

we will follow the requirement in section 492(b)(1) of the HEA that the individuals selected must have demonstrated expertise or experience in the relevant topics proposed for negotiations. We will also select individual negotiators who reflect the diversity among program participants, in accordance with section 492(b)(1) of the HEA. Our goal is to establish a committee that will allow significantly affected parties to be represented while keeping the committee size manageable.

We generally select a primary and alternate negotiator for each constituency represented on the committee. The primary negotiator participates for the purpose of determining consensus. The alternate participates for the purpose of determining consensus in the absence of the primary. Either the primary or the alternate may speak during the negotiations.

The committee may create subgroups on particular topics that may involve individuals who are not members of the committee. Individuals who are not selected as members of the committee will be able to observe the committee meetings, will have access to the individuals representing their constituencies, and may be able to participate in informal working groups on various issues between the meetings.

The goal of the committee is to develop proposed regulations that reflect a final consensus of the committee. Consensus means that there is no dissent by any member of the negotiating committee, including the committee member representing the Department. An individual selected as a negotiator will be expected to represent the interests of his or her organization or group and participate in the negotiations in a manner consistent with the goal of developing proposed regulations on which the committee will reach consensus. If consensus is reached, all members of the organization or group represented by a negotiator are bound by the consensus and are prohibited from commenting negatively on the resulting proposed regulations. The Department will not consider any such negative comments on the proposed regulations that are submitted by members of such an organization or group.

**Nominations:** Nominations should include:

- The name of the nominee, the organization or group the nominee represents, and a description of the interests that the nominee represents.
- Evidence of the nominee's expertise or experience in the topics proposed for negotiations.

- Evidence of support from individuals or groups within the constituency that the nominee will represent.

- The nominee's commitment that he or she will actively participate in good faith in the development of the proposed regulations.

- The nominee's contact information, including address, phone number, and email address.

For a better understanding of the negotiated rulemaking process, nominees should review *The Negotiated Rulemaking Process for Title IV Regulations, Frequently Asked Questions* at [www2.ed.gov/policy/highered/reg/hearulemaking/hea08/neg-reg-faq.html](http://www2.ed.gov/policy/highered/reg/hearulemaking/hea08/neg-reg-faq.html) prior to committing to serve as a negotiator.

Nominees will be notified whether or not they have been selected as negotiators as soon as the Department's review process is completed.

#### Schedule for Negotiations

The committee will meet for three sessions on the following dates:

Session 1: January 12–14, 2016

Session 2: February 17–19, 2016

Session 3: March 16–18, 2016

Sessions will run from 9 a.m. to 5 p.m.

The January and February committee meetings will be held at the U.S. Department of Education at: 1990 K Street NW., Eighth Floor Conference Center, Washington, DC 20006.

The March committee meetings will be held at: Union Center Plaza (UCP) Learning Center, 830 First Street NE., Lobby Level, Washington, DC 20002.

The meetings are open to the public.

**Accessible Format:** Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting Wendy Macias, U.S. Department of Education, 1990 K Street NW., Room 8013, Washington, DC 20006. Telephone: (202) 502-7526 or by email: [Wendy.Macias@ed.gov](mailto:Wendy.Macias@ed.gov).

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department

published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Delegation of Authority:** The Secretary of Education has delegated authority to Jamiene S. Studley, Deputy Under Secretary, to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

**Program Authority:** 20 U.S.C. 1098a.

Dated: December 16, 2015.

**Jamiene S. Studley,**  
Deputy Under Secretary.

[FR Doc. 2015-32007 Filed 12-18-15; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### 37 CFR Part 1

[Docket No.: PTO-P-2015-0074]

#### Request for Submission of Topics for USPTO Quality Case Studies

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

**ACTION:** Initiation of Pilot Program and Request for Program Topics.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) is initiating a new pilot program as part of its Enhanced Patent Quality Initiative. Currently, the USPTO performs reviews of applications on target issues for internal quality purposes, referred to as "case studies." The USPTO now seeks to leverage the experience of its stakeholders to expand the use of case studies to additional quality-related topics. Beginning immediately, stakeholders are invited to submit patent quality-related topics that they believe should be the subject of a case study. After considering the submitted topics, the USPTO will identify which topics will be the subject of upcoming case studies. The USPTO anticipates that the results of these case studies will help it to understand better the quality of its work products and, where appropriate, to take action to remediate quality issues or to formulate best practices to further enhance quality. Such public engagement is sought not only to broaden the scope of quality issues currently studied by the USPTO, but also to continue stakeholder involvement in the quality review process and to maintain a transparent quality enhancement process.

**DATES:** *Submissions deadline date:* To be ensured of consideration, written topic submissions must be received on or before February 12, 2016.

**ADDRESSES:** Written submissions should be sent by electronic mail message over the Internet addressed to: *TopicSubmissionForCaseStudies@uspto.gov*. Submissions may also be submitted by postal mail addressed to: Mail Stop Comments Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, marked to the attention of Michael Cygan, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy. Although submissions may be sent by postal mail, the USPTO prefers to receive submissions by electronic mail message over the Internet because sharing submissions with the public is more easily accomplished.

