is closed.

In addition to credit cards and deposit accounts, customers may also use EFT to make online fee payments. In order to make payments to the USPTO via EFT, customers must first establish a user profile with their banking information. Once their profile is created, customers may use their User ID and password to perform EFT transactions. To set up a user profile, customers must complete and submit the EFT User Profile Form (PTO-2236) through the USPTO web site.

Under 37 CFR 1.26 and 2.209, the USPTO may refund fees paid by mistake or in excess of the required amount. For refund amounts of \$25 or less, customers must submit a written request to the Refund Branch of the USPTO Office of Finance. No official form is provided for these refund requests.

The Deposit Account Application Form (PTO-2232), Deposit Account Replenishments, Electronic Deposit Account Replenishment Form (PTO-2233), Deposit Account Closure Request Form (PTO-2234), EFT User Profile Form (PTO-2236), and Refund Requests are being added to this collection. The USPTO does not provide an official form for paper Deposit Account Replenishments or Refund Requests.

In order to protect confidentiality, the USPTO will not include the credit card information submitted using the paper Credit Card Payment Form (PTO-2038) or Electronic Credit Card Payment Form (PTO-2231) among the patent or trademark records open to public inspection. The USPTO does not require customers to use the paper Credit Card Payment Form when paying fees by credit card, but using this form for non-electronic payments is strongly encouraged. If a customer supplies credit card information on a form or document (e.g., in correspondence related to a patent or trademark) other than a credit card payment form provided by the USPTO, the credit card information may become part of a patent or trademark file that is open to public inspection. If credit card information is submitted on a form or document other than a credit card payment form provided by the USPTO, the USPTO will not be liable if the credit card information becomes public knowledge.

II. Method of Collection

By mail, facsimile, hand delivery, or electronically over the Internet to the USPTO.

III. Data

OMB Number: 0651-0043.

Form Number(s): PTO-2038, PTO-2231, PTO-2232, PTO-2233, PTO-2234, PTO-2236.

Type of Review: Revision 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: 1,928,705 responses per year.

Estimated Time Per Response: The USPTO estimates that it will take the public approximately 2 minutes (0.03 hours) to gather the necessary information, prepare, and submit the items in this collection related to credit card payments, deposit accounts, EFT user profiles, and refund requests.

Estimated Total Annual Respondent Burden Hours: 57,862 hours per year.

Estimated Total Annual Respondent Cost Burden: \$2,488,066 per year. The USPTO expects that 75% of the submissions for this information collection will be prepared by fee

administrators/coordinators and that 25% of the submissions will be prepared by paraprofessionals. Using those proportions and the estimated rates of \$30 per hour for fee administrators/coordinators and \$81 per hour for paraprofessionals, the USPTO estimates that the average hourly rate for all respondents will be approximately \$43 per hour. Using this estimated rate of \$43 per hour, the USPTO estimates that the respondent cost burden for submitting the information in this collection will be approximately \$2,488,066 per year.

Item	Estimated time for response (minutes)	Estimated annual responses	Estimated annual burden hours
Credit Card Payment Form (PTO-2038)	2	863,389	25,902
Electronic Credit Card Payment Form (PTO-2231)	2	1,017,322	30,520
Deposit Account Application Form (PTO-2232)	2	298	9
Deposit Account Replenishment	2	20,837	625
Electronic Deposit Account Replenishment Form (PTO-2233)	2	17,664	530
Deposit Account Closure Request Form (PTO-2234)	2	132	4
EFT User Profile Form (PTO-2236)	2	2,850	86
Refund Request	2	6,213	186
Total		1,928,705	57,862

Estimated Total Annual Non-hour Respondent Cost Burden: \$235,755. There are no capital start-up costs or maintenance costs associated with this information collection. However, this collection does have associated service fees for deposit accounts and returned payments, postage costs for mailing submissions to the USPTO, and recordkeeping costs related to electronic credit card payments and electronic deposit account replenishments.

There are service fees for setting up a deposit account at the USPTO, for not maintaining the minimum balance required for the deposit account, and for returned payments. The service charge to establish a deposit account is \$10, and the USPTO estimates that it processes 298 Deposit Account Application Forms annually, for a total of \$2,980 per year. There is also a \$25 service charge for deposit accounts that are below the minimum balance (\$1,000 minimum balance for an unrestricted deposit account or \$300 minimum balance for a restricted deposit account) at the end of the month, and the USPTO estimates that it assesses a total of \$100,000 in low balance service charges per year. There is a \$50 service charge for processing a payment refused (including a check returned "unpaid") or charged back by a financial institution. The USPTO estimates that it assesses 456 of these returned payment charges annually, for a total of \$22,800

per year. The total estimated service fees for this collection are \$125,780 per year.

Customers may incur postage costs when submitting the Credit Card Payment Form and other paper forms or requests to the USPTO by mail. Customers generally send the Credit Card Payment Form to the USPTO along with other documents related to the fee or service being paid for by credit card, but some customers may submit just the Credit Card Payment Form without additional supporting documents. The USPTO estimates that roughly 5 percent of the 863,389 paper Credit Card Payment Forms submitted annually may be mailed in by themselves, approximately 43,169 per year. The USPTO estimates that it will receive an additional 27,480 submissions per year that may be mailed, including Deposit Account Application Forms, Deposit Account Replenishments, Deposit Account Closure Requests, and Refund Requests, for a total of 70,649 mailed submissions per year. The USPTO estimates that the first-class postage cost for a mailed submission will be 37 cents, for a total postage cost of approximately \$26,140 per year.

