

selecting “Records Open for Public Comment” from the “Features” box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 21321 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to NMFS.Pr1Comments@noaa.gov. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Courtney Smith or Amy Hapeman, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 21321 is requested 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 (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Permit No. 21321, issued on April 23, 2018 (83 FR 21765), authorizes the permit holder to take false killer whales *Pseudorca crassidens* (including the endangered Main Hawaiian Islands insular false killer whale distinct population segment) by vessel and unmanned aerial surveys within near- and off-shore waters of the Maui 4-island region (Hawaii) to assess their distribution, abundance, social organization, population structure, population size, foraging, reproduction, movements, habitat use, body condition, and behavior.

The permit holder is requesting the permit be amended to include authorization to take an additional 20 cetacean species by the same aerial and vessel research activities for the same purposes: Bottlenose (*Tursiops truncatus*); Pantropical spotted (*Stenella*

attenuata), Risso’s (*Grampus griseus*), Rough-toothed (*Steno bredanensis*), Short-beaked common dolphin (*Delphinus delphis*), Spinner (*Stenella longirostris*), and Striped (*Stenella coeruleoalba*) dolphins; and Blainville’s beaked (*Mesoplodon densirostris*), Bryde’s (*Balaenoptera brydei*), Cuvier’s beaked (*Ziphius cavirostris*), Dwarf sperm (*Kogia sima*), Fin (*Balaenoptera physalus*), Humpback (*Megaptera novaeangliae*), Killer (*Orcinus orca*), Melon-headed (*Peponocephala electra*), Minke (*Balaenoptera acutorostrata*), Pygmy killer (*Feresa attenuata*), Pygmy sperm (*Kogia breviceps*), Short-finned pilot (*Globicephala macrorhynchus*), and Sperm whales (*Physeter microcephalus*).

Additionally, the applicant requests to add a new procedure to take all authorized and requested species by close approach using a small, underwater remote operated vehicle (ROV). Take numbers for each species and take method are outlined in the amendment request take table.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: May 31, 2019.

Julia Marie Harrison,
Chief, Permits and Conservation Division,
Office of Protected Resources, National
Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; NMFS Implementation of International Trade Data System

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, 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 proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before August 5, 2019.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at PRAComments@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Christopher Rogers at (301) 427-8375 or christopher.rogers@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Type of Review: Regular submission (revision and extension of a current information collection).

The Security and Accountability for Every Port Act of 2006 (SAFE Port Act, Pub. L. 109-347) requires all Federal agencies with a role in import admissibility decisions to collect information electronically through the International Trade Data System (ITDS). The Department of the Treasury has the U.S. Government lead on ITDS development and Federal agency integration. U.S. Customs and Border Protection (CBP) developed the Automated Commercial Environment (ACE) as an internet-based system for the collection and dissemination of information for ITDS. The Office of Management and Budget (OMB), through its e-government initiative, oversees Federal agency participation in ITDS, with a focus on reducing duplicate reporting across agencies and migrating paper-based reporting systems to electronic information collection.

Numerous Federal agencies are involved in the regulation of international trade and many of these agencies participate in the import, export, and transportation-related decision-making process. Agencies also use trade data to monitor and report on trade activity. NMFS is a partner government agency in the ITDS project because of its role in monitoring the trade of certain fishery products. Electronic collection of seafood trade data through a single portal has resulted in an overall reduction of the public reporting burden and the agency’s data collection costs, has improved the timeliness and accuracy of admissibility decisions, and has increased the

effectiveness of applicable trade restrictive measures.

NMFS is responsible for implementation of trade measures and monitoring programs for fishery products subject to the documentation requirements of Regional Fishery Management Organizations (RFMO) and/or documentation requirements under domestic laws. RFMOs are international fisheries organizations, established by treaties, to promote international cooperation to achieve effective and responsible marine stewardship and ensure sustainable fisheries management. The United States is a signatory to many RFMO treaties, and Congress has passed implementing legislation to carry out U.S. obligations under those treaties, including trade measures to support conservation. Trade measures and monitoring programs enable the United States to exclude products that do not meet the RFMO criteria for admissibility to U.S. markets.

Pursuant to domestic statutory authorities and/or multilateral agreements, NMFS has implemented a number of monitoring programs to collect information from the seafood industry regarding the origin of certain fishery products. The purpose of these programs is to determine the admissibility of the products in accordance with the specific criteria of the trade measure or documentation requirements in effect.

