implementing regulations, and the
associated FEIS. NMFS will consider all
public comments received during the
Secretarial review period, whether they
are on the final amendments, the
proposed regulations, or the FEIS, prior
to final agency action.

Scoping Meeting Dates, Times, and
Locations

All scoping meetings are scheduled to
be held from 7 p.m. to 10 p.m. The
meetings will be physically accessible to
people with disabilities. Requests for
sign language interpretation or other
auxiliary aids should be directed to the
Council (see ADDRESSES).

February 7, 2011, DoubleTree by
Hilton San Juan, DeDiego Avenue, San
Juan, Puerto Rico.

February 9, 2011, Mayagüez Holiday
Inn, 2701 Hostos Avenue, Mayagüez,
Puerto Rico.

February 10, 2011, Holiday Inn Ponce
& Tropical Casino, 3315 Ponce ByPass,
Ponce, Puerto Rico.

February 16, 2011, The Buccaneer
Hotel, Estate Shoyos, Christiansted, St.
Croix, U.S. Virgin Islands.

February 17, 2011, Holiday Inn (Windward Passage Hotel), Charlotte
Amalie, St. Thomas, U.S. Virgin Islands.

February 21, 2011, The Holiday
Inn Ponce, Ponce, Puerto Rico.


February 23, 2011, The Towers
Inn, 2701 Hostos Avenue, Mayagüez,
Puerto Rico.

February 24, 2011, Hilton San Juan,
DeDiego Avenue, San Juan, Puerto Rico.


February 29, 2011, The Grand
Caribe Hotel, Estate Shoys, Christiansted,
St. Croix, U.S. Virgin Islands.

February 29, 2011, The Buccaneer
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Within the scope and amounts authorized by the 2010 LOA and the levels of take remain within the scope and amounts contemplated by the final rule.

**Planned Activities and Estimated Take for 2011**

In 2011, the Navy expects to conduct the same type and amount of training identified in the 2010 LOA. Similarly, the authorized take will remain within the annual estimates analyzed in the final rule.

**Summary of Monitoring, Reporting, and Other Requirements Under the 2010 LOA Annual Exercise Reports**

The Navy submitted their classified and unclassified 2010 exercise reports within the required timeframes and the unclassified report is posted on NMFS Web site: http://www.nmfs.noaa.gov/pr/permits/incidental.htm. NMFS has reviewed both reports and they contain the information required by the 2010 LOA. The reports indicate the amounts of different types of training that occurred from August 2, 2009, through August 1, 2010. The Navy conducted five Major Training Exercises (MTEs)—one Sustainment Exercise (SUSTEX), two Integrated Anti-Submarine Warfare Courses (IAC II), and two Composite Training Exercises (C2X) (the rule authorizes eight per year)—for a total of 40 days.

The reports also list specific information gathered when marine mammals were detected by Navy watchstanders, such as bow on deck, whether sonar was in use, and whether it was powered or shut down. This information indicates that the Navy implemented the safety zone mitigation measures as required. No instances of obvious behavioral disturbance were reported by the Navy watchstanders in their 210 marine mammal sightings totaling 1,217 animals.

**2010 Monitoring**

The Navy conducted the monitoring required by the 2010 LOA and described in the Monitoring Plan, which included aerial and vessel surveys of sonar and exercises by dedicated MMOs, passive acoustic monitoring utilizing high-frequency acoustic recording packages (HARPs), and marine mammal tagging and tracking. The Navy submitted their 2010 Monitoring Report, which is posted on NMFS’ Web site (http://www.nmfs.noaa.gov/pr/permits/incidental.htm), within the required timeframe. Tabled is a summary of their 2010 monitoring effort and results (beginning on page 182 of the monitoring report) and the specific reports for each individual effort are presented in the appendices. Because data is gathered through August 1 and the report is due in October, some of the data analysis will occur in the subsequent year’s report. Navy-funded marine mammal monitoring accomplishments within SOCAL for the past year include the following:

**Visual Surveys**

The Navy completed a total of 1,061 hours of visual surveys during or after training events. During this time, there were 331 sightings of approximately 29,269 marine mammals and 26.3 hours of detailed behavioral focal follows were recorded. Preliminary results from a single survey show that the most frequent initial behavioral state observed for common dolphins and fin whales was traveling. While fin whales were only observed traveling (although sometimes at different speeds), common dolphins were also observed logging, milling, and resting. There was one interesting observation of a minke whale breaching at a time when no active sonar was being used and no Navy vessels were in the area. The Navy plans to upload visual data from the aerial surveys to OBIS-SEAMAP, a spatially referenced online database, by summer 2011.

