The permit authorizes up to 700 humpback whales to be harassed each year during vessel-based photo-identification, behavioral observation, and passive acoustic recording. The applicant requested that we remove the original request for divers to conduct underwater photography from the application. Whales will be harassed year-round, with efforts focused from October through July. The permit is valid for five years from the date of issuance.

An environmental assessment (EA) was prepared analyzing the effects of the permitted activities on the human environment in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Based on the analyses in the EA, NMFS determined that issuance of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on December 16, 2011.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: December 29, 2011.

P. Michael Payne,
Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

For further information contact:
Requests for additional information should be directed to Raul Tamayo, Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at (571) 272–7728; or by email to Raul.Tamayo@uspto.gov.

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

Supplementary Information:
I. Abstract
During its examination of an application for patent or for reissue of a patent, the United States Patent and Trademark Office (USPTO) makes many decisions of a substantive nature which the applicant or patent owner may feel deny him or her the patent protection to which he or she is entitled. Where the differences of opinion on such matters concern the denial of patent claims because of prior art or other patentability issues, the questions thereby raised are said to relate to the merits, and a procedure for appealing to the Board of Patent Appeals and Interferences has long been provided by statute (35 U.S.C. 134).

Applicants and patent owners initiate the appeal procedure by filing a Notice of Appeal. At the time of filing a Notice of Appeal, applicants and patent owners may request that a panel of examiners formally review the legal and factual basis of the rejections in their application prior to the filing of an Appeal Brief, by filing a Pre-Appeal Brief Request for Review. In addition, applicants and patent owners who desire an oral hearing before the Board may request the hearing by filing a Request for Oral Hearing. Currently, this notice is the appeal procedure by filing a Notice of Appeal. At the time of filing a Notice of Appeal, applicants and patent owners may request that a panel of examiners formally review the legal and factual basis of the rejections in their application prior to the filing of an Appeal Brief, by filing a Pre-Appeal Brief Request for Review. In addition, applicants and patent owners who desire an oral hearing before the Board may request the hearing by filing a Request for Oral Hearing.

II. Method of Collection

By mail, facsimile, or hand delivery to the USPTO when an applicant files the various notices or requests. The remaining papers can also be filed as attachments through EFS–Web. The USPTO is taking this opportunity to account for the electronic submissions in this collection.

There are forms associated with the Notice of Appeal (PTO/SB/31), the Requests for Oral Hearing (PTO/ SB/32), and the Pre-Appeal Brief Request for Review (PTO/ SB/33). Therefore, after approval, this collection will have three forms.

III. Data

OMB Number: 0651–00xx.

Form Number(s): PTO/SB/31/32/33.

Type of Review: New information collection.

Affected Public: Businesses or other for-profits; and not-for-profit institutions.

Estimated Number of Respondents: 45,500 responses per year, with an estimated 90,940 submitted by small entities. Of the total responses, the USPTO estimates that 50,700 will be submitted through EFS–Web.

Estimated Time per Response: The USPTO estimates that it will take the public approximately 12 minutes (0.20 hours) to complete the information in this collection, with the exception of the Pre-appeal Brief Requests for Review, which the USPTO estimates will take approximately 5 hours to complete. These estimated times include gathering the necessary information, creating the documents, and submitting the completed request to the USPTO. Currently, the USPTO calculates that, on balance, it takes the same amount of time to gather the necessary information, create the
document, and submit it to the USPTO, whether the applicant submits the information in paper form or electronically. 

Estimated Total Annual Respondent Burden Hours: 86,740 hours. 

The USPTO estimates that attorneys will complete the items in this collection. Using the professional hourly rate of $340 for attorneys in private firms, the USPTO estimates $29,491,600 per year for the respondent cost burden for this collection.

<table>
<thead>
<tr>
<th>Item</th>
<th>Estimated time for response</th>
<th>Estimated annual responses</th>
<th>Estimated annual burden hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice of Appeal</td>
<td>12 minutes</td>
<td>2,600</td>
<td>520</td>
</tr>
<tr>
<td>Electronic Notice of Appeal</td>
<td>12 minutes</td>
<td>34,900</td>
<td>6,980</td>
</tr>
<tr>
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<td>20</td>
</tr>
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<td>Electronic Request for Oral Hearing Before the Board of Patent Appeals and Interferences</td>
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<td>1,100</td>
<td>220</td>
</tr>
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<td>Pre-Appeal Brief Request for Review</td>
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<td>1,100</td>
<td>5,500</td>
</tr>
<tr>
<td>Electronic Pre-Appeal Brief Request for Review</td>
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<td>14,700</td>
<td>73,500</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>54,500</td>
<td>86,740</td>
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</table>


This collection has annual (non-hour) postage costs in the form of filing fees and postage costs.

The USPTO estimates that this collection will have a total annual cost of $22,264,200 in filing fees.

