

*Comment 12: Adjustment to Steel Costs*  
[FR Doc. E6-9965 Filed 6-22-06; 8:45 am]  
BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Hydrographic Services Review Panel membership Solicitation

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Notice of membership solicitation for Hydrographic Services Review panel (HSRP); supplementary information.

**SUMMARY:** This notice is to solicit candidates needed to replace voting members of the HSRP for the remainder of calendar year 2006, and supplements a notice published on January 12, 2006, to obtain candidates to replace five of the voting members of the HSRP whose appointments expire in 2006. Individuals who have submitted resumes in response to the January 12, 2006, notice do not need to submit resumes again. Individuals who have not submitted resumes in response to the January 12, 2006, notice may submit resumes at any time during the calendar year. Decisions on HSRP membership can be made at any time during the calendar year, and resumes will not be considered unless they are received ten days before each decision date.

The Hydrographic Services Improvement Act Amendments of 2002, Public Law 107-372, requires the Under Secretary of Commerce for Oceans and Atmosphere to solicit nominations for membership on the HSRP. The HSRP advises the Under Secretary on matters related to section 303 of the Hydrographic Services Improvement Act of 1998, (the Act) and other appropriate matters the Under Secretary refers to the HSRP for review and advice.

**DATES:** Resumes should be sent to the address, e-mail, or fax specified and may be submitted at any time during the calendar year.

**ADDRESSES:** Director, Office of Coast Survey, National Ocean Service, NOAA (N/CS), 1315 East West Highway, Silver Spring, MD 20910, fax: 301-713-4019, e-mail: [Hydroservices.panel@noaa.gov](mailto:Hydroservices.panel@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Captain Steven Barnum, Director, Office of Coast Survey, NOS/NOAA, 301-713-2770 x134, fax 301-713-4019, e-mail: [steven.barnum@noaa.gov](mailto:steven.barnum@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Under 33 U.S.C. 883a, *et seq.*, NOAA's National Ocean Service (NOS) is responsible for providing nautical charts and related information for safe navigation. NOS collects and compiles hydrographic, tidal and current, geodetic, and a variety of other data in order to fulfill this responsibility. The HSRP provides advice on topics such as "NOAA's Hydrographic Survey Priorities," technologies relating to operations, research and development, and dissemination of data pertaining to:

- (a) Hydrographic surveying;
- (b) Nautical charting;
- (c) Water level measurements;
- (d) Current measurements;
- (e) Geodetic measurements; and
- (f) Geospatial measurements.

The HSRP comprises fifteen voting members appointed by the Under Secretary in accordance with Section 105 of the Act. Members are selected on a standardized basis, in accordance with applicable Department of Commerce guidance. The voting members of the HSRP are individuals who, by reason of knowledge, experience, or training, are especially qualified in one or more disciplines relating to hydrographic surveying, tides, currents, geodetic and geospatial measurements, marine transportation, port administration, vessel pilotage, and coastal and fishery management. An individual may not be appointed as a voting member of the HSRP if the individual is a full-time officer or employee of the United States. Any voting member of the HSRP who is an applicant for, or beneficiary of, (as determined by the Under Secretary) any assistance under the Act shall disclose to the HSRP that relationship, and may not vote on any matter pertaining to that assistance.

Voting members of the HSRP serve for a term of four years. Members serve at the discretion of the Under Secretary and are subject to government ethics standards. Any individual appointed to a partial or full term may be reappointed for one additional full term. A voting member may serve until his or her successor has taken office. The HSRP selects one voting member to serve as the Chair and another to serve as the Vice Chair. The Vice Chair acts as Chair in the absence or incapacity of the Chair but will not automatically become the Chair if the Chair resigns.

At the minimum, meetings occur biannually, and at the call of the Chair or upon the request of a majority of the voting members or of the Under Secretary. Voting members receive compensation at a rate established by the Under Secretary, not to exceed the maximum daily rate payable under

section 5376 of title 5, United States Code, when actually engaged in the performance of duties for such Panel and shall be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

Dated: June 16, 2006.

