Appeals and Interferences (BPAI)). The USPTO's goal for this time would be six months. The patent owner would not be required to waive any current statutory and procedural rights, and would have the same time periods for filing responses and other communications as those under the existing procedure. The six-month goal would only measure the time periods that the USPTO takes for actions (*e.g.,* from the date of filing of a response to the date of mailing of the action), excluding the time that the patent owner takes for responding to an action. This goal compares to the current 19 to 20-month period that the USPTO takes for action in *ex parte* reexamination based on a review of 100 certificates issued between June 15, 2010, and July 31, 2010.

In the pilot program, a fast-track *ex parte* reexamination voucher would be offered to patent holders demonstrating humanitarian practices with patented technologies as described below. Specifically, organizations may be eligible for the program if they engage in intellectual property practices that qualify as either humanitarian use or humanitarian research.

"Humanitarian use" would comprise four principles: *subject matter, effectiveness, availability,* and *access.* In general terms, *subject matter* evaluates whether the patented technology addresses a recognized humanitarian problem. *Effectiveness* judges whether the technology can be used or is being used to address that issue. *Availability* determines whether the technology is available to an affected impoverished population. *Access* evaluates whether the applicant has made significant efforts to increase access to the technology among such populations. The USPTO seeks to develop a workable test to apply these principles that is clear, concise, administratively efficient, and resistant to abuse.

"Humanitarian research" would comprise two principles: *significance* and *access. Significance* requires that the patented technology make a significant contribution to research on a problem that predominantly affects an impoverished population, such as the tropical diseases identified by the FDA in its priority review voucher scheme. *Access* determines that the patented technology was made available to researchers on generous terms. The USPTO seeks to develop a workable test to apply these principles which is clear, concise, administratively efficient, and resistant to abuse.

Comments on one or more of the following questions would be helpful to the USPTO:

1. The FDA awards priority review vouchers to entities that develop drugs which treat a tropical disease under 21 U.S.C. 360n. Should recipients of this FDA voucher automatically receive a humanitarian fast-track *ex parte* reexamination voucher from the USPTO?

2. FDA priority review vouchers are transferable on the open market. Should USPTO fast-track *ex parte* reexamination vouchers similarly be transferable on the open market?

3. What humanitarian issues should qualify for the voucher program? Neglected diseases, debilitating health conditions in developing countries, chronic hunger, widespread public health problems such as lack of sanitation or potable water, and/or other issues predominantly affecting impoverished populations? Can these be defined with reference to existing humanitarian aid organizations?

4. Other than actual use, how can a patent owner demonstrate that a patented technology would be effective at addressing a particular humanitarian issue? What kinds of expertise would be required to make those judgments?

5. Should the USPTO consider statements from independent third parties (particularly humanitarian organizations or researchers) on the effectiveness or actual use of an invention to address humanitarian needs? Should such submissions be required to qualify for a voucher?

6. Should certain elements (*e.g.,* neglected diseases, tropical crops, developing countries) of qualifying humanitarian criteria be defined with reference to lists or criteria provided by external organizations experienced in such matters, such as the World Health Organization, National Institutes of Health, Food and Drug Administration, United Nations, or U.S. Agency for International Development? If so, which criteria of other public or private organizations should be followed?

7. What actions should be considered to determine whether a patent holder has made significant efforts to increase access to a patented technology? What types of evidence of such actions can be submitted to minimize the burden on both patent owners and the USPTO?

8. How should a patented technology's significance to a humanitarian research project be determined? Should significance mean that the research could or would not have occurred without the use of the patented technology? Would considering economic or logistical factors suffice? Should qualifying research efforts meet certain minimum thresholds (resources, number of researchers involved, involvement from recognized humanitarian groups, *etc.*) to prevent abuse?

9. For the humanitarian research qualification, what factors should determine whether terms of use are generous? Should it only focus on the cost of the patented technology or consider other factors? What if the granting entity retains any rights over the results of the humanitarian research?

10. How can the program encompass humanitarian issues affecting impoverished populations in more developed countries in a way that is efficient to administer and deters abuse? In particular, how should an applicant demonstrate the existence of an impoverished group and that the product or treatment primarily targets that group?

11. Should vouchers to accelerate initial examination rather than reexamination be offered for technologies addressing humanitarian needs? Are there other pro-business strategies that the Department of Commerce or the USPTO should pursue in future programs to incentivize humanitarian research and development and/or best practices for intellectual property with humanitarian uses?

12. Would non-monetary prizes or awards sponsored by the USPTO recognizing humanitarian efforts encourage greater investment in the field? What criteria should be used for selecting recipients?

Dated: September 13, 2010.

David J. Kappos,

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

[FR Doc. 2010–23395 Filed 9–17–10; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XZ11

New England and Mid-Atlantic Fishery Management Councils; Amendment 5 to the Monkfish Fishery Management Plan

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

ACTION: Supplemental Notice of Intent to prepare an environmental assessment (EA); request for comments.