Electronic submissions are preferred to be formatted in plain text, but also may be submitted in ADOBE® portable document format or MICROSOFT WORD® format. Submissions not sent electronically should be on paper in a format that facilitates convenient digital scanning into ADOBE® portable document format.

Timely filed submissions will be available for public inspection at the Office of the Commissioner for Patents, currently located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia 22314. Submissions also will be available for viewing via the USPTO's Internet Web site ([http://www.uspto.gov/patents/init\\_events/Patent-Quality-Initiative.jsp](http://www.uspto.gov/patents/init_events/Patent-Quality-Initiative.jsp)). Because submissions will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included. It would be helpful to the USPTO if written submissions included information about: (1) The name and affiliation of the individual responding; and (2) an indication of whether submissions offered represent views of the respondent's organization or are the respondent's personal views.

**FOR FURTHER INFORMATION CONTACT:** Michael T. Cygan, Senior Legal Advisor, at (571) 272-7700; Maria Nuzzolillo, Legal Advisor, at (571) 272-8150; or Jeffrey R. West, Legal Advisor, at (571) 272-2226.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. The Enhanced Quality Initiative**

On February 5, 2015, the United States Patent and Trademark Office (USPTO) launched an enhanced quality

initiative to improve the quality of patents issued by the USPTO. This initiative began with a request for public comments on a set of six proposals outlined in a document in the **Federal Register**, *Request for Comments on Enhancing Patent Quality*, 80 FR 6475 (Feb. 5, 2015). The USPTO also held a two-day "Quality Summit" on March 25 and 26, 2015, at the USPTO headquarters in Alexandria, Virginia, to discuss the quality concerns of patent stakeholders and to receive feedback on the USPTO's proposals. Following the Quality Summit, the USPTO has continued its engagement with the public through numerous roadshows, events, and stakeholder meetings to further refine the steps that may be taken to improve quality.

The enhanced patent quality initiative targets three pillars of patent quality: (1) Excellence in work products; (2) excellence in measuring patent quality; and (3) excellence in customer service. As part of the first pillar, the USPTO is focusing on the quality of the work products provided at every stage of the patent process, including the actions taken by the USPTO during application processing, examination, and issuance processes, as well as the quality of issued patents. The USPTO originally proposed creating a mechanism by which the public could flag particular applications to the Office of Patent Quality Assurance (OPQA) for review. After considering the comments from both our internal and external stakeholders, the USPTO decided to revise its original proposal. The USPTO is, instead, implementing a pilot program in which stakeholders are invited to submit patent quality-related topics, not particular applications, they believe should be the subject of a case study.

##### **II. Case Studies at the USPTO**

The USPTO performs case studies to investigate specific quality-related issues in addition to reviews of individual examiner work products, such as its review of a sampling of first Office actions on the merits. The USPTO designs, and performs, these case studies to investigate whether the quality-related issues that are the subject of these studies exist. If the result of a case study reveals that action is needed, the USPTO takes the necessary action. For example, if the result of the case study reveals that additional training is needed, the USPTO develops and implements the training. Unlike the USPTO's review of specific Office actions in an individual application, case studies allow the USPTO to investigate how a particular

issue is being treated or addressed across hundreds or thousands of applications. The USPTO historically has performed case studies for internal quality purposes.

##### **III. Topic Submission for Case Studies Pilot Program**

This new pilot program invites the public to submit topics for case studies. Submissions may concern any topic affecting the USPTO's ability to effectively issue high-quality patents. A submission should be more than a mere statement of an issue or problem encountered by the submitter. A submission should propose a specific correlation or trend for study, and where possible, suggest a methodology for its investigation. A helpful submission would also explain how the results of that case study could be used to improve patent quality. The submission may refer to concrete examples to support the proposed correlation or trend, but any such examples should not contain information sufficient to identify any particular application, any particular examiner, or any particular art unit. A submission may specify certain data subsets for analysis, e.g., primary vs. junior examiners, or data broken out for each Technology Center. Finally, the submission should identify any relevant dates of concern that pertain to the issue presented, e.g., dates of a particular court opinion or USPTO guidance document.

The following restrictions are placed on submissions. First, each separate topic must be presented in a separate submission to ensure consideration, although there is no limit placed upon the number of submissions from a person or entity. Second, each submission should be titled, such as in an email's "subject" line, to reflect the topic contained therein. Third, submissions should not contain information associated with any particular patent application or patent, any particular examiner, or any particular art unit; any such submission will not be part of the study. Fourth, topics should focus on patent quality issues; topics relating to other issues such as management concerns or statutory changes are outside the scope of these case studies. Fifth, the submission should concisely explain the nature and purpose of the proposed study to aid the USPTO in selecting the best topic(s) for this pilot program; the submission should not include lengthy supporting documentation or arguments.

