

CHAPTER XXIX—OFFICE OF ENERGY

PART 2902—GUIDELINES FOR DESIGNATING BIOBASED PRODUCTS FOR FEDERAL PROCUREMENT

1. The authority citation for part 2902 continues to read as follows:

Authority: 7 U.S.C. 8102.

2. Section 2902.1 is revised to read as follows:

§ 2902.1 Purpose and scope.

(a) Purpose. The purpose of the guidelines in this part is to assist procuring agencies in complying with the requirements of section 9002 of the Farm Security and Rural Investment Act of 2002 (FSRIA), Public Law 107-171, 116 Stat. 476 (7 U.S.C. 8102), as amended by the Food, Conservation, and Energy Act of 2008, Public Law 110-246, 122 Stat. 1651, as they apply to the procurement of the products designated in subpart B of this part.

(b) Scope. The guidelines in this part designate items that are or can be produced with biobased products and whose procurement by procuring agencies will carry out the objectives of section 9002.

3. Section 2902.2 is amended by revising the definition of "biobased product" and adding a definition for "FCEA" to read as follows:

§ 2902.2 Definitions.

Biobased product. A product determined by USDA to be a commercial or industrial product (other than food or feed) that is composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials.

FCEA. The Food, Conservation and Energy Act of 2008, Public Law 110-246.

4. Section 2902.3 is amended by revising paragraph (c) to read as follows:

§ 2902.3 Applicability to Federal procurements.

(c) Procuring products composed of the highest percentage of biobased content. Section 9002(a)(2) requires procuring agencies to procure designated items composed of the highest percentage of biobased content practicable or such products that comply with the regulations issued under section 103 of Public Law 100-556 (42 U.S.C. 6914b-1), consistent with maintaining a satisfactory level of competition, considering these

guidelines. Procuring agencies may decide not to procure such products if they are not reasonably priced or readily available or do not meet specified or reasonable performance standards.

5. Section 2902.4 is amended by revising paragraph (b)(2)(ii) to read as follows:

§ 2902.4 Procurement programs.

(ii) A policy of setting minimum biobased products content specifications in such a way as to assure that the biobased products content required is consistent with section 9002 and the requirements of the guidelines in this part except when such items:

- (A) Are not available within a reasonable time;
(B) Fail to meet performance standards for the use to which they will be put, or the reasonable performance standards of the Federal agency; or
(C) Are available only at an unreasonable price.

6. Section 2902.5 is amended by revising paragraph (c)(1) to read as follows:

§ 2902.5 Item designation.

(c) Exclusions. (1) Motor vehicle fuels, heating oil, and electricity are excluded by statute from this program.

7. Section 2902.6 is amended by revising the first sentence of paragraph (a) and by revising paragraph (b) to read as follows:

§ 2902.6 Providing product information to Federal agencies.

(a) Informational Web site. An informational USDA Web site implementing section 9002 can be found at: http://www.biopreferred.gov.

(b) Advertising, labeling and marketing claims. Manufacturers and vendors are reminded that their advertising, labeling, and other marketing claims, including claims regarding health and environmental benefits of the product, must conform to the Federal Trade Commission "Guides for the Use of Environmental Marketing Claims," 16 CFR part 260 (see: http://www.access.gpo.gov/nara/cfr/waisidx\_08/16cfr260\_08.html). For further requirements, click on the link to the "Guidelines for Marketing the BioPreferred Program."

8. Section 2902.8 is amended by revising paragraph (a) to read as follows:

§ 2902.8 Determining life cycle costs, environmental and health benefits, and performance.

(a) Providing information on life cycle costs and environmental and health benefits. Federal agencies may not require manufacturers or vendors of biobased products to provide to procuring agencies more data than would be required to be provided by other manufacturers or vendors offering products for sale to a procuring agency, other than data confirming the biobased contents of the products, as a condition of the purchase of biobased products from the manufacturer or vendor.

9. Section 2902.9 is amended by revising paragraph (b)(1) to read as follows:

§ 2902.9 Funding for testing.

(1) Subject to the availability of funds and paragraph (a) of this section, USDA will announce annually the solicitation of proposals for cost sharing for life cycle costs, environmental and health benefits, and performance testing of biobased products in accordance with the standards set forth in § 2902.8 to carry out this program. Information regarding the submission of proposals for cost sharing also will be posted on the USDA informational Web site, http://www.biopreferred.gov.

Dated: January 25, 2011.

Pearlie S. Reed,

Assistant Secretary for Administration, U.S. Department of Agriculture.

[FR Doc. 2011-2012 Filed 2-3-11; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 100827401-0619-01]

RIN 0648-BA20

Olympic Coast National Marine Sanctuary Regulations Revisions

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Extension of public comment period.

