

geographic distribution of the fleet, it is practically impossible to estimate the actual amount of fishing effort using current methods and data. The only practical way of improving the estimates of the amount and type of bycatch is by having a more precise means of estimating effort as the ELB provides.

The currently approved reporting requirements are being renewed without change.

## II. Method of Collection

The electronic logbook autonomously collects effort data and is downloaded by NMFS personnel every 2–3 months. The electronic logbook will be removed from the vessel and downloaded at NMFS lab in Galveston, Texas. A new logbook will replace the removed logbook, a process taking less than one minute.

## III. Data

*OMB Control Number:* 0648–0543.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 250.

*Estimated Time per Response:* ELB installation, 30 minutes; ELB removal 1 minute.

*Estimated Total Annual Burden Hours:* 150.

*Estimated Total Annual Cost to Public:* \$0.

## 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.

Dated: December 19, 2008.

**Glenna Mickelson,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E8–30704 Filed 12–24–08; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 0809261277–81614–02; I.D. GF001]

#### Cooperative Institute for Satellite Climate Studies

**AGENCY:** National Environmental Satellite Data and Information Service Program Office (NESDISPO), National Environmental Satellite Data and Information Service (NESDIS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of rescission and of revised funding availability.

**SUMMARY:** On October 7, 2008, the National Environmental Satellite Data and Information Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce (hereinafter, “NESDIS”) published a notice of availability of funds (Docket No. 0809261277–81278–01, I.D. GF001) to establish a NOAA Cooperative Institute for Satellite Climate Studies (73 FR 58560). That notice is hereby rescinded and is replaced with the following revised notice of funding availability.

NESDIS invites applications for a Cooperative Institute (CI) that will focus on (1) climate and satellite research and applications, (2) climate and satellite observations and monitoring, and (3) climate research and modeling. Through this competition, NOAA intends to establish competitively a new CI according to the policy and procedures described in NOAA Administrative Order 216–107 and the Cooperative Institute Interim Handbook both available at [www.nrc.noaa.gov/ci](http://www.nrc.noaa.gov/ci). The proposed CI should be composed of two or more member institutions (e.g., multiple universities). At least one research institution should be in Maryland, Washington DC or the adjacent states (Delaware, Pennsylvania, West Virginia and Virginia). At least one research institution should be in North Carolina or the bordering states (Tennessee, South Carolina and Georgia) and have a presence in Asheville, North Carolina. NOAA has identified three research themes that will address specific needs within the NOAA Mission Support Satellite Service program and the NOAA Climate Goal that would benefit from collaborations with the CI. The CI should possess outstanding capabilities to work in the three research themes summarized below, as well as possess the capability to conduct outreach and education

activities in support of these research themes. I. Climate and Satellite Research and Applications: Research conducted under this theme is associated with the development of new and innovative uses of non-NOAA satellite assets that can ultimately be transitioned into NOAA operations to support climate information needs. This theme also includes performing research and development aimed at improving the utilization of a long time series of satellite measurements that will offer NOAA scientists a homogeneous record of satellite radiances. II. Climate and Satellite Observations and Monitoring: Research conducted under this theme involves (1) designing indices and applications that incorporate satellite observations to detect, monitor and investigate climatic changes and their impacts on coastal and open ocean ecosystems, (2) identifying and meeting the satellite climate needs of a wide variety of users, including research, business and industry, and government and private sector users, and (3) contributing significantly to climate reanalysis projects when satellite data is a key input. III. Climate Research and Modeling: Research conducted under this theme is focused on improving climate forecasts on mesoscale, regional and global scales when satellite data is a key input, and developing regional ecosystem models that can incorporate satellite observations to predict the impact of climate change on these ecosystems, particularly those located in the Mid-Atlantic region. The CI is also expected to play a significant role in National Centers for Environmental Prediction (NCEP) Climate Test Bed projects when satellite data is a key input. This announcement provides requirements for the proposed CI and includes details for the technical program, evaluation criteria, and competitive selection procedures. Applicants should review the NOAA Administrative Order 216–107 and CI Interim Handbook prior to preparing a proposal for this announcement.

