

Chinook salmon, SR sockeye salmon, MCR steelhead, UWR Chinook salmon, UWR steelhead, LCR Chinook salmon, LCR coho salmon, LCR steelhead, and CR chum salmon in the Willamette and Columbia River basins. They are asking to modify the permit so they may be allowed to take OC coho salmon; they also wish to add a seventh project to the permit. The Permit currently contains the following projects: (1) Warm Water Fish Management Surveys; (2) Investigations of Natural Production of Spring Chinook Salmon in the Mohawk System; (3) Genetic Characterization of Rainbow Trout in the Upper Willamette System; (4) Fish Abundance, Population Status, Genetics and Disease Surveys in the Upper Willamette Basin; (5) Native Rainbow and Cutthroat Trout Surveys for Abundance, Size Composition, and Migration Patterns in the Mainstem McKenzie River; (6) Resident Redband Population Estimates in the Deschutes River. The ODFW wishes to add (7) Resident Redband Population Estimates in the Crooked River.

The purpose of the research is to gather information on fish population structure, abundance, genetics, disease occurrences, and species interactions throughout many anadromous fish-bearing basins in Oregon. That information would be used to direct management actions to benefit listed species. Juvenile salmonids would be collected during boat electrofishing operations in the subbasins listed in the project titles above. Some fish would be anesthetized, sampled for length and weight, allowed to recover from the anesthesia, and released; most would only be shocked and allowed to swim away, or be netted and immediately released. The ODFW does not intend to kill any of the fish being captured, but a small number may die as an unintended result of the activities.

#### Permit 13494

The Bonneville Power Administration (BPA) is requesting a 5-year research permit to take LCR Chinook salmon, CR coho salmon, and LCR steelhead during fish collection and transport activities on the Cowlitz River, Washington. The purpose of the research is to determine the fishes' response to being collected and transported around two dams that currently have no downstream fish passage. The activities will take place at a facility that is co-located with the Cowlitz Falls Hydroelectric dam on the upper Cowlitz River in southeastern Washington State.

The fish collection facility is a key component of ongoing efforts to re-establish self-supporting populations of anadromous salmonids in the upper

Cowlitz river basin. The proposed research seeks to (1) improve fish collection efficiency by modifying the operation and physical structure of the fish collection facility, and (2) develop an ongoing transportation program to maintain fish populations. The research would benefit the fish by helping them get access to (and egress from) new habitat that was previously cut off by impassible barriers. Fish collected at the facility would be transported by truck and released in the free-flowing section of the Cowlitz River downstream of the hydropower projects. Scales and other biological samples would be taken from some of the fish. The BPA does not intend to kill any of the fish being studied, but a small percentage of them may be killed as an unintended result of the research.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and comments submitted to determine whether the application meets the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: June 17, 2008.

**Angela Somma,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XH52**

#### Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Donation Program

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

**ACTION:** Notice; selection of an authorized distributor.

**SUMMARY:** NMFS announces the renewal of permits to SeaShare (formerly Northwest Food Strategies) authorizing this organization to distribute Pacific salmon and Pacific halibut to economically disadvantaged individuals under the prohibited species donation (PSD) program. Salmon and halibut are caught incidentally during directed fishing for groundfish with trawl gear

off Alaska. This action is necessary to comply with provisions of the PSD program and is intended to promote the goals and objectives of the North Pacific Fishery Management Council.

**DATES:** The permits are effective from August 15, 2008, through August 15, 2011.

**ADDRESSES:** Copies of the PSD permits for salmon and halibut may be obtained by mail from NMFS, Alaska Region, P. O. Box 21668, Juneau, AK 99802-1668, Attn: Ellen Sebastian, Records Officer; in person at NMFS, Alaska Region, 709 West 9th Street, Room 420A, Juneau, Alaska; or via the Internet at the NMFS Alaska Region website at <http://www.fakr.noaa.gov>.

**FOR FURTHER INFORMATION CONTACT:** Becky Carls, 907-586-7228.

#### SUPPLEMENTARY INFORMATION:

##### Background

Fishing for groundfish by U.S. vessels in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) and Gulf of Alaska (GOA) is managed by NMFS in accordance with the Fishery Management Plan for groundfish of the BSAI and the Fishery Management Plan for groundfish of the GOA (FMPs). These FMPs were prepared by the North Pacific Fishery Management Council under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* Regulations governing the Alaska groundfish fisheries and implementing the FMPs appear at 50 CFR parts 600 and 679. Fishing for halibut in waters in and off Alaska is governed by the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea. The International Pacific Halibut Commission (IPHC) promulgates regulations pursuant to the Convention. The IPHC's regulations are subject to approval by the Secretary of State with concurrence from the Secretary of Commerce (Secretary). After approval by the Secretary of State and the Secretary, the IPHC regulations are published in the **Federal Register** as annual management measures pursuant to 50 CFR 300.62.