**Steven Barnum,**

*NOAA, Director, Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration.*

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## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

[Docket No. PTO-T-2006-0013]

#### Request for Comments on Removal of Paper Search Collection of Marks That Include Design Elements

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

**ACTION:** Notice.

**SUMMARY:** The United States Patent and Trademark Office ("USPTO") requests comments on a modified plan to remove the paper search collection of marks that include design elements from the USPTO's Trademark Search Facility and replace them with electronic documents. The USPTO has determined that the paper search collection is no longer necessary due to the availability and reliability of the USPTO's electronic search system.

**DATES:** Comments must be received by August 22, 2006 to ensure consideration. No public hearing will be held.

**ADDRESSES:** The Office prefers that comments be submitted by electronic mail message to [TMSearchComments@uspto.gov](mailto:TMSearchComments@uspto.gov). Written comments may also be submitted by mail to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, attention Mary Hannon; 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 Mary Hannon; or by electronic mail message 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 on the Office's Web site at <http://www.uspto.gov> and in the Office of the Commissioner for

Trademarks, Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia.

**FOR FURTHER INFORMATION CONTACT:**

Mary Hannon, Office of the Commissioner for Trademarks, by telephone at (571) 272-9569.

**SUPPLEMENTARY INFORMATION:**

**Background**

Under 35 U.S.C. 41(i), the USPTO must maintain a collection of United States trademark applications and registrations for use by the public in paper, microform, or electronic form. The provision authorizing an electronic search collection was added by section 4804(d)(1) of the American Inventors Protection Act of 1999 ("AIPA"), Title IV, Subtitle B of Public Law 106-113, 113 Stat. 1501, 1501A-589. Section 4804(d)(2) of the AIPA provides that the USPTO can eliminate the paper or microform search collection only pursuant to notice and opportunity for public comment, and only after submitting a report to the Committees on the Judiciary of the Senate and the House of Representatives detailing its plan for removal, and certifying that the implementation of such plan will not negatively impact the public.

The USPTO has previously provided opportunities for the public to comment on the proposed removal of USPTO's paper search records. See notices at 66 FR 45012 (August 27, 2001) and 67 FR 17055 (April 9, 2002). A public hearing was held May 16, 2002. Comments were reviewed and analyzed, and a modified plan addressing the issues raised during the public comment period was developed.

On July 24, 2002, the USPTO submitted a report to Congress detailing a plan for removal of a portion of its paper search collection. However, in response to allegations from the public that there were too many design coding errors in the USPTO's electronic system, the USPTO decided to temporarily retain the portion of the paper collection that includes design coding, and modified its plan accordingly. A report detailing the modified plan was submitted to Congress on May 7, 2003. On May 9, 2003, the USPTO certified to Congress that the USPTO could cease to maintain a paper search collection of marks that consist only of words, without harm to the public. The 2003 report and certification are currently available on the USPTO Web site at <http://www.uspto.gov/web/offices/com/sol/comments/epubsearch/crtpr.pdf>.

While the 2003 report and certification remain effective, the United States subsequently entered a stipulated settlement in *National Intellectual*

*Property Researchers Association, Inc. v. Rogan*, Civ. A. No. 03-808-A. Among other terms, the settlement required that the USPTO continue to maintain its paper search collection through at least January 1, 2006, to publish a **Federal Register** notice 60 days prior to ceasing maintenance, and to create microform copies of all paper trademark registrations and expired trademark registrations prior to disposing of them.

Since submission of the report to Congress, the USPTO has taken many additional steps to improve the quality and integrity of its electronic search system.

**Existing Search Facilities**

The USPTO currently maintains a searchable database of registered marks and marks in pending applications. The public can access the database in the Public Search Facility on the premises of the USPTO and also on the USPTO Web site. The database available on the USPTO premises is called X-Search. On the Web site, the database is referred to as the Trademark Electronic Search System ("TESS"). TESS provides the same data and images as X-Search, and the data is updated according to the same schedule. TESS and X-Search contain text and images of all marks in live registrations and pending applications. They also include text and images of marks in abandoned, cancelled and expired records dating back to 1984. Government insignia protected by U.S. law or by Article 6<sup>ter</sup> of the Paris Convention, and insignia that various federally and state recognized Native American tribes have identified as their official tribal insignia, are also included. Trademark examining attorneys have relied exclusively on the electronic search system since before 1990, and public use of the electronic search system has increased substantially.

