

NMFS FONSI also took into consideration updated data and information contained in NMFS' Federal Register document noting issuance of an IHA to Eglin AFB for this activity (71 FR 27695, May 12, 2006), and previous notices (71 FR 3474, January 23, 2006; 70 FR 48675, August 19, 2005).

As the issuance of the 2008 IHA to Eglin AFB amended three of the mitigation measures for reasons of practicality and safety, NMFS reviewed the USAF's 2002 Final PEA and determined that a new EA was warranted to address: (1) The proposed modifications to the mitigation and monitoring measures; (2) the use of 23 psi as a change in the criterion for estimating potential impacts on marine mammals from explosives; and (3) a cumulative effects analysis of potential environmental impacts from all GOM activities (including Eglin mission activities), which was not addressed in the USAF's 2002 Final PEA. Therefore, NMFS prepared a new EA in December 2008 and issued a FONSI for its action on December 9, 2008. Based on those findings, NMFS determined that it was not necessary to complete an environmental impact statement for the issuance of an IHA to Eglin AFB for this activity. NMFS has determined that this activity is within the scope of NMFS' 2008 EA and FONSI.

#### Authorization

As a result of these determinations, NMFS has issued an IHA to the USAF, Eglin AFB, for the take of several species of marine mammals incidental to the A-S gunnery mission activities in the GOM provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: September 26, 2011.

**Helen M. Golde,**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*  
[FR Doc. 2011-26018 Filed 10-6-11; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

#### Public User ID Badging

**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 December 6, 2011.

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

- *E-mail:*

*InformationCollection@uspto.gov.*

Include "0651-0041 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 regarding online access cards or user training should be directed to Douglas Salser, Acting Manager, Public Search Facility, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-5595; or by e-mail to *Douglas.Salser@uspto.gov*.

Requests for additional information regarding security identification badges should be directed to Joseph Burns, Director, Security Office, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-1537; or by e-mail to *Joseph.Burns@uspto.gov*.

Additional information about this collection is also available at <http://www.reginfo.gov> under "Information Collection Review."

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The United States Patent and Trademark Office (USPTO) is required by 35 U.S.C. 41(i)(1) to maintain a Public Search Facility to provide patent and trademark collections for searching and retrieval of information. The Public Search Facility is maintained for public use with paper and electronic search files and trained staff to assist searchers. The USPTO also offers training courses to assist the public with using the advanced electronic search systems available at the facility.

In order to manage the patent and trademark collections that are available to the public, the USPTO issues online access cards to customers who wish to use the electronic search systems at the Public Search Facility. Customers may obtain an online access card by

completing the application at the Public Search Facility reference desk and providing proper identification. The plastic online access cards include a bar-coded user number and an expiration date. Users may renew their cards by validating and updating the required information and may obtain a replacement for a lost card by providing proper identification.

Under the authority provided in 41 CFR 102-81, the USPTO issues security identification badges to members of the public who wish to use the facilities at the USPTO. Public users may apply for a security badge in person at the USPTO Office of Security by providing the necessary information and presenting a valid form of identification with photograph. The security badges include a color photograph of the user and must be worn at all times while at the USPTO facilities.

In January 2011, the USPTO discontinued the \$120 fee for users requesting private instruction for the online search systems available at the Public Search Facility. Therefore, the private instruction fee is being deleted from this collection.

##### II. Method of Collection

The applications for online access cards and security identification badges are completed on site and handed to a USPTO staff member for issuance. User training registration forms may be mailed, faxed, or hand delivered to the USPTO.

##### III. Data

*OMB Number:* 0651-0041.

*Form Number(s):* PTO-2030 and PTO-2224.

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

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

*Estimated Number of Respondents:* 10,003 responses per year.

*Estimated Time per Response:* The USPTO estimates that it will take the public approximately five to ten minutes (0.08 to 0.17 hours) to complete the information in this collection, including gathering the necessary information, preparing the appropriate form, and submitting the completed request.

*Estimated Total Annual Respondent Burden Hours:* 989 hours.

