

will have a negligible impact on the affected species or stocks of marine mammals; and that impacts to affected species or stocks of marine mammals have been mitigated to the lowest level practicable.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

Marine mammals are hunted legally in Alaska waters by coastal Alaska Natives. In the GOA, the marine mammals under NMFS jurisdiction that are hunted are Steller sea lions and harbor seals. In 2007, a total of 1,428 harbor seals were taken by Alaska Natives (Wolfe *et al.*, 2009); 654 were taken from the southeast Alaska stock, 686 were taken from the GOA stock, and 88 were taken from the Bering Sea stock (Allen and Angliss, 2010). In 2008, 1,462 harbor seals were taken by Alaska Natives (Wolfe *et al.*, 2009). Most harbor seals were taken by communities in southeast Alaska (594), the North Pacific rim (277), Kodiak Island (192), and the South Alaska Peninsula (125; Wolfe *et al.*, 2009). The seasonal distribution of harbor seal takes by Alaska Natives typically shows two distinct hunting peaks—one during spring and one during all and early winter; however, this pattern was hardly noticeable in 2008 (Wolfe *et al.*, 2009). In general the months of highest harvest are September through December, with a smaller peak in March. Harvests are traditionally low from May through August, when harbor seals are raising pups and molting.

In 2007, a total of 217 Steller sea lions were taken by Alaska Natives, excluding St. Paul Island (Wolfe *et al.*, 2009); 211 were from the western stock and 6 were from the eastern stock (Allen and Angliss, 2010). In 2008, 146 sea lions were taken by Alaska Natives (Wolfe *et al.*, 2009). Most sea lions were taken by communities in the Aleutian Islands (48) and the Pribilof Islands (36); 25 were taken in the North Pacific Rim, 19 in the Kodiak Island region, 10 in southeast Alaska, and 9 along the South Alaska Peninsula (Wolfe *et al.*, 2009).

The project could potentially impact the availability of marine mammals for harvest in a very small area immediately around the *Langseth*, and for a very short time period during seismic activities. Considering the limited time and locations for the planned seismic survey, the project is not expected to have any significant impacts to the availability of Steller sea lions and harbor seals for subsistence harvest.

Section 101(a)(5)(D) also requires NMFS to determine that the authorization will not have an unmitigable adverse effect on the

availability of marine mammal species or stocks for subsistence use. Based on the information above, subsistence uses of marine mammals in the study area (waters of the western GOA) that implicate MMPA section 101(a)(5)(D) are not expected to be impacted.

Endangered Species Act

Of the species of marine mammals that may occur in the survey area, several are listed as endangered under the ESA, including the North Pacific right, humpback, sei, fin, blue, and sperm whales, as well as the Cook Inlet DPS of beluga whales and the western stock of Steller sea lions. The eastern stock of Steller sea lions is listed as threatened. Critical habitat for the North Pacific right whale and Steller sea lion is also found within the GOA. Under section 7 of the ESA, NSF has initiated formal consultation with the NMFS, Office of Protected Resources, Endangered Species Division, on this seismic survey. NMFS's Office of Protected Resources, Permits, Conservation and Education Division, has initiated formal consultation under section 7 of the ESA with NMFS's Office of Protected Resources, Endangered Species Division, to obtain a Biological Opinion (BiOp) evaluating the effects of issuing the IHA on threatened and endangered marine mammals and, if appropriate, authorizing incidental take. In June 2011, NMFS issued a BiOp and concluded that the action and issuance of the IHA are not likely to jeopardize the continued existence of North Pacific right, humpback, sei, fin, blue, and sperm whales, Cook Inlet DPS of beluga whales, and Steller sea lions. The BiOp also concluded that designated critical habitat for these species would not be affected by the survey. NSF and L-DEO must comply with the Relevant Terms and Conditions of the Incidental Take Statement (ITS) corresponding to NMFS's BiOp issued to NSF, L-DEO, and NMFS's Office of Protected Resources. L-DEO must also comply with the mitigation and monitoring requirements included in the IHA in order to be exempt under the ITS in the BiOp from the prohibition on take of listed endangered marine mammal species otherwise prohibited by section 9 of the ESA.

National Environmental Policy Act (NEPA)

To meet NMFS's NEPA (42 U.S.C. 4321 *et seq.*) requirements for the issuance of an IHA to L-DEO, NSF prepared an "Environmental Assessment on a Marine Seismic Survey in the Gulf of Alaska, July–August 2011," which incorporated an

"Environmental Assessment of a Marine Geophysical Survey by the R/V *Marcus G. Langseth* in the western Gulf of Alaska, July–August 2011," prepared by LGL. NMFS conducted an independent review and evaluation of the document for sufficiency and compliance with the Council on Environmental Quality regulations and NOAA Administrative Order (NAO) 216–6 § 5.09(d) and determined that issuance of the IHA is not likely to result in significant impacts on the human environment. Consequently, NMFS has adopted NSF's EA and prepared a Finding of No Significant Impact (FONSI) for the issuance of the IHA. An Environmental Impact Statement is not required and will not be prepared for the action.

Authorization

NMFS has issued an IHA to L-DEO for the take, by Level B harassment, of small numbers of marine mammals incidental to conducting a marine geophysical survey in the western GOA, June to August, 2011, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: June 24, 2011.

James H. Lecky,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Commerce Spectrum Management Advisory Committee Meeting

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a public meeting of the Commerce Spectrum Management Advisory Committee (Committee). The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information on spectrum management policy matters.