<table>
<thead>
<tr>
<th>Item</th>
<th>Responses</th>
<th>Filing fees (a)</th>
<th>Total cost (c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice of Appeal</td>
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<td>$620.00</td>
<td>$1,302,000.00</td>
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<td>155,000.00</td>
</tr>
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<td>Electronic Notice of Appeal</td>
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<td>620.00</td>
<td>17,298,000.00</td>
</tr>
<tr>
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<td>1,240.00</td>
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<td>Request for an Oral Hearing (small entity)</td>
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<td>1,166,000.00</td>
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<tr>
<td>Electronic Request for an Oral Hearing (small entity)</td>
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<td>620.00</td>
<td>124,000.00</td>
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<tr>
<td>Pre-Appeal Brief Request for Review</td>
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<td>0.00</td>
</tr>
<tr>
<td>Pre-Appeal Brief Request for Review (small entity)</td>
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</tr>
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</tr>
<tr>
<td>Electronic Pre-Appeal Brief Request for Review (small entity)</td>
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</tbody>
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The public may submit the notices and requests in this collection to the USPTO by mail through the United States Postal Service. All correspondence may include a certificate of mailing for each piece of correspondence enclosed, stating the date of deposit or transmission to the USPTO in order to receive credit for timely filing. The USPTO has estimated that the vast majority of these submissions will weigh no more than two ounces. Therefore, the USPTO is conservatively estimating that these submissions will be mailed by first-class postage at 65 cents. Postage for the certificates of mailing themselves are not calculated into this estimate as they are included with the individual pieces of correspondence that are being deposited with the United States Postal Service.

The USPTO estimates that 3,800 responses will be mailed by first-class postage, for a total annual cost of $2,470 in postage costs.

<table>
<thead>
<tr>
<th>Item</th>
<th>Responses</th>
<th>Postage costs (b)</th>
<th>Total cost (c)</th>
</tr>
</thead>
<tbody>
<tr>
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<td>$1,690.00</td>
</tr>
<tr>
<td>Request for Oral Hearing Before the Board of Patent Appeals and Interferences</td>
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<td>0.65</td>
<td>65.00</td>
</tr>
<tr>
<td>Pre-Appeal Brief Request for Review</td>
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<td>0.65</td>
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<tr>
<td>Totals</td>
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<td></td>
<td>2,470.00</td>
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</tbody>
</table>

The total annual (non-hour) respondent cost burden for this collection in the form of filing fees and postage costs is estimated to be $22,266,670 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 agency operations specified; (b) Whether the collection burden is reasonable; (c) Whether the collection is more efficient in another collection format.

The information collection is being submitted to OMB for clearance. Comments are due on or before February 3, 2012.
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: December 29, 2011.

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

[FR Doc. 2011–33726 Filed 1–3–12; 8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

[DOcket ID DOD–2011–OS–0149]

Privacy Act of 1974; System of Records

AGENCY: Defense Threat Reduction Agency, DoD.

ACTION: Notice to Alter a System of Records.


DATES: This proposed action would be effective without further notice on February 3, 2012 unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Instructions: All submissions received must include the agency name and docket number for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at http://www.regulations.gov as they are received without change, including any personal identifiers or contact information.


SUPPLEMENTARY INFORMATION: The Defense Threat Reduction Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the Federal Register and are available from the address in FOR FURTHER INFORMATION CONTACT.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on December 21, 2011, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraphs 4c of Appendix I to OMB Circular No. A–130, “Federal Agency Responsibilities for Maintaining Records About Individuals,” dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: December 29, 2011.

Aaron Siegel, Alternate OSD Federal Register Liaison Officer, Department of Defense.

HDTA 007


CHANGES:
* * * * *

SYSTEM LOCATION(S):

SECONDARY LOCATIONS:
Security and Counterintelligence European Operations Division, Defense Threat Reduction Agency, Kleber Kaserne, Mannheimer Strasse, Building 3211, Room 104, Kaiserslautern, Germany.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:
Delete entry and replace with “Name; Social Security Number (SSN); home address, date and place of birth; height; weight; hair and eye color; citizenship; grade/rank; services: organization; security clearance; date of clearance; date of investigation; type of investigation; agency that conducted investigation; basis special accesses; courier authorization; continuous access roster expiration date; badge number; vehicle ID and decal number; special intelligence access; expiration date, agency, billet number; list of badges/ passes issued; sales and open storage locations/custodians; conference title/duties/location; special access/briefings; visit requests; conference rosters; clearance and special access rosters; picture identification; correspondence concerning adjudication/passing of clearances/accesses; information from DD 254 (contract security classification specification form) which identifies the type or level of classified material the specific contractor has access to; and security inquiries and insider threats.”

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

PURPOSE(S):
Delete entry and replace with “For use by officials and employees of the Defense Threat Reduction Agency in the performance of their official duties related to continuous review, insider threat and determining the eligibility of individuals for access to classified information and occupancy of a sensitive position, access to buildings and facilities, or to conferences over which DTRA has security responsibility.”
* * * * *

RETRIEVABILITY:
Delete entry and replace with “By individual’s last name and SSN.”
* * * * *

RETENTION AND DISPOSAL:
Delete entry and replace with “Computer records on individuals are