Customers using the Electronic Credit Card Payment Form or the Electronic Deposit Account Replenishment Form may incur recordkeeping costs from printing a copy of the electronic receipt confirming their successful online transaction. The USPTO estimates that it will take 5 seconds (0.001 hours) to

print a copy of the confirmation receipt and that approximately 1,034,986 submissions per year will use the Electronic Credit Card Payment Form or the Electronic Deposit Account Replenishment Form, for a total recordkeeping burden of 1,035 hours per year. Using the paraprofessional rate of \$81 per hour, the USPTO estimates that the recordkeeping cost associated with this collection will be approximately \$83,835 per year.

The total non-hour respondent cost burden for this collection in the form of service fees, postage costs, and recordkeeping costs is estimated to be \$235,755 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: September 26, 2005.

Susan K. Brown,

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

[FR Doc. 05-19683 Filed 9-30-05; 8:45 am]

BILLING CODE 3510-16-P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 70 FR 180.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., Monday, October 3, 2005.

CHANGES IN THE MEETING: The closed meeting to discuss a Derivatives Clearing Organization Review has been canceled.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202-418-5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 05-19822 Filed 9-29-05; 12:29 pm]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement, Programmatic Sediment Management Plan, Lower Snake River Reservoirs, in the States of Washington and Idaho

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (Corps) intends to prepare an Environmental Impact Statement (EIS) for a Programmatic Sediment Management Plan that will address sediment management within the four lower Snake River reservoirs and that portion of McNary reservoir contained within the lower Snake River. The plan will identify and evaluate ways the Corps can manage sediment within these reservoirs and examine the sediment input (sources) on a programmatic basis in the near-term, mid-term, and long-term. The reservoirs extend from the mouth of the Snake River upstream to the communities of Lewiston, Idaho, and Clarkston,

Washington; and include the lower 2 miles of the Clearwater River from its confluence with the Snake River at Lewiston upstream to the U.S. Highway 12 Bridge. In the plan the Corps will also include all tributaries that could significantly contribute sediment to the lower Snake River. The Corps is preparing this plan because sediment management has been an ongoing maintenance issue since the completion of Ice Harbor Dam, the first dam and reservoir on the lower Snake River, in 1961. Rather than addressing sediment-related problems on a case-by-case basis, the Corps has determined that it would be more effective to evaluate sediment management as a whole and on a watershed basis. The intent of the plan is to identify ways to reduce the amount of sediment entering the reservoirs, identify how to manage the sediment once it enters the reservoirs, and identify possible changes to structures or operations to reduce maintenance and associated impacts while still providing for authorized project purposes, including navigation. **FOR FURTHER INFORMATION CONTACT:** Mr. Carl Christianson, Project Manager, Walla Walla District, Corps of Engineers, CENWW-PM-PD, 201 North Third Avenue, Walla Walla, WA 99362, phone (509) 527-7260, or Ms. Sandra Simmons, NEPA Coordinator, Walla Walla District, Corps of Engineers, CENWW-PD-EC, 201 North Third Avenue, Walla Walla, WA 99362, phone (509) 527-7265.

SUPPLEMENTARY INFORMATION: Since construction of its first dam on the lower Snake River, the Corps has recognized that sediment management would be an ongoing maintenance issue within the reservoirs. Historically the Corps has used dredging as the primary means of managing sediment that deposited in areas that interfere with man's use of the river. Most of these maintenance dredging actions have been conducted on a case-by-case basis without a long-term look at more effective ways of managing sediment. The Corps has now determined it would be more effective to evaluate sediment management within the lower Snake River on a watershed scale, and evaluate the potential for reducing sediment input, rather than focusing only on the reservoirs themselves. Although the Corps does not have the authority to manage land outside of the reservoir project boundaries, the Corps can identify and evaluate management strategies that could be implemented on non-Corps property.

The Corps is considering a variety of sediment management measures that

could be used individually or in combination. Measures identified to date for evaluation include:

Sediment Reduction Measures

Structural Sediment Reduction Measures

- Aquatic ecosystem restoration projects under current authorities (Section 206 Water Resources Development Act of 1996 and Section 1135 of the Water Resources Development Act of 1986)
- Shoreline vegetated filter strips
- Streambank erosion control
- Improved logging road placement and design

Non-Structural Sediment Reduction Measures

- Natural Resource Conservation Service conservation programs
- Land use planning
- Public education
- Watershed planning
- Forest management practices
- Timber harvest planning

Sediment Management Measures

In-water systems to control sediment deposition.

- Agitation to prevent settling
- Bendway weirs
- Dikes and dike fields
- Air curtains to prevent settling of material at specific locations

Sediment Removal and Management

- Agitation to re-suspend sediment
- Dredging to remove sediment
- Beneficial use of dredged material
- In-water disposal of dredged material
- Upland disposal of dredged material

System Management Measures

Modify Navigation System Infrastructure

- Relocate affected commercial navigation, recreational boating and water intake facilities
- Build sediment retention dams upstream of Lower Granite reservoir and/or in tributaries

Modify Reservoir Operations

- Raise pool levels to increase water depth
- Modify flows to flush sediment
- Draw down Lower Granite reservoir to add flow conveyance capacity

Provide Flow Conveyance at Snake/Clearwater Rivers Confluence

The Corps has also initially identified several key resource areas that may be affected by the sediment management