DATES: The meeting will be held on July 27, 2011, from 1 p.m. to 4 p.m., Mountain Daylight Savings Time.

ADDRESSES: The meeting will be held at the Institute for Telecommunication Sciences, Conference Room 1107, 325 Broadway, Boulder, Colorado. Public comments may be mailed to Commerce Spectrum Management Advisory Committee, National

Telecommunications and Information Administration, 1401 Constitution Avenue, NW., Room 4099, Washington, DC 20230 or e-mailed to spectrumadvisory@ntia.doc.gov.

FOR FURTHER INFORMATION CONTACT: Bruce M. Washington, Designated Federal Officer, at (202) 482-6415 or BWashington@ntia.doc.gov; and/or visit NTIA's Web site at <http://www.ntia.doc.gov/advisory/spectrum>.

SUPPLEMENTARY INFORMATION:

Background: The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information on needed reforms to domestic spectrum policies and management in order to: license radio frequencies in a way that maximize their public benefits; keep wireless networks open to innovation as possible; and make wireless services available to all Americans (See charter, at http://www.ntia.doc.gov/advisory/spectrum/csmac_charter.html). This Committee is subject to the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and is consistent with the National Telecommunications and Information Administration Act, 47 U.S.C. 904(b). The Committee functions solely as an advisory body in compliance with the FACA. For more information about the Committee visit: <http://www.ntia.doc.gov/advisory/spectrum>.

Matters To Be Considered:

The Committee will receive recommendations from sub-committees on matters related to the accomplishment of the President's ten-year goal of identifying 500 megahertz for wireless broadband. The Sharing, Unlicensed, and Spectrum Management Improvements Sub-committees will provide an in-progress report on the status of their determinations and findings and facilitate discussion on recommended next steps. NTIA will post a detailed agenda on its Web site, <http://www.ntia.doc.gov>, prior to the meeting. There also will be an opportunity for public comment at the meeting.

Time and Date: The meeting will be held on July 27, 2011 from 1 p.m. to 4 p.m., Mountain Daylight Savings Time. The times and the agenda topics are subject to change. The meeting may be webcast or made available via audio link. Please refer to NTIA's Web site, <http://www.ntia.doc.gov>, for the most up-to-date meeting agenda and access information.

Place: The meeting will be held at the Institute for Telecommunication Sciences, Conference Room 1107, 325 Broadway, Boulder, Colorado. The

meeting will be open to the public and press on a first-come, first-served basis. Space is limited. The public meeting is physically accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Mr. Washington, at (202) 482-6415 or BWashington@ntia.doc.gov, at least five (5) business days before the meeting. In order to gain access to the site (ITS), all attendees are required to have two forms of identification (one MUST be a photo). Details regarding access to the facility are available at http://www.boulder.nist.gov/police/Foreign_Nationals.html.

Status: Interested parties are invited to attend and to submit written comments to the Committee at any time before or after the meeting. Parties wishing to submit written comments for consideration by the Committee in advance of this meeting must send them to NTIA's Washington, DC office at the above-listed address and comments must be received by close of business on July 18, 2011, to provide sufficient time for review. Comments received after July 18, 2011, will be distributed to the Committee, but may not be reviewed prior to the meeting. Paper submissions must also include a compact disc (CD) in HTML, ASCII, Word or WordPerfect format. CDs must be labeled with the name and organizational affiliation of the filer, and the specified name of the word processing program and version used to create the document. Alternatively, comments may be submitted electronically to spectrumadvisory@ntia.doc.gov. Comments provided via electronic mail also may be submitted in one or more of the formats specified above.

Records: NTIA maintains records of all Committee proceedings. Committee records are available for public inspection at the U.S. Department of Commerce, National Telecommunications and Information Administration, 1401 Constitution Avenue, NW., Washington, DC. Documents including the Committee's charter, membership list, agendas, minutes, and any reports are available on NTIA's Committee Web page at <http://www.ntia.doc.gov/advisory/spectrum>.

Dated: June 27, 2011.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

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DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No. PTO-T-2011-0009]

Trademark Board Manual of Procedure, Third Edition

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office ("USPTO") issued the third edition of the *Trademark Board Manual of Procedure* ("TBMP") on May 6, 2011.

ADDRESSES: The USPTO prefers that any suggestions for improving the form and content of the TBMP be submitted via electronic mail message to TBMPFederalRegisterComments@uspto.gov. Written comments may also be submitted by mail addressed to: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, marked to the attention of Angela Lykos, Administrative Trademark Judge and Editor, *Trademark Board Manual of Procedure*, 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 Angela Lykos, Administrative Trademark Judge and Editor, *Trademark Board Manual of Procedure*.

FOR FURTHER INFORMATION ON THIS NOTICE

CONTACT: Angela Lykos, Administrative Trademark Judge, by electronic mail at: Angela.Lykos@uspto.gov; or by mail addressed to: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, marked to the attention of Angela Lykos. Do not use the Angela.Lykos@uspto.gov e-mail address to submit suggestions for improving the form or content of the TBMP. Instead, use the e-mail address noted above: TBMPFederalRegisterComments@uspto.gov.

SUPPLEMENTARY INFORMATION:

On May 6, 2011, the USPTO issued the third edition of the TBMP, which provides Trademark Trial and Appeal Board ("TTAB") judges and attorneys, trademark applicants and registrants, and attorneys and representatives for trademark applicants and registrants a comprehensive reference on the practices and procedures for inter partes and ex parte proceedings before the TTAB. The guidance provided by the manual does not have the force and effect of law. Its guidelines have been developed as a matter of internal Office