

including all attachments, must not exceed a 10-megabyte file size.

**Instructions:** All comments received are a part of the public record and will generally be posted to <http://www.nmfs.noaa.gov/pr/permits/incidental.htm> without change. All Personal Identifying Information (for example, name, address, *etc.*) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Candace Nachman, Office of Protected Resources, NMFS, (301) 713-2289, ext. 156.

#### SUPPLEMENTARY INFORMATION:

##### Availability

A copy of Port Dolphin's application may be obtained by writing to the address specified above (**ADDRESSES**), calling the contact listed above (**FOR FURTHER INFORMATION CONTACT**), or visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. The U.S. Coast Guard's and U.S. Maritime Administration's Final Environmental Impact Statement was made available to the public on July 9, 2009.

##### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as "... an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as:

any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

#### Summary of Request

On February 1, 2011, NMFS received a complete application from Port Dolphin requesting authorization for the take of two marine mammal species incidental to construction and operation of a liquefied natural gas (LNG) deepwater port off the Gulf coast of Florida over the course of 5 years, which would necessitate the promulgation of 5-year regulations. Port Dolphin plans to build the LNG Port off the western coast of Florida, approximately 42 mi (68 km) from Port Manatee, Florida. Once built, Port Dolphin anticipates up to 46 shuttle regasification vessel (SRV) unloadings per year during the first several years of operation. Noise produced during Port installation and construction activities and Port operations have the potential to take marine mammals. Port Dolphin requests authorization to take two cetacean species by Level B harassment only: Atlantic spotted dolphin and bottlenose dolphin. Injury or mortality is unlikely during the proposed activities, and take by Level A harassment (including injury) or mortality is not requested in Port Dolphin's application.

#### Specified Activities

In the application submitted to NMFS, Port Dolphin requests authorization to take marine mammals incidental to construction and operation of the LNG Port off the Gulf coast of Florida. Construction activities, which would take approximately 11 months to complete, include: buoy installation; offshore hammering; horizontal directional drilling (HDD); HDD vibratory; pipeline laying offshore; pipeline laying inshore; offshore plowing; and inshore plowing. Operational activities include: SRV maneuvering and docking and regasification. Sections 1 and 2 of Port Dolphin's application describe the full suite of activities, as well as the location and duration of activity.

#### Information Solicited

Interested persons may submit information, suggestions, and comments

concerning Port Dolphin's request (*see ADDRESSES*). All information, suggestions, and comments related to Port Dolphin's request and NMFS' potential development and implementation of regulations governing the incidental taking of marine mammals by Port Dolphin's activities will be considered by NMFS in developing, if appropriate, the most effective regulations governing the issuance of letters of authorization.

Dated: February 23, 2011.

**James H. Lecky,**

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

[FR Doc. 2011-4539 Filed 2-28-11; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Proposed Collection; Patent Examiner Employment Application

**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 revision of a currently approved 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 May 2, 2011.

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

- **E-mail:**  
[InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include "0651-0042 comment" in the subject line of the message.
- **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.
- **Federal Rulemaking Portal:** <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to the attention of LaRita Jones, Chief of the Workforce Employment Division, Office of Human Resources, United States Patent and Trademark Office (USPTO), P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-6196; or by e-mail to [larita.jones@uspto.gov](mailto:larita.jones@uspto.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Abstract

The USA Staffing system provided by the Office of Personnel Management (OPM) is an automated online system that allows the USPTO to rapidly review applications for employment of entry-level patent examiners. The Office of Human Resources (OHR), armed with a recommendation from a Supervisory Patent Examiner (SPE), can use the system to rapidly make an offer of employment and take the necessary administrative action to support the hiring process. In FY 2010 and FY 2011, USA Staffing enabled the Patent Corps to hire more than 1,000 entry-level patent examiners.

