

calculation must be a "reasonably accurate estimate" of the actual rate, that the calculation must be made in a manner that reflects differences in physical characteristics, and that the result must, while providing a deterrent for non-compliance, not be punitive, and provide an adequate explanation of that calculation.

The Department's decision in the final results of the Sixth Administrative Review Remand Determination is, in all other respects, upheld.

The Department was directed to complete its redetermination with regard to remand issues within 45 days of the date of the opinion, or not later than December 19, 2005.

Dated: November 3, 2005.

**Caratina L. Alston,**

*United States Secretary, NAFTA Secretariat.*  
[FR Doc. 05-22503 Filed 11-10-05; 8:45 am]

**BILLING CODE 3510-GT-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 050305B]

#### Listing Endangered and Threatened Wildlife and Plants; Withdrawal of the Petition to List Eastern Oyster as Threatened or Endangered under the Endangered Species Act

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

**ACTION:** Notice of the withdrawal of a petition.

**SUMMARY:** NMFS announces that a request by Mr. Wolf-Dieter Busch (the petitioner) to withdraw his petition to list eastern oyster (*Crassostrea virginica*) has been received. NMFS has accepted this request and will cease the evaluation of the petition. However, in recognition of the considerable work that has been completed to date on the status review report and the value of this comprehensive resource to the management of this species, NMFS will ask the Biological Review Team (BRT) to complete the status review report.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kimberly Damon-Randall, NMFS, Northeast Regional Office, (978) 281-9300 x6535, or Marta Nammack, NMFS, HQ, (301) 713-1401 x180, or Jennifer Moore, NMFS Southeast Regional Office, (727) 824-5312.

**SUPPLEMENTARY INFORMATION:** On January 11, 2005, NMFS received the petition to list eastern oyster

(*Crassostrea virginica*) as threatened or endangered under the ESA. On May 18, 2005, NMFS published a **Federal Register** notice (70 FR 28510) announcing that the petition and the information in our files indicated that the petitioned action may be warranted. Thus, NMFS initiated a review of the status of this species.

On Wednesday, October 19, 2005, NMFS received a letter from the petitioner, dated October 13, 2005, requesting the recall of the eastern oyster petition. In his letter, the petitioner indicated that his request to withdraw the petition is due to confusion over the petition process. He noted the significant concerns of some that the species may be listed as endangered, thereby creating severe restrictions and regulations for this resource. He also expressed concern that, given the timeline of the review, NMFS may not currently have enough information to determine if eastern oyster subspecies exist. He concluded that he hopes that NMFS will continue with the review as he considers the status review report to be a comprehensive resource which will be of great value in focusing restoration activities for this species.

NMFS has accepted this request and will consider the petition withdrawn, effective immediately. However, a considerable amount of effort has been expended to date by the eastern oyster BRT as it has already met twice and prepared approximately three quarters of the status review report. When complete, the status review report will be the most timely and comprehensive resource document for this species, and, as such, it will be a useful tool in guiding future management decisions. NMFS has, therefore, determined that the BRT will continue with the status review report and will complete the report as soon as practicable.

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: November 7, 2005.

**Donna Wieting,**

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

[FR Doc. 05-22552 Filed 11-10-05; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) has submitted to the Office of Management and Budget (OMB) for clearance the

following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**Agency:** United States Patent and Trademark Office (USPTO).

**Title:** Public Key Infrastructure (PKI) Certificate Action Form.

**Form Number(s):** PTO-2042.

**Agency Approval Number:** 0651-0045.

**Type of Request:** Revision of a currently approved collection.

**Burden:** 1,383 hours annually.

**Number of Respondents:** 4,126 responses per year.

**Avg. Hours Per Response:** The USPTO estimates that it will take the public approximately 30 minutes (0.5 hours) to read the instructions and subscriber agreement, gather the necessary information, prepare the Certificate Action Form, and submit the completed request. The USPTO estimates that it will take the public approximately 10 minutes (0.17 hours) to complete and electronically submit the information required for certificate self-recovery.

**Needs and Uses:** In support of the Government Paperwork Elimination Act and its own electronic filing initiatives, the USPTO uses Public Key Infrastructure (PKI) technology to support electronic commerce between the USPTO and its customers. In order to access secure online systems offered by the USPTO for transactions such as electronic filing of patent applications and retrieving confidential patent application information, customers must first obtain a digital certificate. The public uses this collection to request a new digital certificate, the revocation of a current certificate, or the recovery of a lost certificate. This collection includes the existing Certificate Action Form (PTO-2042), which is provided by the USPTO to ensure that customers submit the necessary information for processing certificate requests. The USPTO is adding a new electronic Certificate Self-Recovery Form to this collection to enable customers to recover their own lost certificates online.

**Affected Public:** Individuals or households, businesses or other for-profits, not-for-profit institutions, farms, the Federal Government, and state, local or tribal governments.

**Frequency:** On occasion.

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

**OMB Desk Officer:** David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by any of the following methods: