

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Permits for Incidental Taking of Endangered or Threatened Species**

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on May 25, 2021 (86 FR 28061) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* National Oceanic and Atmospheric Administration (NOAA), Commerce.

*Title:* Permits for Incidental Taking of Endangered or Threatened Species.

*OMB Control Number:* 0648–0230.

*Form Number(s):* None.

*Type of Request:* Regular submission (extension of a currently approved information collection).

*Number of Respondents:* 37.

*Average Hours per Response:* 80 hours for a permit application (including Habitat Conservation Plans); 40 minutes for transfer of an incidental take permit; 8 hours for a permit report, 30 minutes for a Certificate of Inclusion; and 10 hours for a watershed plan.

*Total Annual Burden Hours:* 408.

*Needs and Uses:* All of the required information collected in the application is used to evaluate the impacts of a proposed activity on endangered species; for example, to make the determinations required by the ESA prior to issuing an incidental take permit, and to establish appropriate permit conditions. The analysis involved in making these determinations requires detailed information on the activity, the ESA species and how the activity may affect the species directly or indirectly through alterations of the habitat.

The reports required by the incidental take permits are used by NMFS to monitor the taking, to assess the impacts

to the species and its habitat, and to monitor compliance with the terms and conditions of the permit. This information is necessary to ensure that the taking is not appreciably reducing the likelihood of the survival and recovery of the species and for determining whether the terms and conditions of the permit are being complied with, as required by sections 10(a)(2)(B) and (C) of the ESA. The regulations at § 222.307(d)(1) state that permits must contain "Reporting requirements or rights of inspection for determining whether the terms and conditions are being complied with". The requirements for reports therefore, vary from permit to permit, depending on the permit conditions.

*Affected Public:* Individuals or households; Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government.

*Frequency:* An applicant needs to submit one final application and reporting occurs annually, but may vary from permit to permit, depending on the permit conditions.

*Respondent's Obligation:* Required to Obtain or Retain Benefits.

*Legal Authority:* The Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*).

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0230.

**Sheleen Dumas,**

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

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**DEPARTMENT OF COMMERCE****United States Patent and Trademark Office****Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Third-Party Submissions and Protests**

The United States Patent and Trademark Office (USPTO) will submit

the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comment on this information collection renewal, which helps the USPTO assess the impact of its information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on April 30, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

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

*Title:* Third-Party Submissions and Protests.

*OMB Control Number:* 0651–0062.

*Form Number:* PTO/SB/429 (Third-Party Submission Under 37 CFR 1.290).

*Type of Review:* Extension and revision of a currently approved information collection.

*Number of Respondents:* 880 respondents per year.

*Estimated Time per Response:* The USPTO estimates that it will take the public approximately 10 hours to gather the necessary information, create the documents, and submit the completed items to the USPTO.

*Estimated Total Annual Respondent Burden Hours:* 8,800 hours.

*Estimated Total Annual Non-Hour Cost Burden:* \$80,613.

*Needs and Uses:* The USPTO is required by 35 U.S.C. 131 *et seq.* to examine an application for patent and, when appropriate, issue a patent. The provisions of 35 U.S.C. 122(c), 122(e), 131, and 151, as well as 37 CFR 1.290 and 1.291, limit the ability of a third-party to have information entered and considered in, or to protest, a patent application pending before the USPTO. 37 CFR 1.290 provides a mechanism for third parties to submit to the USPTO, for consideration and inclusion in the record of a patent application, any patents, published patent applications, or other printed publications of potential relevance to the examination of the application. A preissuance submission under 37 CFR 1.290 may be made in any non-provisional utility, design, and plant application, as well as in any continuing application. A preissuance submission under 37 CFR 1.290 must include a concise description of the asserted relevance of each document submitted, and must be submitted within a certain statutorily specified period. 37 CFR 1.291 permits a member of the public to file a protest