Amendments 26 and 29 to the BSAI and GOA FMPs, respectively, authorize a salmon donation program and were approved by NMFS on July 10, 1996; a final rule implementing this program was published in the **Federal Register** on July 24, 1996 (61 FR 38358). The salmon donation program was expanded to include halibut as part of the PSD program under Amendments 50 and 50 to the FMPs that were approved by

NMFS on May 6, 1998. A final rule implementing Amendments 50 and 50 was published in the **Federal Register** on June 12, 1998 (63 FR 32144). Although that final rule contained a sunset provision for the halibut PSD program of December 31, 2000, the halibut PSD program was permanently extended under a final rule published in the **Federal Register** on December 14, 2000 (65 FR 78119). A full description of, and background information on, the PSD program may be found in the preambles to the proposed rules for Amendments 26 and 29, and Amendments 50 and 50 (May 16, 1996, 61 FR 24750, and March 4, 1998, 63 FR 10583, respectively).

Regulations at § 679.26 authorize the voluntary distribution of salmon and halibut taken incidentally in the groundfish trawl fisheries off Alaska, to economically disadvantaged individuals by tax-exempt organizations through an authorized distributor. The Administrator, Alaska Region, NMFS (Regional Administrator), may select one or more tax-exempt organizations to be authorized distributors, as defined by § 679.2, based on the information submitted by applicants under § 679.26. After review of qualified applicants, NMFS must announce the selection of authorized distributor(s) in the **Federal Register** and issue PSD permits to the selected distributor(s).

On March 24, 2008, the Acting Regional Administrator received two applications from SeaShare to renew both its salmon and halibut PSD permits that were issued August 15, 2005 (70 FR 40987, July 15, 2005). Revisions to the applications were received on May 6, 2008. The current salmon and halibut PSD permits issued to SeaShare authorize SeaShare to participate in the PSD program through August 15, 2008.

The Acting Regional Administrator reviewed the applications and determined that they are complete and that SeaShare continues to meet the requirements for a PSD program authorized distributor. As required by § 679.26(b)(2), the Acting Regional Administrator based his selection on the following criteria:

1. *The number and qualifications of applicants for PSD permits.* SeaShare is the only applicant for PSD permits at this time. NMFS has previously approved applications submitted by SeaShare. As of the date of this notice, no other applications have been approved by NMFS. SeaShare has been coordinating the distribution of salmon taken incidentally in trawl fisheries since 1993, and of halibut taken incidentally in trawl fisheries since 1998, under exempted fishing permits

from 1993 to 1996, and under the PSD program since 1996. SeaShare employs independent seafood quality control experts to ensure product quality is maintained by cold storage facilities and common carriers servicing the areas where salmon and halibut donations will take place.

2. *The number of harvesters and the quantity of fish that applicants can effectively administer.* For salmon, 3 shoreside processors, 17 catcher/processor vessels, and 36 catcher vessels currently participate in the PSD program administered by SeaShare. Three shoreside processors and 36 catcher vessels participate in the halibut donation program. SeaShare has the capacity to receive and distribute salmon and halibut from up to 40 processors and the associated catcher vessels. Therefore, it is anticipated that SeaShare has more than adequate capacity for any foreseeable expansion of donations.

In 2005, 2006, and 2007, SeaShare received 483,359 pounds, 171,628 pounds, and 87,330 pounds, respectively, of salmon for distribution to food bank organizations. During these same years, SeaShare received 20,960 pounds, 8,757 pounds, and 16,026 pounds, respectively, of halibut for distribution to food bank organizations. NMFS does not have information to convert accurately the net weights of salmon and halibut to numbers of salmon and numbers of halibut.

3. *The anticipated level of salmon and halibut incidental catch based on salmon and halibut incidental catch from previous years.* The incidental catch of salmon and incidental catch mortality of halibut in the GOA and BSAI trawl fisheries are shown in the following table:

Area Fishery	2006	2007
BSAI Trawl Chinook Incidental Catch	85,914 fish	124,260 fish
BSAI Trawl Other Salmon Incidental Catch	324,601 fish	90,731 fish
GOA Trawl Chinook Incidental Catch	19,158 fish	40,182 fish
GOA Trawl Other Salmon Incidental Catch	4,216 fish	3,368 fish

Area Fishery	2006	2007
BSAI Trawl Halibut Mortality	3,436 mt	3,356 mt
GOA Trawl Halibut Mortality	1,996 mt	1,944 mt

Halibut incidental catch amounts are constrained by an annual prohibited species catch limit in the BSAI and GOA. Future halibut incidental catch levels likely will be similar to those experienced in 2006 and 2007. Salmon prohibited species incidental catch limits are established for the BSAI pollock fisheries that when attained, result in the closure of specified fishing grounds for a specified period of time. An exemption to these closures is provided to participants in an intercooperative agreement to reduce salmon bycatch rates under Amendment 84 to the BSAI FMP (72 FR 61070, October 29, 2007). Salmon incidental catch limits are not established for the GOA. In general, salmon incidental catch amounts tend to be variable between years, making accurate prediction of future incidental take amounts difficult.

