

a negligible impact on the affected species or stocks of cetaceans.

#### *Effects on Pinnipeds*

Very few if any pinnipeds are expected to be encountered during the proposed seismic survey in the Norwegian Sea. A maximum of 70 pinnipeds in the Storegga slide area may be affected by the proposed seismic surveys. If pinnipeds are encountered, the proposed seismic activities would have, at most, a short-term effect on their behavior and no long-term impacts on individual seals or their populations. Responses of pinnipeds to acoustic disturbance are variable, but usually quite limited. Effects are expected to be limited to short-term and localized behavioral changes falling within the MMPA definition of Level B harassment. These effects would have no more than a negligible impact on the affected species or stocks of pinnipeds.

#### **Determinations**

Based on the information contained in the LDEO application, the NSF EA, the July 28, 2003, proposed authorization notice (68 FR 44291) and this document, NMFS has determined that conducting a seismic survey by the *Ewing* at the Storegga Slide in the Norwegian Sea in the fall of 2003 by LDEO would result in the harassment of small numbers of marine mammals; would have no more than a negligible impact on the affected marine mammal species or stocks; and would not have an unmitigable adverse impact on the availability of stocks for subsistence uses. This activity will result, at worst, in a temporary modification in behavior by affected species of marine mammals. While behavioral modifications may be made by these species as a result of seismic survey activities, this behavioral change is expected to result in no more than a negligible impact on the affected species. Also, while the number of actual incidental harassment takes will depend on the distribution and abundance of marine mammals in the vicinity of the survey activity, the number of potential harassment takings is estimated to be small. In addition, no take by injury and/or death is anticipated, and the potential for temporary or permanent hearing impairment is low and will be avoided through the incorporation of the mitigation measures mentioned in this document and required under the IHA. For these reasons therefore, NMFS has determined that the requirements of section 101(a)(5)(D) of the MMPA have been met and the authorization can be issued.

#### **Endangered Species Act**

NMFS has concluded consultation under section 7 of the ESA on NMFS' issuance of an IHA to take small numbers of marine mammals, by harassment, incidental to conducting an oceanographic seismic survey in the Norwegian Sea by LDEO. The consultation concluded with a biological opinion that this action is not likely to jeopardize the continued existence of marine species listed as threatened or endangered under the ESA. No critical habitat has been designated for these species in the equatorial Pacific Ocean; therefore, none will be affected. A conservation recommendation was made to ensure that the safety zone is clear of sea turtles prior to ramp up. This recommendation has been implemented through the IHA to LDEO. A copy of the Biological Opinion is available upon request (see ADDRESSES).

#### **National Environmental Policy Act (NEPA)**

On May 1, 2003, the NSF made a determination, based on information contained within its EA that implementation of the subject action is not a major Federal action having significant effects on the environment within the meaning of Executive Order 12114. NSF determined therefore, that an environmental impact statement would not be prepared. On July 28, 2003 (68 FR 44291), NMFS noted that the NSF had prepared an EA for the Norwegian Sea survey and that this EA was available upon request. In accordance with NOAA Administrative Order 216-6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999), NMFS has reviewed the information contained in NSF's EA and determined that the NSF EA accurately and completely describes the proposed action alternative, reasonable additional alternatives, and the potential impacts on marine mammals, endangered species, and other marine life that could be impacted by the preferred alternative and the other alternatives. As a result, NMFS has determined that it is not necessary to issue either a new EA, supplemental EA or an environmental impact statement for the issuance of an IHA to LDEO for this activity. Therefore, based on this review and analysis, NMFS is adopting the NSF EA under 40 CFR 1506.3. A copy of the NSF EA for this activity is available upon request (see ADDRESSES).

#### **Authorization**

NMFS has issued an IHA to take small numbers of marine mammals, by harassment, incidental to conducting a seismic survey by the *Ewing* at the Storegga Slide in the Norwegian Sea to LDEO for a 1-year period, provided the mitigation, monitoring, and reporting requirements described in this document and the IHA are undertaken.

Dated: August 28, 2003.

**Laurie K. Allen,**

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

[FR Doc. 03-23309 Filed 9-11-03; 8:45 am]

**BILLING CODE 3510-22-S**

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#### **DEPARTMENT OF COMMERCE**

#### **National Oceanic and Atmospheric Administration**

**[I.D. 090503A]**

#### **Endangered Species; File No. 1429**

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

**ACTION:** Receipt of application for modification

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**SUMMARY:** Notice is hereby given that the Southeast Fisheries Science Center, National Marine Fisheries Service, 75 Virginia Beach, Miami, FL 33149, has requested a modification to scientific research Permit No. 1429.