SUMMARY: On January 14, 2011, NOAA published a proposed rule in the

**Federal Register** to revise the regulations for the Olympic Coast National Marine Sanctuary (76 FR 2611). This notice extends the public comment period stated in that proposed rule by an additional 10 days.

**DATES:** NOAA will accept public comments on the proposed rule published at 76 FR 2611 (January 14, 2011) through March 25, 2011. Dates, times, and location of the public hearings mentioned in that proposed rule have not changed.

**ADDRESSES:** The instructions for submitting comments are detailed in the proposed rule published on January 14, 2011 (76 FR 2611).

**FOR FURTHER INFORMATION CONTACT:** George Galasso at (360) 457-6622, extension 12.

Dated: January 28, 2011.

**Daniel J. Basta,**

*Director, Office of National Marine Sanctuaries.*

[FR Doc. 2011-2453 Filed 2-3-11; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 301

[REG-131151-10]

RIN 1545-BJ89

#### Rewards and Awards for Information Relating to Violations of Internal Revenue Laws

##### *Correction*

In proposed rule document 2011-928 appearing on pages 2852-2853 in the issue of Tuesday, January 18, 2011 make the following correction:

On page 2852, in the third column, in the second paragraph under the heading Background and Explanation of Provision, in the 12th line, "of the information provided z5" should read "of the information provided."

[FR Doc. C1-2011-928 Filed 2-3-11; 8:45 am]

**BILLING CODE 1505-01-D**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### 37 CFR Part 1

[Docket No. PTO-P-2010-0092]

RIN 0651-AC52

#### Changes To Implement the Prioritized Examination Track (Track I) of the Enhanced Examination Timing Control Procedures

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The United States Patent and Trademark Office (Office) requested comments on a proposal to provide applicants with greater control over when their utility and plant applications are examined and to promote greater efficiency in the patent examination process (3-Track). The Office, in addition to requesting written comments, conducted a public meeting to collect input, and has subsequently considered the wide range of comments received. The Office is in the process of refining the 3-Track proposal in light of the input. While that process continues, and in light of the fact that the vast majority of public input was supportive of the Track I portion of the 3-Track proposal, the Office proposes by this Notice to proceed with immediate implementation of the Prioritized Examination Track (Track I), providing fast examination for applicants desiring it, upon payment of the applicable fee and compliance with the additional requirements as described below.

**DATES:** *Comment Deadline Date:* Written comments must be received on or before March 7, 2011. No public hearing will be held.

**ADDRESSES:** Comments concerning this notice should be sent by electronic mail message over the Internet addressed to [track\\_I\\_comments@uspto.gov](mailto:track_I_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 Robert A. Clarke, Deputy Director, Office of Patent Legal Administration, Office of the Associate Commissioner for Patent Examination Policy. Although comments may be submitted by mail, the Office prefers to receive comments via the Internet.

Comments may also be sent by electronic mail message over the Internet via the Federal eRulemaking Portal. See the Federal eRulemaking Portal Web site (<http://www.regulations.gov>) for additional instructions on providing comments via the Federal eRulemaking Portal.

The 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 Internet (<http://www.uspto.gov>). Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

**FOR FURTHER INFORMATION CONTACT:** Robert A. Clarke, Eugenia A. Jones, or Joni Y. Chang, Office of Patent Legal Administration, Office of the Associate Commissioner for Patent Examination Policy, by telephone at (571) 272-7735, (571) 272-7727 or (571) 272-7720, or by mail addressed to: Mail Stop Comments Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, marked to the attention of Robert A. Clarke.

**SUPPLEMENTARY INFORMATION:** In June 2010, the Office requested comments from the public on a proposal to provide applicants with greater control over when their original utility or plant applications are examined and promote work sharing between intellectual property offices. See *Enhanced Examination Timing Control Initiative; Notice of Public Meeting*, 75 FR 31763 (June 4, 2010), 1355 *Off. Gaz. Pat. Office* 323 (June 29, 2010) Specifically, the Office proposed to adopt procedures under which an applicant would be able to: (1) Request prioritized examination of an original utility or plant nonprovisional application (Track I); (2) request a delay in docketing the application for examination by filing a request for delay in payment of the search fee, the examination fee, the claims fees and the surcharge (if appropriate) for a maximum period not to exceed thirty months in an original utility or plant application filed under 35 U.S.C. 111(a) (Track III); or (3) obtain processing under the current examination procedure (Track II) by not requesting either Track I or Track III processing.

The Office is proposing to amend the rules of practice to implement the proposal to provide applicants with the option to request prioritized examination at the time of filing of an application upon payment of the appropriate fees (Track I). The Office is limiting requests for prioritized examination under 37 CFR 1.102(e) to a maximum of 10,000 applications for the first year. The Office will revisit this