4. *The potential number of vessels and processors participating in the groundfish trawl fisheries.* In 2007, 18 shoreside processors, out of a total of 112 permitted, processed catch from trawl vessels. Also, in 2007, 146 trawl catcher vessels out of 205, 40 trawl catcher/processors out of 53, and 9 motherships and stationary floating processors out of 45 participated in the Alaska groundfish trawl fisheries.

The PSD permits are issued to SeaShare for a 3-year period unless suspended or revoked. They may not be transferred; however, they may be renewed following the application procedures in § 679.26.

If the authorized distributor modifies any information on the PSD permit application submitted under § 679.26(b)(1)(xi) or (b)(1)(xiii), the authorized distributor must submit a modified list of participants or a modified list of delivery locations to the Regional Administrator.

These permits may be suspended, modified, or revoked under 15 CFR part 904 for noncompliance with terms and conditions specified in the permit or for a violation of this section or other regulations in 50 CFR part 679.

#### Classification

This action is taken under § 679.26.

**Authority:** 16 U.S.C. 773 *et seq.*; 1801 *et seq.*; 3631 *et seq.*; Pub. L. 108-447.

Dated: June 17, 2008.

**Emily H. Menashes**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E8-14275 Filed 6-23-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

## DEPARTMENT OF THE INTERIOR

### U.S. Fish and Wildlife Service

**RIN 0648-X144**

#### Marine Mammals and Endangered Species; National Marine Fisheries Service File No. 10074; U.S. Fish and Wildlife Service File No. PRT-165304

**AGENCIES:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce; U.S. Fish and Wildlife Service, Interior.

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given that Michael Etnier, Ph.D., Box 353100, University of Washington, Seattle, WA 98227 has been issued a permit to import marine mammal specimens for purposes of scientific research.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521;

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

U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203 (1-800-358-2104).

**FOR FURTHER INFORMATION CONTACT:** Kate Swails or Amy Sloan, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On January 25, 2008, notice was published in the *Federal Register* (73 FR 4540) that a request for a scientific research permit to take marine mammals had been submitted by the above-named individual. 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.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of

1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The permit authorizes Dr. Etnier to possess and import/export marine mammal and endangered and threatened species parts (hard and soft) from the orders of Cetacea, Pinnipedia, and Carnivora (sea otter, *Enhydra lutris*). Specimens (teeth, bone, and whiskers) will be obtained from museums and private collections or collected from carcasses of beach stranded animals or federally sponsored subsistence harvests. No animals will be taken or killed for the purposes of this research. The objectives are to combine osteometric, chemical, and genetic analyses to test hypotheses regarding the stability of ecological adaptations among marine mammals in the eastern north Pacific Ocean throughout the Late Holocene.

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.

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: June 18, 2008.

**P. Michael Payne,**

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

Dated: June 18, 2008.

**Timothy J. Van Norman,**

*Chief, Branch of Permits Division of Management Authority, U.S. Fish and Wildlife Service.*

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**BILLING CODES 3510-22-S, 4310-55-S**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Patent Prosecution Highway (PPH) Program (Formerly Patent Prosecution Highway (PPH) Pilot 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 comment on the continuing 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 August 25, 2008.

**ADDRESSES:** You may submit comments by any of the following methods:

- *E-mail:* [Susan.Fawcett@uspto.gov](mailto:Susan.Fawcett@uspto.gov).

Include "0651-0058 comment" in the subject line of the message.

- *Fax:* 571-273-0112, marked to the attention of Susan Fawcett.

- *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, Customer Information Services Group, Public Information Services Division, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

- *Federal Rulemaking Portal:* <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Robert A. Clarke, Director, Office of Patent Legal Administration, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 571-272-7735; or by e-mail at [Robert.Clarke@uspto.gov](mailto:Robert.Clarke@uspto.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Patent Prosecution Highway (PPH) pilot program was originally established between the United States Patent and Trademark Office (USPTO) and the Japan Patent Office (JPO) on July 3, 2006. The PPH program allows applicants whose claims are determined to be patentable in the office of first filing to have the corresponding application that is filed in the office of second filing be advanced out of turn for examination. At the same time, the PPH program allows the office of second filing to exploit the search and examination results of the office of first filing, which increases examination efficiency and improves patent quality. The USPTO and the JPO agreed at the November 2007 Trilateral Conference to fully implement the PPH program on a permanent basis starting on January 4, 2008.

The USPTO entered into a PPH pilot program with the United Kingdom Intellectual Property Office (UKIPO) on September 4, 2007. Additional PPH pilot programs have also recently been established between the USPTO and the