The three NMFS trade monitoring programs included in the OMB information collection approved under Control Number 0648-0732 are the Highly Migratory Species International Trade Program (HMS ITP) which regulates trade in specified commodities of tuna, swordfish, billfish, and shark fins; the Antarctic Marine Living Resources (AMLR) trade program which regulates trade in Antarctic and Patagonian toothfish and other fishery products caught in the area where the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) applies; and the Tuna Tracking and Verification Program (TTVP), which regulates trade in frozen and/or processed tuna products (refer to 50 CFR 216.24(f)(2)(iii) for a complete list).

Separately, NMFS received approval from OMB for the Seafood Import Monitoring Program (SIMP) under Control Number 0648-0739. That program has been implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Section 307(1)(Q) of the MSA prohibits the importation of fish or fish products that have been harvested

in violation of a foreign law or regulation, or in contravention of a binding conservation measure of an RFMO to which the United States is a contracting party. Under SIMP, information on the harvest event must be submitted in ACE as part of the entry filing for designated fish products to allow NMFS to determine that the fish were lawfully acquired and are therefore admissible into U.S. commerce. In 2019, NMFS included shrimp and abalone entries in SIMP, and received OMB approval for the additional reporting burden for shrimp and abalone entries under a separate Control Number (0648-0776).

Generally, these trade monitoring programs are similar and require anyone who intends to import, export, and/or re-export regulated species to: Obtain a permit from NMFS; obtain documentation on the flag-nation authorization for the harvest from the foreign exporter; and submit this information to NMFS. Depending on the commodity, specific information may also be required. For example, the flag state of the harvesting vessel, the ocean area of catch, the fishing gear used, the harvesting vessel name, and details and authorizations related to harvest, landing, transshipment and export. In renewing collection 0648-0732, NMFS will also request that OMB merge all the trade monitoring programs under one collection, thereby incorporating the reporting burdens associated with collections 0648-0739 and 0648-0776 within the scope of 0648-0732.

II. Method of Collection

The initial requirement for U.S. entities trading in the reportable commodities is to apply for an International Fisheries Trade Permit (IFTP). To obtain the IFTP, U.S. importers, exporters, and re-exporters of seafood products covered under the TTVP, AMLR, and HMS ITP programs would be required to electronically submit their application and fee for the IFTP via the National Permits System available online at: https://fisheriespermits.noaa.gov/npspub/pub_cmn_login/index_live.jsp.

Currently, the TTVP, AMLR, HMS ITP and SIMP regulations require submission of specific information and documentation for trade monitoring. The IFTP holder, or his or her representative (e.g., customs broker), would need to electronically provide CBP via ACE with certain data sets (i.e., a subset of the information required to be kept as records under the TTVP, AMLR, HMS ITP or SIMP programs) and scanned images of documentation for each applicable trade transaction. NMFS

has provided detailed information regarding submission of data sets and documentation in a compliance guide for industry which has been posted online at: (<https://www.iuufishing.noaa.gov/Portals/33/SIMPComplianceGuide2018rev.pdf?ver=2018-12-11-172442-553>).

The format for the data sets has been designated for each of the three programs and specified in the following documents that were jointly developed by NMFS and CBP and made available online to affected entry filers by CBP (<http://www.cbp.gov/trade/ace/catair>):

CBP and Trade Automated Interface Requirements—Appendix PGA
 CBP and Trade Automated Interface Requirements—PGA Message Set
 Automated Broker Interface (ABI) Requirements—Implementation Guide for NMFS

III. Data

OMB Control Numbers: 0648-0732; 0648-0739; 0648-0776.

Form Number(s): None.

Type of Review: Regular submission; revision and extension of a current information collection.

Affected Public: Business or other for-profit organizations; Federal government.

Estimated Number of Respondents: 1,800 per year.

Estimated Time per Response: 3 hours.

Estimated Total Annual Burden Hours: 365,000 hours.

Estimated Total Annual Cost to Public: \$2,900,000.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection;

they also will become a matter of public record.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer, Commerce Department.

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO-C-2019-0021]

Patent and Trademark Public Advisory Committees

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice and request for nominations for the Patent and Trademark Public Advisory Committees.

SUMMARY: On November 29, 1999, the President signed into law the Patent and Trademark Office Efficiency Act (“1999 Act”), which, among other things, established two Public Advisory Committees to review the policies, goals, performance, budget and user fees of the United States Patent and Trademark Office (USPTO) with respect to patents, in the case of the Patent Public Advisory Committee, and with respect to trademarks, in the case of the Trademark Public Advisory Committee, and to advise the Director on these matters (now codified in the United States Code). The America Invents Act Technical Corrections Act made several amendments to the 1999 Act, including the requirement that the terms of the USPTO Public Advisory Committee members be realigned by 2014, so that December 1 be used as the start and end date, with terms staggered so that each year three existing terms expire and three new terms begin on December 1. Through this Notice, the USPTO is requesting nominations for up to three (3) members of the Patent Public Advisory Committee, and for up to three (3) members of the Trademark Public Advisory Committee, for terms of three years that begin on December 1, 2019.

