

part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

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.*

[FR Doc. 2011–33761 Filed 1–3–12; 8:45 am]

**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

**Matters Related to Patent Appeals**

**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 this new 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 March 5, 2012.

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

- *Email:* [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include “0651–00xx Matters Related to Patent Appeals 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 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](mailto: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, or during its reexamination 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 Before the Board of Patent Appeals and Interferences.

Currently, Notices of Appeal, Requests for Oral Hearing, and Pre-appeal Brief Requests for Review are covered under 0651–0031 Patent Processing (Updating). The USPTO has determined that it would be beneficial to transfer these items out of 0651–0031 and into their own collection. Therefore, the USPTO is requesting the creation of a new collection which will transfer the three existing notices and requests out of the 0651–0031 inventory into a new collection of information titled “Matters Related to Patent Appeals.” For a complete listing of the items covered by this collection, please see the table in Section III of this notice.

The information in this collection can be submitted electronically through EFS–Web, the USPTO’s Web-based electronic filing system, as well as on paper. The USPTO is taking this opportunity to account for the electronic submissions in this collection.

There are forms associated with the Notices of Appeal (PTO/SB/31), the Requests for Oral Hearing Before the Board of Patent Appeals and Interferences (PTO/SB/32), and the Pre-appeal Brief Requests for Review (PTO/SB/33). Therefore, after approval, this collection will have three forms.

**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.

**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:* 54,500 responses per year, with an estimated 10,940 submitted by small entities. Of the total responses, the USPTO expects 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. 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.*

*Estimated Total Annual Respondent Cost Burden: \$29,491,600.* 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.

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

*Estimated Total Annual Non-hour Respondent Cost Burden: \$22,266,670.* This collection has annual (non-hour)

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.

Item	Responses	Filing fees	Total cost
	(a)	(b)	(a) × (b) (c)
Notice of Appeal .....	2,100	\$620.00	\$1,302,000.00
Notice of Appeal (small entity) .....	500	310.00	155,000.00
Electronic Notice of Appeal .....	27,900	620.00	17,298,000.00
Electronic Notice of Appeal (small entity) .....	7,000	310.00	2,170,000.00
Request for an Oral Hearing .....	60	1,240.00	74,400.00
Request for an Oral Hearing (small entity) .....	40	620.00	24,800.00
Electronic Request for an Oral Hearing .....	900	1,240.00	1,116,000.00
Electronic Request for an Oral Hearing (small entity) .....	200	620.00	124,000.00
Pre-Appeal Brief Request for Review .....	900	None	0.00
Pre-Appeal Brief Request for Review (small entity) .....	200	None	0.00
Electronic Pre-Appeal Brief Request for Review .....	11,700	None	0.00
Electronic Pre-Appeal Brief Request for Review (small entity) .....	3,000	None	0.00
<b>Totals .....</b>	<b>54,500</b>	.....	<b>22,264,200.00</b>

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.

Item	Responses	Postage costs	Total cost
	(a)	(b)	(a) × (b) (c)
Notice of Appeal .....	2,600	0.65	\$1,690.00
Request for Oral Hearing Before the Board of Patent Appeals and Interferences ..	100	0.65	65.00
Pre-Appeal Brief Request for Review .....	1,100	0.65	715.00
<b>Totals .....</b>	<b>3,800</b>	.....	<b>2,470.00</b>

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 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]

BILLING CODE 3510-16-P

## 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.

**SUMMARY:** The Defense Threat Reduction Agency proposes to alter a system of records in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

**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:

\* *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

\* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350-3100.

*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>

[www.regulations.gov](http://www.regulations.gov) as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Ms. Juanita Gaines, Freedom of Information and Privacy Office, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6201, or by phone at (703) 767-1771.

**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 paragraph 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.*

### HDTRA 007

#### SYSTEM NAME:

Security Services (December 4, 2009, 74 FR 63734).

#### CHANGES:

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#### SYSTEM LOCATION(S):

Delete entry and replace with "Primary location: Security and Counterintelligence Office, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6201.

#### SECONDARY LOCATIONS:

Security and Counterintelligence Office Albuquerque, Defense Threat Reduction Agency, 1680 Texas Street SE., Kirtland Air Force Base, Albuquerque, NM 87117-5669.

Security and Counterintelligence Field Office Travis, Defense Threat Reduction Agency, 510 Hickman Avenue, Travis Air Force Base, CA 94535-1801.

Security and Counterintelligence European Operations Division, Defense Threat Reduction Agency, Kleber Kaserne, Mannheimer Strasse, Building

3211, Room 104, Kaiserslautern, Germany.

Security and Counterintelligence Field Office Eglin, Defense Threat Reduction Agency, Eglin Air Force Base, 101 West Eglin Blvd., Building 13A, Suite 39, Eglin AFB, FL 32542-5650."

\* \* \* \* \*

#### 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; safes 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:

Delete entry and replace with "5 U.S.C. 301, Departmental Regulations; E.O. 10450, Security Requirements for Government Employment; E.O. 12065, National Security Information; The Atomic Energy Act of 1954, Section 145; and E.O. 9397 (SSN), as amended."

#### 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."

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#### RETENTION AND DISPOSAL:

Delete entry and replace with "Computer records on individuals are