**Marine Mammal Observations**

A total of 144 hours of marine mammal observer (MMO) effort was completed during Navy training events. Of the 210 Navy marine mammal sightings during MTEs, there were 62 sightings of 306 marine mammals within 1,000 yards that qualified as mitigation events. Of the 306 individuals observed, 71 percent were dolphins, 16 percent were whales, and 12 percent were pinnipeds. Of the 62 mitigation events, sonar was turned off during 29 periods and turned down during 27 periods. The remaining six periods when mitigation did not occur were explained due to bowriding dolphins (for which there is an exception in the shutdown requirements) or marine mammals leaving a mitigation zone. In total, the Navy lost a minimum of 20 hours of training time due to mitigation events. There were no reports of marine mammals behaving in any unusual manner during these events.

**Passive Acoustic Monitoring**

Two Passive Acoustic Monitoring (PAM) devices were deployed for a total of 15,335 hours of high-frequency acoustic recording package (HARP) recordings before, during, and after
Navy training exercises. The devices detected at least 11 different marine mammal species during the monitoring period. Recordings from the delphinid species have been incorporated into a larger database of cetacean acoustic data and there are several current projects assessing clicks and/or whistles for species- and population-specific call structures.

Tagging

A total of 19 satellite tags were deployed on five different species of marine mammals. Highlights from the tagging results show long-term movement of Cuvier’s beaked whales, one of the first indications that Southern California beaked whales may engage in non-local, out of area movement. Movements of a fin whale over a 160-day period have also been recorded.

In conclusion, the Navy’s implementation of the monitoring plan accomplished several goals, primarily through contributions to larger bodies of data intended to better characterize the abundance, distribution, life history, and behaviors of the species in the SOCAL Range Complex. The monitoring satisfied the objectives of the monitoring plan and specifically contributed to a greater knowledge and understanding of: The density and distribution of species within the SOCAL Range Complex, which will be added to a growing database of marine mammal aggregations around the world; the vocalizations of different species, which contributes to the development of automated classification software; the movement patterns of individuals (both vertically in the water column on a daily basis, as well as horizontally over weeks and months); and the observable behavioral patterns of marine mammals, both with and without exposure to Navy training activities.

Except as described below in the Adaptive Management section, NMFS concludes that the results of these monitoring efforts, when taken together with the findings presented in the 2010 exercise report (see Annual Exercise Report section), do not warrant making changes to the current monitoring and mitigation requirements identified in the LOA. While the data collected by the Navy through monitoring and reporting builds on the existing body of information in a valuable way, none of the new data contradict, or amend, the assumptions that underlie the findings in the 2009 rule in a manner that would suggest that the mitigation or monitoring should change.

Adaptive Management

NMFS and the Navy conducted an adaptive management meeting in October, 2010, which representatives from the Marine Mammal Commission participated in, wherein they reviewed the Navy monitoring results through August 1, 2010, discussed other Navy research and development efforts, and discussed other new information that could potentially inform decisions regarding Navy mitigation and monitoring. Based on the implementation of the 2010 monitoring, the Navy proposed some slight modifications to their monitoring plan for 2011, which NMFS agreed were appropriate. Beyond those changes, none of the information discussed led NMFS to recommend any modifications to the existing mitigation or monitoring measures. The final modifications to the monitoring plan and justifications are described in Section 13 of the Navy’s 2011 LOA Application, which may be viewed at: http://www.nmfs.noaa.gov/pr/permits/incidental.htm.

Integrated Comprehensive Monitoring Report

The 2010 LOA required that the Navy update the ICMP Plan to reflect development in three areas, specifically: (1) Identifying more specific monitoring sub-goals under the major goals that have been identified; (2) characterizing Navy Range Complexes and study areas within the context of the prioritization guidelines described in the ICMP Plan; and (3) continuing to develop data management, organization, and access procedures. The Navy has updated the ICMP Plan as required. Because the ICMP is an evolving Program, we have posted the ICMP on NMFS Web site: http://www.nmfs.noaa.gov/pr/permits/incidental.htm and are specifically requesting input, which the Navy and NMFS will consider and apply as appropriate.

Further, the Navy convened a monitoring meeting in October, 2010 to solicit input from NMFS and marine mammal and acoustic scientists regarding the comprehensive development and improvement of the more specific monitoring that should occur across the Navy’s training areas. Subsequent to those discussions, the Navy has developed a scientific advisory group composed of individuals from the research community and academia that will develop a proposed Strategic Plan for Navy monitoring that better considers the biological, logistical, and resource-specific factors that are applicable in each training area (and which are summarized in the updated ICMP) to maximize the effectiveness of Navy monitoring within the context of the information that is most needed. Subsequently, NMFS and MMC representatives will review this proposed Strategic Plan for marine species monitoring, which may reflect monitoring differences in some Navy training areas from what is required in the 2010 LOA.

