

proposals will be evaluated and individually ranked in accordance with the assigned weights of the above-listed evaluation criteria by an independent peer review panel. At least three experts, who may be Federal or non-Federal, will be used in this process. If non-Federal experts participate in the review process, each expert will submit an individual review and there will be no consensus opinion. The merit reviewers' ratings are used to produce a rank order of the proposals. The Selecting Official selects proposals after considering the peer reviews and selection factors listed below. In making the final selections, the Selecting Official will award in rank order unless the proposal is justified to be selected out of rank order based upon one or more of the selection factors. The Selecting Official makes the final award recommendation to the Grants Officer authorized to obligate funds.

**Selection Factors:** The merit review ratings shall provide a rank order to the Selecting Official for final funding recommendations. The Selecting Official shall award in the rank order unless the proposal is justified to be selected out of rank order based upon one or more of the following factors:

1. Availability of funding.
2. Balance/distribution of funds:
  - (a) Geographically;
  - (b) By type of institutions;
  - (c) By type of partners;
  - (d) By research areas;
  - (e) By project types.
3. Whether this project duplicates other projects funded or considered for funding by NOAA or other Federal agencies.
4. Program priorities and policy factors.
5. Applicant's prior award performance.
6. Partnerships and/or participation of targeted groups.
7. Adequacy of information necessary for NOAA staff to make a National Environmental Policy Act (NEPA) determination and draft necessary documentation before recommendations for funding are made to the Grants Officer.

**Intergovernmental Review:** Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

**Limitation of Liability:** In no event will NOAA or the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not obligate NOAA to award any specific

project or to obligate any available funds.

**National Environmental Policy Act (NEPA):** National Environmental Policy Act (NEPA). NOAA must analyze the potential environmental impacts, as required by NEPA, for applicant projects or proposals which are seeking NOAA federal funding opportunities. Detailed information on NOAA compliance with NEPA can be found at the NOAA NEPA Web site, <http://www.nepa.noaa.gov>, including our NOAA Administrative Order 216-6 for NEPA, [http://www.corporateservices.noaa.gov/%7Eames/NAOs/Chap\\_216/naos\\_216\\_6.html](http://www.corporateservices.noaa.gov/%7Eames/NAOs/Chap_216/naos_216_6.html), and the Council on Environmental Quality implementation regulations, [http://www.nepa.gov/nepa/regs/ceq/toc\\_ceq.htm](http://www.nepa.gov/nepa/regs/ceq/toc_ceq.htm). Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for not selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment.

**The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements:** The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of February 11, 2008 (73 FR 7696), are applicable to this solicitation.

**Paperwork Reduction Act:** This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The

use of Standard Forms 424, 424A, 424B, and SF-LLL has been approved by the Office of Management and Budget (OMB) under the respective control numbers 4040-004, 4040-006, 0348-0040, and 0348-0046. Notwithstanding any other provision of law, no person is required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

**Executive Order 12866:** This notice has been determined to be not significant for purposes of Executive Order 12866.

**Executive Order 13132 (FEDERALISM):** It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

**Administrative Procedure Act/Regulatory Flexibility Act:** Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements for the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

**Mary E. Kicza,**

*Assistant Administrator for Satellite and Information Services.*

[FR Doc. E9-28419 Filed 11-25-09; 8:45 am]

BILLING CODE 3510-HR-P

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

[Docket No.: PTO-P-2009-0040]

### 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) has a procedure under which an application will be advanced out of turn (accorded special status) for examination if the applicant files a petition to make special with the appropriate showing. The USPTO is providing an additional temporary basis under which a small entity applicant may have an

application accorded special status for examination if the applicant expressly abandons another copending unexamined application. This procedure will allow 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.

**DATES:** *Effective Date:* 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 by facsimile transmission to 571-273-7726, marked to the attention of Pinchus M. Laufer; or by mail addressed to: Box Comments Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**SUPPLEMENTARY INFORMATION:** New patent applications are normally taken up for examination in the order of their United States filing date. See section 708 of the *Manual of Patent Examining Procedure* (8th ed. 2001) (Rev. 7, July 2008) (MPEP). The USPTO has a procedure under which an application will be advanced out of turn (accorded special status) for examination if the applicant files a petition to make special with the appropriate showing. See 37 CFR 1.102 and MPEP § 708.02. The USPTO is providing an additional basis 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 application for which special status is sought and the expressly abandoned application must either be owned by the same party or name at least one inventor in common. This procedure allows a small entity applicant who has multiple applications currently pending before the USPTO to have one of the applications accorded special status for examination if the applicant is willing to expressly abandon an application that has not been examined. This procedure will allow 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 will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following

conditions: (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009, in which the applicant has established small entity status under 37 CFR 1.27; (2) the applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53 (*i.e.*, the application contains an executed oath or declaration and the filing fee, search fee, examination fee, any applicable application size fee, and any applicable excess claims fee have been paid); (3) the application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common; (4) the applicant files a letter of express abandonment under 37 CFR 1.138(a), signed in compliance with 37 CFR 1.33(b)(1), (b)(3), or (b)(4) (37 CFR 1.138(b)), in the copending nonprovisional application before it has been taken up for examination, and includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and (5) the applicant files a petition under 37 CFR 1.102 in the application for which special status is sought. The petition under 37 CFR 1.102 must identify the basis under which special status is being sought (express abandonment of another copending application), and include a copy of a letter of express abandonment and the statement that accompanies the letter of express abandonment from the copending application that has been expressly abandoned. The \$130.00 fee for a petition under 37 CFR 1.102 (other than those enumerated in 37 CFR 1.102(c)) is hereby *sua sponte* waived for petitions to make special based upon the procedure specified in this notice. The express abandonment of an application may not form the basis for more than one petition under 37 CFR 1.102.

