

Committee of the AK BOF and Council will meet in Juneau, AK.

**DATES:** The meeting will be held on June 12, 2013, from 9 a.m. to 5 p.m.

**ADDRESSES:** The meeting will be held at the Centennial Hall, 101 Egan Drive, Ballroom 1, Juneau, AK.

*Council address:* North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

**FOR FURTHER INFORMATION CONTACT:** AK BOF Staff, (907) 465-4110 or Council staff, (907) 271-2809.

**SUPPLEMENTARY INFORMATION:** The Committee will review the following: Updates on Gulf of Alaska (GOA) non-pollock Chinook bycatch and other salmon bycatch issues, GOA trawl bycatch management, restructured observer program and electronic monitoring, Steller sea lion (SSL) Environmental Impact Statement (EIS) and associated issues, including Aleutian Islands cod processing sideboards and relationship to BOF state water groundfish fishery proposals; Update on definition of a fishing guide and coordination of state and federal regulations and report on Pacific cod and other groundfish proposals to the BOF. The Agenda is subject to change, and the latest version will be posted at <http://www.alaskafisheries.noaa.gov/npfmc/>.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

### Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271-2809 at least 7 working days prior to the meeting date.

Dated: May 14, 2013.

**Tracey L. Thompson,**

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

[FR Doc. 2013-11788 Filed 5-16-13; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XC439**

#### Marine Mammals; File No. 17005

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

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that a permit has been issued to Peter Rogers, Ph.D., Georgia Institute of Technology, Woodruff School of Mechanical Engineering, Atlanta, GA 30332 to conduct research on cetacean species not listed under the Endangered Species Act (ESA).

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following offices: See **SUPPLEMENTARY INFORMATION.**

**FOR FURTHER INFORMATION CONTACT:** Amy Hapeman or Amy Sloan, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** On January 15, 2013, notice was published in the **Federal Register** (78 FR 2956) that a request for a permit to conduct research on non-listed cetacean species had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

In cooperation with local marine mammal stranding networks, Dr. Rogers is authorized to conduct scientific research on non-listed cetacean species in Atlantic and Pacific coastal areas of the contiguous United States. Researchers may use a non-invasive ultrasound-based system to determine the low frequency elastic properties of cetacean head tissues. The work also would allow researchers to: (1) Determine any short term changes in soft tissue elasticity if an animal dies during the stranding response, and (2) assess differences between intact and harvested tissues from deceased stranded animals. The permit is valid through May 10, 2018.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Documents may be reviewed in the following locations:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376;

Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0700; phone (206) 526-6150; fax (206) 526-6426;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562) 980-4001; fax (562) 980-4018;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281-9328; fax (978) 281-9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727) 824-5312; fax (727) 824-5309.

Dated: May 14, 2013.

**P. Michael Payne,**

*Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2013-11773 Filed 5-16-13; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

[Docket No. PTO-P-2013-0013]

#### After Final Consideration Pilot Program 2.0

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

**ACTION:** Notice.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) has modified the After Final Consideration Pilot Program (AFCP) to create the After Final Consideration Pilot Program 2.0 (AFCP 2.0). Applicants who wish to participate in AFCP 2.0 must file a request to have a response after final rejection (which the examiner may have sufficient basis not to consider under current practice) considered by the examiner without reopening prosecution. The response after final rejection must include an amendment to at least one independent claim. The examiner will be allotted a set amount of time under AFCP 2.0 to consider the response. If the examiner's consideration of a proper AFCP 2.0 request and response does not result in a determination that all pending claims are in condition for allowance, the examiner will request an interview with the applicant to discuss the response.

There are thus three main differences between AFCP and AFCP 2.0: an applicant must request to participate in AFCP 2.0; a response after final rejection under AFCP 2.0 must include an amendment to at least one independent claim; and the examiner will request an interview with the applicant to discuss a response, if the response did not result in a determination that all pending claims are in condition for allowance. The goal of AFCP 2.0 is to reduce pendency by reducing the number of Requests for Continued Examination (RCE) and encouraging increased collaboration between the applicant and the examiner to effectively advance the prosecution of the application. There is no additional fee required to request consideration of an amendment after final rejection under AFCP 2.0, but any necessary existing fee, e.g., the fee for an extension of time, must still be paid.

**DATES:** *Effective Date:* May 19, 2013.

*Duration:* AFCP 2.0 will run from its effective date until September 30, 2013. A request to consider an amendment after final rejection under AFCP 2.0 must be filed on or before September 30, 2013. The USPTO may extend AFCP 2.0 (with or without modifications) depending on feedback from the participants and the effectiveness of the pilot program.

