

would be valid for 20 years and may be extended for additional terms if we determine that a dam has been, and remains, in compliance with the GCP's requirements.

#### Environmental Assessment

NEPA (42 U.S.C. 4321 *et seq.*) requires that Federal agencies conduct an environmental analysis of their proposed actions to determine if the actions may significantly affect the human environment. Under NEPA, a reasonable range of alternatives to proposed projects is developed and considered in the environmental review. Alternatives considered for analysis in an environmental document may include: variations in the scope of covered activities; Variations in the location, amount, and type of conservation; variations in permit duration; or, a combination of these elements.

The EAs will consider the proposed action (issuance of ITPs through the GCP process), a no-action alternative (a scenario where there would be no issuance ITPs and dam owners would remain in violation of the ESA), and a reasonable range of alternatives that fit within the purpose and need as described by NMFS. The purpose of the proposed action is to provide a process for authorizing take of Atlantic salmon incidental to the removal of dams and the installation and maintenance of fish passage improvements for dams not regulated by FERC. The need for the proposed action is to provide a mechanism by which participating dam owners can comply with section 9 of the ESA, which prohibits the take of ESA listed fish, wildlife, or plant species. A detailed description of the proposed action and alternatives will be included in each of the EAs.

The alternatives for analysis in the EAs may include, but are not limited to, development of individual HCPs for dam owners to receive take authorization for Atlantic salmon and development of regional HCPs developed by the State of Maine or local agencies (e.g., counties) to provide opportunities for dam owners to receive take authorization. The EAs will also identify potentially significant impacts on biological resources, land use, air quality, cultural resources, water resources, socioeconomics, and other resources in the human environment that may occur directly, indirectly, and/or cumulatively as a result of implementing the proposed action or any of the alternatives. Various strategies for avoiding, minimizing, and mitigating the impacts of incidental take will be considered.

We are furnishing this notice in accordance with 40 CFR 1501.7 and 1508.22 to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives they believe need to be addressed in the EAs. The primary purpose of the scoping process is to identify important issues raised by the public related to the proposed action. Written comments from interested parties are requested to ensure that the full range of issues related to the proposed action is identified. Comments will only be accepted in written form.

#### Request for Public Comments

We seek comments concerning: (1) Atlantic salmon proposed for inclusion in the proposed GCPs, including information regarding its range, distribution, population size and population trends within the GOM DPS; (2) relevant data concerning the impacts of the proposed actions on Atlantic salmon; (3) any other environmental issues that should be considered with regard to the proposed permit action; and (4) the information and range of alternatives to be included in the EAs.

#### Authority

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: December 13, 2011.

**Marta Nammack,**

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

[FR Doc. 2011-32287 Filed 12-15-11; 8:45 am]

**BILLING CODE 3510-22-P**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

**RIN 0648-XX727**

##### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Reef Fish Fishery; South Atlantic Snapper-Grouper Fishery

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

**ACTION:** Notice of agency action.

**SUMMARY:** NMFS, under the authority granted to the Secretary of Commerce (Secretary) under section 304(f) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), has designated the South Atlantic Fishery Management Council (South Atlantic Council) as the

responsible council to manage Nassau grouper in the Gulf of Mexico (Gulf) under the Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South Atlantic Region (Snapper-Grouper FMP). Prior to this designation, the Gulf of Mexico Fishery Management Council (Gulf Council) was the responsible council to manage Nassau grouper from the fishery management unit in the FMP for Reef Fish Resources of the Gulf of Mexico (Reef Fish FMP).

**DATES:** This action is effective on December 16, 2011.

#### FOR FURTHER INFORMATION CONTACT:

Steve Branstetter, (727) 824-5305; email: [Steve.Branstetter@noaa.gov](mailto:Steve.Branstetter@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The Gulf Council has submitted a Generic Annual Catch Limits/Accountability Measures Amendment for the Gulf Council's Red Drum, Reef Fish, Shrimp, and Coral and Coral Reefs FMPs (Generic ACL Amendment) for purposes of review by the Secretary under the Magnuson-Stevens Act. A Notice of Availability for the Generic ACL Amendment was published in the **Federal Register** on September 26, 2011 (76 FR 59373). A proposed Rule to implement the actions in the Generic ACL Amendment was published in the **Federal Register** on October 25, 2011 (76 FR 66021). As part of this amendment, the Gulf Council has selected to remove Nassau grouper from the Reef Fish FMP. This proposed action is based on an October 20, 2010, letter from the South Atlantic Council informing the Gulf Council of its willingness to accept responsibility for managing Nassau grouper throughout South Atlantic and Gulf Federal waters. Prior to this designation, the South Atlantic Council solely managed Nassau grouper in its area of jurisdiction, in the South Atlantic, through the Snapper-Grouper FMP.

In accordance with section 304(f) of the Magnuson-Stevens Act, on September 16, 2011, the Gulf Council formally requested, through a letter, that the Secretary designate the South Atlantic Council as the responsible Council for the continued management of Nassau grouper in the Federal waters of the South Atlantic region and to manage the species in the Federal waters of the Gulf. NMFS agrees with designating management of Nassau grouper in the South Atlantic and Gulf Federal waters to the South Atlantic Council. Therefore, on October 18, 2011, NMFS published a notice in the **Federal Register** (76 FR 64327) requesting public comment on the proposed action through November 17, 2011, on the Gulf Council's proposal.