**DATES:** Proposals must be received by NESDIS no later than February 3, 2009, 5 p.m., E.T. Proposals submitted after that date will not be considered.

**ADDRESSES:** The standard application package is available at <http://www.grants.gov>. For applicants without Internet access, an application package may be requested from Ingrid Guch, NOAA/NESDIS, 5200 Auth Road, Room 701, Camp Springs, Maryland 20746. Applicants are strongly encouraged to apply online through the Grants.gov Web site. Paper submissions are acceptable only if Internet access is not

available. Grants.gov requires applicants to register with the system prior to submitting an application. This registration process can take several weeks, involving multiple steps. In order to allow sufficient time for this process, you should register as soon as you decide that you intend to apply, even if you are not yet ready to submit your proposal. If an applicant has problems downloading the application package from Grants.gov, contact Grants.gov Customer Support at (800) 518-4726 or [support@grants.gov](mailto:support@grants.gov). For non-Windows computer systems, please see [www.grants.gov/Mac](http://www.grants.gov/Mac) Support for information on how to download and submit an application through Grants.gov. If a hard copy application is submitted, please include an original of two unbound copies of the proposal. Paper submissions should be submitted to Ms. Guch at the above-listed address.

**FOR FURTHER INFORMATION CONTACT:** For a copy of the Federal Funding Opportunity announcement and/or application package, please access [www.grants.gov](http://www.grants.gov); the NOAA Cooperative Institute Web site (<http://www.nrc.noaa.gov/ci>) or contact Ingrid Guch, NOAA/NESDIS; 5200 Auth Road, Room 701; Camp Springs, Maryland 20746, or by phone at (301) 763-8282 ext. 152, or fax to (301) 763-8108, or via internet at [ingrid.guch@noaa.gov](mailto:ingrid.guch@noaa.gov).

**SUPPLEMENTARY INFORMATION:** One of NOAA's strategic goals is to "understand and describe climate variability and change to enhance society's ability to plan and respond." The Satellite Climate Studies CI will provide strong and sustained academic partners towards realizing this goal. It is essential for NOAA federal scientists to substantially collaborate with outstanding researchers in academia in order to produce climate information and services that are based on satellite data and knowledge from many disciplines (physics, chemistry, biology, geography, earth science, oceanography, meteorology and sociology, etc.). The sustained nature of a Satellite Climate Studies CI (5-10 years) will provide significant opportunity to enhance NOAA's operational decision support tools to provide climate services for national socioeconomic benefits, a key goal area of research specified by NOAA's 5-year Research Plan and 20-year Research Vision. Additionally, the Satellite Climate Studies CI will also serve another important function in support of NOAA's ongoing research: Educating, training and sustaining a world class workforce. These goals will be accomplished through NOAA-academia projects in which the research

institution brings a strong heritage in satellite remote sensing and climate applications. CI Concept/Program Background: A CI is a NOAA-supported, non-Federal organization that has established an outstanding research program in one or more areas that are relevant to the NOAA mission to understand and predict changes in the Earth's environment and conserve and manage coastal and marine resources to meet our Nation's economic, social, and environmental needs. The CI is established at research institutions that also have a strong education program with established graduate degree programs in NOAA-related sciences. The CI provides significant coordination of resources among all non-government partners and promotes the involvement of students and post-doctoral scientists in NOAA-funded research. The CI provides mutual benefits with value provided by all parties. NOAA establishes a new CI competitively when it identifies a need to sponsor a long-term (5-10 years) collaborative partnership with one or more outstanding non-Federal, non-profit research institutions. For NOAA, the purpose of this long-term collaborative partnership is to promote research, education, training, and outreach aligned with the NOAA mission; to obtain research capabilities that do not exist internally; and/or to expand research capacity in NOAA-related sciences to: Conduct collaborative, long-term research that involves NOAA scientists and those at the research institution(s) from one or more scientific disciplines of interest to NOAA; utilize the scientific, education, and outreach expertise at the research institution(s) that, depending on NOAA's research needs, may or may not be located near a NOAA facility; support student participation in NOAA-related research studies; and strengthen or expand NOAA-related research capabilities and capacity at the research institution(s) that complements and contributes to the NOAA ability to reach its mission goals. A CI will consist of one or more research institutions that demonstrate outstanding performance within one or more established research programs in NOAA-related sciences. These institutions may include Minority Serving Institutions and universities with strong departments that can contribute to the proposed activities of the CI. CIs conduct research under approved scientific research themes (see Section I.B of the Full Funding Opportunity announcement) and Tasks (additional tasks can be proposed by the CI): Task I activities are related to the

