

calculation must be a "reasonably accurate estimate" of the actual rate, that the calculation must be made in a manner that reflects differences in physical characteristics, and that the result must, while providing a deterrent for non-compliance, not be punitive, and provide an adequate explanation of that calculation.

The Department's decision in the final results of the Sixth Administrative Review Remand Determination is, in all other respects, upheld.

The Department was directed to complete its redetermination with regard to remand issues within 45 days of the date of the opinion, or not later than December 19, 2005.

Dated: November 3, 2005.

**Caratina L. Alston,**

*United States Secretary, NAFTA Secretariat.*  
[FR Doc. 05-22503 Filed 11-10-05; 8:45 am]

**BILLING CODE 3510-GT-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 050305B]

#### Listing Endangered and Threatened Wildlife and Plants; Withdrawal of the Petition to List Eastern Oyster as Threatened or Endangered under the Endangered Species Act

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

**ACTION:** Notice of the withdrawal of a petition.

**SUMMARY:** NMFS announces that a request by Mr. Wolf-Dieter Busch (the petitioner) to withdraw his petition to list eastern oyster (*Crassostrea virginica*) has been received. NMFS has accepted this request and will cease the evaluation of the petition. However, in recognition of the considerable work that has been completed to date on the status review report and the value of this comprehensive resource to the management of this species, NMFS will ask the Biological Review Team (BRT) to complete the status review report.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kimberly Damon-Randall, NMFS, Northeast Regional Office, (978) 281-9300 x6535, or Marta Nammack, NMFS, HQ, (301) 713-1401 x180, or Jennifer Moore, NMFS Southeast Regional Office, (727) 824-5312.

**SUPPLEMENTARY INFORMATION:** On January 11, 2005, NMFS received the petition to list eastern oyster

(*Crassostrea virginica*) as threatened or endangered under the ESA. On May 18, 2005, NMFS published a **Federal Register** notice (70 FR 28510) announcing that the petition and the information in our files indicated that the petitioned action may be warranted. Thus, NMFS initiated a review of the status of this species.

On Wednesday, October 19, 2005, NMFS received a letter from the petitioner, dated October 13, 2005, requesting the recall of the eastern oyster petition. In his letter, the petitioner indicated that his request to withdraw the petition is due to confusion over the petition process. He noted the significant concerns of some that the species may be listed as endangered, thereby creating severe restrictions and regulations for this resource. He also expressed concern that, given the timeline of the review, NMFS may not currently have enough information to determine if eastern oyster subspecies exist. He concluded that he hopes that NMFS will continue with the review as he considers the status review report to be a comprehensive resource which will be of great value in focusing restoration activities for this species.

NMFS has accepted this request and will consider the petition withdrawn, effective immediately. However, a considerable amount of effort has been expended to date by the eastern oyster BRT as it has already met twice and prepared approximately three quarters of the status review report. When complete, the status review report will be the most timely and comprehensive resource document for this species, and, as such, it will be a useful tool in guiding future management decisions. NMFS has, therefore, determined that the BRT will continue with the status review report and will complete the report as soon as practicable.

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: November 7, 2005.

**Donna Wieting,**

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

[FR Doc. 05-22552 Filed 11-10-05; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) has submitted to the Office of Management and Budget (OMB) for clearance the

following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**Agency:** United States Patent and Trademark Office (USPTO).

**Title:** Public Key Infrastructure (PKI) Certificate Action Form.

**Form Number(s):** PTO-2042.

**Agency Approval Number:** 0651-0045.

**Type of Request:** Revision of a currently approved collection.

**Burden:** 1,383 hours annually.

**Number of Respondents:** 4,126 responses per year.

**Avg. Hours Per Response:** The USPTO estimates that it will take the public approximately 30 minutes (0.5 hours) to read the instructions and subscriber agreement, gather the necessary information, prepare the Certificate Action Form, and submit the completed request. The USPTO estimates that it will take the public approximately 10 minutes (0.17 hours) to complete and electronically submit the information required for certificate self-recovery.

**Needs and Uses:** In support of the Government Paperwork Elimination Act and its own electronic filing initiatives, the USPTO uses Public Key Infrastructure (PKI) technology to support electronic commerce between the USPTO and its customers. In order to access secure online systems offered by the USPTO for transactions such as electronic filing of patent applications and retrieving confidential patent application information, customers must first obtain a digital certificate. The public uses this collection to request a new digital certificate, the revocation of a current certificate, or the recovery of a lost certificate. This collection includes the existing Certificate Action Form (PTO-2042), which is provided by the USPTO to ensure that customers submit the necessary information for processing certificate requests. The USPTO is adding a new electronic Certificate Self-Recovery Form to this collection to enable customers to recover their own lost certificates online.

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

**Frequency:** On occasion.

**Respondent's Obligation:** Required to obtain or retain benefits.

**OMB Desk Officer:** David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by any of the following methods:

• E-mail: [Susan.Brown@uspto.gov](mailto:Susan.Brown@uspto.gov). Include "0651-0045 copy request" 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, PO Box 1450, Alexandria, VA 22313-1450.

Written comments and recommendations for the proposed information collection should be sent on or before December 14, 2005 to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, 725 17th Street NW., Washington, DC 20503.

Dated: November 7, 2005.

