

Operation of the Large Mesh Drift Gillnet Fishery” over a 5-year period (NMFS 2023), given there have been no documented fin whale M/SI in the CA thresher shark/swordfish drift gillnet ( $\geq 14$  in mesh)/Pacific highly migratory species drift gillnet fishery since 1999 and the specific requirements of MMPA 101(a)(5)(E), additional take authorization under MMPA section 101(a)(5)(E) is not required for the remaining years the fishery is in operation (until December 31, 2027). In addition, using M/SI from 2019–2023, estimated M/SI of fin whales (CA/OR/WA stock) in the CA thresher shark/swordfish drift gillnet ( $\geq 14$  in mesh)/Pacific highly migratory species drift gillnet fishery is zero (Carretta 2024). Therefore, the CA thresher shark/swordfish drift gillnet ( $\geq 14$  in mesh)/Pacific highly migratory species drift gillnet fishery has a negligible impact on the CA/OR/WA stock of fin whale.

**Comment 3:** CBD states that NMFS’ proposed MMPA 101(a)(5)(E) authorization did not use the best available science regarding the number of large whale entanglements on the West Coast. They note that the **Federal Register** notice uses M/SI data from Carretta 2023; however, a more recent publication provides data through 2024 (Carretta 2024). CBD further states that the analysis does not reference the 2024 West Coast large whale entanglement summary. CBD also comments that the NID for the Central America DPS of humpback whales does not consider background levels of M/SI occurring from other commercial fisheries.

**Response:** In this final permit, NMFS updated the NID analyses for the Central America/Southern Mexico-CA/OR/WA and Mainland Mexico-CA/OR/WA stocks of humpback whale and CA/OR/WA stock of sperm whale using M/SI data from 2019–2023 in the Carretta (2024) publication (see accompanying MMPA 101(a)(5)(E) evaluation document). The M/SI estimates in the CA thresher shark/swordfish drift gillnet ( $\geq 14$  in mesh)/Pacific highly migratory species drift gillnet fishery from 2019–2023 (Carretta 2024) were identical to the M/SI estimated reported from 2018–2022 (Carretta 2023). As such, the NIDs remain the same as analyzed in the proposed permit for the fishery (90 FR 12148, March 14, 2025).

In addition, the West Coast Large Whale Entanglement Summary (NMFS 2025) referenced by CBD published in April 2025 after the proposed MMPA 101(a)(5)(E) permit for the CA thresher shark/swordfish drift gillnet ( $\geq 14$  in mesh)/Pacific highly migratory species drift gillnet fishery published in the **Federal Register** (90 FR 12148, March

14, 2025). In 2024, there were no confirmed entanglements of humpback whales in CA drift gillnet gear nor any documented sperm whale entanglements (NMFS 2025). While there was one report of a humpback whale entangled in an unknown gillnet, we do not have evidence to link this entanglement to the CA drift gillnet fishery (NMFS 2025).

**Comment 4:** CBD comments that NMFS is not developing nor has developed a recovery plan for ESA-listed humpback whale DPSs. They assert that because NMFS identified 14 humpback whale DPSs in 2016, the 1991 recovery plan is out of date and does not meet the requirements of MMPA section 101(a)(5)(E). They continue that NMFS cannot rely on the recovery outline published in June 2022, and that the revised recovery plan for humpback whales has been postponed indefinitely.

**Response:** As noted, a recovery plan for the humpback whale species (global listing) was developed in 1991. In June 2022, NMFS published a recovery outline for the Central America, Mexico, and Western North Pacific DPSs of humpback whales (<https://www.fisheries.noaa.gov/resource/document/recovery-outline-central-america-mexico-and-western-north-pacific-distinct>). This recovery outline serves as an interim guidance document and, along with the existing species-wide recovery plan, directs recovery efforts, including recovery planning, for the Central America (Central America/Southern Mexico-CA/OR/WA stock) and Mexico (Mainland Mexico-CA/OR/WA stock) DPSs of humpback whales. NMFS is actively developing a new recovery plan specific to the ESA-listed DPSs; it has not been postponed indefinitely as CBD purports. Once finalized, this new recovery plan will replace the species-wide recovery plan that was published in 1991.

