

Cornell Cooperative Extension of Suffolk County (CCE) warrants further consideration and should be issued for public comment. The EFP would exempt participating vessels from summer flounder size restrictions and summer flounder minimum mesh size regulations. The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made.

DATES: Comments must be received on or before July 28, 2009.

ADDRESSES: Comments may be submitted by e-mail to: nero.efp@noaa.gov. Include in the subject line of the e-mail comment the following document identifier: "Comments on CCE Inshore Fluke Discard EFP." Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on CCE Inshore Fluke Discard EFP." Comments may also be sent via facsimile (fax) to (978) 281-9135.

FOR FURTHER INFORMATION CONTACT: Anna Macan, Fishery Management Specialist, phone: 978-281-9165, fax: 978-281-9135.

SUPPLEMENTARY INFORMATION: In 2007, the Science and Research Director for NMFS's Northeast Fisheries Science Center selected the proposal submitted by the CCE under the Summer Flounder, Scup, and Black Sea Bass Research Set-Aside (RSA) titled: "Evaluation of Summer Flounder Discard Mortality in the Bottom Trawl Fishery." The research was conducted to improve and enhance fishery information relative of discard mortality of summer flounder in the bottom trawl fishery. An extension to utilize available funds was granted to CCE, so an EFP to conduct additional research trips is being requested.

This EFP would allow for additional research trips to further enhance the existing data on mortality of trawl-caught summer flounder. The research would be carried out from July 2009 through July 2010, up to a total of 10 research trips, and would be in conjunction with normal fishing operations of the mixed trawl fishery. Only one vessel would be used for each trip, but up to six vessels could be used, depending on availability. Vessels

would be compensated to make three specific tows for summer flounder to assess trawl mortality. Duration of these tows would be 1, 2, and 3 hours. Summer flounder from each tow would be culled and sorted between live and dead. Sorting would occur at predetermined time intervals until the deck is cleared of fish. The fish would then be weighed and, as time allows, scale and otolith samples from both groups would be collected. The research trips would be conducted inshore along the coast of southern Long Island from Jones Inlet to Montauk Point, reaching depths of 240 ft (73 m). Areas sampled would include NMFS statistical areas 611, 612, and 613. In order to conduct the research, the vessels would need exemptions from the summer flounder minimum fish size and mesh size regulations at §§ 648.103 and 648.104(a)(1), respectively. These exemptions are needed to retain the fish on deck for the purpose of scientific research. Additionally, since the research trips may be conducted during a commercial squid trip, an exemption from the summer flounder minimum mesh size regulation is also needed in order for the vessels to retain more than the incidental limit of 100 lb (45.4 kg) of summer flounder. After the research, is conducted the fish would be returned to sea, unless the vessel is currently allocated 2009 research set-aside and has been issued a current and separate EFP to harvest research set-aside quota.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs. The applicant may place requests for minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and minimal so as not to change the scope or impact of the initially approved EFP request.

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

Dated: July 8, 2009.

Kristen C. Koch

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO-T-2009-0026]

Trademark Examination Guides 01-09 and 02-09 on Deceptiveness Refusals

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice

SUMMARY: The United States Patent and Trademark Office ("USPTO" or "Office") is publishing two Trademark Examination Guides ("Guides") regarding deceptiveness refusals for non-geographic and geographic marks. These Guides, issued on May 11, 2009, are being published to give members of the public notice of them in addition to the notice already provided on the USPTO's Web site. Members of the public may submit comments regarding the Guides. Comments will be given consideration in connection with developing future examination guidance dealing with the subjects of the Guides.

ADDRESSES: The Office prefers that any comments be submitted via electronic mail message to TMFRNotices@uspto.gov. Written comments may also be submitted by mail addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, marked to the attention of Cynthia C. Lynch; or by hand delivery to the Trademark Assistance Center, Concourse Level, James Madison Building—East Wing, 600 Dulany Street, Alexandria, Virginia, marked to the attention of Cynthia C. Lynch.

The comments will be available for public inspection on the Office's Web site at <http://www.uspto.gov> and will also be available at the Office of the Commissioner for Trademarks, Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia. Because comments will be made available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included in the comments.

FOR FURTHER INFORMATION CONTACT: Cynthia C. Lynch, Office of the Deputy Commissioner for Trademark Examination Policy, by electronic mail at: cynthia.lynych@uspto.gov; or by mail addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, marked to the attention of Cynthia C. Lynch.

SUPPLEMENTARY INFORMATION: On May 11, 2009, the Office issued Examination Guides 01-09 and 02-09 regarding examination procedures for marks that may be deceptive under either section

2(a) or section 2(e)(3). Section 2(a) of the Trademark Act, 15 U.S.C. 1052(a), prohibits, *inter alia*, the registration of deceptive matter. Section 2(e)(3) of the Trademark Act, 15 U.S.C. 1052(e)(3), prohibits the registration of primarily geographically deceptively misdescriptive marks. Each Guide reviews and discusses case law regarding: (1) The elements of the refusal; (2) evidentiary issues with respect to the refusal; and (3) procedures for issuing refusals. The Guides may be found on the Office's Web site at: <http://www.uspto.gov/web/offices/tac/notices/notices.htm>.