*Public Search Facility.* The public can access X-Search in the Public Search Facility at the USPTO's main offices in Alexandria at 600 Dulany Street, Alexandria, Virginia, James Madison Building—East Wing. Training is available. In addition, the public can view and print the contents of trademark application and registration files through the Trademark Image Capture and Retrieval System ("TICRS"), and can view and print Trademark Trial and Appeal Board ("TTAB") proceeding files through TTABVUE. Status and prosecution history information is available through the Trademark Reporting and Monitoring ("TRAM") System. Electronic searching of trademark assignment records is also available, as

are microfilmed deeds, and indexes. All trademark registrations that expired or were cancelled prior to 1990 are available on microform.

The USPTO maintains a separate search facility at 2900 Crystal Drive, Arlington, Virginia, which contains a paper collection of registration certificates for active and some expired registrations.

*Internet Searching.* The public may also search text and images of registered marks and marks in pending and abandoned applications on the USPTO Web site at <http://www.uspto.gov>, using TESS. Trademark assignment records can be searched on-line through Assignments on the Web ("AOTW"), and status and prosecution history information can be obtained on-line through the Trademark Applications and Registrations Retrieval ("TARR") database. In addition, the public can view and print the contents of trademark application and registration files through the Trademark Document Retrieval ("TDR") portal, and can view and print TTAB proceeding files through TTABVUE. There is no charge for this information.

**Discussion**

The USPTO has recently taken a number of steps to improve the quality and accuracy of its electronic search system.

*Pseudo-Marks.* For some marks, the USPTO has added a pseudo-mark field to the electronic system to assist users in locating relevant marks. The pseudo-mark consists of spellings that are similar or phonetically equivalent to a word mark, or the literal equivalent to a pictorial representation of wording in a design mark. Pseudo-marks provide an additional search tool for locating marks that contain an intentionally altered spelling of a normal English word. X-Search and TESS also permit users to search other elements that cannot be searched in the paper files, such as filing date and owner name and address.

*Design Marks.* In October of 2004, the Office issued an *Official Gazette* notice inviting the public to submit suggestions regarding the design codes and pseudo-marks entered into the USPTO database, in order to enhance the quality of the pseudo-mark data field and the design coding of images in TESS and X-Search. See *Invitation to the Public to Submit Suggestions Regarding Database Design Codes and Pseudo-Marks* (TMOG Oct. 19, 2004) on the USPTO Web site at <http://www.uspto.gov/web/offices/com/sol/og/2004/week42/patsugg.htm>. Between September 23, 2005, and November 9, 2005, the USPTO received 1792

suggestions for correction of design codes and pseudo-marks in pending applications and registrations. Changes were made in 1583 cases, and no changes were deemed appropriate in the other 209 cases.

In October of 2005, the USPTO began sending out notices to every applicant whose mark has a design element, usually in the form of an e-mail message to the applicant or its attorney. Each notice lists the design code(s) that have been applied to the mark, explains what the codes mean, and sets forth a phone number or e-mail box that the applicant can use to suggest corrections or additions to the design codes that the Office has applied. On April 4, 2006, the USPTO began sending notices to applicants whose marks have a pseudo-mark inviting them to correct or add to the pseudo-mark field. Thus, all applicants are given notice and may comment on how a mark is coded and/or what pseudo-mark should be applied. The USPTO regards this as an optimal quality check, since applicants have the strongest interest in assuring that the public can find their applications and registrations. The USPTO will continue to maintain and monitor these e-mail boxes for the use of the public.

The Office has design coded approximately 25,723 applications between November 2, 2005, and April 26, 2006, and has received approximately 877 suggestions for corrections or additions to the coding for particular marks in its design code e-mail box. Design codes were added in 464 cases; and no changes were appropriate in the other 413 cases.

*Employee Training and Quality Review.* The USPTO administered an examination to its employees and government contractors to ascertain their proficiency in properly tagging data, applying design codes and creating pseudo-marks. Quality reviewers, selected on the basis of the proficiency exam, now review all data tags, pseudo-marks, and design codes before they are uploaded into the automated system. Monthly refresher training on design search codes, pseudo-marks and tagging is provided to employees, which is designed to address problem areas that are identified by the reviewers during the quality review process.