Applications that are accorded special status are generally placed on the examiner's special docket throughout its entire course of prosecution before the examiner, and have special status in any appeal to the Board of Patent Appeals and Interferences (BPAI) and also in the patent publication process. See MPEP §§ 708.01 and 1309. An application

accorded special status under the procedure specified in this notice, however, will be placed on the examiner's amended docket, rather than the examiner's special docket, after the first Office action (which may be an Office action containing only a restriction requirement). Applications that are accorded special status under the procedure specified in this notice will be placed on the examiner's special docket prior to the first Office action, and will have special status in any appeal to the BPAI and also in the patent publication process.

An application that is accorded special status under the procedure specified in this notice will not be subject to the requirements of or the time frames provided for in the accelerated examination program. For an explanation of the accelerated examination program, see MPEP § 708.02(a) and *Changes to Practice for Petitions in Patent Applications To Make Special and for Accelerated Examination*, 71 FR 36323 (June 26, 2006), 1308 *Off. Gaz. Pat. Office* 106 (July 18, 2006) (notice). Any applicant who wants the application to be processed under the time frames provided for in the accelerated examination program must file the application under the accelerated examination program. In addition, continuing applications will not automatically be accorded special status based on papers filed with the petition in the parent application. Each continuing application must on its own meet all requirements for special status.

The procedure specified in this notice is applicable to small entity applicants having multiple applications currently pending before the USPTO and who are willing to expressly abandon one application to have another application accorded special status for examination. The USPTO appreciates that there are small entity applicants who are willing to expressly abandon an application, but who have only a single application pending before the USPTO or no application for which special status for examination is desired. Applicants are reminded that 37 CFR 1.138(d) provides a procedure by which an applicant may obtain a refund of the search fee and excess claims fee paid in an application by submitting a petition (requires no fee) and letter of express abandonment. See MPEP § 711.01. The procedure set forth in 37 CFR 1.138(d), however, is applicable only to applications filed under 35 U.S.C. 111(a) on or after December 8, 2004.

Applicants are cautioned to exercise care in filing a letter of express abandonment in an application. The

USPTO cannot revive an application once the letter of express abandonment is recognized by the USPTO because the application was expressly and intentionally abandoned by the applicant. See MPEP §§ 711.01 and 711.03(c).

The procedure for petition under 37 CFR 1.102 to make an application special specified in this notice is being adopted on a temporary basis until February 28, 2010. The USPTO may extend the procedures set forth in this notice to all applicants (on either a temporary or permanent basis), or may also discontinue the procedures set forth in this notice after January 31, 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 procedure specified in this notice (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 February 28, 2010.

Dated: November 6, 2009.

**David J. Kappos,**

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

[FR Doc. E9-28373 Filed 11-25-09; 8:45 am]

BILLING CODE 3510-16-P

**COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

**Procurement List: Proposed Deletions**

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed Deletions From Procurement List.

**SUMMARY:** The Committee is proposing to delete from the Procurement List services previously provided by nonprofit agencies employing persons who are blind or have other severe disabilities.

*Comments must be received on or before: 12/28/2009.*

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

**FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT:** Barry S. Lineback, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

**Deletions**

**Regulatory Flexibility Act Certification**

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action may result in authorizing small entities to provide the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the services proposed for deletion from the Procurement List.

**End of Certification**

The following services are proposed for deletion from the Procurement List:

*Services:*

*Service Type/Location:* Declassification/ Demilitarization of Hardware, Robins Air Force Base, GA.

*NPA:* Epilepsy Association of Georgia, Warner Robins, GA.

*Contracting Activity:* Dept of the Air Force, FA8501 WR ALC PKO, Robins AFB, GA.

*Service Type/Location:* Janitorial/ Custodial, USDA, Building 255E, Sanford Airport, Sanford, FL.

*NPA:* SMA Behavioral Health Services, Inc., Daytona Beach, FL.

*Contracting Activity:* Dept of Agriculture, Animal and Plant Health Inspection Service, Minneapolis, MN.

*Service Type/Location:* Food Service Attendant, Fort McPherson Building 61, Consolidated Enlisted Dining Facility, Fort McPherson, GA.

*NPA:* Bobby Dodd Institute, Inc., Atlanta, GA.

*Contracting Activity:* Dept of the Army, XR W40M Natl Region Contract OFC, Washington, DC.

*Service Type/Location:* Janitorial/ Mechanical Maintenance, U.S. Federal Building and Post Office, 200 East Washington Street, Greenwood, MS.

*NPA:* AbilityWorks, Inc. of Greenwood, Greenwood, MS.

*Contracting Activity:* GSA, Public Buildings Service/Property Management Contracts, Atlanta, GA.

**Barry S. Lineback,**

*Director, Business Operations.*

[FR Doc. E9-28425 Filed 11-25-09; 8:45 am]

BILLING CODE 6353-01-P

**COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

**Procurement List; Addition and Deletions**

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Addition to and deletions from procurement list.

**SUMMARY:** This action adds to the Procurement List a service to be furnished by nonprofit agency employing persons who are blind or have other severe disabilities, and deletes from the Procurement List products and services previously furnished by such agencies.

**DATES:** *Effective Date:* 12/28/2009.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

**FOR FURTHER INFORMATION CONTACT:** Barry S. Lineback, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail [CMTEFedReg@AbilityOne.gov](mailto:CMTEFedReg@AbilityOne.gov).

**SUPPLEMENTARY INFORMATION:**

**Addition**

On 9/18/2009 (74 FR 47926-47927), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

**Regulatory Flexibility Act Certification**

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or