

**DEPARTMENT OF COMMERCE****Submission for OMB Review;  
Comment Request**

The Department of Commerce will submit 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:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* Socioeconomics of Commercial Fishers and For Hire Diving and Fishing Operations in the Flower Garden Banks National Marine Sanctuary.

*OMB Control Number:* None.

*Form Number(s):* None.

*Type of Request:* Regular submission.

*Number of Respondents:* 80.

*Average Hours per Response:* 3.

*Burden Hours:* 240.

*Needs and Uses:* The National Marine Sanctuaries Act (16 U.S.C. 1431, *et seq.*) authorizes the use of research and monitoring within National Marine Sanctuaries (NMS). In 1996, the Flower Gardens Bank National Marine Sanctuary (FGBNMS) was added to the system of NMS via 15 CFR part 922, subpart L. In 2001, Stetson Bank was added in a revision of 15 CFR part 922.

The National Marine Sanctuaries Act (NMSA) specifies that each NMS should revise their management plans on a five-year cycle. The FGBNMS has begun the management plan review process. The NMSA also allows for the creation of Sanctuary Advisory Councils (SACs). SACs are comprised of representatives of all NMS stakeholders. Management Plan Review (MPR) is a public process and the SACs, along with a series of public meetings, are used to help scope out issues in revising the management plans and regulations. SAC Working Groups are often used to evaluate management or regulatory alternatives. In the current MPR for the FGBNMS, two major issues have emerged: Boundary expansion and research-only areas. In addition, several new or modified regulations are being considered to meet specific needs for diver safety and resource protection (no anchoring/mooring buoy use requirement and a more stringent pollution discharge regulation).

To address each of these issues, a socioeconomic panel composed of NOAA staff and social scientists from other agencies, or from universities, will develop information and tools to assess the socioeconomic impacts of management strategies and regulatory alternatives. The information and tools developed in this process will also

provide the necessary information for meeting agency requirements for socioeconomic impact analyses under the National Environmental Policy Act (NEPA), Executive Order 12086 (Regulatory Impact Review) and an Initial and Final Regulatory Flexibility Analysis (impacts on small businesses). The first step in the assessment process will be to interview three key sanctuary user groups—commercial fishers, for hire recreational dive operations and for hire recreational fishing operations (charter and party/head boat operations)—with questions focusing on: (1) General information, economic information and trip costs; and (2) knowledge, attitudes and perceptions of sanctuary management strategies and regulations.

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

*Frequency:* One-time only.

*Respondent's Obligation:* Voluntary.

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

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395-7285, or [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov).

Dated: July 28, 2009.

**Gwellnar Banks,**

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

[FR Doc. E9-18366 Filed 7-31-09; 8:45 am]

**BILLING CODE 3510-NK-P**

**DEPARTMENT OF COMMERCE****Submission for OMB Review;  
Comment Request**

The Department of Commerce will submit 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:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* National Marine Fisheries Service (NMFS) Observer Programs' Information That Can Be Gathered Only Through Questions.

*OMB Control Number:* None.

*Form Number(s):* None.

*Type of Request:* Regular submission.

*Number of Respondents:* 4,323.

*Average Hours per Response:* One hour and 20 minutes, including pre-deployment information, information gathered directly from captain/crew during trips, reimbursement requests and observer evaluations.

*Burden Hours:* 17,455.

*Needs and Uses:* NOAA's National Marine Fisheries Service (NMFS) deploys fishery observers on United States commercial fishing vessels and to fish processing plants in order to collect biological and economic data. NMFS has at least one observer program in each of its six Regions. These observer programs provide the only reliable or most effective method for obtaining information that is critical for the conservation and management of living marine resources. Observer programs primarily obtain information through direct observations by employees or agents of NMFS or through non-standardized oral communication in connection with such direct observations; and such collections are not generally subject to the Paperwork Reduction Act (PRA). However, observer programs also collect the following information that requires clearance under the PRA: (1) Standardized questions of fishing vessel captains/crew or fish processing plant managers/staff, which include gear and performance questions, safety questions, and trip costs, crew size and other economic questions; (2) questions asked by observer program staff/contractors to plan observer deployments; (3) forms that are completed by observers and that fishing vessel captains are asked to review and sign; (4) questionnaires to evaluate observer performance; (5) information used to ensure that the data for a specific trip are not provided to an individual (e.g., fisherman) who does not have authority to obtain that data under the confidentiality requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and/or the Marine Mammal Protection Act (MMPA); and (6) information on reimbursement forms. NMFS has received PRA clearances for the second and fourth types of collections for some observer programs (OMB Control Numbers 0648-0423 and 0648-0202 for deployment questions, and 0648-0550 and 0648-0536 for observer evaluations); those burden hours are now included in this national, comprehensive PRA submission.

The information collected will be used to: (1) Monitor catch and bycatch; (2) understand the population status and trends of fish stocks and protected

species, as well as the interactions between them; (3) determine the quantity and distribution of net benefits derived from living marine resources; (4) predict the biological, ecological, and economic impacts of existing management action and proposed management options; and (5) ensure that the observer programs can safely and efficiently collect the information required for the previous four uses.