### Proposed Changes

Pursuant to AIPA § 4804(d)(2), the USPTO is announcing a modified plan for removal of the paper search collection from the Trademark Search Facility.

*Word Marks.* The electronic search system provides equivalent functionality to the paper files and

superior storage, maintenance and efficiency features. For the reasons discussed in this notice and in the report to Congress dated May 7, 2003, the USPTO plans to remove the paper collection of active and expired trademark registrations that consist only of words. The USPTO has determined that a paper collection of registered word marks is no longer necessary, and has met the requirements of the AIPA with respect to their removal. All papers will be microfilmed prior to removal and the microform collection will be available to the public in the Public Search Facility at 600 Dulany Street, Alexandria, Virginia. This will ensure that all information currently available in the paper search collection remains available to the public. The USPTO expects to complete microfilming by March of 2007. Once microfilming is complete, the USPTO will discard the paper collection of marks consisting only of words. The USPTO will issue a notice 60 days prior to removal. The microform collection will be equivalent to the existing paper collection. The USPTO believes that, even absent the microfilming project, removal of the paper collection will not negatively impact the public. Because the USPTO will continue to maintain all existing word marks in non-electronic form, i.e., on microfilm, the certification requirements of AIPA § 4804(d)(2) are not applicable to such marks.

*Design Marks.* Marks containing design elements are searchable by design codes. Currently, different coding systems are used for the paper and electronic search systems. The paper design classification system, in which design marks are organized by specific designations (such as "trees," "grotesque humans" or "circles"), is unique to the USPTO. The electronic system uses the International Classification of the Figurative Elements of Marks ("Vienna Classification"). The Vienna Classification is based on a multilateral treaty administered by the World Intellectual Property Organization. It is a numerical classification index that codifies figurative design elements into categories. Each design element in a specific section is assigned a six-digit number. Design marks are coded by identifying the significant design elements and assigning the appropriate codes. The design codes cover all of the possible designs that can be put into a trademark application and are used to search design marks.

A Design Search Code Manual is available on the USPTO Web site at <http://www.uspto.gov>. This manual contains guidance describing elements

that are included or excluded from specific codes, cross-references directing the user to related codes, and other explanatory notes and guidelines. The design code manual was recently upgraded to add images to each six digit design code, so that at least one example is now given for each of the six digit design codes. Further, the examples in the manual have been updated and improved. Also, the introduction and general guidelines were rewritten to make them clearer, and many new terms were added to the alphabetical index. The Office has a team working on additional improvements to the manual.

To ensure greater accuracy and flexibility in searching designs, the USPTO is developing a new design code field to be added to TESS and X-Search, which will mirror the existing codes in the paper search files. The USPTO will also continue to apply the Vienna Classification System codes now used in TESS and X-Search to all design marks. Thus, the USPTO plans to create a redundant search system that will allow anyone using TESS or X-Search to use the Vienna Classification System, the design coding system now used in the paper search files, or both. While this new design coding system is being developed and tested, the USPTO will continue to add design code registrations to the paper search collection in the Arlington, Virginia paper search facility.

Once the new coding system has been tested, the USPTO will: (1) Begin coding all design marks in incoming applications and new registrations using the new coding system; (2) stop adding design coded registrations to the paper search collection; and (3) begin microfilming the paper search collection of design marks. When microfilming is complete, the USPTO will discard the paper search collection of design marks.

This plan will result in a highly reliable system that is far superior to the existing paper system. It will create a redundant search system that will be available to all members of the public, not just those on the premises of the USPTO. If a design coding error is made in one system, the design mark in a pending application or registration will be found in a search using the other coding system, since it is unlikely that the same error would be made in both systems.

The new redundant design coding system will not be applied to the backfile, i.e., to applications filed or registrations issued before the date on which the system is implemented. However, all information now available about these applications and registrations in the paper search

collection will remain available to the public in microform in the Public Search Facility. Thus, all information currently available will remain available in non-electronic format.

For the reasons discussed above, the USPTO believes that removal of the paper search collection of marks that include designs will not negatively impact the public. All existing paper records will remain available in microform. Design coding errors will be reduced through checking by applicants and internal training and quality review procedures. The creation of the on-line dual design coding system will benefit the public because it will be available to all members of the public through the Internet.