*Estimated Total Annual Respondent Cost Burden:* \$191,866. The USPTO estimates that approximately 1/3 of the users responding to this collection are attorneys and 2/3 are paraprofessionals. Using 1/3 of the professional rate of \$340 per hour for attorneys in private firms

and 2/3 of the paraprofessional rate of \$122 per hour, the estimated rate for respondents to this collection is

approximately \$194 per hour. Using this estimated rate of \$194 per hour, the USPTO estimates that the respondent

cost burden for submitting the information in this collection will be approximately \$191,866 per year.

Item	Estimated time for response (minutes)	Estimated annual responses	Estimated annual burden hours
Application for Public User ID (Online Access Card) (PTO-2030) .....	5	2,330	186
Issue Online Access Card .....	10	2,095	356
Renew Online Access Card .....	5	1,059	85
Replace Online Access Card .....	5	145	12
User Training Registration Forms .....	5	74	6
Security Identification Badges for Public Users (PTO-2224) .....	5	1,000	80
Renew Security Identification Badges for Public Users .....	5	3,200	256
Replace Security Identification Badge .....	5	100	8
<b>Totals</b> .....		<b>10,003</b>	<b>989</b>

*Estimated Total Annual Non-hour Respondent Cost Burden:* \$1,502. This collection has annual (non-hour) costs in the form of fees and postage costs.

There are no application or renewal fees for online access cards or security identification badges. However, there is a \$15 fee for issuing a replacement security identification badge. The USPTO estimates that it will reissue approximately 100 security badges annually that have been lost, stolen, or need to be replaced, for a total of \$1,500 per year in fees.

Users may incur postage costs when submitting a user training registration form to the USPTO by mail. The USPTO expects that approximately 4 of the estimated 74 training forms received per year will be submitted by mail. The USPTO estimates that the average first-class postage cost for a mailed training form will be 44 cents, for a total postage cost of approximately \$2 per year for this collection.

The total annual (non-hour) respondent cost burden for this collection in the form of fees and postage costs is estimated to be \$1,502 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: October 4, 2011.

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

[FR Doc. 2011-26014 Filed 10-6-11; 8:45 am]

**BILLING CODE 3510-16-P**

**DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

[Docket No.: PTO-P-2011-0060]

**Notice of Public Hearing and Request for Comments on the Study of Prior User Rights**

The United States Patent and Trademark Office (USPTO) is interested in gathering information on patent prior user rights for purposes of preparing a report on the subject as required by the America Invents Act. In particular, the USPTO seeks information about the following as specified in the America Invents Act: (1) Comparison(s) between the patent laws of the United States and the laws of other industrialized countries; (2) the effect of prior user rights on innovation rates; (3) the correlation, if any, between prior user rights and start-up enterprises as well as the ability to attract venture capital to start new companies; (4) the effect of prior user rights, if any, on small businesses, universities, and individual inventors; (5) legal and constitutional issues with placing trade secret law in patent law; and (6) whether or not the change to a first-to-file patent system creates any particular need for prior user rights. To assist in gathering this

information, the USPTO is holding a public hearing at which interested members of the public are invited to testify on the issues outlined above and in the supplementary information section of this notice. In addition, members of the public may submit written comments.

*Public Hearing:* A public hearing will be held on Tuesday, October 25, 2011, beginning at 8:30 a.m. Eastern Daylight Time (EDT) and ending at 11:30 a.m. EDT. The public hearing will be held at the USPTO, Madison Auditorium, Concourse Level, Madison Building, 600 Dulany Street, Alexandria, Virginia 22314.

Those wishing to present oral testimony at the hearing must request an opportunity to do so in writing by e-mail to *IP.Policy@uspto.gov* no later than October 18, 2011. Requests to testify at the hearing must indicate the following information: (1) The name of the person desiring to testify; (2) the person's contact information (telephone number and electronic mail address); and (3) the organization(s) the person represents, if any; and (4) a preliminary written copy of their testimony. Based on the requests received, an agenda of scheduled testimony will be sent to testifying respondents, and posted on the USPTO Internet Web site (address: <http://www.uspto.gov/americaninventsact>).

Speakers selected to provide testimony at the hearing should provide a final written copy of their testimony for inclusion in the record of the proceedings no later than October 21, 2011.

The USPTO plans to make the public hearing available via webcast. Webcast information will be available on the USPTO's Internet Web site (address: <http://www.uspto.gov/americaninventsact>) before the public hearing.