

(503) 231-2005, or Tom Eagle, NMFS, Office of Protected Resources, (301) 713-2322 ext. 105.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

Additional information, including the State's LOA extension request, prior Environmental Assessments, and the current LOA, is available via the internet at <http://www.nwr.noaa.gov>.

##### Background

Pursuant to section 120 (b) of the MMPA, the State of Washington submitted an application to NMFS on June 30, 1994, requesting consideration of lethal removal of California sea lions at the Ballard Locks in Seattle, WA. In response to the application, NMFS formed the Ballard Locks Pinniped-Fisheries Interaction Task Force (Task Force). The Task Force met in late 1994, reviewed the available information and recommended approval of lethal removal with conditions. NMFS took the recommendations of the Task Force and public comments into consideration when it issued the initial 3-year LOA to the Washington Department of Fish and Wildlife (WDFW) on January 5, 1995.

As required by section 120, the Task Force reconvened in late 1995 to evaluate the effectiveness of the permitted lethal taking or alternative actions and recommended modifications to the terms and conditions of the LOA. The LOA was modified in 1996 and subsequently extended through June 30, 2001. No lethal removals were conducted during the period of the current LOA.

Information on Washington's original application for lethal removal, the process for considering the application, which included formation of a Pinniped-Fishery Interaction Task Force, the Terms and Conditions of the LOA issued to WDFW and its subsequent extension was published in the **Federal Register** on August 2, 1994 (59 FR 39325), September 27, 1994 (59 FR 49234), January 19, 1995 (60 FR 3841), August 15, 1995 (60 FR 42146), March 26, 1996 (61 FR 13153), August 26, 1996 (61 FR 43737), June 19, 1997 (62 FR 33396), and September 29, 1997 (62 FR 50903). Background information on the sea-lion steelhead conflict at the Ballard Locks and findings on the environmental consequences of issuance of the LOA are provided in two Environmental Assessments prepared by NMFS in 1995 and 1996 (see Electronic Access).

At the request of WDFW, NMFS granted a temporary extension of the LOA expiration date from June 30, 2001, to December 15, 2001, to allow time for

the State to prepare, and NMFS to process, a formal request to extend the existing LOA. Under the terms and conditions of the LOA, which authorized lethal removal only during the steelhead migration period (January through May) no sea lions may be lethally removed during the temporary extension.

In a letter dated September 12, 2001, the State of Washington requested an extension of the LOA for an additional 5 years (with a new expiration date of June 30, 2006). The State's request cites severely depressed steelhead run returns (42 fish returned to spawn in 2001) and the need to quickly remove any sea lion that meets the criteria outlined in the LOA while the State continues management efforts to recover the run. In addition, the State noted that there are no lethal removals planned at this time and requested the authorization be extended so that, as a last resort, it can respond in a timely manner to uncontrollable sea lion predation and protect steelhead as the run recovers. The State requests no modifications to the terms and conditions of the LOA other than the extension to June 30, 2006. Copies of the request for extension are available (see Electronic Access).

The Task Force last met in 1996 to consider an earlier extension request by the State, and it submitted a report to NMFS that recommended that the LOA be extended, if so requested by the State, until such time as (a) the escapement goal of 1600 steelhead is reached or (b) it becomes clear that the process is unlikely to achieve the stated goal. At that time, the Task Force opinions on the extension ranged from "no extension" to "an extension period of 8 years (two steelhead life cycles)", with the majority favoring 4 years. The Task Force indicated that extending the LOA would provide needed time to enable an evaluation of the effectiveness of lethal or non-lethal but permanent removal on subsequent steelhead returns when they have recovered to abundances that previously attracted predatory sea lions. At the completion of their deliberations, the Task Force adjourned until such time as substantive new information and analysis become available that may alter its recommendation. Copies of the Task Force report and recommendations are available (see Electronic Access). The State's extension request indicates that, since the Task Force last met, conditions at the Locks have remained virtually unchanged (i.e., no sea lions have been lethally removed, no new individually identifiable sea lions have been added to the list of predatory sea

lions to be removed, the steelhead run has not recovered, and efforts to recover the run are continuing.) The MMPA requires NMFS to consider the recommendations of the Task Force when determining whether to issue a lethal removal authorization. In order to obtain the Task Force's views regarding this extension of the previously issued LOA in light of its decision to adjourn pending significant new data or analysis, NMFS is consulting with Task Force members by mail during the 30-day public comment period.