DATES: Nominations must be postmarked or electronically transmitted on or before July 12, 2019.

ADDRESSES: Persons wishing to submit nominations should send the nominee’s resumé by postal mail to Christopher Shipp, Acting Chief of Staff, Office of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, Post Office Box 1450, Alexandria, Virginia 22313-1450 or by

electronic mail to: PPACnominations@uspto.gov for the Patent Public Advisory Committee, or TPACnominations@uspto.gov for the Trademark Public Advisory Committee.

FOR FURTHER INFORMATION CONTACT:

Christopher Shipp, Acting Chief of Staff, Office of the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, at (571) 272-8600.

SUPPLEMENTARY INFORMATION: The Advisory Committees’ duties include:

- Review and advise the Under Secretary of Commerce for Intellectual Property and Director of the USPTO on matters relating to policies, goals, performance, budget, and user fees of the USPTO relating to patents and trademarks, respectively (35 U.S.C. 5); and
- Within 60 days after the end of each fiscal year: (1) Prepare an annual report on matters listed above; (2) transmit the report to the Secretary of Commerce, the President, and the Committees on the Judiciary of the Senate and the House of Representatives; and (3) publish the report in the Official Gazette of the USPTO. *Id.*

Advisory Committees

The Public Advisory Committees are each composed of nine (9) voting members who are appointed by the Secretary of Commerce (“Secretary”) and serve at the pleasure of the Secretary for three-year terms. Members are eligible for reappointment for a second consecutive three-year term. The Public Advisory Committee members must be citizens of the United States and are chosen to represent the interests of diverse users of the United States Patent and Trademark Office with respect to patents, in the case of the Patent Public Advisory Committee, and with respect to trademarks, in the case of the Trademark Public Advisory Committee. Members must represent small and large entity applicants located in the United States in proportion to the number of applications filed by such applicants. The Committees must include individuals with “substantial background and achievement in finance, management, labor relations, science, technology, and office automation.” 35 U.S.C. 5(b)(3). Each of the Public Advisory Committees also includes three (3) non-voting members representing each labor organization recognized by the USPTO. Administration policy discourages the appointment of federally registered lobbyists to agency advisory boards and commissions (Lobbyists on Agency Boards and Commissions, <https://obamawhitehouse.archives.gov/blog/2009/09/23/lobbyists-agency-boards-and-commissions> (Sept. 23, 2009)); cf. E.O. 13490, 74 FR 4673 (Jan. 21, 2009) (While Executive Order 13490 does not specifically apply to federally registered lobbyists appointed by agency or department heads, it sets forth the Administration’s general policy of decreasing the influence of special interests in the Federal Government).

obamawhitehouse.archives.gov/blog/2009/09/23/lobbyists-agency-boards-and-commissions (Sept. 23, 2009)); cf. E.O. 13490, 74 FR 4673 (Jan. 21, 2009) (While Executive Order 13490 does not specifically apply to federally registered lobbyists appointed by agency or department heads, it sets forth the Administration’s general policy of decreasing the influence of special interests in the Federal Government).

Procedures and Guidelines of the Patent and Trademark Public Advisory Committees

Each newly appointed member of the Patent and Trademark Public Advisory Committees will serve for a three-year term that begins on December 1, 2019, and ends on December 1, 2022. As required by the 1999 Act, members of the Patent and Trademark Public Advisory Committees will receive compensation for each day (including travel time) while the member is attending meetings or engaged in the business of that Advisory Committee. The enabling statute states that members are to be compensated at the daily equivalent of the annual rate of basic pay in effect for level III of the Executive Schedule under section 5314 of title 5 of the United States Code. Committee members are compensated on an hourly basis, calculated at the daily rate. While away from home or regular place of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code.

Applicability of Certain Ethics Laws

Public Advisory Committee Members are Special Government Employees within the meaning of section 202 of title 18 of the United States Code. The following additional information includes several, but not all, of the ethics rules that apply to members, and assumes that members are not engaged in Public Advisory Committee business more than 60 days during any period of 365 consecutive days.

- Each member will be required to file a confidential financial disclosure form within thirty (30) days of appointment. 5 CFR 2634.202(c), 2634.204, 2634.903, and 2634.904(b).
- Each member will be subject to many of the public integrity laws, including criminal bars against representing a party in a particular matter that came before the member’s committee and that involved at least one specific party. 18 U.S.C. 205(c); *see also* 18 U.S.C. 207 for post-membership bars. A member also must not act on a matter in which the member (or any of certain