**DATES:** Written or telefaxed comments must be received on or before October 14, 2003.

**ADDRESSES:** The modification request 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)713-0376; and Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432; phone (727)570-5301; fax (727)570-5320.

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular modification request would be appropriate.

Comments may also be submitted by facsimile at (301)713-0376, provided

the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or other electronic media.

**FOR FURTHER INFORMATION CONTACT:** Patrick Opay, (301)713-1401 or Carrie Hubbard, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject modification to Permit No. 1429, issued on June 26, 2003 (68 FR 38011) is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

Permit No. 1429 authorizes the permit holder to take loggerhead (*Caretta caretta*), leatherback (*Dermochelys coriacea*), green (*Chelonia mydas*), hawksbill (*Eretmochelys imbricata*), olive ridley (*Lepidochelys olivacea*), and Kemp's ridley (*Lepidochelys kempii*) sea turtles to conduct sea turtle bycatch reduction research in the pelagic longline fishery of the western north Atlantic Ocean. Captured turtles are measured, flipper and passive integrated transponder (PIT) tagged, photographed and tissue sampled. Forty-five loggerheads are also being outfitted with a conventional satellite or a pop-up archival transmitting tag using the lanyard attachment method. The permit holder requests authorization to attach conventional satellite or pop-up archival transmitting tags to 15 leatherback sea turtles. The permit holder will use a hoist to bring the turtles on deck. The tags would be attached to the peduncle of each animal by lanyard and would provide information on the movements and post hooking survival of this species. This permit modification will be valid through the date of expiration of the permit on December 31, 2003.

Dated: September 5, 2003.

**Carrie W. Hubbard,**

*Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*  
[FR Doc. 03-23202 Filed 9-11-03; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Patent Cooperation Treaty

**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 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 November 12, 2003.

**ADDRESSES:** Direct all written comments to Susan K. Brown, Records Officer, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division, 703-308-7400, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313, Attn: CPK 3 Suite 310; by e-mail at [susan.brown@uspto.gov](mailto:susan.brown@uspto.gov); or by facsimile at 703-308-7407.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Rafael Bacares, Office of PCT Operations, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450; by telephone at 703-308-6312; or by e-mail at [rafael.bacares@uspto.gov](mailto:rafael.bacares@uspto.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Abstract**

This collection of information is required by the provisions of the Patent Cooperation Treaty (PCT), a United Nations Treaty that was signed on June 19, 1970, by the 20 member states of the Paris Union for the Protection of Industrial Property, including the United States. The PCT became operational in June 1978 and is administered by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland. The provisions of the PCT have been implemented by the United States in Part IV of Title 35 of the U.S. Code and Subpart C of Title 37 of the Code of Federal Regulations.

The purpose of the PCT is to simplify the filing of patent applications for the same invention in different countries. The PCT provides a standardized filing format and procedure that allows an applicant to file one international application in one location, in one language, and pay one initial set of fees. The international application receives an international filing date (priority date) that serves as the actual filing date for the designated countries.

The information in this collection is used by the public to submit a patent application under the PCT and by the United States Patent and Trademark

Office (USPTO) to fulfill its obligation to process, search, and examine the application as directed by the treaty. The USPTO acts as the United States Receiving Office (RO/US) for international applications filed by residents and nationals of the United States. These applicants send most of their correspondence directly to the USPTO, but they may also file certain documents directly with the IB. The USPTO also serves as an International Searching Authority (ISA) and an International Preliminary Examining Authority (IPEA).

This collection currently includes 10 paper forms to assist the public with providing the required information for filing PCT applications and related documents. One additional form, Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (PTO-1390), is being added to the collection. Some of the items in this collection do not have any associated forms. The submission of biosequence listings and related tables for associated PCT applications is covered under the separate information collection 0651-0024 Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures. The PCT also permits electronic filing of international applications, as long as the confidentiality requirements are met. The USPTO does not currently accept electronic submissions for international applications, but an electronic application system that will be fully compliant with the PCT specifications for electronic filing is under development.

This collection was previously approved by OMB in December 2000 with terms of clearance instructing the USPTO to report the filing fees for this collection as part of its annual (non-hour) cost burden. In April 2001, OMB approved a change worksheet to add annual (non-hour) cost burden to this collection in the form of filing fees. OMB also approved another change worksheet in April 2001 to decrease the annual responses and burden hours for two requirements, Descriptions/claims/drawings/abstracts and Notices Effecting Later Elections (PCT/IB/328), in order to reflect the total burden for this collection more accurately.

In August 2001, OMB approved a change worksheet that moved the burden for two forms, Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unavoidably Under 37 CFR 1.137(a) (PTO/SB/61/PCT) and Petition for Revival of an International