

would be returned to the sea promptly after data collection. The MEDMR remains committed to providing the same level of observer coverage as in the previous year's experiment (two trips per month). Observer data would continue to complement the information collected by participants through the MEDMR-supplied logbooks, along with detailed fisheries information (e.g., bycatch information, molt condition, etc.).

An August 13, 2002, Biological Opinion on the Jonah crab EFP evaluated impacts on protected resources over the anticipated time frame of the experiment (one year initially and renewal for two additional years). Based on this consultation, a Reasonable and Prudent Alternative (RPA) was implemented to avoid the likelihood that the Jonah crab EFP would jeopardize the continued existence of the North Atlantic right whale. This RPA recommended that participants in the Jonah crab experiment use neutrally buoyant lines on all modified lobster traps during June–October.

As was the case previously, 2004/2005 EFP participants would be required to comply with the RPA and the Atlantic Large Whale Take Reduction Plan (ALWTRP) requirements in effect at the time of the experiment. To date, approximately 40 percent of the EFP participants have received Level I training for whale and sea turtle entanglement. There have been no observed or reported interactions with whales or sea turtles during the operations of this project. The proposed EFP would not represent a change or redistribution of effort, therefore further Endangered Species Act consultation is not necessary.

In 2003, a supplement to the EA for the Jonah crab EFP was prepared to meet revised guidelines regarding cumulative effects and comparative impacts of the preferred alternative (status quo) and other EFP alternatives. The 2004 Supplemented EA determined that the proposed experimental fishery, including cumulative effects, would not significantly affect the quality of the human environment.

The EFP would allow up to 100 vessels to fish 200 of the modified traps above their 800-trap allocation and exempt them from the lobster fishery regulations at 50 CFR part 697 as follows: permit, tagging, and trap limit requirements under § 697.4(a) and (d), and § 697.19(a)(2) and (c); temporary possession of lobster less than the minimum carapace size specified at § 697.20(b)(1) and (2) for data collection purposes; trap tag identification

requirements at § 697.21(a)(2); and deployment and gear configuration requirements at § 697.21(b)(2).

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

Dated: August 5, 2004.

Alan D. Risenhoover,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: United States Patent and Trademark Office (USPTO).

Title: Patent Term Extension.

Form Number(s): None.

Agency Approval Number: 0651–0020.

Type of Request: Extension of a currently approved collection.

Burden: 30,905 hours annually.

Number of Respondents: 26,859 responses per year.

Avg. Hours Per Response: The USPTO estimates that it will take the public between 1 to 25 hours, depending on the complexity of the situation, to gather the necessary information, prepare the appropriate documents, and submit the applications, petitions, and requests associated with patent term extensions and patent term adjustments to the USPTO.

Needs and Uses: The Federal Food, Drug and Cosmetic Act at 35 U.S.C. 156 permits the USPTO to restore the patent term lost due to certain types of regulatory review by the Federal Food and Drug Administration or the Department of Agriculture. Only patents for drug products, medical devices, food additives, and color additives are eligible for an extension, which may be a maximum of five years. In some cases the USPTO may also extend the term of an original patent due to delays in the prosecution of the patent application. The provisions of 35 U.S.C. 154(b) require the USPTO to notify the applicant of the patent term adjustment in the notice of allowance and give the applicant an opportunity to request reconsideration of the USPTO's patent term adjustment determination. The

USPTO administers 35 U.S.C. 154 and 156 through 37 CFR subpart F (1.701–1.791).

The public uses this information collection to file requests related to patent term extensions and petitions for reconsideration or reinstatement of patent term adjustments. This information is used by the USPTO to consider whether an applicant is eligible for a patent term extension or reconsideration of a patent term adjustment and, if so, to determine the length of the patent term extension or adjustment. There are no forms associated with this collection.

Affected Public: Individuals or households, businesses or other for-profits, not-for-profit institutions, farms, the Federal government, and State, local or tribal governments.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by any of the following methods:

- **E-mail:** Susan.Brown@uspto.gov. Include "0651–0020 copy request" in the subject line of the message.
- **Fax:** 703–308–7407, marked to the attention of Susan Brown.
- **Mail:** Susan K. Brown, Records Officer, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before September 10, 2004, to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, 725 17th Street, NW., Washington, DC 20503.

Dated: August 5, 2004.

Susan K. Brown,

Records Officer, USPTO, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division.

[FR Doc. 04–18329 Filed 8–10–04; 8:45 am]

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