management of the CI, as well as general education and outreach activities. This task also includes support of postdoctoral and visiting scientists conducting activities within the research themes of the CI that are approved by the CI Director, in consultation with NOAA, and are relevant to NOAA and the CI mission goals. Task II activities usually involve on-going direct collaboration with NOAA scientists. This collaboration typically is fostered by the collocation of Federal and CI employees. Task III activities require minimal collaboration with NOAA scientists and may include research funded by other NOAA competitive grant programs.

**Electronic Access:** The full text of the full funding opportunity announcement for this program can be accessed via the Grants.gov Web site at <http://www.grants.gov>. The announcement will also be available by contacting the program officials identified under **FOR FURTHER INFORMATION CONTACT**.

Applicants must comply with all requirements contained in the full funding opportunity announcement.

**Statutory Authority:** 15 U.S.C. 313, 49 U.S.C. 44720(b), 15 U.S.C. 2901, 15 U.S.C. 1540, 33 U.S.C. 883d, 118 Stat. 71.

**CFDA:** 11.440, Environmental Sciences, Applications, Data, and Education.

**Funding Availability:** NOAA expects that approximately \$13M will be available for the CI in the first year of the award. The Task I budget should not exceed \$400,000. The final amount of funding available for Task I will be determined during the negotiation phase of the award based on availability of funding. Funding for subsequent years is expected to be constant throughout the period and will depend on the quality of the research, the satisfactory progress in achieving the stated goals described in the proposal, continued relevance to program objectives, and the availability of funding.

**Eligibility:** Eligibility is limited to non-Federal public and private non-profit universities, colleges and research institutions that offer accredited graduate level degree-granting programs in NOAA-related sciences, as described in the CI Interim Handbook.

**Cost Sharing Requirements:** To stress the collaborative nature and investment of a CI by both NOAA and the research institution, cost sharing is required. There is no minimum cost sharing requirement; however, the amount of cost sharing will be considered when determining the level of the CI commitment under the NOAA standard

evaluation criteria for overall qualifications of applicants. Acceptable cost-sharing proposals include, but are not limited to, offering a reduced indirect cost rate against activities in one or more Tasks, waiver of indirect costs assessed against base funds and/or Task I activities, waiver or reduction of any costs associated with the use of facilities at the CI, and full or partial salary funding for the CI director, administrative staff, graduate students, visiting scientists, or postdoctoral scientists.

*Evaluation And Selection Procedures:* The general evaluation criteria and selection factors that apply to full applications to this funding opportunity are summarized below. The evaluation criteria for full applications will have different weights and details. Further information about the evaluation criteria and selection factors can be found in the full funding opportunity announcement.

*Evaluation Criteria For Projects:* Proposals will be evaluated using the standard NOAA evaluation criteria. Various questions under each criterion are provided to ensure that the applicant includes information that NOAA will consider important during the evaluation, in addition to any other information provided by the applicant.

i. Importance and/or relevance and applicability of proposed project to the program goals (25 percent): This criterion ascertains whether there is intrinsic value in the proposed work and/or relevance to NOAA, Federal, regional, state, or local activities.