In particular, these biological and economic data collection programs contribute to analyses required under the MSA, the Endangered Species Act (ESA), the MMPA, the National Environmental Policy Act (NEPA), the Regulatory Flexibility Act (RFA), Executive Order 12866 (EO 12866), as well as a variety of state statutes. The confidentiality of the data will be protected as required by law.

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

**Frequency:** On occasion.

**Respondent's Obligation:** Some mandatory (e.g., vessel safety checks), most voluntary.

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

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, Room 7845, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395-7285, or [David\\_Rostker@omb.eop.gov](mailto:David_Rostker@omb.eop.gov).

Dated: July 28, 2009.

#### Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E9-18376 Filed 7-31-09; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

[08-BIS-0005]

#### Action Affecting Export Privileges; Micei International; In the Matter of: Micei International, Respondent; Order Staying Enforcement of Final Decision and Order Pending Appeal

The Acting Under Secretary of Commerce for Industry and Security ("Acting Under Secretary") issued a

Final Decision and Order (the "Order") in this administrative enforcement proceeding against Respondent Micei International ("Micei") on May 14, 2009, which was effective upon publication in the **Federal Register** on May 26, 2009. 74 FR 24788 (May 26, 2009). The Order affirmed the Administrative Law Judge's Recommended Decision and Order finding, in accordance with Section 766.7 (Default Order) of the Export Administration Regulations (the "Regulations"),<sup>1</sup> that Micei had waived its right to contest the allegations contained in the (amended) charging letter issued by the Bureau of Industry and Security ("BIS"), and that Micei had, as alleged, committed 14 violations of the Regulations. The allegations involved Micei's knowing participation in seven export transactions using an individual subject to a Denial Order as an employee or agent to negotiate for and purchase items in the United States for export from the United States to Micei in Macedonia. The Order also affirmed the recommended sanctions of a civil penalty of \$126,000, and a denial of Micei's export privileges for a period of five years.

On May 19, 2009, Micei filed a Petition for Immediate Stay of Publication and Enforcement of Final Decision and Order Pending Outcome of Respondent's Petition To Set Aside Default and Vacate Final Decision and Order or Alternatively Pending Appeal ("Stay Petition").<sup>2</sup> On June 30, 2009, Micei filed a Motion for Stay Pending Appeal ("Stay Motion") with the United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit"), seeking a stay of the Order pending appeal.<sup>3</sup>

In its June 30 filing with the DC Circuit, Micei made a number of assertions and presented documentary materials that were not part of the Stay Petition it had filed with BIS. BIS is continuing to evaluate and investigate questions surrounding the accuracy and foundation of those assertions, but nonetheless does not wish further delay in addressing and resolving the merits

<sup>1</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730-774 (2009). The violations at issue, which occurred in 2003, are governed by the 2003 version of the Code of Federal Regulations. 15 CFR parts 730-774 (2003). The 2009 Regulations govern the procedural aspects of this case.

<sup>2</sup> On May 19, 2009, Micei also filed with BIS a Petition To Set Aside Default and Vacate Final Decision and Order. On June 26, 2009, Micei filed a notice with BIS to withdraw that petition, but did not address the Stay Petition it had filed with BIS.

<sup>3</sup> Micei had previously filed a Notice of Appeal to the DC Circuit on May 29, 2009. Micei subsequently filed a second Notice of Appeal on June 29, 2009, petitioning for review of the Order.

of Micei's petition for review. In addition, Micei has recently hired new U.S.-based counsel and there are some indications that Micei may be prepared to more meaningfully engage on the issues.

Based on the circumstances here, I have decided, in performing duties delegated to me by the Acting Under Secretary, to stay enforcement of the Order pending resolution of the DC Circuit appeal.<sup>4</sup>

Accordingly, it is hereby ordered that enforcement of the Final Decision and Order against Micei International, dated May 14, 2009, and effective on May 26, 2009, is henceforth stayed pending resolution of the petition for review currently before the United States Court of Appeals for the District of Columbia Circuit.

This Order is effective immediately and shall be published in the **Federal Register**.

Dated: July 24, 2009.

#### Gay Shrum,

Acting Deputy Under Secretary of Commerce for Industry and Security.

[FR Doc. E9-18428 Filed 7-31-09; 8:45 am]

BILLING CODE 3510-DT-P

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) will submit 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:** Trademark Petitions.

**Form Number(s):** None.

**Agency Approval Number:** 0651-00xx.

**Type of Request:** New collection.

**Burden:** 862 hours.

**Number of Respondents:** 953 responses.

**Avg. Hours per Response:** 30 minutes (0.50 hours) to one hour. This includes time to gather the necessary information, create the documents, and submit the completed request to the USPTO.

**Needs and Uses:** The information described in this collection is used by the public for a variety of private

<sup>4</sup> This determination does not constitute a finding or conclusion that BIS agrees with the assertions or evidentiary materials included in Micei's Stay Motion (or Stay Petition).