

multiple pieces of equipment that operate near each other, such as RCCMs and shuttle cars. In your experience, what are the safety considerations of coordinating proximity detection systems between various types of underground equipment?

17. Describe your experience with the state-of-the-art of proximity warning technology. Include any experience related to whether the current technology is able to accurately locate and protect workers from all recognized hazards.

#### Training

18. What knowledge or skills would be necessary for miners to safely operate equipment that uses a proximity detection system? What knowledge or skills would other miners working near the equipment need?

19. Please provide suggestions on how to effectively train miners on the use and dangers of equipment that uses a proximity detection system. Please include information on the type of training (e.g., task training) that could be used and on any evaluations conducted on the effectiveness of outreach and/or training in the area of proximity detection (e.g., red zone warning materials). How often should miners receive such training?

#### Benefits and Costs

MSHA requests comment on the following questions concerning the costs, benefits, and the technological and economic feasibility of using proximity detection systems in underground mines. Benefits would include an increased margin of safety for miners working near machines equipped with proximity detection systems resulting in the reduction in pinning, crushing, and striking accidents. Your answers to these questions will help MSHA evaluate options and determine a course of action.

20. Please provide information on the benefits of using proximity detection systems with RCCMs. Please be specific in your response and, if appropriate, include the benefits of using proximity detection systems with other types of underground equipment. Include information on your experience related to whether proximity detection systems cause a change in the behavior of an RCCM operator. For example, would the operator need to operate the machine from a different location, such as one that might introduce additional hazards, to remain outside of a predefined danger zone? Please explain your answer in detail and provide examples as appropriate.

21. Please provide information on the costs for installing, maintaining, and calibrating proximity detection systems on underground equipment. What are the feasibility issues, if any, related to retrofitting certain types of equipment with proximity detection systems?

22. What is the expected useful life of a proximity detection system? Please provide suggested criteria for servicing or replacing proximity detection systems, including rationale for your suggestions.

23. Some proximity detection systems automatically record (data logging) information about the system and the equipment. Are there safety benefits to having a proximity detection system automatically record certain information? If so, please provide specific details on: (1) Safety benefits to be derived; (2) information that should be recorded; and (3) how information should be kept.

24. Please provide information on whether small mines or mines with special mining conditions, such as low seam or mine entry height, have particular needs related to the use of proximity detection systems. Please be specific and include information on possible alternatives.

25. What factors (e.g., cost, nuisance alarms) have impeded the mining industry from voluntarily installing proximity detection systems on mining equipment?

Dated: January 27, 2010.

**Joseph A. Main,**

*Assistant Secretary of Labor for Mine Safety and Health.*

[FR Doc. 2010-1999 Filed 1-29-10; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

#### 37 CFR Part 41

[Docket No.: PTO-P-2009-0021]

RIN 0651-AC37

#### Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals; Extension of Comment Period on Potential Modifications to Final Rule

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Notice of extension of comment period.

**SUMMARY:** The United States Patent and Trademark Office (USPTO or Office) published an advance notice of

proposed rule making, with request for comments, considering potential modifications to rules governing practice before the Board of Patent Appeals and Interferences (BPAI) in ex parte patent appeals. The USPTO is extending the period for public comment on the potential modifications to the final rule until February 26, 2010.

**DATES:** The deadline for receipt of written comments on potential modifications to the final rule is 5 p.m., Eastern Standard Time, on February 26, 2010.

**ADDRESSES:** Written comments on potential modifications to the final rule should be sent by electronic mail message over the Internet addressed to *BPAI.Rules@uspto.gov*. Comments on potential modifications to the final rule may also be submitted by mail addressed to: Mail Stop Interference, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, marked to the attention of "Linda Horner, BPAI Rules." Although comments may be submitted by mail, the USPTO prefers to receive comments via the Internet.

The written comments will be available for public inspection at the Board of Patent Appeals and Interferences, located in Madison East, Ninth Floor, 600 Dulany Street, Alexandria, Virginia, and will be available via the USPTO Internet Web site (address: <http://www.uspto.gov/web/offices/dcom/bpai/>). Because comments will be made available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included in the comments.