NMFS is seeking public comments on the proposal to extend the LOA for a period of 5 years. After considering public comments and advice from Task Force members, NMFS will publish notice of its final decision in the **Federal Register**.

The environmental consequences of extending the existing LOA as requested, without further modification of the terms and conditions, are expected to be the same as those previously assessed. Nonetheless, NMFS will conduct an environmental analysis on the proposed 5-year extension as required by the National Environmental Policy Act.

Dated: October 15, 2001.

**Wanda L. Cain,**

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

[FR Doc. 01-26450 Filed 10-18-01; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### Disclosure Document Program

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), 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 the continuing and proposed information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before December 18, 2001.

**ADDRESSES:** Direct all written comments to Susan K. Brown, Records Officer, Office of Data Management, Data Administration Division, USPTO, Suite 310, 2231 Crystal Drive, Washington, DC 20231; by telephone 703-308-7400; by e-mail at [susan.brown@uspto.gov](mailto:susan.brown@uspto.gov); or by facsimile at 703-308-7400.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information should be directed to the attention of Robert J. Spar, Office of Patent Legal Administration, United States Patent and Trademark Office (USPTO), Washington, DC 20231; by telephone at 703-305-9285.

**SUPPLEMENTARY INFORMATION:****I. Abstract**

A service provided by the USPTO is the acceptance and preservation for two years of a "disclosure document" as evidence of the date of conception of an invention. A disclosure document is a paper disclosing an invention, signed by the inventor or inventors, and submitted to the USPTO. The document should contain a clear and complete explanation of the manner and process of making and using the invention in sufficient detail to enable a person having ordinary knowledge in the field of the invention to make and use the invention. The disclosure document request must be accompanied by a separate signed cover letter stating that it is submitted by, or on behalf of, the

inventor, and requesting that the material be received into the Disclosure Document Program.

The disclosure document will be preserved by the USPTO for two years after its receipt, and then destroyed unless it is referred to in a separate letter in a related patent application filed within the two year period. The disclosure document is not a patent application, and the date of its receipt in the USPTO will not become the effective filing date of any patent application subsequently filed.

The information supplied to the USPTO by an applicant seeking to prove the date of conception for an invention is used by the USPTO to establish evidence of the date of conception of an invention.

**II. Method of Collection**

By mail, facsimile, or hand carried to the USPTO when the inventor desires to participate in the Disclosure Document Program.

**III. Data**

OMB Number: 0651-0030.

Form Number(s): PTO/SB/95.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions; farms; the Federal Government; and state, local or tribal governments.

Estimated Number of Respondents: 20,250 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the public approximately 12 minutes, depending upon the complexity of the situation, to gather, prepare, and submit a disclosure document deposit request. There is one form associated with this information collection, Form PTO/SB/95.

Estimated Total Annual Respondent Burden Hours: 4,050 hours per year.

Estimated Total Annual Respondent Cost Burden: Using the professional hourly rate of \$252 per hour for associate attorneys in private firms, the USPTO estimates \$1,020,600 per year for salary costs associated with respondents.

Item	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Disclosure Document Deposit Request .....	12 minutes	20,250	4,050
Total .....		202,250	4,050

Estimated Total Annual Nonhour Respondent Cost Burden: \$202,500.00. (There are no capital start-up or maintenance costs associated with this information collection.)

There is annual nonhour cost burden in the way of a filing fee associated with this collection. The filing fee related to this collection is considered part of the nonhour cost burden of the collection.

Following is a chart listing this filing fee/nonhour cost burden. The total annual filing fee/nonhour cost burden is \$202,500.00.

Item	Responses (a)	Filing fee \$(b)	Total non-hour cost burden (a) × (b)
Disclosure Document Deposit Request .....	20,250	\$10.00	\$202,500.00
Total .....	20,250	10.00	202,500.00

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

Comments submitted in response to this notice will be summarized or included in the request for OMB

approval of this information collection; they will also become a matter of public record.

Dated: October 12, 2001.

**Thao Nguyen,**

Acting Records Officer, USPTO, Office of Data Management, Data Administration Division.

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**BILLING CODE 3510-16-P**