The USPTO will consider these suggestions and identify potential areas

for quality case studies in addition to those already being conducted by OPQA. The USPTO will use the results of the studies to improve its understanding of the quality of its work products and, where appropriate, to take action to remediate quality issues or to formulate best practices to further enhance quality. For example, if a case study reveals a training issue, the USPTO will develop and deliver the appropriate training.

This pilot program will help the USPTO determine the usefulness of this manner of public submission for case study topics as compared to currently-existing methods, such as public fora and external quality surveys. In addition, this pilot program will allow the USPTO to communicate to the public the case studies determined to be useful and the results of those studies.

#### IV. Example of a Topic Submission

The following example is provided to assist the public in providing high-quality submissions that best communicate a focused case study topic for consideration:

*Title:* “Pre-first action interviews and quality of the resulting patent prosecution.”

*Proposal for study:* “Pre-first action interviews result in a shorter time-to-issuance in such applications that are issued as patents.”

*Explanation:* In my experience as a patent practitioner, interviews with examiners lead to better understanding of the claimed invention by both parties. In particular, interviews can reveal that the parties are operating under differing understandings of the scope of the claims, the meaning of a claim term, or interpretation of a teaching of the prior art. When performed early in prosecution, these can provide the opportunity to resolve such differences before the mutual misunderstanding or miscommunication results in extended prosecution. This permits more efficient examination as reflected by a shorter prosecution time for those applications that eventually mature into patents. These efficiency gains are most noticeable after April 1, 2011, when the Full First Action Interview Pilot Program went into effect. The USPTO should study what effect an interview before the first action on the merits in a new application has on time-to-allowance in applications that are eventually issued as patents, and if there are any particular features of the interview that strongly correlate with the time-to-allowance. Discovery of such correlations could lead to USPTO process changes or changes in applicants' approach to prosecution that

could improve the overall efficiency and effectiveness of patent prosecution.

Dated: December 15, 2015.

**Michelle K. Lee,**

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

[FR Doc. 2015–31897 Filed 12–18–15; 8:45 am]

**BILLING CODE 3510–16–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R06–OAR–2015–0497; FRL–9940–17–Region 6]

### Approval and Promulgation of Implementation Plans; Texas; Control of Air Pollution From Nitrogen Compounds State Implementation Plan

**AGENCY:** The Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing approval of revisions to the State Implementation Plan (SIP) submitted by the State of Texas through the Texas Commission on Environmental Quality (TCEQ) on July 10, 2015. The Texas SIP submission revises 30 Texas Administrative Code (TAC) Chapter 117 rules for control of nitrogen compounds to assist the Dallas-Fort Worth (DFW) moderate nonattainment area (NAA) in attaining the 2008 eight-hour ozone (O<sub>3</sub>) National Ambient Air Quality Standards (NAAQS).

**DATES:** Written comments must be received on or before January 20, 2016.

**ADDRESSES:** Submit your comments, identified by Docket No. EPA–R06–OAR–2015–0497, by one of the following methods:

- [www.regulations.gov](http://www.regulations.gov). Follow the online instructions.
- *Email:* Mr. Guy Donaldson at [donaldson.guy@epa.gov](mailto:donaldson.guy@epa.gov).
- *Mail or delivery:* Mr. Guy Donaldson, Chief, Air Branch (6MM–AA), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

*Instructions:* Direct comments to Docket No. EPA–R06–OAR–2015–0497. The EPA's policy is that all comments received will be included in the public docket without change and made available online at [www.regulations.gov](http://www.regulations.gov). The EPA includes any personal information provided, unless a comment includes information claimed to be Confidential Business Information (CBI) or other information whose

disclosure is restricted by statute. Do not submit any information electronically that is considered CBI or any other information whose disclosure is restricted by statute. The [www.regulations.gov](http://www.regulations.gov) Web site is an “anonymous access” system, which means the EPA will not know one's identity or contact information unless it is provided in the body of a comment. If a comment is emailed directly to the EPA without going through [www.regulations.gov](http://www.regulations.gov), then the sender's email address will automatically be captured and included as part of the public docket comment and made available on the Internet. If a comment is submitted electronically, then the EPA recommends that one's name and other contact information be included in the body of the comment, and with any disk or CD-ROM submitted. If the EPA cannot read a particular comment due to technical difficulties and is unable to contact for clarification, the EPA may not be able to consider the comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment will be considered the official comment with multimedia submissions and should include all discussion points desired. The EPA will generally not consider a comment or its contents submitted outside of the primary submission (*i.e.* on the Web, cloud, or other file sharing system). For additional information on submitting comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

*Docket:* The index to the docket for this action is available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.*, copyrighted material), and some may not be publicly available at either location (*e.g.*, CBI).

**FOR FURTHER INFORMATION CONTACT:** Mr. James E. Grady, (214) 665–6745; [grady.james@epa.gov](mailto:grady.james@epa.gov). To inspect the hard copy materials, please schedule an appointment with Mr. Grady or Mr. Bill Deese at (214) 665–7253.

**SUPPLEMENTARY INFORMATION:** Throughout this document “we,” “us,” or “our” means “the EPA.”

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