**Susan K. Brown,**

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

[FR Doc. 05-22529 Filed 11-10-05; 8:45 am]

BILLING CODE 3510-16-P

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Notice of Availability of Government-Owned Inventions; Available for Licensing

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Notice.

**SUMMARY:** The Department of the Navy hereby gives notice of the availability of exclusive or partially exclusive licenses to practice worldwide under the following pending patents. Any license granted shall comply with 35 U.S.C. 209 and 37 CFR Part 404. Applications will be evaluated utilizing the following criteria: (1) Ability to manufacture and market the technology; (2) manufacturing and marketing ability; (3) time required to bring technology to market and production rate; (4) royalties; (5) technical capabilities; and (6) small business status.

Patent application Serial Number 60/642,771 entitled "*Fimbrial Adhesin as Vaccine Against Escherichia Coli*" filed on January 11, 2005. The present invention relates to the field of inducing an immune response against diarrheagenic bacteria including enterotoxigenic *Escherichia coli* using bacterial fimbriae components.

Patent application Serial Number 60/668,591 entitled "*Recombinant Antigens for the Detection of Coxiella Burnetii*" filed on April 6, 2005. The present invention relates to *Coxiella*

*burnetii* peptide antigens and recombinant DNA encoding the peptides.

Patent application Serial Number 10/934,686, entitled "*Hospital and Clinic Emergency Preparedness Optimization System*" filed on September 3, 2004. The present invention relates to hospital and ambulatory clinic emergency management systems.

Patent application Serial Number 60/683,787 entitled "*Anti-Adhesin Based Passive Immunoprophylactic*" filed on May 24, 2005. The present invention relates to a pharmaceutical useful in conferring passive protection against diarrhea caused by enterotoxigenic *Escherichia coli*.

Patent application Serial Number 60/709,804 entitled "*A Method for the Evaluation of Dengue Virus Therapeutic Agents*" filed on August 22, 2005. The present invention relates to a method for evaluating the immunogenicity and efficacy of vaccine or drug formulations against dengue virus using a pig or porcine cells as models of infection and pathogenicity.

Patent application Serial Number 60/715,578 entitled "*Potts Reagent Alcohol-Solvent Extraction System*" filed on September 12, 2005. This invention relates to a method for decontaminating alcohol so that it may be recycled in histology and other laboratory settings.

Patent application serial Number, 60/722,086, entitled "*Immunogenic Capsule Composition for Use as a Vaccine Against Campylobacter Jejuni*" filed September 21, 2005. This invention relates to a pharmaceutical useful in conferring protection against diarrhea caused by *Campylobacter jejuni* and a method of administering said pharmaceutical.

Patent application Serial Number 60/627,811 entitled "*Diagnostic Assay for Rickettsial prowazekii Disease By Detection of Responsive Gene Expression*" filed on November 10, 2004. The present invention relates to a method of diagnosing epidemic typhus caused by the bacteria *Rickettsia prowazekii* by analysis of modulation of host gene expression. The method contemplates the use of micro-array technology for the detection and analysis of gene up or down regulation in response to bacterial infection.

**DATES:** Applications for an exclusive or partially exclusive license may be submitted at any time from the date of this notice.

**ADDRESSES:** Submit application to the Office of Technology Transfer, Naval Medical Research Center, 503 Robert Grant Ave., Silver Spring, MD 20910-7500.

**FOR FURTHER INFORMATION CONTACT:** Dr. Charles Schlagel, Director, Office of Technology Transfer, Naval Medical Research Center, 503 Robert Grant Ave., Silver Spring, MD 20910-7500, telephone 301-319-7428 or e-mail at: [schlagelc@nmrc.navy.mil](mailto:schlagelc@nmrc.navy.mil).

Dated: October 31, 2005.

**I.C. Le Moyne Jr.,**

*Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.*

[FR Doc. 05-22516 Filed 11-10-05; 8:45 am]

BILLING CODE 3810-FF-P

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Notice of Performance Review Board Membership

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Notice.

**SUMMARY:** Pursuant to 5 U.S.C. 4314(c)(4), the Department of the Navy (DON) announces the appointment of members to the DON's numerous Senior Executive Service (SES) Performance Review Boards (PRBs). The purpose of the PRBs is to provide fair and impartial review of the annual SES performance appraisal prepared by the senior executive's assigned rating officials; to make recommendations to authorizing officials regarding acceptance or modification of the performance rating; and to make recommendations for performance bonuses and basic pay increases. Composition of the specific PRBs will be determined on an ad hoc basis from among individuals listed below:

ACKLEY, V. MR.  
ADAMS, P. MS.  
ALLES, R. BGEN  
BACHMANN, M. RDML  
BARBER III, A. MR.  
BARNUM, H. MR.  
BELAND, R. DR.  
BETRO, T. MR.  
BLAIR, A. MS.  
BONWICH, S. MR.  
BRANT, D. MR.  
BRENNAN, A. MS.  
BROTHERTON, A. MS.  
BURNS, J. RADM  
CALI, R. MR.  
CIESLAK, R. MR.  
COCKHRANE, E. MR.  
COOK, C. MR.  
COX, A. MR.  
CRABTREE, T. MR.  
CREEDON, C. MR.  
CWALINA, B. MR.  
DECKER, J. MS.  
DECKER, M. MR.