#### FOR FURTHER INFORMATION CONTACT:

Linda Horner, Administrative Patent Judge, Board of Patent Appeals and Interferences, by telephone at (571) 272-9797, or by mail addressed to: Mail Stop Interference, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, marked to the attention of Linda Horner.

**SUPPLEMENTARY INFORMATION:** The United States Patent and Trademark Office (USPTO or Office) published an advance notice of proposed rule making on potential modifications to rules governing practice before the Board of Patent Appeals and Interferences (BPAI) in ex parte patent appeals (74 FR 67987 (Dec. 22, 2009)). The notice also announced a public roundtable that was held on January 20, 2010. A link to the Web cast of the roundtable may be found at [http://www.uspto.gov/ip/boards/bpai/roundtable\\_info.jsp](http://www.uspto.gov/ip/boards/bpai/roundtable_info.jsp). In the notice, the public was invited to submit

written comments on potential modifications to the final rule that were to be received on or before February 12, 2010. The USPTO is now extending the period for submission of public comments until February 26, 2010. Any comments that have already been received are under consideration and need not be resubmitted.

Dated: January 26, 2010.

**David J. Kappos,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2010-2029 Filed 1-29-10; 8:45 am]

BILLING CODE 3510-16-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 52

[WC Docket No. 07-244; DA 09-2569]

#### Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Wireline Competition Bureau seeks comment on two proposals submitted to the Commission regarding what data fields are necessary in order to complete simple wireline-to-wireline and intermodal ports within the one business day porting interval mandated by the Federal Communications Commission.

**DATES:** Comments are due on or before February 16, 2010, and reply comments are due on or before February 22, 2010. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before April 2, 2010.

**ADDRESSES:** You may submit comments, identified by WC Docket No. 07-244, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Federal Communications Commission's Web Site:* <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- *E-mail:* [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in

- *Mail:* Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

- *Hand Delivery/Courier:* FCC Headquarters building located at 445 12th Street, SW., Room TW-A325, Washington, DC 20554.

- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

All submissions received must include the agency name and docket numbers for this rulemaking, WC Docket No. 07-244. All comments received will be posted without change to <http://www.fcc.gov/cgb/ecfs>. For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act information collection requirements contained herein should be submitted to the Federal Communications Commission via e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov) and to Nicholas A. Fraser, Office of Management and Budget, via e-mail to [Nicholas\\_A.Fraser@omb.eop.gov](mailto:Nicholas_A.Fraser@omb.eop.gov) or via fax at 202-395-5167.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Jones, Wireline Competition Bureau, (202) 418-2357. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, send an e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov) or contact Judith B. Herman at 202-418-0214.

**SUPPLEMENTARY INFORMATION:** In the Commission's May 13, 2009 *Porting Interval Order and Further Notice*, it sought comment, *inter alia*, on whether different or additional information fields are necessary for completing simple ports. On November 2, 2009, the North American Numbering Council (NANC) Local Number Portability Administration Working Group submitted in this docket a non-consensus recommendation for Standard Local Service Request Data Fields, which accompanied the NANC's Recommended Plan for Implementation of FCC Order 09-41. The recommendation proposes a set of 14 standard fields required to complete simple ports within the one business day porting interval for simple wireline-to-wireline and intermodal ports mandated by the Commission in the *Porting Interval Order and Further*

*Notice.* On November 19, 2009, the National Cable & Telecommunication Association (NCTA), Cox Communications, and Comcast Corporation submitted an alternative proposal of eight standard fields to complete simple ports within the one business day porting interval. We seek comment on these proposals. Specifically, we seek comment on what fields are necessary in order to complete simple ports—wireline-to-wireline and intermodal—within the one business day interval. As we previously clarified, entities subject to our LNP obligations may not demand information beyond what is required to validate a port request and accomplish a port. Thus, commenters should focus on the minimum amount of information needed to complete a port in considering what number of fields is appropriate.

The Commission concluded that nine months after the NANC submits its recommendation is sufficient time for parties to implement changes needed to implement one business day porting for simple wireline-to-wireline and intermodal port requests. Thus, to expedite the Commission's further consideration of the recommendations and facilitate implementation within this time frame, interested parties may file comments on or before February 16, 2010, and reply comments on or before February 22, 2010.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of the proceeding, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking numbers. All filings concerning this Public Notice should refer to WC Docket No. 07-244. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in