SUMMARY: This supplemental notice is to alert the interested public of the New

England Fishery Management Council's (Council) intent to change the level of NEPA analysis for Amendment 5 to the Monkfish Fishery Management Plan (FMP) from an Environmental Impact Statement (EIS) to an EA and to provide for public comment on this course of action. The primary purpose of Amendment 5 is to address the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requirements for annual catch limits (ACLs) and accountability measures (AMs), to set multi-year specifications of days-at-sea (DAS) and trip limits, and to make other adjustments to measures in the FMP.

DATES: Written comments must be received on or before 5 p.m., EST, on October 5, 2010.

ADDRESSES: Written comments may be sent by any of the following methods:

- E-mail to the following address: *0648–XZ11@noaa.gov*;
- Mail or hand deliver to Paul Howard, Executive Director, New England Fishery Management Council, 50 Water St., Mill 2, Newburyport, MA, 01950. Mark the outside of the envelope "Monkfish Amendment 5 EA Comments"; or
- Fax to (978) 465–3116.

Questions about this action may be directed to the Council office at the previously provided address, or by request to the Council by telephone (978) 465–0492.

FOR FURTHER INFORMATION CONTACT: Paul Howard, Executive Director, New England Fishery Management Council, 50 Water St., Mill 2, Newburyport, MA, 01950, (telephone 978–465–0492).

SUPPLEMENTARY INFORMATION: On February 20, 2009, the Council announced its intention to prepare, in cooperation with NMFS, an EIS in accordance with NEPA to assess potential effects on the human environment of alternative measures to address the new Magnuson-Stevens Act requirements for ACLs and AMs (74 FR 7880). The Magnuson-Stevens Act also required that the ACLs and AMs be adopted by 2011. During the early development stages of Amendment 5, the Council considered including proposals for adopting a major revision to the management program, shifting from effort controls (DAS and trip limits) to catch share management (individual vessel quotas or sectors). By September 2009, the Council recognized that, due to their complexity, development of catch share alternatives would likely delay Amendment 5, and risk not meeting the statutory ACL/AM deadline. At that time, the Council decided to separate the catch shares portion of the amendment so it could focus on the remaining elements. It also agreed to consider catch shares in the next management action. With this decision, it was determined that remaining measures contained in Amendment 5 were not likely to be significant under NEPA, and the development of an EIS was no longer necessary.

The Council held six public hearings on the EA prepared for Amendment 5 between February 8 and March 9, 2010. Based on comments received and the preliminary analysis contained in the EA, the preparation of an EIS no longer appears necessary.

Dated: September 15, 2010.

Carrie Selberg,

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

[FR Doc. 2010–23441 Filed 9–17–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

New Policy Announcing That Traditional Horizontal Survey Projects Performed With Terrestrial Survey Techniques Will No Longer Be Accepted for Processing or Loading Into NGS Databases

AGENCY: National Geodetic Survey (NGS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA).

ACTION: Informational Notice.

SUMMARY: Beginning January 1, 2011 the National Geodetic Survey (NGS) will cease accepting data, all orders and classes, from triangulation and traverse geodetic surveys as they are described in the Federal Geodetic Control Committee September 1984 "Standards and Specifications for Geodetic Control Networks" for inclusion into the NGS Integrated Data Base (NGSIDB).

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Mr. Mark Eckl, Observation and Analysis Division Chief, National Geodetic Survey (N/NGS4), 1315 East-West Highway, Silver Spring, MD 20910; Phone: (301) 713–3176 x 117; E-mail: *mark.eckl@noaa.gov.*

SUPPLEMENTARY INFORMATION: The National Geodetic Survey has not received a traditional (triangulation or traverse) survey for purely horizontal work since 2006. All horizontal surveys relevant to the mission of NGS performed by individuals external to NGS are now performed with GPS. The maintenance of computer software and hardware dedicated to traditional horizontal surveys requires use of resources that are limited and will be used more appropriately elsewhere.

Dated: September 1, 2010.

Juliana P. Blackwell,

Director, Office of National Geodetic Survey, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2010–23356 Filed 9–17–10; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

International Trade Administration

Solicitation of Nominations for Membership on the Civil Nuclear Trade Advisory Committee

AGENCY: International Trade Administration, DOC.

ACTION: Notice.

SUMMARY: The Department of Commerce is currently seeking nominations for membership on the Civil Nuclear Trade Advisory Committee (CINTAC). The purpose of the CINTAC is to advise the Secretary regarding the development and administration of programs to expand United States exports of civil nuclear goods and services in accordance with applicable United States regulations.

DATES: Nominations for members must be received on or before Tuesday, October 12, 2010.

ADDRESSES: All nominations should be submitted either via e-mail to *civilnuclear@trade.gov,* or via mail to Frank Caliva, Office of Energy & Environmental Industries, Room 4053, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Frank Caliva, Office of Energy & Environmental Industries, Room 4407, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; phone 202–482–8245; fax 202–482–5665; e-mail *civilnuclear@trade.gov.*

SUPPLEMENTARY INFORMATION: The Department of Commerce is in the process of renewing the CINTAC charter for another two-year term. The Secretary of Commerce invites nominations to the CINTAC for the upcoming two-year charter term. Members will be selected, in accordance with applicable Department of Commerce guidelines, based on their ability to advise the