**FOR FURTHER INFORMATION CONTACT:** Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272-7728, or by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**SUPPLEMENTARY INFORMATION:** As outlined herein, AFCP 2.0 involves responses filed after a final rejection pursuant to 37 CFR 1.116. Under current practice, examiners have sufficient basis not to consider many responses filed after a final rejection, including responses that would require further search and/or consideration. See, e.g., sections 714.12 through 714.13 of the *Manual of Patent Examining Procedure* (8th ed. 2001) (Rev. 9, August 2012) (MPEP). AFCP 2.0 allots a limited amount of time for examiners to consider responses after final rejection that include an amendment to at least one independent claim and require further search and/or consideration. Examiners will also use the time allotted to them under AFCP 2.0 to conduct an interview to discuss the response, for those responses that do not place the application in condition for allowance. AFCP 2.0 will help inform

the USPTO as to whether authorization of the limited amount of time will reduce the number of RCEs. AFCP 2.0 replaces AFCP, which terminates on May 18, 2013.

#### A. AFCP 2.0 Requirements

In order to be eligible to participate in AFCP 2.0, an application must contain an outstanding final rejection and be (i) an original utility, plant, or design nonprovisional application filed under 35 U.S.C. 111(a), or (ii) an international application that has entered the national stage in compliance with 35 U.S.C. 371(c). A continuing application (e.g., a continuation or divisional application) is filed under 35 U.S.C. 111(a) and is thus eligible to participate in AFCP 2.0. Reissue applications and reexamination proceedings are not eligible to participate in AFCP 2.0.

A request for an examiner to consider an amendment after final rejection under AFCP 2.0 must include the following items: (1) A transmittal form, such as form PTO/SB/434, that identifies the submission as an AFCP 2.0 submission and requests consideration under AFCP 2.0; (2) a response under 37 CFR 1.116, including an amendment to at least one independent claim that does not broaden the scope of the independent claim in any aspect; (3) a statement that the applicant is willing and available to participate in any interview initiated by the examiner concerning the accompanying response; and (4) any necessary fees.

Only one request for consideration under AFCP 2.0 may be filed in response to an outstanding final rejection. Second or subsequent requests for consideration under AFCP 2.0 filed in response to the same outstanding final rejection will be processed consistent with current practice concerning responses after final rejection under 37 CFR 1.116. In addition, all papers associated with this pilot program must be filed via the USPTO's Electronic Filing System-Web (EFS-Web).

##### 1. Transmittal Form

AFCP 2.0 requires applicants to specifically request consideration under the program. The USPTO has included this requirement in an effort to focus the program on applications that are more likely to benefit from the program. The requirement to request consideration should also improve the data generated on the effectiveness of the program. Applicants are advised to use form PTO/SB/434, which is available at <http://www.uspto.gov/forms/index.jsp>, to request consideration under AFCP

2.0. Use of this form will also help the Office to quickly identify AFCP 2.0 submissions and facilitate timely processing of such submissions. The Office of Management and Budget (OMB) has determined that, under 5 CFR 1320.3(h), form PTO/SB/434 does not collect "information" within the meaning of the Paperwork Reduction Act of 1995.

##### 2. Amendment

A submission under AFCP 2.0 must include a response filed under 37 CFR 1.116. The 37 CFR 1.116 response must include an amendment to at least one independent claim. The amendment may not broaden the scope of the independent claim in any aspect. For the purposes of AFCP 2.0, the analysis of whether an amendment to an independent claim impermissibly broadens the scope of the claim will be analogous to the guidance set forth in section 1412.03 of the MPEP for determining whether a reissue claim has been broadened.

##### 3. Interview statement

A submission under AFCP 2.0 must include a statement by the applicant that they are willing and available to participate in any interview initiated by the examiner concerning the response filed with the AFCP submission. Form PTO/SB/434 includes the required interview statement.

##### 4. Any Necessary Fees

A submission under AFCP 2.0 must also include any fees that would be necessary, consistent with current practice concerning an after final response under 37 CFR 1.116. For example, an AFCP 2.0 submission that is filed more than three months after the mailing of a final rejection must include the appropriate fee for an extension of time under 37 CFR 1.136(a).

#### B. Processing of AFCP 2.0 Submissions

Upon receipt of the AFCP 2.0 submission, the examiner will review the submission to ensure that the transmittal form, amendment, interview statement, and any necessary fees are provided. If the submission is incomplete, then the examiner will process the submission consistent with current practice concerning responses after final rejection under 37 CFR 1.116.