#### References

- Carretta, James V. 2024. Estimates of Marine Mammal, Sea Turtle, and Seabird Bycatch in the California Large-Mesh Drift Gillnet Fishery: 1990–2023. U.S. Department of Commerce, NOAA Technical Memorandum NMFS–SWFSC–700. 68 p.
- Carretta, James V. 2023. Estimates of Marine Mammal, Sea Turtle, and Seabird Bycatch in the California Large-Mesh Drift Gillnet Fishery: 1990–2022. U.S. Department of Commerce, NOAA Technical Memorandum NMFS–SWFSC–687. 67 p.
- Carretta, J.W., E.M. Oleson, K.A. Forney, M.M. Muto, D.W. Weller, A.R. Lang, J. Baker, B. Hanson, A.J. Orr, J. Barlow, J.E. Moore, and R.L. Brownell. 2023. U.S.

Pacific Marine Mammal Stock Assessments: 2022. U.S. Department of Commerce. NOAA Technical Memorandum NMFS–SWFSC–684. 409 p.

Carretta, J.W., E.M. Oleson, K.A. Forney, A.L. Bradford, K. Yano, D.W. Weller, A.R. Lang, J. Baker, B. Hanson, A.J. Orr, J.E. Moore, M. Wallen and R.L. Brownell. 2024. U.S. Pacific Marine Mammal Stock Assessments: 2023. U.S. Department of Commerce. NOAA Technical Memorandum NMFS–SWFSC–704. 420 p.

Wild, L.A., Mueter, F.J., Straley, J.M. and Andrews, R.D., 2024. Movement and Diving Behavior of Satellite-Tagged Male Sperm Whales in the Gulf of Alaska. *Frontiers in Marine Science*, 11, p.1394687.

National Marine Fisheries Service (NMFS). 2025. 2024 West Coast Whale Entanglement Summary. <https://www.fisheries.noaa.gov/s3//2025-04/2024-whale-entanglements-report.pdf>.

National Marine Fisheries Service (NMFS). 2023. Biological Opinion on Continued Operation of the Large Mesh Drift Gillnet Fishery. NMFS Consultation Number: 2023–00435. 204 p. Available online: <https://repository.library.noaa.gov/view/noaa/51058>.

National Marine Fisheries Service (NMFS). 2020. National Marine Fisheries Service Procedure 02–204–02: Criteria for Determining Negligible Impact under MMPA Section 101(a)(5)(E). 20 p. Available online: <https://www.fisheries.noaa.gov/national/laws-and-policies/protected-resources-policy-directives>.

Dated: June 2, 2025.

**Kimberly Damon-Randall,**

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

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BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Practitioner Conduct and Discipline

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

**ACTION:** Notice of information collection; request for comments.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The USPTO invites comments on this

information collection renewal, which helps the USPTO assess the impact of its information collection requirements and minimize the reporting burden to the public. Public comments were previously requested via the **Federal Register** on March 11, 2025, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

**DATES:** To ensure consideration, you must submit comments regarding this information collection on or before July 7, 2025.

**ADDRESSES:** Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website, <http://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the information collection or the OMB Control Number, 0651–0017. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:**

- This information collection request may be viewed at <http://www.reginfo.gov>. Follow the instructions to view the Department of Commerce, USPTO information collections currently under review by OMB.

- *Email:* [InformationCollection@uspto.gov](mailto:InformationCollection@uspto.gov). Include “0651–0017 information request” in the subject line of the message.

- *Mail:* Justin Isaac, Office of the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

- *Telephone:* Dahlia Girgis, Office of Enrollment and Discipline, 571–272–4097.

**SUPPLEMENTARY INFORMATION:**

*Title:* Practitioner Conduct and Discipline.

*OMB Control Number:* 0651–0017.

