

expected to avoid the survey area, thereby reducing exposure and impacts. No disruption to reproductive behavior is anticipated and there is no anticipated effect on annual rates of recruitment or survival of affected marine mammals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS preliminarily determines that CWA's survey activities would result in the incidental take of small numbers of marine mammals, by Level B harassment, and that the total taking would have a negligible impact on the affected species or stocks.

#### **Impact on Availability of Affected Species for Taking for Subsistence Uses**

There are no relevant subsistence uses of marine mammals implicated by this action.

#### **Endangered Species Act (ESA)**

No marine mammal species listed under the ESA are anticipated to occur within the action area. Therefore, section 7 consultation under the ESA is not required.

#### **National Environmental Policy Act (NEPA)**

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), as implemented by the regulations published by the Council on Environmental Quality (40 CFR parts 1500–1508), and NOAA Administrative Order 216–6, NMFS prepared an Environmental Assessment (EA) to consider the direct, indirect, and cumulative effects to marine mammals and other applicable environmental resources resulting from issuance of a one-year IHA and the potential issuance of additional authorization for incidental harassment for the ongoing project in 2012. This analysis is still considered relevant for the proposed IHA because the applicant's proposed activity has not changed. This EA is available on the NMFS Web site listed in the beginning of this document.

Dated: January 29, 2013.

**Helen M. Golde,**

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

[FR Doc. 2013–02195 Filed 1–31–13; 8:45 am]

**BILLING CODE 3510–22–P**

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

**RIN 0648–XC470**

#### **Vessel Monitoring Systems (VMS); Certification of New VMS Unit for Use in Northeast Fisheries**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of VMS unit certification.

**SUMMARY:** NMFS announces the approval and certification of the CLS America Thorium VMS Terminal model 100 (TST–100) with Iridium satellite communications network for use in the northeastern United States in which VMS units are required.

**DATES:** This new TST–100 unit can be used effective January 24, 2013.

**FOR FURTHER INFORMATION CONTACT:** Office of Law Enforcement, Northeast Division, Northeast VMS Team, telephone 978–281–9213.

**SUPPLEMENTARY INFORMATION:** Regulations at 50 CFR 648.9 and 648.10 set forth VMS requirements for fisheries in the northeastern United States for the operation of VMS units used for reporting and monitoring. Specifically, 50 CFR 648.9 requires that minimum performance criteria published by the NMFS Office of Law Enforcement and any established Northeast regional standards must be met in order to be certified for use.

The Administrator, Northeast Region, NMFS, has reviewed all components of the TST–100 VMS unit and other information provided by the vendor and has certified the following unit for use in all Northeast fisheries in which VMS units are required: Thorium TST–100, available from CLS America, Inc., 4300 Forbes Blvd., Suite 110, Lanham, Maryland 20706, telephone (301) 925–4411, fax (301) 925–8995, email: [fishing@clsamerica.com](mailto:fishing@clsamerica.com).

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: January 25, 2013.

**Kara Meckley,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2013–02131 Filed 1–31–13; 8:45 am]

**BILLING CODE 3510–22–P**

## **DEPARTMENT OF COMMERCE**

### **United States Patent and Trademark Office**

[Docket No. PTO–P–2013–0001]

#### **Notice of Public Hearing and Request for Comments on Matters Related to the Harmonization of Substantive Patent Law**

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Notice of Public Hearing and Request for Comments on Matters Related to the Harmonization of Substantive Patent Law.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is seeking stakeholder input on certain matters relating to international harmonization of substantive patent law, in particular, information and views on: (1) The grace period; (2) publication of applications; (3) the treatment of conflicting applications and (4) 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. In addition, interested members of the public are encouraged to complete an electronic questionnaire relating to the above-identified issues. Separate written comments may be provided through electronic mail, though completion of the questionnaire is strongly preferred in lieu of separate comments. Additional details may be found in the supplementary information section of this notice.

**Public Hearing:** A public hearing will be held on March 21, 2013, beginning at 8:30 a.m. Eastern Daylight Time (EDT) and ending at 12:00 p.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 email to [IP.Policy@uspto.gov](mailto:IP.Policy@uspto.gov) no later than February 28, 2013. 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); (3) the organization(s) the person represents, if any; and (4) a preliminary written copy of their testimony. The opportunity to testify will only be for those physically present. Based on the requests received, an agenda of scheduled testimony will be sent to testifying respondents, and