

California Santa Cruz's request for the development and implementation of regulations governing the incidental taking of marine mammals. NMFS invites the public to provide information, suggestions, and comments on the University of California Santa Cruz's application and request.

**DATES:** Comments and information must be received no later than November 18, 2019.

**ADDRESSES:** Comments on the applications should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to [ITP.Meadows@noaa.gov](mailto:ITP.Meadows@noaa.gov).

**Instructions:** NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities> without change. All personal identifying information (e.g., name, address) 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:** Dr. Dwayne Meadows, Office of Protected Resources, NMFS, (301) 427-8401. An electronic copy of the University of California Santa Cruz's application may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities>. In case of problems accessing these documents, please call the contact listed above.

**SUPPLEMENTARY INFORMATION:**

**Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) 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.

An incidental take authorization 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.

The MMPA states that the term "take" means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

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 August 12, 2019, NMFS received an application from the University of California Santa Cruz requesting authorization for take of marine mammals incidental to research activities related to rocky intertidal monitoring along the coasts of Oregon and California. After the applicant responded to our questions, we determined the application was adequate and complete on October 8, 2019. The requested regulations would be valid for five years, from 2020 through 2025. The University of California Santa Cruz plans to conduct necessary work, including research surveys, to monitor rocky intertidal communities. The proposed action may incidentally expose marine mammals occurring in the vicinity to researchers moving through their habitat, and setting up research transects and photoquadrats, thereby resulting in incidental take, by Level B harassment only. Therefore, the University of California Santa Cruz requests

authorization to incidentally take marine mammals.

**Specified Activities**

The Partnership for Interdisciplinary Studies of Coastal Oceans (PISCO, [www.piscoweb.org](http://www.piscoweb.org)), administered by the University of California Santa Cruz, conducts monitoring at rocky intertidal sites in California and Oregon. They have been conducting similar research since 2013. Information from PISCO's research is used to inform marine policy and is also made available to the public through outreach and educational programs. The University of California Santa Cruz anticipates approximately 300 survey days over the course of the 5-year period. They expect to take California sea lions, Northern elephant seals, Steller sea lions, and California and Oregon/Washington stocks of harbor seals.

**Information Solicited**

Interested persons may submit information, suggestions, and comments concerning the University of California Santa Cruz's request (see **ADDRESSES**). NMFS will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by University of California Santa Cruz, if appropriate.

Dated: October 11, 2019.

**Donna Wieting,**

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

[FR Doc. 2019-22729 Filed 10-17-19; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Technical Information Service**

**Renewal of Currently Approved Information Collection; Comment Request; Limited Access Death Master File Systems Safeguards Attestation Forms**

**AGENCY:** National Technical Information Service, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, 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 proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before December 17, 2019.

**ADDRESSES:** Direct all written comments to John W. Hounsell, Program Manager, Office of Program Management, National Technical Information Service, Department of Commerce, 5301 Shawnee Road, Alexandria, VA 22312 (or at [PRAcomments@doc.gov](mailto:PRAcomments@doc.gov)). All comments received are part of the public record. Comments will generally be posted without change. All Personally Identifiable Information (for example, name and address) 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:** Requests for additional information or copies of the information collection instrument and instructions should be directed to John W. Hounsell, at email: [jhounsell@ntis.gov](mailto:jhounsell@ntis.gov) or telephone: 703-605-6184.

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

This notice informs the public that the National Technical Information Service (NTIS) is requesting the renewal of an information collection described in Section II for use in connection with the final rule entitled "Certification Program for Access to the Death Master File." The final rule was published on June 1, 2016 and became effective on November 28, 2016. The information collection described in Section II, was approved and became effective on December 23, 2016.

**II. Method of Collection**

*Title of Information Collection:* "Limited Access Death Master File Accredited Conformity Assessment Body Application for Firewalled Status" (Firewalled Status Application Form).

*Description of the need for the information and the proposed use:* NTIS issued a final rule establishing a program through which persons may become eligible to obtain access to Death Master File (DMF) information about an individual within three years of that individual's death (81 FR 34882, June 1, 2016). The final rule was promulgated under Section 203 of the Bipartisan Budget Act of 2013, Public Law 113-67 (Act). The Act prohibits the Secretary of Commerce (Secretary) from disclosing DMF information during the three-year period following an individual's death (Limited Access DMF), unless the person requesting the information has been certified to access

the Limited Access DMF pursuant to certain criteria in a program that the Secretary establishes. The Secretary delegated the authority to carry out Section 203 to the Director of NTIS.

The final rule requires that, in order to become certified, a Person must submit a written attestation from an "Accredited Conformity Assessment Body" (ACAB), as defined in the final rule, that such Person has information security systems, facilities and procedures in place to protect the security of the Limited Access DMF, as required under Section 1110.102(a)(2) of the final rule. A Certified Person also must provide a new written attestation periodically for renewal of its certification as specified in the final rule. The ACAB must be independent of the Person or Certified Person seeking certification, unless it is a conformity assessment body which qualifies for "firewalled status" pursuant to Section 1110.502 of the final rule.

The Firewalled Status Application Form collects information that NTIS will use to evaluate whether the respondent qualifies for "firewalled status" under the rule, and, therefore, can provide a written attestation in lieu of an independent ACAB's attestation. This information includes specific requirements of Section 1110.502(b) of the final rule, which the respondent ACAB must certify are satisfied, and the provision of specific information by the respondent ACAB, such as the identity of the Person or Certified Person that would be the subject of the attestation and the basis upon which the certifications were made.

**III. Data**

*OMB Control Number:* 0692-0015.

*Form Number(s):* NTIS FM101.

*Type of Review:* Regular submission.

*Affected Public:* Accredited Conformity Assessment Bodies seeking firewalled status under 15 CFR 1110.502 because they are "owned, managed or controlled" by the Person or Certified Person for whom they are providing assessment(s) and or audit(s) under the final rule for the "Certification Program for Access to the Death Master File."

*Estimated Number of Respondents:* NTIS expects to receive approximately 250 applications and renewals for certification every year, of which it expects that approximately 20% of the required assessments will be provided by Accredited Conformity Assessment Bodies that will seek firewalled status in a given year. Accordingly, NTIS estimates that it will receive approximately 50 Firewalled Status Application Forms per year.

*Estimated Time per Response:* 60 minutes.

*Estimated Total Annual Burden Hours:* 50 (50 × 1 hour = 50 hours).

*Estimated Total Annual Cost to Public:* NTIS expects to receive approximately 50 applications annually at a fee of \$268 per application, for a total cost to the public of \$13,400. The total annual cost reflects the cost to the Federal Government, which consists of the expenses associated with NTIS personnel reviewing and processing the Firewalled Status Application Forms. In addition, NTIS estimates that it will take a senior auditor within the organization one hour to complete the form at a rate of \$135 per hour, for a total additional cost to the public of \$6,750 (50 burden hours × \$135/hour = \$6,750). NTIS estimates the total annual cost to the public to be \$13,400 in fees + \$6,750 in staff time = \$20,150.

**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 the potential use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

**Sheleen Dumas,**

*Departmental Lead PRA Officer, Office of the Chief Information Officer, Commerce Department.*

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**DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

[Docket No. PTO-P-2019-0034]

**October 2019 Patent Eligibility Guidance Update**

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

**ACTION:** Notice.