*Needs and Uses:* The Director of the USPTO has the authority to establish regulations governing the conduct and discipline of agents, attorneys, or other persons representing applicants and other parties before the USPTO (35 U.S.C. 2, 32–33). The USPTO Rules of Professional Conduct, set forth in 37 CFR part 11, subpart D, prescribe the manner in which agents, attorneys, and other persons (collectively, “practitioners”) representing applicants and other parties before the USPTO should conduct themselves

professionally. Part 11 outlines practitioners’ responsibilities for recordkeeping and reporting violations or complaints of misconduct to the USPTO. Part 11, subpart C, sets forth the manner by which the USPTO investigates misconduct and imposes discipline.

The USPTO Rules of Professional Conduct require all practitioners to maintain complete records of all funds, securities, and other properties of clients coming into their possession, and to render appropriate accounts to the client regarding the funds, securities, and other properties of clients coming into the practitioner’s possession, collectively known as “client property.” These recordkeeping requirements are necessary to maintain the integrity of client property. State bars require attorneys to perform similar recordkeeping.

Part 11 also requires a practitioner to report knowledge of certain violations of the USPTO Rules of Professional Conduct to the USPTO. The Director of the Office of Enrollment and Discipline (OED) may, after notice and an opportunity for a hearing, suspend, exclude, or disqualify any practitioner from further practice before the USPTO based on non-compliance with the USPTO Rules of Professional Conduct. Practitioners who have been excluded or suspended from practice before the USPTO, and practitioners transferred to disability inactive status, must maintain records of their compliance with the suspension or exclusion order, or the transfer to disability inactive status. These records are necessary to demonstrate eligibility for reinstatement. Reports of alleged violations of the USPTO Rules of Professional Conduct are used by the Director of OED to conduct investigations and disciplinary hearings, as appropriate.

This information collection covers the various reporting and recordkeeping requirements set forth in part 11 for practitioners representing applicants and other parties before the USPTO. Also covered are petitions for reinstatement for suspended or excluded practitioners and the means for reporting violations or complaints of misconduct to the USPTO.

*Forms:*

- PTO–107R (Reinstatement—Data Sheet—Register of Patent Attorneys and Agents). PTO–107R is also approved for use under USPTO information collection 0651–0012.

*Type of Review:* Extension and revision of a currently approved information collection.

*Affected Public:* Individuals or households.

*Respondent’s Obligation:* Required to obtain or retain benefits.

*Frequency:* On occasion.

*Estimated Number of Annual Respondents:* 52,411 respondents.

*Estimated Number of Annual Responses:* 52,411 responses.

*Estimated Time per Response:* The USPTO estimates that the responses in this information collection that require reporting to the USPTO will take the public approximately 1 to 3 hours to complete. This includes the time to gather the necessary information, create the document, and submit the completed item to the USPTO. The USPTO Rules of Professional Conduct also require practitioners to maintain various records to maintain the integrity of client property and meet other requirements. Additional recordkeeping requirements are applicable to practitioners under suspension or exclusion. The USPTO estimates it will take a practitioner approximately 1 to 20 hours to perform these recordkeeping actions.

*Estimated Total Annual Respondent Burden Hours:* 58,187 hours.

*Estimated Total Annual Respondent Non-Hourly Cost Burden:* \$5,439.

*Changes from the 60-Day Federal Register Notice:* Since the 60-day **Federal Register** notice was published, the estimated postage costs have decreased from \$10.75 to \$10.40 per mailed item. This lowers the estimated total postage costs from \$22 to \$21. This results in the total annual respondent non-hourly cost decreasing from \$5,440 to \$5,439.

**Justin Isaac,**

*Information Collections Officer, Office of the Chief Administrative Officer, United States Patent and Trademark Office.*

[FR Doc. 2025–10202 Filed 6–4–25; 8:45 am]

**BILLING CODE 3510–16–P**

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### Performance Review Board Membership

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice.

**SUMMARY:** Notice is given of the names of members of a newly established Performance Review Board for the Department of the Army. These members are fully committed to full enforcement of SES performance evaluations that promote and assure an SES of the highest caliber. This notice