The purpose of these Guides is to promote consistency in examination and to provide guidance to examining attorneys regarding when deceptiveness refusals must be issued. These Guides do not constitute substantive rulemaking and hence do not have the force and effect of law. They have been developed as a matter of internal Office management and are not intended to create any right or benefit, substantive or procedural, enforceable by any party against the Office. To the extent that earlier guidance from the Office, including certain sections of the Trademark Manual of Examining Procedure (TMEP), 5th edition, is inconsistent with the guidance set forth in the Guides, Office personnel are to follow the Guides. The next revision of the TMEP will be updated accordingly.

Any member of the public may submit written comments on either or both of the Guides. The Office will consider any comments received in connection with developing future examination guidance dealing with the subjects of the Guides. Persons submitting comments should note that the USPTO does not plan to provide a response to or analysis of any comments, as these Guides are not notices of proposed rulemaking.

Dated: July 6, 2009.

John J. Doll,

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

[FR Doc. E9-16424 Filed 7-10-09; 8:45 am]

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CONSUMER PRODUCT SAFETY COMMISSION

Proposed Extension of Approval of Information Collection; Comment Request-Safety Standard for Walk-Behind Power Lawn Mowers

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act (44 U.S.C. Chapter 35), the Consumer Product Safety Commission (CPSC or Commission) requests comments on a proposed request for an extension of approval of a collection of information from manufacturers and importers of walk-behind power lawn mowers. This collection of information consists of testing and recordkeeping requirements in certification regulations implementing the Safety Standard for Walk-Behind Power Lawn Mowers (16 CFR Part 1205). The Commission will consider all comments received in response to this notice before requesting an extension of approval of this collection of information from the Office of Management and Budget (OMB).

DATES: The Office of the Secretary must receive written comments not later than September 11, 2009.

ADDRESSES: Written comments should be captioned "Walk-Behind Power Lawn Mowers" and sent by e-mail to cpsc-os@cpsc.gov. Written comments may also be sent to the Office of the Secretary by facsimile at (301) 504-0127, or by mail to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, MD 20814.

FOR FURTHER INFORMATION CONTACT: For information about the proposed collection of information call or write Linda Glatz, Division of Policy and Planning, Office of Information Technology and Technology Services, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: (301) 504-7671 or by e-mail to lglatz@cpsc.gov.

SUPPLEMENTARY INFORMATION: In 1979, the Commission issued the Safety Standard for Walk-Behind Power Lawn Mowers (16 CFR Part 1205) under provisions of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2051 *et seq.*) to eliminate or reduce risks of amputations, avulsions, lacerations, and other serious injuries which have resulted from the accidental contact of some part of an operator's body with the rotating blade of a power lawn mower. The standard contains performance and labeling requirements for walk-behind power lawn mowers to address risks of blade-contact injuries.

A. Certification Requirements

Section 14(a) of the CPSA (15 U.S.C. 2063(a)) requires manufacturers, importers, and private labelers of a consumer product subject to a consumer product safety standard under the CPSA

or similar rule, ban, standard, or regulation under any other act enforced by the Commission to issue a certificate stating that the product complies with all applicable rules, bans, standards or regulations. Section 14(a) of the CPSA also requires that the certificate of compliance must be based on a test of each product or upon a reasonable testing program and specify each such rule, ban, standard or regulation applicable to the product.

Section 14(b) of the CPSA (15 U.S.C. 2063(b)) authorizes the Commission to issue regulations to prescribe a reasonable testing program to support certificates of compliance with a consumer product safety standard under the CPSA or similar rule, ban, standard, or regulation under any other act enforced by the Commission. Section 16(b) of the CPSA (15 U.S.C. 2065(b)) authorizes the Commission to issue rules to require that firms "establish and maintain" records to permit the Commission to determine compliance with rules issued under the authority of the CPSA.

The Commission has issued regulations prescribing requirements for a reasonable testing program to support certificates of compliance with the standard for walk-behind power mowers under the CPSA. These regulations also require manufacturers, importers, and private labelers of walk-behind power mowers to establish and maintain records to demonstrate compliance with the requirements for testing to support certification of compliance. 16 CFR Part 1205, Subpart B.

The Commission uses the information compiled and maintained by manufacturers and importers of walk-behind power mowers to protect consumers from risks of injuries associated with walk-behind power lawn mowers. More specifically, the Commission uses this information to determine whether the mowers produced and imported comply with the applicable standard. The Commission also uses this information to obtain corrective actions if walk-behind power mowers fail to comply with the standard in a manner which creates a substantial risk of injury to the public.

OMB approved the collection of information requirements for walk-behind mowers under control number 3041-0091. OMB's most recent extension of approval will expire on September 30, 2009. The Commission proposes to request an extension of approval for these collection of information requirements.