Since the inception of USA Staffing in January 2007, the hiring process has become more effective and compliant with the examining requirements established by OPM. In the current employment environment, information technology professionals and engineering graduates are in great demand. The USPTO is in direct competition with private industry for the same caliber of candidates with the requisite knowledge and skills to perform patent examination work. Consequently, it is imperative that every available technology be employed if the USPTO is to remain competitive, meet hiring goals, and fulfill the agency's Congressional commitment to reduce the pendency rate for the examination of patent applications. The information supplied by an applicant seeking a patent examiner position with the USPTO assists the Human Resources

Specialists and hiring managers in determining whether an applicant possesses the basic qualification requirements for the patent examiner position.

USA Staffing provides the USPTO with a user-friendly online employment application process for applicants and enables the USPTO to process hiring actions in an efficient and timely manner. The online application creates an electronic real-time candidate inventory that allows the USPTO to review applications from potential applicants almost instantaneously. Given the immediate hiring need of the Patent Examining Corps, time consumed in the mail distribution system or paper review of applications delays the decision-making process by several weeks. The USA Staffing system results in increased speed and accuracy in the employment process, in addition to streamlining labor and reducing costs.

The use of the USA Staffing online application fully complies with 5 U.S.C. 2301, which requires adequate public notice to assure open competition by guaranteeing that necessary employment information will be accessible and available to the public on inquiry. It is also fully compliant with Section 508 (29 U.S.C. 794(d)), which requires agencies to provide disabled employees and members of the public access to information that is comparable to the access available to others.

## II. Method of Collection

With the use of USA Staffing, the application information is collected

electronically from the applicant. Applicants contact the OPM USA Jobs Web site where they will find the online job announcement that links them to the application. The application is completed online and then transmitted to the USPTO via the Internet. For those applicants who do not have access to a personal computer, applications may be faxed to the OPM computer facility for processing.

## III. Data

*OMB Number:* 0651-0042.

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

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

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 10,000 responses per year.

*Estimated Time per Response:* The USPTO estimates that it will take the public approximately 30 minutes (0.5 hours) to complete the employment application, depending upon the situation.

*Estimated Total Annual Respondent Burden Hours:* 5,000 hours per year.

*Estimated Total Annual Respondent Cost Burden:* \$230,350. Using the median hourly rate for scientists and engineers of \$46.07 as listed by the Bureau of Labor Statistics, the USPTO estimates \$230,350 per year in cost burden associated with respondents. This is a fully loaded hourly rate.

Item	Estimated time for response (minutes)	Estimated annual responses	Estimated annual burden hours
Patent Examiner Employee Application .....	30	10,000	5,000
Total .....		10,000	5,000

*Estimated Total Annual (Non-hour) Respondent Cost Burden:* \$9,700. There are no maintenance or record keeping costs, as well as no filing fees associated with this information collection. However there are annual (non-hour) costs in the form of postage costs.

Not every applicant can supply all of the required information electronically. The applicant does have the option to submit a "Paper Qualifications Questionnaire" and any supporting documents, such as resumes) to the USPTO either by fax, mail or in person. The transcripts and other supporting materials are submitted to the USPTO the same way. These additional documents may be submitted to the

USPTO by first-class mail through the United States Postal Service. The USPTO estimates that the average first-class postage is 97 cents. Therefore the USPTO estimates that it will receive 10,000 responses per year, for a total of \$9,700 (10,000 × \$0.97) in postage costs.

## 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, including through 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: February 24, 2011.

**Susan K. Fawcett,**

*Records Officer, USPTO, Office of the Chief Information Officer.*

[FR Doc. 2011-4458 Filed 2-28-11; 8:45 am]

BILLING CODE 3510-16-P

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

#### Proposed Collection; Substantive Submissions Made During Prosecution of the Trademark Application

**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 revision of a 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 May 2, 2011.

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

- *E-mail:*

*InformationCollection@uspto.gov.* Include "0651-0054 comment" in the subject line of the message.