Upon verifying that the AFCP 2.0 submission complies with the requirements of the program, the examiner will perform an initial review of the amendment. During the initial review, the examiner will determine if additional search and/or consideration

would be required to determine whether the amendment would distinguish over the prior art, and if such search and/or consideration would be possible within the time allotted to them under the AFCP 2.0 program. If additional search and/or consideration would be required but could not be completed within the allotted time, the examiner will process the submission consistent with current practice concerning responses after final rejection under 37 CFR 1.116, *e.g.*, by mailing an advisory action.

If the examiner determines that the amendment does not necessitate additional search and/or consideration, or if the examiner determines that additional search and/or consideration is required and could be completed within the allotted time, then the examiner will consider whether the amendment places the application in condition for allowance (after completing the additional search and/or consideration, if required). If the examiner determines that the amendment places the application in condition for allowance, then the examiner will enter the amendment and mail a notice of allowance. If the examiner determines that the amendment does not appear to place the application in condition for allowance, then the examiner will contact the applicant to schedule an interview to discuss the amendment.

The interview will be conducted by the examiner, and if the examiner does not have negotiation authority, a primary examiner and/or supervisory patent examiner will also participate. Following the interview, the examiner will proceed with an appropriate response to the submission after final rejection according to current practice. If the applicant declines the interview, or is unable to schedule the interview within ten (10) calendar days from the date the examiner first contacts the applicant, then the examiner may proceed with an appropriate response to the submission after final rejection according to current practice.

**Teresa Stanek Rea,**

*Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.*

[FR Doc. 2013-11870 Filed 5-16-13; 8:45 am]

**BILLING CODE 3510-16-P**

**COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

**Procurement List; Additions and Deletion**

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Additions to and Deletion from the Procurement List.

**SUMMARY:** This action adds products and services to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes a service from the Procurement List previously provided by such agency.

**DATES:** *Effective Date:* 6/17/2013.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia 22202-4149.

**FOR FURTHER INFORMATION CONTACT:** Barry S. Lineback, Telephone: (703) 603-7740, Fax: (703) 603-0655, or email [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

**SUPPLEMENTARY INFORMATION:**

**Additions**

On 3/15/2013 (78 FR 16475-16476) and 3/22/2013 (78 FR 17641-17642), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

*Regulatory Flexibility Act Certification*

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the products and services proposed for addition to the Procurement List.

*End of Certification*

Accordingly, the following products and services are added to the Procurement List:

**Products**

**NSN:** MR 1147—Christmas Novelty Flag, Decorative, 28" x 40".

**NPA:** Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC.

**Contracting Activity:** Defense Commissary Agency, Fort Lee, VA.

**Coverage:** C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency.

**NSN:** 7510-01-389-2262—Self Stick Rectangular Flag, "Sign Here", 1.0" x 1.75", Yellow, 100 Flags per pack.

**NPA:** Association for the Blind and Visually Impaired—Goodwill Industries of Greater Rochester, Rochester, NY.

**Contracting Activity:** General Services Administration, New York, NY.

**Coverage:** A-List for the Total Government Requirement as aggregated by the General Services Administration.

*Ice Melt/De-Icer*

**NSN:** 6850-01-598-1946—10 lbs.

**NSN:** 6850-01-598-1926—20 lbs.

**NSN:** 6850-01-598-1933—40 lbs.

**NPA:** Bosma Industries for the Blind, Inc., Indianapolis, IN

**Contracting Activity:** Defense Logistics Agency Aviation, Richmond, VA

**Coverage:** B-List for the Total Government Requirement as aggregated by the Defense Logistics Agency Aviation, Richmond, VA.

**Services**

**Service Type/Location:** Landscaping Maintenance Service, Defense Contract Management Agency (DCMA), Buildings 10500, 10501, 10201 and 1024, 3901 A Avenue, Fort Lee, VA.

**NPA:** Richmond Area Association for Retarded Citizens, Richmond, VA.

**Contracting Activity:** Defense Contract Management Agency (DCMA), Fort Lee, VA.

**Service Type/Location:** Tactical Vehicle Wash Facility Service, Yano Tactical Vehicle Wash Facility, Directorate of Training Sustainment, Harmony Church, Building 5525, Fort Benning, GA.

**NPA:** Power Works Industries, Inc., Columbus, GA.

**Contracting Activity:** Dept of the Army, W6QM MICC-Ft Benning, Fort Benning, GA.

**Service Type/Location:** Grounds Maintenance and Snow Removal Service, Army Corps of Engineers District Headquarters Bldg., 201 North Third Ave., Walla Walla, WA.

**NPA:** Lillie Rice Center, Walla Walla, WA.