—Does the proposal include research goals and projects that address the critical issues identified in the NOAA 5-year Research Plan, the NOAA Strategic Plan, and the priorities described in the program priorities section (see section I.B. of the Full Funding Opportunity announcement)?

—Is there a demonstrated commitment (in terms of resources and facilities) to enhance existing NOAA and CI resources to foster a long-term collaborative research environment/culture?

—Will most of the staff at the CI be located near one of two NOAA facilities, the National Center for Weather and Climate Prediction in Riverdale Park, Maryland, or the National Climatic Data Center in Asheville, North Carolina, to enhance collaborations with NOAA? Examples include (1) Academic institution of higher learning in Asheville, North Carolina metropolitan area and/or Washington, DC metropolitan area; and/or (2) Office space located in

Asheville, North Carolina metropolitan area and/or Washington, DC metropolitan area hosting at least 20 institute/consortium personnel; and/or (3) Willingness to allow at least 20 students or professors to work at the NOAA site in Asheville, North Carolina metropolitan area and/or Washington, DC metropolitan area.

ii. Technical/scientific merit (30 percent): This criterion assesses whether the approach is technically sound and/or innovative, if the methods are appropriate, and whether there are clear project goals and objectives.

—Does the project description include a summary of clearly stated goals to be achieved during the five-year period that reflect the NOAA strategic plan and goals?

—Does the CI involve partnerships with other universities or research institutions, including Minority Serving Institutions and universities with strong departments that can contribute to the proposed activities of the CI?

iii. Overall qualifications of applicants (30 percent): This criterion ascertains whether the applicant possesses the necessary education, experience, training, facilities, and administrative resources to accomplish the project.

—If the institution(s) and/or PIs have received current or recent NOAA funding, is there a demonstrated record of outstanding performance working with NOAA and/or NOAA scientists on research projects?

—Is there nationally and/or internationally recognized expertise within the appropriate disciplines needed to conduct the collaborative/interdisciplinary research described in the proposal?

—Is there a well-developed business plan that includes fiscal and human resource management, as well as strategic planning and accountability?

—Are there any unique capabilities in a mission-critical area of research for NOAA?

—Has the applicant shown a substantial investment to the NOAA partnership, as demonstrated by the amount of the cost sharing contribution?

iv. Project costs (5 percent): The budget is evaluated to determine if it is realistic and commensurate with the project needs and timeframe.

v. Outreach and education (10 percent): NOAA assesses whether this project provides a focused and effective education and outreach strategy regarding NOAA's mission to protect the Nation's natural resources.

—Is there a strong education program with established graduate degree programs in NOAA-related sciences that also encourages student participation in NOAA-related research studies?

*Review And Selection Process:* An initial administrative review/screening is conducted to determine compliance with requirements/completeness. All proposals will be evaluated and individually ranked in accordance with the assigned weights of the above-listed evaluation criteria by an independent peer review panel. At least three experts, who may be Federal or non-Federal, will be used in this process. If non-Federal experts participate in the review process, each expert will submit an individual review and there will be no consensus opinion. The merit reviewers ratings are used to produce a rank order of the proposals. The Selecting Official selects proposals after considering the peer reviews and selection factors listed below. In making the final selections, the Selecting Official will award in rank order unless the proposal is justified to be selected out of rank order based upon one or more of the selection factors.

*Selection Factors For Projects:* The merit review ratings shall provide a rank order to the Selecting Official for final funding recommendations. The Selecting Official shall award in the rank order unless the proposal is justified to be selected out of rank order based on one or more of the following factors: 1. Availability of funding 2. Balance and distribution of funds a. By research area b. By project type c. By type of institutions d. By type of partners e. Geographically 3. Duplication of other projects funded or considered for funding by NOAA/federal agencies. 4. Program priorities and policy factors. 5. Applicant prior award performance. 6. Partnerships with/Participation of targeted groups. 7. Adequacy of information necessary for NOAA staff to make a National Environmental Policy Act (NEPA) determination and draft necessary documentation before recommendations for funding are made to the NOAA Grants Officer.