- *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.

- *Federal Rulemaking Portal:* <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information should be directed to the attention of Catherine Cain, Attorney Advisor, Office of the Commissioner for Trademarks, United States Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451, by telephone at 571-272-8946, or by e-mail to *Catherine.Cain@uspto.gov*.

## SUPPLEMENTARY INFORMATION

### I. Abstract

The United States Patent and Trademark Office (USPTO) administers the Trademark Act, 15 U.S.C. 1051 *et seq.*, which provides for the Federal registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses that use or intend to use such marks in commerce may file an application to register their marks with the USPTO.

Such individuals and businesses may also submit various communications to the USPTO, including requests to amend their registrations to delete goods or services that are no longer being used by the registrant. Registered marks remain on the register for ten years and can be renewed, but will be cancelled unless the owner files with the USPTO a declaration attesting to the continued use (or excusable non-use) of the mark in commerce within specific deadlines. Applicants may also surrender a registration and, in limited situations, petition the Director to reinstate a registration that has been cancelled.

The rules implementing the Act are set forth in 37 CFR part 2. These rules mandate that each register entry include the mark, the goods and/or services in connection with which the mark is used, ownership information, dates of use, and certain other information. The USPTO also provides similar information concerning pending applications. The register and pending application information may be accessed by an individual or by businesses to determine the availability of a mark. By accessing the USPTO's information, parties may reduce the possibility of initiating use of a mark previously adopted by another. The Federal trademark registration process may thereby lessen the filing of papers in court and between parties.

The USPTO is proposing to include six new items in the inventory at this time to take into account a new method of electronic submission of information for which a dedicated TEAS form is not

yet available (*i.e.*, "Global Forms"). The new items are: Response to Intent-to-Use (ITU) Divisional Unit Office Action, Response to Petition to Revive Deficiency Letter, Petition to the Director Under Trademark Rule 2.146, Due Diligence Petition Under Trademark Rule 2.66, Petition to Revive With Request to Delete Section 1(b) Basis or to Delete ITU Goods/Services After NOA, and Request to Divide Application. Corresponding paper submissions for these six new items are also included in this collection.

### II. Method of Collection

Electronically if applicants submit the information using the forms available through the Trademark Electronic Application System (TEAS). By mail or hand delivery if applicants choose to submit the information in paper form.

### III. Data

*OMB Number:* 0651-0054.

*Form Number(s):* PTO Forms 1553, 1581, 2194, 2195, 2200, and 2202.

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

*Affected Public:* Primarily business or other for-profit organizations.

*Estimated Number of Respondents:* 289,519 per year.

*Estimated Time per Response:* The USPTO estimates that it will take approximately 5 minutes (0.08 hours) to 20 minutes (0.33 hours) to complete this information. This includes the time to gather the necessary information, create the documents, and submit the completed request to the USPTO.

*Estimated Total Annual Respondent Burden Hours:* 48,469.

*Estimated Total Annual Respondent Cost Burden:* \$15,752,425. The USPTO believes that attorneys will complete this information. The estimated hourly rate for attorneys in private firms is \$325. Using this hourly rate, the USPTO estimates that the total respondent cost burden for this collection is \$15,752,425 per year. This is a fully loaded hourly rate.

Item	Estimated time for response (minutes)	Estimated annual responses	Estimated annual burden hours
Trademark/Service Mark Allegation of Use (Statement of Use/Amendment to Allege Use) (Paper) .....	20	4,361	1,439
Trademark/Service Mark Allegation of Use (Statement of Use/Amendment to Allege Use) (TEAS) .....	15	73,525	18,381
Request for Extension of Time to File a Statement of Use (Paper) .....	10	4,531	770
Request for Extension of Time to File a Statement of Use (TEAS) .....	8	176,715	22,973
Petition to Revive Abandoned Application—Failure to Respond Timely to Office Action (Paper) .....	15	810	203