Any interested member of the public is invited to provide comments on this modified plan to eliminate the trademark paper search collection of marks that includes design elements. Once all comments have been reviewed and addressed, and any necessary modifications have been made, the USPTO will submit another report to Congress detailing its plan. The paper collection of marks containing designs will not be removed until the USPTO has certified that the implementation of such plan will not negatively impact the public. An additional notice to the public will be issued 60 days prior to removal.

Dated: June 15, 2006.

**Jon W. Dudas,**

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

[FR Doc. E6-9958 Filed 6-22-06; 8:45 am]

**BILLING CODE 3510-16-P**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### **Draft Environmental Assessment for the Transformation of the 49th Fighter Wing at Holloman Air Force Base, NM**

**AGENCY:** Department of the Air Force, Air Combat Command, Department of Defense

**ACTION:** Notice of Availability (NOA) to announce that a Draft Environmental Assessment at Holloman Air Force Base, New Mexico for transforming the 49th Fighter Wing through retirement of the F-117A, and T-38A, and beddown of the F-22A is available for review.

**SUMMARY:** The United States Air Force is issuing this NOA to announce that a Draft Environmental Assessment (EA) addressing the proposed transformation of the 49th Fighter Wing (49 FW) at

Holloman Air Force Base (AFB), New Mexico is available for review. The Draft EA addresses the potential environmental consequences of a proposal to transform the combat capability of the 49th Fighter Wing and maximize the use of available infrastructure at Holloman AFB by replacing the retiring F-117A aircraft and T-38A aircraft supporting the F-117A mission with two new F-22A squadrons. The transformation would enhance the low observable, precision weapons system capability of the 49th Fighter Wing. The Draft EA is issued in compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321-4347), the Council on Environmental Quality NEPA Regulations (40 CFR 1500-1508); and the Air Force's Environmental Impact Analysis Process (EIAP) (Air Force Instruction 32-7061 as promulgated at 32 CFR 989). The Draft EA analyzes the following actions at Holloman AFB:

1. Retire F-117A and T-38A aircraft currently based at Holloman AFB.
2. Beddown and operate two F-22A aircraft squadrons.
3. Renovate existing facilities and construct new facilities to support the F-22A squadrons.
4. Adjust base manning to reflect F-22A beddown requirements.
5. Conduct F-22A training routinely in airspace within 100 miles of Holloman AFB, to include supersonic operations.
6. Create on Air Traffic Control Assigned Airspace (ATCAA) and modify the Cowboy ATCAA.
7. Expand chaff and flare use in military airspace.

Alternative airspace training and the No Action Alternative are addressed in the Draft EA. The Draft EA is available for review at the following: Online at <http://www.a7zpin Integrated Planning.org>; Alamogordo Public Library, Artesia Public Library, Branigan Memorial Library, Carlsbad Municipal Library, Cloudcroft Library, Dona Ana Community College Library, El Paso Community College-Rio Grande Campus Library and Transmountain Campus Library, El Paso Public Library, Las Cruces Public Library, New Mexico State University Branson Library, New Mexico State University Alamogordo Library, Ruidoso Public Library, Truth or Consequences Public Library, Village of Carrizozo, Holloman AFB Library, National Technical Information Service, and Mescalero Community Library; or you may also request a copy of the Draft EA from Holloman AFB Public Affairs at 505-572-5406.

**ADDRESSES:** Submit written comments before July 24, 2006 to Ms. Linda

DeVine, HQ ACC/A7ZP, c/o SAIC, 22 Enterprise Parkway, Suite 200 Hampton, VA 23666. Public comments on this Draft EA are requested pursuant to the National Environmental Policy Act, 42 U.S.C. 4321, et seq. All written comments received during the comment period will be made available to the public and considered during Final EA preparation. The provision of private address information with your comment is voluntary and will not be released for any other purpose unless required by law. However, this information is used to compile the project mailing list and failure to provide it will result in your name not being included on the mailing list.

**FOR FURTHER INFORMATION CONTACT:** Ms. Linda DeVine, HQ ACC/A7ZP, c/o SAIC, 22 Enterprise Parkway, Suite 200 Hampton, VA 23666.

**Bao-Anh Tring,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. E6-9917 Filed 6-22-06; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**SUMMARY:** The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before August 22, 2006.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the