*Intergovernmental Review:* Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

*Limitation Of Liability:* In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does

not oblige NOAA to award any specific project or to obligate any available funds.

**National Environmental Policy Act (NEPA):** NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals which are seeking NOAA federal funding opportunities. Detailed information on NOAA compliance with NEPA can be found at the following NOAA NEPA Web site: <http://www.nepa.noaa.gov/>, including our NOAA Administrative Order 216-6 for NEPA, [http://www.nepa.noaa.gov/NAO216\\_6\\_TOC.pdf](http://www.nepa.noaa.gov/NAO216_6_TOC.pdf), and the Council on Environmental Quality implementation regulations, [http://ceq.eh.doe.gov/nepa/regs/ceq/toc\\_ceq.htm](http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm). Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for not selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment.

**The Department Of Commerce Pre-Award Notification Requirements For Grants And Cooperative Agreements:** The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of February 11, 2008 (73 FR 7696), are applicable to this solicitation.

**Paperwork Reduction Act:** This document contains collection-of-information requirements subject to the

Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424A, 424B, and SF-LLL and CD-346 has been approved by the Office of Management and Budget (OMB) under the respective control numbers 0348-0043, 0348-0044, 0348-0040, 0348-0046, and 0605-0001.

Notwithstanding any other provision of law, no person is required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

**Executive Order 12866:** This notice has been determined to be not significant for purposes of Executive Order 12866.

**Executive Order 13132 (Federalism):** It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

**Administrative Procedure Act/Regulatory Flexibility Act:** Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements for the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

**Charles S. Baker,**

*Deputy Assistant Administrator for Satellite and Information Services.*

[FR Doc. E8-30770 Filed 12-24-08; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. PTO-P-2008-0060]

#### Grant of Interim Extension of the Term of U.S. Patent No. 4,971,802; Mifamurtide

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

**ACTION:** Notice of interim patent term extension.

**SUMMARY:** The United States Patent and Trademark Office has issued a certificate under 35 U.S.C. 156(d)(5) for a second one-year interim extension of the term of U.S. Patent No. 4,971,802.

**FOR FURTHER INFORMATION CONTACT:** Raul Tamayo by telephone at (571) 272-7728; by mail marked to his attention and

addressed to the Commissioner for Patents, Mail Stop Hatch-Waxman PTE, P.O. Box 1450, Alexandria, VA 22313-1450; by fax marked to his attention at (571) 273-7728, or by e-mail to [Raul.Tamayo@uspto.gov](mailto:Raul.Tamayo@uspto.gov).

**SUPPLEMENTARY INFORMATION:** Section 156 of Title 35, United States Code, generally provides that the term of a patent may be extended for a period of up to five years if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review, and that the patent may be extended for interim periods of up to a year if the regulatory review is anticipated to extend beyond the expiration date of the patent.

On October 10, 2008, IDM Pharma, agent/licensee of patent owner Novartis, timely filed an application under 35 U.S.C. 156(d)(5) for a second interim extension of the term of U.S. Patent No. 4,971,802. Claims of the patent cover the product Mifamurtide having the active ingredient muramyl tripeptide phosphatidyl ethanolamine. The application indicates, and the Food and Drug Administration has confirmed, that a New Drug Application for the human drug product Mifamurtide has been filed and is currently undergoing regulatory review before the Food and Drug Administration for permission to market or use the product commercially.

Review of the application indicates that, except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. 156, and that the patent should be extended for an additional year as required by 35 U.S.C. 156(d)(5)(B). Because it is apparent that the regulatory review period will continue beyond the extended expiration date of the patent (November 20, 2008), interim extension of the patent term under 35 U.S.C. 156(d)(5) is appropriate.

A second interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 4,971,802 is granted for a period of one year from the extended expiration date of the patent, i.e., until November 20, 2009.

Dated: December 18, 2008.

**John J. Doll,**

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

[FR Doc. E8-30781 Filed 12-24-08; 8:45 am]

**BILLING CODE 3510-16-P**