

damage assessment as authorized by CERCLA. The PAS concluded that natural resources in the area have been affected or potentially affected from releases or discharges of contaminants. Exposed living natural resources include, but are not limited to: (1) aquatic-dependent mammals such as mink and river otter, and species they depend on as prey items; (2) migratory birds, including osprey, bald eagle, mergansers and other waterfowl, great blue heron, spotted sandpiper and other shorebirds, cliff swallow, belted kingfisher, and other species; (3) threatened and endangered species; (4) anadromous and resident fish, including salmon and steelhead; (5) reptiles and amphibians; (6) aquatic invertebrates; (7) wapato and other aquatic plants. Exposed habitat types and water natural resources include wetland and upland habitats, groundwater, and surface water. The services that are provided by these potentially affected natural resources include, but are not limited to: (1) habitat for trust resources, including food, shelter, breeding, foraging, and rearing areas, and other factors essential for survival; (2) consumptive commercial resource use such as commercial fishing; (3) consumptive recreational resource use such as hunting and fishing; (4) non-consumptive uses such as wildlife viewing, photography, and other outdoor recreation activities; (5) primary and secondary contact activities such as swimming and boating; (6) cultural, spiritual, and religious use; (7) option and existence values; (7) traditional foods. Based on the conclusions of the PAS, the Portland Harbor Trustee Council has determined that proceeding past the preassessment phase to a full natural resource damage assessment is warranted.

Scientific literature and studies being conducted by the Trustees seek to document injuries from hazardous substances found in Portland Harbor. The objective of these studies is to demonstrate (1) how the contamination has harmed the organisms that inhabit the riverine sediments, (2) how the contamination has harmed the fish and wildlife that come into contact with the contaminated sediments or that eat contaminated prey items, and (3) how the harm to the natural resources has impacted the people that use these resources. Concurrent with the damage assessment, the Trustees plan to carry out restoration planning, seeking comments from the public on how best to make the public whole for injuries documented through the damage assessment.

As restoration planning proceeds, the Trustees will take advantage of opportunities to settle natural resource damage claims with willing parties. By identifying criteria and guidance to be used in selecting feasible restoration projects, the plan will provide a framework to maximize the benefits of specific restoration projects to the affected resources and services in the defined areas of the Lower Willamette River. The Trustees plan to consider alternatives that may include: (1) integrated habitat restoration actions that will benefit multiple species and services (those species listed above as potentially affected by releases of hazardous substances, such as salmon and resident fish, mammals such as mink and river otter, and aquatic-dependent birds such as osprey and bald eagle); (2) species-specific restoration actions (for example, augmenting a species population through artificial production); and (3) a no-action alternative (no action takes place and the public is not compensated). Additional alternatives identified through the public involvement process may also be considered, to the extent that they demonstrate a nexus to natural resources injured by the release of hazardous substances.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, and the Council on Environmental Quality regulations implementing NEPA under 40 CFR Chapter V, apply to restoration actions by Federal trustees. These authorities prescribe a scoping process the purpose of which is to identify the concerns of the affected public and Federal agencies, states, and Indian tribes, involve the public early in the decision making process, facilitate an efficient PEIS preparation process, define the issues and alternatives that will be examined in detail, and save time by ensuring that draft documents adequately address relevant issues. The scoping process reduces paperwork and delay by ensuring that important issues are addressed early.

The Trustees will prepare an Administrative Record (Record). The Record will include documents that the Trustees relied upon during the development of the RP and PEIS. After preparation, the Record will be on file at the NOAA Restoration Center's offices in Portland, OR. Additional documents and information will be available at the following websites: <http://www.darp.noaa.gov/> and <http://www.fws.gov/oregonfwo/contaminants/PortlandHarbor/default.asp>

Release of a draft PEIS for public comment is planned for late 2011.

Specific dates and times for future events will be publicized when scheduled.

Dated: January 26, 2010.

**Patricia A. Montanio,**

*Director, Office of Habitat Conservation,  
National Marine Fisheries Service.*

[FR Doc. 2010-2019 Filed 1-29-10; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No.: PTO-P-2010-0004]

#### Extension of Period for Comments on Enhancement in the Quality of Patents

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

**ACTION:** Request for comments.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) published a notice in the **Federal Register** seeking public comment directed to this focus with respect to methods that may be employed by applicants and the USPTO to enhance the quality of issued patents, to identify appropriate indicia of quality, and to establish metrics for the measurement of the indicia. The USPTO is extending the period for public comment until March 8, 2010.

*Comment Deadline Date:* March 8, 2010. No public hearing will be held.

**ADDRESSES:** Written comments should be sent by electronic mail message over the Internet addressed to [patent\\_quality\\_comments@uspto.gov](mailto:patent_quality_comments@uspto.gov). Comments may also be submitted by mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, marked to the attention of Kenneth M. Schor and Pinchus M. Laufer. Although comments may be submitted by mail, the USPTO prefers to receive comments via the Internet.

The written comments will be available for public inspection at the Office of the Commissioner for Patents, located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia, and will be available via the USPTO Internet Web site (address: <http://www.uspto.gov>). 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:** By telephone: Pinchus M. Laufer, Legal Advisor, at (571) 272-7726, or Kenneth M. Schor, Senior Legal Advisor, at (571) 272-7710; by mail addressed to U.S.

Patent and Trademark Office, Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Pinchus M. Laufer and Kenneth M. Schor; or by electronic mail (e-mail) message over the Internet addressed to [pinchus.laufer@uspto.gov](mailto:pinchus.laufer@uspto.gov) or [kenneth.schor@uspto.gov](mailto:kenneth.schor@uspto.gov).

**SUPPLEMENTARY INFORMATION:** The United States Patent and Trademark Office (USPTO) published a notice in the **Federal Register** seeking public comment directed to this focus with respect to methods that may be employed by applicants and the USPTO to enhance the quality of issued patents, to identify appropriate indicia of quality, and to establish metrics for the measurement of the indicia. *See Request for Comments on Enhancement in the Quality of Patents*, 74 FR 65093 (Dec. 9, 2009), 1350 *Off. Gaz. Pat. Office* 46 (Jan. 5, 2010). The USPTO indicated that to be ensured of consideration, written comments must be received on or before February 8, 2010. *See Request for Comments on Enhancement in the Quality of Patents*, 74 FR at 65094, 1350 *Off. Gaz. Pat. Office* at 46. The USPTO is extending the period for submission of public comments until March 8, 2010.

Dated: January 26, 2010.

**David J. Kappos,**

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

[FR Doc. 2010–2036 Filed 1–29–10; 8:45 am]

**BILLING CODE 3510–16–P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No.: PTO–P–2010–0003]

#### Extension of the Patent Application Backlog Reduction Stimulus Plan

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

**ACTION:** Notice.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) published a notice in the **Federal Register** providing an additional temporary basis (the Patent Application Backlog Reduction Stimulus Plan) under which a small entity applicant may have an application accorded special status for examination if the applicant expressly abandons another copending unexamined application. The Patent Application Backlog Reduction Stimulus Plan allows small entity applicants having multiple applications

currently pending before the USPTO to have greater control over the priority with which their applications are examined while also stimulating a reduction of the backlog of unexamined patent applications pending before the USPTO. The USPTO is extending Patent Application Backlog Reduction Stimulus Plan until June 30, 2010.

**DATES:** *Effective Date:* February 1, 2010. The Patent Application Backlog Reduction Stimulus Plan became effective on November 27, 2009.

**FOR FURTHER INFORMATION CONTACT:** Pinchus M. Laufer, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at 571–272–7726; or via e-mail addressed to [Pinchus.Laufer@uspto.gov](mailto:Pinchus.Laufer@uspto.gov); or by mail addressed to: Box Comments Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450.

**SUPPLEMENTARY INFORMATION:** The USPTO published a notice in the **Federal Register** providing an additional temporary basis (the Patent Application Backlog Reduction Stimulus Plan) under which a small entity applicant may have an application accorded special status for examination if the applicant expressly abandons another copending unexamined application. *See Patent Application Backlog Reduction Stimulus Program*, 74 FR 62285 (Nov. 27, 2009), 1349 *Off. Gaz. Pat. Off.* 304 (Dec. 22, 2009) (notice). The Patent Application Backlog Reduction Stimulus Plan allows small entity applicants having multiple applications currently pending before the USPTO to have greater control over the priority with which their applications are examined while also stimulating a reduction of the backlog of unexamined patent applications pending before the USPTO. The USPTO indicated that the program would last for a period ending on February 28, 2010, but may be extended for an additional time period thereafter. *See Patent Application Backlog Reduction Stimulus Program*, 74 FR at 62287, 1349 *Off. Gaz. Pat. Off.* at 306.

The USPTO is extending Patent Application Backlog Reduction Stimulus Plan until June 30, 2010. The USPTO may further extend the procedures under Patent Application Backlog Reduction Stimulus Plan to all applicants (on either a temporary or permanent basis), or may also discontinue the procedures after June 30, 2010, depending upon the results of the Patent Application Backlog Reduction Stimulus Plan. For a petition under 37 CFR 1.102 to be granted under the Patent Application Backlog

Reduction Stimulus Plan (unless the Patent Application Backlog Reduction Stimulus Plan is extended by a subsequent notice), the petition under 37 CFR 1.102 and the letter of express abandonment and its accompanying statement must be filed on or before June 30, 2010.

Dated: January 26, 2010.

**David J. Kappos,**

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

[FR Doc. 2010–2033 Filed 1–29–10; 8:45 am]

**BILLING CODE 3510–16–P**

## DEPARTMENT OF COMMERCE

### Foreign–Trade Zones Board

[Order No. 1658]

#### Grant of Authority for Subzone Status, Excalibar Minerals LLC (Barite Milling), New Iberia, Louisiana

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Foreign–Trade Zones Act provides for “...the establishment... of foreign–trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,” and authorizes the Foreign–Trade Zones Board to grant to qualified corporations the privilege of establishing foreign–trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas*, the Board’s regulations (15 CFR Part 400) provide for the establishment of special–purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

*Whereas*, the Port of South Louisiana, grantee of Foreign–Trade Zone 124, has made application to the Board for authority to establish a special–purpose subzone at the barite manufacturing and distribution facility of Excalibar Minerals LLC, located in New Iberia, Louisiana, (FTZ Docket 21–2009, filed 5/6/09);

*Whereas*, notice inviting public comment has been given in the **Federal Register** (74 FR 23394, 5/19/09) and the application has been processed pursuant to the FTZ Act and the Board’s regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner’s report, and finds that the requirements of the FTZ Act and