Prior to this designation, the harvest of Nassau grouper was prohibited in Federal waters by regulations implemented through the Reef Fish FMP in the Gulf and the Snapper-Grouper FMP in the South Atlantic. The harvest of Nassau grouper in Florida state waters is prohibited by the applicable Florida regulations. With the approval and implementation of the Gulf Council's Generic ACL Amendment, which proposes to remove Nassau grouper from the Reef Fish FMP, all harvesting restrictions for Nassau grouper in Federal waters of the Gulf would be removed. With this notice, the South Atlantic Council is designated as the responsible council for the management of Nassau grouper in the Gulf. The South Atlantic Council is expected to extend the prohibition on harvest of Nassau grouper in the Gulf. Any action to remove the current prohibitions in the Gulf will have a delayed effective date, so that it will be implemented simultaneously with a subsequent South Atlantic Council action to extend the harvest prohibition.

No comments were received regarding the proposed action and therefore NMFS is proceeding with the change in designation of the responsible council for Nassau grouper in the Gulf.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: December 13, 2011.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.*

[FR Doc. 2011-32273 Filed 12-13-11; 4:15 pm]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

[Docket No. PTO-P-2011-0076]

#### Extension of the Extended Missing Parts Pilot Program

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

**ACTION:** Notice.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) implemented a pilot program (Extended Missing Parts Pilot Program) in which an applicant, under certain conditions, can request a twelve-month time period to pay the search fee, the examination fee, any excess claim fees, and the surcharge (for the late submission of the search fee and the examination fee) in a nonprovisional application. The Extended Missing Parts Pilot Program

benefits applicants by permitting additional time to determine if patent protection should be sought—at a relatively low cost—and by permitting applicants to focus efforts on commercialization during this period. The Extended Missing Parts Pilot Program benefits the USPTO and the public by adding publications to the body of prior art, and by removing from the USPTO's workload those nonprovisional applications for which applicants later decide not to pursue examination. The USPTO is extending the Extended Missing Parts Pilot Program until December 31, 2012, to better gauge whether the Extended Missing Parts Program offers sufficient benefits to the patent community for it to be made permanent.

**DATES:** *Effective Date:* December 16, 2011.

*Duration:* The Extended Missing Parts Pilot Program will run through December 31, 2012. Therefore, any certification and request to participate in the Extended Missing Parts Pilot Program must be filed before December 31, 2012. The USPTO may further extend the pilot program (with or without modifications) depending on the feedback received and the continued effectiveness of the pilot program.

**FOR FURTHER INFORMATION CONTACT:**

Eugenia A. Jones, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Associate Commissioner for Patent Examination Policy, by telephone at (571) 272-7727, or by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, marked to the attention of Eugenia A. Jones.

Inquiries regarding this notice may be directed to the Office of Patent Legal Administration, by telephone at (571) 272-7701, or by electronic mail at [PatentPractice@uspto.gov](mailto:PatentPractice@uspto.gov).

**SUPPLEMENTARY INFORMATION:** The USPTO implemented a change to missing parts practice in certain nonprovisional applications as a pilot program (*i.e.*, Extended Missing Parts Pilot Program) after considering written comments from the public. *See Pilot Program for Extended Time Period To Reply to a Notice to File Missing Parts of Nonprovisional Application*, 75 FR 76401 (Dec. 8, 2010), 1362 *Off. Gaz. Pat. Office* 44 (Jan. 4, 2011).

The USPTO is extending the Extended Missing Parts Pilot Program until December 31, 2012. The USPTO may further extend the Extended Missing Parts Pilot Program, or may discontinue the pilot program after December 31, 2012, depending on the

results of the program. The requirements of the program are reiterated below. Applicants are strongly cautioned to review the pilot program requirements before making a request to participate in the Extended Missing Parts Pilot Program.

The USPTO cautions all applicants that, in order to claim the benefit of a prior provisional application, the statute requires a nonprovisional application filed under 35 U.S.C. 111(a) to be filed within twelve months after the date on which the corresponding provisional application was filed. *See* 35 U.S.C. 119(e). It is essential that applicants understand that the Extended Missing Parts Pilot Program cannot and does not change this statutory requirement.

**I. Requirements:** In order for an applicant to be provided a twelve-month (non-extendable) time period to pay the search and examination fees and any required excess claims fees in response to a Notice to File Missing Parts of Nonprovisional Application under the Extended Missing Parts Pilot Program, the applicant must satisfy the following conditions: (1) Applicant must submit a certification and request to participate in the Extended Missing Parts Pilot Program with the nonprovisional application on filing, preferably by using Form PTO/SB/421 titled "Certification and Request for Extended Missing Parts Pilot Program;" (2) the application must be an original nonprovisional utility or plant application filed under 35 U.S.C. 111(a) within the duration of the pilot program; (3) the nonprovisional application must directly claim the benefit under 35 U.S.C. 119(e) and 37 CFR 1.78 of a prior provisional application filed within the previous twelve months; the specific reference to the provisional application must be in the first sentence of the specification following the title or in an application data sheet under 37 CFR 1.76 (*see* 37 CFR 1.78(a)(5)); and (4) applicant must not have filed a nonpublication request.

As required for all nonprovisional applications, applicant will need to satisfy filing date requirements and publication requirements. In accordance with 35 U.S.C. 122(b), the USPTO will publish the application promptly after the expiration of eighteen months from the earliest filing date to which benefit is sought. Therefore, the nonprovisional application should also be in condition for publication as provided in 37 CFR 1.211(c). The following are required in order for the nonprovisional application to be in condition for publication: (1) The basic filing fee; (2) an executed oath or declaration in compliance with 37 CFR 1.63; (3) a specification in