This Navy-wide Strategic Monitoring Plan will then be available for review and discussion at the required 2011 Navy Monitoring Meeting, which will take place in mid-2011. The Navy and NMFS will then modify the Navy-wide Strategic Plan for monitoring based on applicable input from the 2011 Monitoring Meeting and propose appropriate changes to the monitoring measures in specific LOAs for the different Range Complexes and training areas. For training areas with substantive monitoring modifications, NMFS will subsequently publish proposed LOAs, with the modifications, in the Federal Register and solicit public input. After addressing public comments and making changes as appropriate, NMFS would, as appropriate, issue new LOAs for the different training areas that reflect the updated ICMP and associated new Strategic Plan for Navy monitoring.

Whale Strikes in 2009

In 2009, a Navy vessel associated with the activities covered by the 2009 SOCAL Range Complex regulations collided with and injured or killed two large whales. Of note, in both cases, the Navy was in compliance with the mitigation and monitoring measures required by the rule and LOA, contacted NMFS in a timely manner, and provided the specific information outlined in the SOCAL Stranding Response Plan for whale strikes, as well as additional information. Due to these incidents, NMFS is working on a proposed modification to the 2009 SOCAL rule, which will establish a framework to authorize the incidental take of large whales by injury or mortality for the remainder of the five-year regulatory period.

Authorization

The Navy complied with the requirements of the 2010 LOA. Based on our review of the record, NMFS has determined that the marine mammal take resulting from the 2010 military readiness training and research activities falls within the levels previously anticipated, analyzed, and approved. Further, the level of taking authorized in 2011 for the Navy’s SOCAL Range Complex activities is...
consistent with our previous findings made for the total taking allowed under the SOCAL Range Complex regulations. Finally, the record supports NMFS’ conclusion that the total number of marine mammals taken by the 2011 activities in the SOCAL Range Complex will have no more than a negligible impact on the affected species or stock of marine mammals and will not have an unmitigable adverse impact on the availability of these species or stocks for taking for subsistence uses. Accordingly, NMFS has issued a one-year LOA for Navy training exercises conducted in the SOCAL Range Complex from January 22, 2011, through January 21, 2012.

Dated: January 21, 2011.

Helen M. Golde,
Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) will submit 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).


Title: Third-Party Submissions and Protests (formerly Green Technology Pilot Program).

Form Number(s): None.

Agency Approval Number: 0651–0062.

Type of Request: Revision of a currently approved collection.

Burden: 9,350 hours annually.

Number of Respondents: 1,225 responses per year.

Avg. Hours Per Response: The USPTO estimates that it will take the public between 7.5 and 10 hours, depending upon the complexity of the situation, to gather the necessary information, prepare the appropriate form or documents, and submit the information to the USPTO.

Needs and Uses: This information is required by 35 U.S.C. 122(c), 131 and 151 and administered by the USPTO through 37 CFR 1.99 and 1.291. This information collection is necessary so that the public may (i) make a submission in a published application and (ii) protest a pending application.

Affected Public: Individuals or households; businesses or other for-profits; not-for-profit institutions.

Frequency: On occasion.

Respondent’s Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Nicholas A. Fraser.

e-mail: Nicholas_A_Fraser@omb.eop.gov.

Once submitted, the request will be publicly available in electronic format through the Information Collection Review page at http://www.reginfo.gov.

Paper copies can be obtained by:

• E-mail: InformationCollection@uspto.gov.

Include “0651–0062 copy request” in the subject line of the message.

• Fax: 571–273–0112, marked to the attention of Susan K. Fawcett.

• Mail: Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before February 28, 2011 to Nicholas A. Fraser, OMB Desk Officer, via e-mail at Nicholas_A_Fraser@omb.eop.gov or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Dated: January 24, 2011.

Susan K. Fawcett,
Records Officer, USPTO, Office of the Chief Information Officer.

[FR Doc. 2011–1731 Filed 1–26–11; 8:45 am]

DEPARTMENT OF EDUCATION

Notice of Submission for OMB Review

AGENCY: Department of Education.

ACTION: Comment request.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by 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. The OMB is particularly interested in comments which: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: January 24, 2011.

Darrin A. King,
Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Elementary and Secondary Education

Type of Review: New.

Title of Collection: Striving Readers Comprehensive Literacy Discretionary Grants.

OMB Control Number: Pending.

Agencies Form Number(s): N/A.

Frequency of Responses: Once.

Affected Public: State, Local, or Tribal Government, State Educational Agencies or Local Educational Agencies.

Total Estimated Number of Annual Responses: 48.

Total Estimated Annual Burden Hours: 9,600.

Abstract: The Striving Readers Comprehensive Literacy program is authorized as part of the FY 2010 Consolidated Appropriations Act (Pub. L. 111–117) under the Title I demonstration authority (Part E, Section 1502 of the Elementary and Secondary Education Act (ESEA)). The FY 2010 Appropriations Act provides $200 million for a comprehensive literacy development and education program to advance literacy skills for students from birth through grade 12. The Act reserves eighty-nine percent of the funds cc: to ICDOcketMgr@ed.gov. Please note that written comments received in response to this notice will be considered public records.

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. The OMB is particularly interested in comments which: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

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